

Agenda

www.oxford.gov.uk



West Area Planning Committee

Date: **Wednesday 15 February 2012**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

For any further information please contact:

Alec Dubberley, Democratic Services Officer

Telephone: 01865 252402

Email: adubberley@oxford.gov.uk

If you would like help to understand this document please call Alec Dubberley, Democratic Services Officer on or email adubberley@oxford.gov.uk in advance of the meeting.

West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park
Vice-Chair	Councillor John Goddard	Wolvercote
	Councillor Elise Benjamin	Iffley Fields
	Councillor Colin Cook	Jericho and Osney
	Councillor Michael Gotch	Wolvercote
	Councillor Graham Jones	St. Clement's
	Councillor Shah Khan	Cowley
	Councillor Bob Price	Hinksey Park
	Councillor John Tanner	Littlemore

HOW TO OBTAIN AGENDA

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum internal and Council member requirement. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's and at the Westgate Library

A copy of the agenda may be:-

- Viewed on our website – mycouncil.oxford.gov.uk
- Downloaded from our website
- Subscribed to electronically by registering online at mycouncil.oxford.gov.uk
- Sent to you in hard copy form upon payment of an annual subscription.

AGENDA

	Pages
1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS	
2 DECLARATIONS OF INTEREST	
<p>Councillors serving on the Committee are asked to declare any personal or personal prejudicial interests they may have in any of the following agenda items.</p>	
3 CASTLE MILL, ROGER DUDMAN WAY, OXFORD - 11/02881/FUL	1 - 24
<p>Extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate units consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 car parking spaces.</p> <p><u>Officer recommendation:</u> Support the development.</p>	
4 220 AND 222 COWLEY ROAD, OXFORD - 11/03035/FUL	25 - 32
<p>Demolition of existing buildings. Erection of 3 storey building comprising retail shop and Class B1 Business use on ground floor and 18 student study rooms on upper floors. Provision of cycle parking and bin stores.</p> <p><u>Officer recommendation:</u> Refuse</p>	
5 229 COWLEY ROAD, OXFORD - 12/00046/FUL	33 - 42
<p>Retention of use as student accommodation.</p> <p><u>Officer recommendation:</u> Refuse.</p>	
6 PART MANZIL WAY GARDENS AND 205 COWLEY ROAD - 12/00028/VAR	43 - 48
<p>Variation of condition 3 of planning permission 09/00731/FUL to allow student accommodation to be occupied by students in full time education of one academic year or more.</p> <p><u>Officer recommendation:</u> Approve with conditions.</p>	

7	66 AND 68 WOODSTOCK ROAD ST ANTONY'S COLLEGE (MIDDLE EASTERN CENTRE) - 11/03043/EXT	49 - 56
	Application to extend time limit on planning application 07/02818/FUL (Two and three storey extension with basement to Middle Eastern Centre to provide new library facilities, common area, lecture room, storage areas and including external landscaping).	
	<u>Officer recommendation:</u> Approve with conditions	
8	143 KINGSTON ROAD OXFORD - 11/03109/FUL	57 - 66
	Demolition of existing two storey rear extension. Erection of part single storey, part two storey and part three storey extension to rear. Extension of existing basement.	
	<u>Officer recommendation:</u> Approve with conditions.	
9	FERRY SPORTS CENTRE, FERRY POOL ROAD, OXFORD - 12/00196/CT3	67 - 72
	Installation of photovoltaic panels.	
	<u>Officer recommendation:</u> Delegate decision to officers.	
10	PLANNING APPEALS	73 - 76
	To receive information on planning appeals received and determined during December 2011.	
	The Committee is asked to note this information.	
11	FORTHCOMING APPLICATIONS	
	The following items are listed for information. They are not for discussion at this meeting.	
	1 Grantham House, Cranham Street: 11/03273/FUL: Conversion of flats etc.	
	2 376 Banbury Road: 11/03008/FUL: 9 flats.	
	3 Former Innovations House, Mill Street: 11/03005/FUL: Conversion to student accommodation.	
	4 University Science Area: 11/00940/FUL: Masterplan (Not a planning application)	
12	MINUTES	77 - 82
	Minutes of the meeting held on 11 January 2012.	

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;

(Speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;

 - (d) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officer/s and/or other speaker/s); and
 - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to planningcommittee@oxford.gov.uk before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting,
6. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

West Area Planning Committee

15 February 2012.

Application Number: 11/02881/FUL

Decision Due by: 6th February 2012

Proposal: Extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate units consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 car parking spaces.

Site Address: Castle Mill, Roger Dudman Way, **Appendix 1.**

Ward: Jericho And Osney Ward

Agent: Terry Gashe

Applicant: The University Of Oxford

Recommendation: Committee is recommended to support the development in principle but defer the application in order to draw up an accompanying legal agreement and delegate to officers the issuing of the Notice of Planning Permission on its completion.

Reasons for Approval.

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 The development seeks to provide purpose built student accommodation at a site allocated for the purpose which is already partly built out for that use, and where the previous planning permission for the remainder of the site remains extant. The site is a brownfield one and lies adjacent to the main line railway into Oxford station to the south and was formerly used for railway related activities. Due to its linear form adjacent to the railway lines and its poor access from Botley Road, the site is ill suited to commercial development, family housing, or other uses which would generate significant levels of traffic. It is well suited to the needs of the University's graduate students however as it would enjoy good links by foot and cycle to the city centre, Walton Street and North Oxford. As such the development makes good and efficient use of the land. Whilst there is some impact in long distance views from Port Meadow, such impact falls to be weighed in the balance with the benefits of the development and the mitigation proposed in response.

- 3 Many of the public comments received express concerns about cycle and pedestrian access to the site, either from Roger Dudman Way or via Walton Well Road to the north. The latter access is intended to be closed during construction. Although these concerns are acknowledged, measures are in hand to create alternative pedestrian routes and to improve current conditions along Roger Dudman Way. On other matters the buildings proposed on up to 5 floors are large but make good use of what might appear an unpromising development site; issues of biodiversity and the relationships to the neighbouring allotments addressed; and the site safeguarded from flood risk. The site is sustainable with good levels of energy efficiency included within the development. There are no objections from statutory organisations.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Student accommodation - management controls
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Landscape management plan
- 8 Car/cycle parking provision before use
- 9 Control of car parking
- 10 Students - no cars
- 11 Restrict delivery times
- 12 Soundproofing from railway noise
- 13 Safeguarding from vibration
- 13 Scheme of lighting and CCTV
- 15 Groundwater quality
- 16 Surface drainage scheme
- 17 Land contamination
- 18 NRIA
- 19 Badgers - management plan.
- 20 Wildlife enhancements
- 21 Construction Environmental Management Plan
- 22 Construction Travel Plan
- 23 Public art

Legal Agreement.

1. Financial contribution towards affordable housing.
2. Permissive public rights for pedestrians and cyclists to pass through the application site.
3. Contribution to indoor sports: £5,100 (City)
4. Contribution to library facilities in the City: £5,355 (County).
5. Contribution to cycling facilities: £11,730 (County).
6. Contribution towards off site landscaping (City): £10,000.

Principle Planning Policies.

Oxford Local Plan 2001-2016.

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting development to meet functional needs
CP11 - Landscape Design
CP13 - Accessibility
CP14 - Public Art
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP21 - Noise
CP22 - Contaminated Land
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE11 - Land Drainage & River Engineering Works
NE12 - Groundwater Flow
NE13 - Water Quality
NE14 - Water and Sewerage Infrastructure
NE21 - Species Protection
NE23 - Habitat Creation in New Developments
HE10 - View Cones of Oxford
SR9 - Footpaths & Bridleways
DS22 - Cripsey Rd, North End Yard - Ox University Use

Oxford Core Strategy 2026.

CS2 - Previously developed and greenfield land
CS4 - Green belt
CS9 - Energy and natural resources
CS10 - Waste and recycling
CS11 - Flooding
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS25 - Student accommodation

Sites and Housing Development Plan Document (DPD) - Proposed Submission

HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP11 - Low Carbon Homes
HP15 - Residential cycle parking
HP16 - Residential car parking
SP26 - Land north of Roger Dudman Way

Supplementary Planning Documents.

1. Planning Obligations (2007)

2. Parking Standards, Transport Assessment and Travel Plans (2006)

Other Policy Documents.

1. PPS1: Delivering Sustainable Communities.
2. PPS3: Transport.
3. PPS5: Planning for the Historic Environment.
4. PPS9: Biodiversity and Geological Conservation.
5. PPS22: Renewable Energy.
6. PPS23: Planning and Pollution Control.
7. PPS24: Planning and Noise.
8. PPS25: Planning and Flood Risk.

Public Consultation

Statutory and Other Bodies.

Highway Authority (i): Details of alternative routes available during construction to be made available; given limited level of vehicle spaces served off Roger Dudman Way, shared use of access road does not give rise to highway safety issues; car free nature of site unlikely to give rise to any material impact on highway infrastructure with regard to cars etc; condition requiring students not to bring cars to Oxford required; cycle parking to be safe, secure and covered conditions; contribution to cycle safety measures of £11,730 required.

Highway Authority (ii): Various details of drainage required in event of permission being granted.

Network Rail: No objection of principle; should not endanger safe operation of railway; if not already provided trespass proof fencing required; no discharge of surface water onto Network Rail land; notification of any change in ground level; buildings at least 2m from common boundary; development should take into account noise issues; certain species only to be planted and none within distance equivalent of height at maturity.

Natural England: No objection to proposals; not likely to have significant impact on Port Meadows with Wolvercote Common and Green SSSI or Oxford Meadows SAC; mitigation of species found on site acceptable; opportunities to introduce features beneficial to wildlife.

Thames Water: No objection on sewerage infrastructure grounds; surface water drainage regulated into to receiving public network; informative suggested on water pressure.

Environment Agency: Site falls within Flood Zone 1 and therefore able to withdraw any objection; suggest conditions relating to contaminated land.

Thames Valley Police Crime Prevention Design Advisor: Do not wish to object but opportunities to design out crime: suggest condition to achieve Secured by Design accreditation; recessed entrances should be no more than 600mm deep; recommend CCTV be installed; boundary treatments to deter casual, intrusion for cycle theft; recommend laminated glass to ground floor windows rather than toughened; support proposals for lighting scheme along Roger Dudman Way.

Environmental Development: Phased risk assessment required for ground contamination.

Third Parties.

Cripley Road Allotment Association: Have been assured development will not cause flooding to allotments due to SUDs proposed; orientation mitigates shading of allotments, but may limit use of 4 plots; dust to be mitigated during construction; noise will be temporary disturbance during construction; trust development will bring improvements in access to Roger Dudman Way as speed humps and poor lighting currently make hazardous.

Other Public Comments:

- Regret loss of route to Walton Well Road during construction.
- Footbridge to Fiddler's island would provide alternative route.
- Footbridge should be provided before development is commenced.
- Existing access along Roger Dudman way poor and dangerous.
- Concerned for safety of pedestrians and cyclists on Roger Dudman Way.
- Need to upgrade Roger Dudman Way and improve lighting.
- Development overambitious in scale with greater density of buildings and solid elevation to cycle route.
- Noise and hours of working need to be limited during construction.
- Construction compound to be located away from existing flats.
- May cause flooding to allotments.
- View across allotments would be lost.

In addition to the above prior to the submission of the planning application the applicant held a series of meetings with ward councillors and representatives of the Cripley Road Allotment Association. A public exhibition of the proposals was also held on 25th October 2011. The main concerns expressed related to existing conditions along Roger Dudman Way, the loss of the pedestrian and cycle route through to Walton Well Road during the construction period, hours of working, and arrangements for vehicle access during construction, especially at the junction with Botley Road.

Officers Assessment:

Background to Case.

1. In August 2000 outline planning permission was granted for a mixed use development of residential and student accommodation on a large tract of land at Roger Dudman Way north of the Sheepwash Channel (Rewley Abbey Stream) on former railway land known as North End Yard. The current application site which forms part of that land is aligned north - south and accessed from the junction of Botley Road with Roger Dudman Way 600m to its south. The linear form of the current application site means it measures approximately 320m in length and 45m in width at its wider southern end, narrowing to 27 m at its northern end where it adjoins the public car parks serving Cripley Road allotments and Port Meadow. In total the application site measures 1.2 ha. (3 acres). **Appendix 1** refers.
2. The outline permission of 2000 was followed by detailed proposals for 87 x 2

bed flats by Persimmon Homes at what is now Venneit Close, and by the University for a development of 354 student units at what is now the University's Castle Mill development. The student accommodation development is occupied by graduates only and is made up of a mix of student study rooms and some larger 1 and 2 bed student flats, representing the first phase of that development. The remainder of the student accommodation has not been laid out however, though its permission remains extant.

3. Shortly after occupation of the student accommodation a cycle and pedestrian route through the site to Walton Well Road was created with permissive rights for use by the wider public. In the years since its opening it has become a well used facility, providing an alternative route between Walton Street and Botley Road avoiding busy city centre streets. The enabling works to this route at Walton Well Road were funded by contributions secured from the outline permission. In total the accompanying S.106 agreement to the outline permission secured:
 - a public cycle route through the site during daylight hours;
 - a transport contribution of £500,000;
 - a social housing contribution of £90,000;
 - a parking enforcement contribution of £5,000; and
 - a footpath improvement contribution of £4,000.
4. Subsequent to these developments other proposals have been permitted on land situated between Venneit Close and the Sheepwash Channel. These were a development of 14 flats granted on appeal at what is now Thames Wharf, and a similarly styled development immediately to its north for 42 student study rooms now commenced construction on site. Proposals to demolish the nursery immediately north of the bridge across the Sheepwash Channel stream and replace it with a new nursery at ground floor level with flats above have not been successful.

Proposals

5. These latest proposals represent a second phase of graduate rooms at Castle Mill but within a reworked scheme which when fully built out would provide some 439 student units in total rather than the 354 previously permitted, an increase of 85 units. As with the phase 1 accommodation, the development consists mainly of single study bedrooms arranged in clusters with a shared amenity / kitchen area; some slightly larger units with a small kitchenette; and larger one and two bed "flats." Typically the accommodation would be occupied for up to 3 years by University graduates, in the main single persons though in some cases couples, occasionally with a child. A small number of rooms would be reserved for visiting academics and students. In addition shared facilities are provided at a central common room.
6. Officers consider the main determining issues in this case to be:
 - built forms and visual impact;
 - access to the site;
 - planning obligations;

- biodiversity;
- sustainability; and
- flood risk.

Built Forms and Visual impact.

7. As the application site is a linear one the development is laid out in a series of 8 linked blocks. As with phase 1 the majority of the blocks are aligned in an east - west direction but with two to the narrower northern end aligned north - south. The 8 blocks accommodate the majority of student rooms whilst set between them are shared facilities such as covered cycle stores, bin storage, laundry room, landscaped spaces and energy centre. Also interspersed between the paired east - west blocks along their eastern edge are 3 "gatehouses" leading to shared foyer areas. A further freestanding communal common room is also provided, though no bar is intended. A 3.8m wide access road for servicing and maintenance purposes would run along the eastern side of the site which would also provide a cycle and pedestrian route through to Walton Well Road on completion. The 3 disabled parking spaces are located along the route.
8. The student rooms in the east - west blocks have their windows facing north and south, avoiding directly overlooking the railway lines to the east and allotments to the west. Within the two north - south blocks corridor access is provided where they face the railway line. There are however one or two student rooms within the gatehouse buildings which do have windows facing the railway lines but these and all other windows along this side of the development are high performance fixed double glazed units to provide light only with additional light and ventilation provided from windows in elevations facing in other directions. The fenestration within the principal eastern elevations is such that there are both vertically and horizontally aligned windows, but in a rhythmical fashion across the blocks of accommodation. Central to each block are full height continuous glazed windows identifying the corridor access at each level of accommodation.
9. The east - west blocks rise to 4 and 5 levels with the linking gatehouse elements set at 3 storeys. The north - south blocks are on 4 levels. The 5 level blocks rise to approximately 17.0m above ground level to the highest point of their pitched roofs, and the north - south ones to 13.0m. The eaves height would be approximately 13.7m and 11.2m respectively. This compares to 13.7m at its highest point in the existing accommodation and 10.4m at eaves. The larger blocks have lift access to all floors whilst 4 rooms are constructed to full disabled standard to add to the two within the existing accommodation. The lift shafts are located "external" to the accommodation blocks with full height vertical glazed slots allowing glimpses both into and out of the lift cars, adding interest to the development. The lift shafts are topped with a glazed cap. A series of entrances to the accommodation blocks along the cycle / pedestrian route plus overlooking windows provide active frontages and natural surveillance to the route.
10. Generally the development responds positively to the particular

circumstances and constraints of the site alongside busy railway lines leading to Oxford station a short distance to the south. As such the architecture is characteristically robust with large building blocks facing east towards the railway line, allowing quieter areas to be created behind. Shadow diagrams accompanying the planning application indicate only a small amount of morning overshadowing of a small number of the allotment plots. The Allotment Association do not object to the proposals. In terms of materials the ground floors of the development are proposed to be of facing brickwork in the main. The upper floors are set on this “plinth” with a 50mm overhang and finished in a textured self cleaning “render” system with timber detailing. Windows are dark grey aluminium units with the roof of standing seam metal construction similar to that used in the existing accommodation.

11. Although the immediate environment of the development consists of railway sidings to the east and allotments to the west, it is also located close to Port Meadow to the north beyond the public car parks at Walton Well Road. Port Meadow is a unique and sensitive location which constitutes an important heritage asset. In this wider context guidance issued in March 2010 in PPS5: “*Planning for the Historic Environment*” is an important consideration. In the guidance the government has re-affirmed its commitment to the historic environment by indicating that heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. It defines the *Historic Environment* as meaning all aspects of the environment resulting from the interaction between people and places and a *Heritage Asset* as:

“a building, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment.”

12. The guidance asks that applicants and the local planning authority have sufficient information to understand the significance of a heritage asset and to understand the impacts that any proposal would have. When making planning decisions Policy HE7.4 of PPS5 explains that local planning authorities should therefore take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability.
13. Policy HE.9 of PPS5 is also relevant as Port Meadow is a designated heritage asset. The policy puts forward the presumption in favour of the conservation of designated heritage assets and advises that any harm needs to be justified and considered against the public benefits.
14. Given the quality of Oxford’s built environment and landscape setting, and how they are valued, it is necessary to understand how new additions are perceived and how they relate to their context. The application site is set adjacent to large expanses of open land in the form of the railway lines and public allotments. Although views to and from these areas and immediately beyond would change dramatically as a consequence of the development, they would not be adversely impacted given the nature of their current landscape setting and relationship to the application site. Land at Port

Meadow is more sensitive however. Indeed the very northern tip of the application site falls just within the “View Cone” from Wolvercote where policy HE.10 of the adopted Local Plan seeks to retain significant views and protect the green backcloth to the City from development within or close to a view cone which might detract from them. From the apex of the view from Wolvercote the application site is located in the far distance, approximately 1.7m (2.7km) to the south - east.

15. The view across Port Meadow is a low lying, distant and expansive one across the floodplain of the River Thames towards the centre of Oxford. There is virtually no topographic variation to the view except the wooded hills of East Oxford which are just visible in the background to the left (east) of the view. The open and historic grazed common land of Port Meadow which is publicly accessible plays an important part in the character of the view, providing an historic green setting to the city. The line of trees along the railway line and a variety of more ornamental trees in the gardens of North Oxford reinforce this green setting, from which the “dreaming spires” emerge, seen against the open skyline. The green fore and middle grounds contrast with the colour and texture of the buildings on the skyline, enabling the skyline buildings to stand out in silhouette. The expansiveness of the view means that the spires, towers and domes appear relatively small. Closer to the edge of the built up area it is clear that trees and hedgerows around the perimeter of Port Meadow are not unbroken however and views are afforded from various vantage points through gaps in the greenery towards, in particular, the railway line and residential North Oxford to the east and Wolvercote to the north. These remind the viewer that Port Meadow is not set within open countryside but abuts the built up urban edge of the City in these directions.
16. To the south the application side is glimpsed most readily from closer positions, especially along the footpath which leads from Medley to the termination of Walton Well Road at the public car park there. Although this footpath falls just outside the identified View Cone, views along it remain sensitive even though the broken tree line along the Castle Mill Stream at this point allows the existing student accommodation as well as trains idling on the adjacent railway lines to be glimpsed in the distance during winter months. In the summer these features are largely hidden from view. The views along this path are not “static” therefore but “dynamic” where the juxtaposition of features will vary as the viewer proceeds. The views will also change with the passing of the seasons as the gaps “close” during the summer months, and also with the time of day and with the prevailing weather conditions.
17. Nevertheless there can be no doubt of the significance of the Oxford skyline and its landscape setting as one of the enduring images of the City, an image which in planning terms successive Local Plans have sought to protect. In relation to the current application the pre eminent spires on the skyline from Port Meadow are not impacted to any great degree by the current proposals as they are located to the east. The campanile of St. Barnabas Church is an exception however as it is visible above the tree line and between the groups of trees when viewed from the footpath from Medley, and at some points along that route would be seen behind the new accommodation blocks. This

relationship would not be dissimilar however to that created by the extant permission if that were to be proceed instead. Indeed the University has sought to mitigate the impact of its development by lowering the overall height of the accommodation blocks by 1.2m from that originally submitted in the planning application and offering to fund landscaping along the Castle Mill Stream where gaps in the tree and hedge belt currently exist. No objection of principle is raised to such planting, funding for which can be secured by the S.106 agreement. In addition although some of the images supporting the planning application suggest a light coloured render finish to the upper floors of the principal elevations to the development, in further mitigation the University have suggested examining again the choice of colours, textures and tones to materials for external elevations and roofs in order that the development sit more comfortably within views from Port Meadow..

- 18.** In this context a judgement has to be made as to whether the degree of change to the views and landscape setting in this direction which would result from the proposed development is sufficient to warrant refusal of planning permission, taking into account other benefits and objectives to be weighed in the balance. Certainly it is not the case that the development would be entirely hidden from view from Port Meadow or that there would be no impact from the development on the landscape setting and on public views. Rather officers have come to a conclusion, on balance, that with the mitigation described in place then in similar fashion to the extant permission the impact is not such that taken in context with the benefits of the development in provided much needed purpose built student accommodation at an allocated site that planning permission should be denied.

Access to the Site.

- 19.** The 2000 proposals envisaged a development which would generate only low levels of traffic in response to the circumstances of the site with its single vehicular access point off Botley Road via the private road Roger Dudman Way. Along its southern section maintained by Network Rail the access road serves mainly operational requirements for the railway station. It possesses no segregated footways along this section though traffic calming in the form of speed humps are present at various points. North of the bridge over the Sheepwash Channel the road is owned by the University where segregated footways do exist leading to its student accommodation further north. Parking spaces are allocated here for the Turbo Ted nursery, now operated by the Coop.
- 20.** To serve the developments the 2000 permission allowed a total of 40 car parking spaces to be shared between the residential development and student accommodation. In the event 13 car parking spaces were permitted for the 87 flats at Venneit Close in what was one of Oxford's first large scale low car ownership residential developments, and 27 for the 354 student units. Of the latter only 18 of the spaces were laid out however whilst a further 3 for disabled use are proposed in this current application. As the site adjoins but falls outside the West Oxford Controlled Parking Zone, then none of the residents of the development would be eligible for parking permits within the

controlled zone. A condition would also be applied that a clause in students' tenancy agreement would not permit them to bring private vehicles to the City. Instead a total of 360 cycle spaces are proposed to serve the completed development, in excess of the one space per 2 student study rooms required by the adopted Local Plan or 3 spaces per 4 rooms indicated in the emerging Sites and Housing DPD. The cycle parking is provided in covered, secure conditions at various locations set between the accommodation blocks.

21. Whilst the site is well located for public transport facilities at the railway station and Park End Street, and the cycle and pedestrian route to Walton Well Road and beyond has become well used, other routes are currently lacking. The funding received at the outline stage has allowed this to be addressed by the creation of a footpath link from Roger Dudman Way south of Thames Wharf to the Thames Towpath at Fiddler's Island. Planning permission has already been granted for a permanent structure at this point, similar to that at Walton Well Road. This is due to be erected in the coming weeks. In the meantime a temporary footbridge is in place which both enables the construction work for the permanent bridge to proceed and also permit alternative routes to be available to existing residents and the wider public with the closure of the through route to Walton Well Road. The footbridge allows routes to be created to Port Meadow at Medley; to Botley Road via the towpath to the rear of Abbey Place; and towards Jericho via the footpath under the railway lines alongside the Sheepwash Channel.
22. A lighting scheme for the southern section of Roger Dudman Way from that point where it crosses the Sheepwash Channel to Botley Road is also funded from the S.106 monies previously secured. This replaces the very poor lighting currently present. The northern section owned by the University is already adequately lit. At the time of writing final details of the scheme are being confirmed with Network Rail and First Great Western with installation due to commence in the weeks ahead. From the remaining S.106 funds it is also hoped to improve conditions along the Sheepwash Channel footpath under the railway lines leading to Isis Lock.
23. Whilst the cycle and pedestrian route through to Walton Well Road is required to be closed during the 18 month construction period for health and safety reasons, it would be re opened on completion of the development on a slightly amended alignment. At 3.8m in width (to allow emergency vehicles to access the site if required), the route would be wider than its current 3.0m width.
24. These supporting measures taken together would greatly increase the accessibility of the site and are fully supported by the Highway Authority. It would request however a contribution towards off site cycling facilities in line with its usual requirement. A Construction Travel Plan should also be required to regulate the movement of construction vehicles to and from the site. That can be secured by condition, but in preliminary discussions with officers the University has indicated an intention to avoid vehicle movements at busy times for the nursery, and to provide a lay over facility at Osney Mead Industrial Estate from which vehicles can be called to site when required. It

also indicates that as with its development at the former Radcliffe Infirmary, a banksman would be stationed at the junction of Botley Road and Roger Dudman Way at delivery times in order to facilitate the safe movement of construction vehicles gaining access to the development site.

Planning Obligations.

25. A list of matters to be secured by planning obligation which have been agreed with the applicant appears at the head of this report. The financial contributions are in line with the normal requirements of City and County Councils as set out in the Planning Obligations Supplementary Planning Document (SPD) in terms of library and sports facilities, and as required by the Highway Authority in terms of off - site cycling facilities. The cycle / pedestrian route through the site to Walton Well Road continues that secured by the previous permissions on the land.
26. Following the consideration of the emerging Sites and Housing Development Plan Document (DPD) at Council on 19th December 2011 however, additional financial contributions towards affordable housing as outlined in draft policy HP.6 of that document may be appropriate in certain circumstances. This arises as the emerging DPD now constitutes a material consideration in determining planning applications. The policies in the DPD build upon those of the adopted Core Strategy and are based upon detailed evidence following earlier rounds of consultation. Unlike when drawing up the current Local Plan the production of DPDs is “front loaded” whereby policies are shaped by a greater amount of early evidence gathering and consultation. At the time of writing this stage has now been completed and the DPD has reached the stage where formal consultation is about to take place with a view to an Examination in Public late this year and formal adoption early in 2013.
27. In relation to the current case the emerging DPD policies and existing ones within the adopted Oxford Core Strategy and Local Plan which are especially relevant to the provision of student accommodation at the application site are as follows.
- Adopted Oxford Core Strategy: Policy CS.25:
“Planning permission will only be granted for additional academic / administrative accommodation for the University of Oxford and Oxford Brookes University where that University can demonstrate: in the first place that the number of full - time students at that University, who live in Oxford but outside of university - provided accommodation, will, before the particular development is completed, be below the 3,000 level and once that figure is reached, thereafter will not exceed that level. All future increases in student numbers at the two Universities as a result of increases in academic / administrative floor-space must be matched by a corresponding increase in purpose built student accommodation. Student accommodation will be restricted in occupation to students in full – time education on courses of an academic year or more. Appropriate management controls will be secured, including an undertaking that students do not bring cars to Oxford.”

Adopted Local Plan: Policy DS.22:

“Planning permission will not be granted at land at North End Yard, Cripsey Road for uses other than purpose - built student accommodation for use by the University of Oxford”.

Emerging Sites and Housing DPD: Policy HP.6:

“Planning policy will only be granted for new student accommodation that includes 8 or more bedrooms if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution will be calculated using the formula in Appendix 4.

An exception to this requirement will be made for any proposal that is within an existing academic campus or college site that includes regular teaching activities and facilities.

Developers may not circumvent this policy by artificially subdividing sites. For mixed – use developments of student accommodation with general housing or commercial floorspace, a pro rata approach will be used to determine whether a contribution is required, and how much this should be”

Emerging Sites and Housing DPD: Policy SP.16:

“Planning permission will be granted for student accommodation at Land North of Roger Dudman Way. Planning permission will not be granted for any other uses.

Adequate measures should be in place to relocate any badger setts found on the site. Development should incorporate fencing along the boundary with Cripsey Meadow allotments adequate enough to prevent badgers migrating onto the allotments.

Development should be designed to ensure that there is no adverse impact on Port Meadow SSSI.”

28. In addition the supporting text to the emerging policy HP.6 indicates that:
“A key objective of the Core Strategy is to ensure that new residential development contributes to a balance of housing types and tenures, which in turn contribute to mixed and balanced communities. New student accommodation is often proposed on sites that could otherwise be developed for housing, which would include affordable homes of a wider tenure mix”.
29. Attached as **Appendix 2** to this report is the applicants’ comments on policy HP.6 and related matters as a supporting submission to the planning application. In the letter the University argues that the site continues to be allocated for student accommodation only, and that an extant permission exists for the same. The provision of student accommodation here therefore remains a commitment. Moreover whereas individual colleges have relief from the requirement to contribute to affordable housing from developments of student accommodation where they are on sites which also possess academic / teaching floorspace, such relief is not given to the central University as its academic and teaching facilities are not on the same sites. The University feels this is inconsistent and representations to this effect have already been made at the DPD’s options stage, and are likely to be repeated

in the formal consultation period about to commence.

30. Moreover the University argues that as its site is not suitable for family housing, then no potential family housing is lost and there is no adverse impact on the general housing market. Rather there are benefits as a large number of University students would be taken out of the housing market. It therefore requests relief from the policy in this case.
31. Furthermore the University is required by restrictive planning conditions to academic floorspace already granted planning permission to provide matching purpose - built student accommodation such that the numbers of students living in open market accommodation do not exceed 3000 and should remain below that figure in the years ahead, (Core Strategy policy CS.25 above). The University is currently at or about that figure. The current proposal would permit a large number of its postgraduate students to be taken out of open market accommodation accordingly, allowing the requirements of the restrictive conditions to be met. In the event that the current application did not proceed, the University could however build out the site in accordance with its extant permission without requiring further consents. That would result in some 85 fewer purpose built units being available for its postgraduate students however.
32. Notwithstanding these considerations the University nevertheless recognizes the direction of travel of emerging policy HP6 of the Sites and Housing DPD and is prepared to make a financial contribution towards affordable housing commensurate with its current status. The contribution would be secured as part of the S.106 agreement referred to at the head of this report and in common with other such agreements would be payable in the event of the policy being adopted following the Examination in Public later this year. Further details of the contribution will be provided at committee.
33. In summary, as the emerging DPD policy HP.6 does not yet carry full weight ahead of its formal adoption, and the outcome of the Examination in Public cannot be entirely anticipated at this stage, then officers would acknowledge the University's cogent arguments in this particular case and at this particular stage in the DPD process. Accordingly Officers would accept the case made for a financial contribution on the basis suggested.

Biodiversity

34. Following construction of the existing phase of development at Castle Mill, the remainder of this brownfield site has been laid out in the main as semi neutral grassland and scrub. In January and March 2011 badger surveys of the site were undertaken and more general wildlife surveys in March and August of the same year.
35. In terms of badgers an annex sett with 4 entrances was identified in the March survey close to the western boundary of the site. The sett was evidently not active in July however, suggesting it might have been seasonally active only as other setts are known to exist off - site in the general locality.

Subsequently a license was obtained from Natural England for closure of the sett to allow development to proceed, with the creation an artificial sett as a replacement elsewhere on the application site. In the event of planning permission being granted, it is also intended to create and retain a 2m badger run along the western boundary of the application site to allow movement of badgers through the site.

36. In terms of other species the surveys revealed no great crested newts on site or within 500m, though some suitable habitats for reptiles were present, resulting in a small population of slow worms with the possibility of grass snakes and common lizards occasionally using the site. There were no suitable roosting habitats for bats recorded, and a very low potential for invertebrates. There was some potential to support nesting birds.
37. Overall the ecological report concludes that other than for badgers the site is currently only of limited ecological interest. However the development does create the potential to enhance wildlife by providing new facilities accordingly. Attached as **Appendix 3** to this report is a schedule of works as wildlife enhancements which could be incorporated into the development. Officers would support these enhancements which can be secured by condition.

Sustainability:

38. The development would possess 21 car parking spaces only but 360 cycle spaces to serve a total of 439 student residential units. It is located close to the railway station and its associated bus interchange, and would possess good cycle and pedestrian links to Botley Road, North Oxford, Jericho and Port Meadow, making the application site a highly sustainable location.
39. In terms of the new buildings, a Natural Resource Impact Analysis, (NRIA) and Energy Statement accompany the planning application. A minimum score is achieved in each of the NRIA categories of energy efficiency, renewable energy, use of materials and water resources to attain an overall score of 6 out of a possible 11. In terms of actual measures a dedicated district heating system is included, serving all of the buildings existing and proposed on the site and a central energy centre building is created accordingly. This is supported by photovoltaics on south facing roofs across the development. High thermal insulation, air tightness and high performance windows etc are all included to increase energy efficiency, whilst external lighting is controlled by photoelectric sensors. "A rated" appliances are also included throughout. Timber would be acquired from renewable sources and materials sourced locally and / or recycled wherever possible. Low flow showers and WCs etc would be included and rainwater harvested and stored to serve the adjacent allotments. The development is aimed at achieving a BREEAM excellent rating.

Flood Risk

40. A full flood risk assessment (FRA) accompanies the planning application. The FRA confirms the site as falling within defined flood zone 1 where a low

probability of flooding exists of 1 in 1000 years. Land adjacent falls within higher risk categories however, zones 2 and 3. The FRA goes on to indicate that the application site would remain in flood zone 1 even allowing for climate change over the assumed 75 year lifespan of the development. The land on which the development would be sited would also be approximately 0.7m higher than the ground level for phase 1.

41. On completion of the development it would be the intention to store water from roof areas in a series of underground storage tanks before releasing it into the existing pumping chamber within the existing phase 1 development and from there into the river system. The access road / cycle route would be constructed of permeable materials within a tanked granular medium. Water from there would flow to the existing storage tank within phase 1.
42. The Environment Agency has been fully consulted on these arrangements and raise no objection to them or to other aspects of the development. It suggests conditions only, relating to surface water drainage and to the remediation of contaminants on the site, in order to protect groundwater quality.

Conclusion.

43. The planning application proposes a major development of student accommodation on a site allocated for the purpose which will allow the University to accommodate more of its postgraduates in purpose built surroundings. In doing so it will also allow the University to meet and maintain the requirements of other recent permissions for academic floorspace that no more than 3,000 of its students should live in open market housing. The development relates appropriately to the adjacent railway lines and to Cripsey Meadow allotments, though as with the extant permission, it would be seen to an extent from various vantage points within Port Meadow through and above the tree line, especially in winter months. Mitigation through on and off site planting and in the judicious choice of materials and their colours, tones and textures would however assist the development in sitting more easily in these views.
44. Officers have concluded that the balance of advantage lies with supporting the proposals.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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 approve the planning application subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

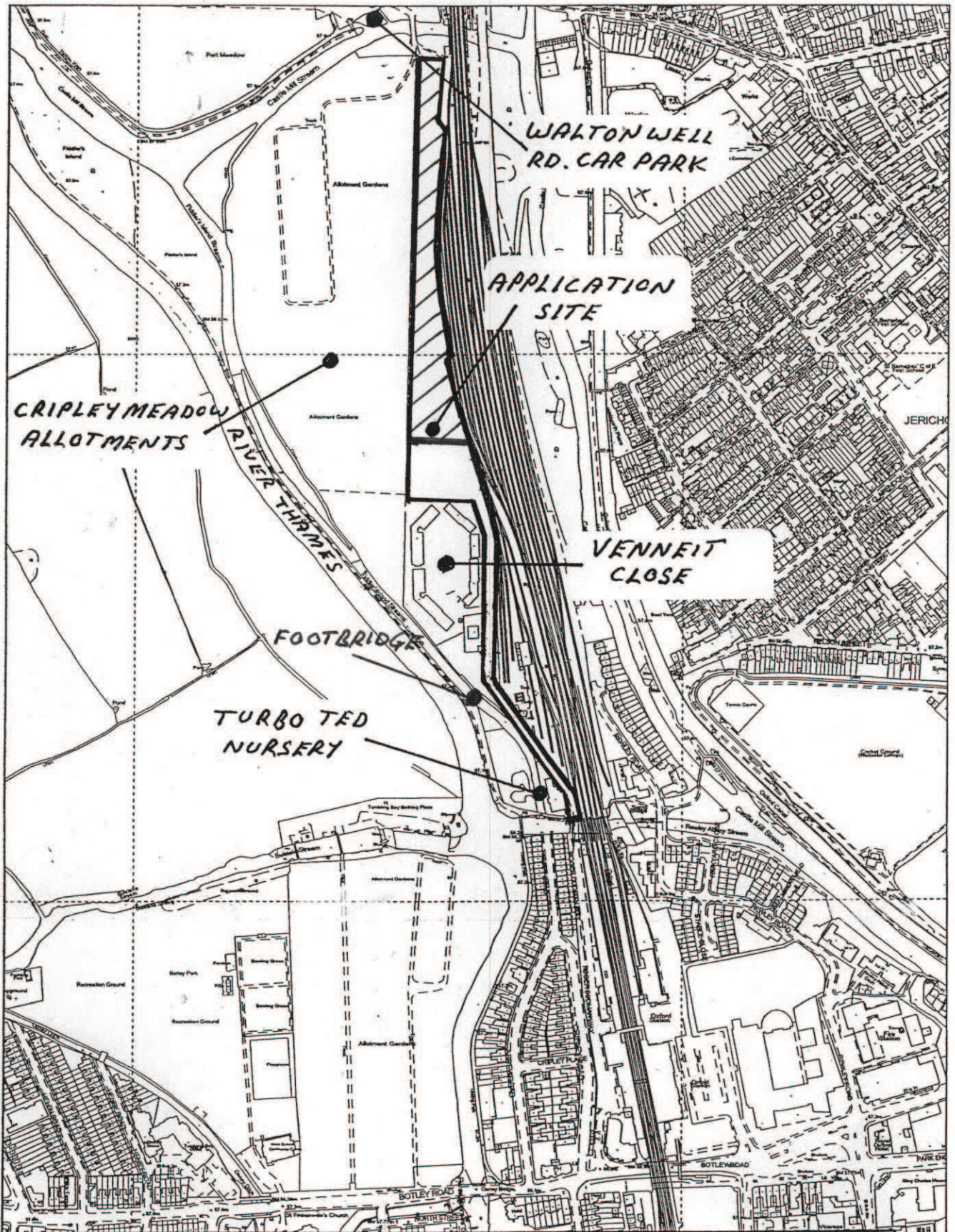
Background Papers: Applications 97/00342/NOY, 02/00898/RES, 11/02881/FUL.

Contact Officer: Murray Hancock

Extension: 2153

Date: 3 February 2012.

This page is intentionally left blank



- 11/02881/FUL
- CASTLE MILL, ROGER DUDMAN WAY

Reproduced from the Ordnance Survey map with the permission of The Controller of Her Majesty's Stationery Office (HMSO), © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Oxford City Council; LA 078921; July 2002



Scale 1:5000

Planning Control
& Conservation



Please Reply to: Swindon
Our Ref: TAG/C22175
Your Ref:
Date: 6 February 2012

Mr M Hancock
Chief Principal Planner
Oxford City Council
Ramsay House
10 St Ebb's Street
Oxford
OX1 1PT

Dear Mr Hancock

Planning application for post-graduate student accommodation at Castle Mill, Roger Dudman Way, Oxford, for the University of Oxford – Proposed Policy HP6 Affordable Housing from Student Accommodation

I am writing in relation to the above planning application for post-graduate student accommodation at Castle Mill, and in particular to a key issue which has emerged as a result of the recent decision of the City Council to adopt and enforce Policy HP6, which seeks to secure contributions towards the provision of affordable housing when certain types of new student accommodation is proposed.

This letter will deal with the application of the proposed policy to the proposed Castle Mill development. It does not make any general points about the wider implications of the proposed policy.

1. Committed Site

The Castle Mill site has been identified as suitable for student accommodation for some time. Indeed, the current site has not been regarded as suitable for forms of housing other than for students. This appears to be because of its location, adjacent land uses, and the shape of the site. The site was identified for this specific purpose in an early version of the Oxford City Local Plan and again in the Oxford Local Plan 20012-2016 (Policy DS22) which states:

"Planning permission will not be granted at land at North End Yard, Cripsey Road for uses other than purpose-built student accommodation for use by the University of Oxford"

Cont/d....

Swindon

Old Bank House
5 Devizes Road
Old Town Swindon
Wiltshire SN1 4BJ
Tel: 01793 - 610222
Fax: 01793 - 512436
email: dpds.swindon@dpds.co.uk

Bristol

Redmayne House
4 Whiteladies Road
Clifton Bristol
BS8 1PD
Tel: 01179 - 466882
Fax: 01179 - 467462
email: dpds.southwest@dpds.co.uk

Crawley

11 Kingsland Court
Three Bridges Road
Crawley
West Sussex
RH10 1HL
Tel: 01293 - 616112
email: dpds.south@dpds.co.uk

Derby

3 Gleneagles House
Vernon Gate
Derby
DE1 1UP
Tel: 01332 - 206222
Fax: 01332 - 206012
email: dpds.central@dpds.co.uk

Development Planning & Design Services Group Ltd

Group Managing Director:
L. M. Durrant, FRICS, Dip TP, MRTPI, MInstD.
Company Secretary:
I. James, BSc (Econ), FCA.
Group Finance and Practice Manager:
Dorcas Lynch.
Company Registration N° 1907209
Registered in England and Wales

**Subsidiary Companies:
Development Planning & Design Services Ltd**

Directors:
L. M. Durrant, FRICS, Dip TP, MRTPI, MInstD.
A. Macdonald, BSc (Hons), Dip TP, MRTPI.
G. M. Smith, BSc (Hons), MRTPI.
Associate Directors:
S. Whitford, BA (Hons), Dip TP, MRTPI.
M. Wood, BA (Hons), M Phil, MRTPI.
Consultants:
T. A. Gashé, BA (Hons), MA, MRTPI.
P. M. Griffiths, BSc Hons, MLI.
Company Registration N° 2091708
Registered in England and Wales

DPDS Regional Ltd

Directors:
N. Arben, BA (Hons), Dip TP, MRTPI.
L. M. Durrant, FRICS, Dip TP, MRTPI, MInstD.
D. Jones, BA (Hons), MSc, PGDipSURV, MRTPI, MRCS.
J. Thomas, BA (Hons), DMS, MRTPI.
Consultants:
M. Croags, BSc (Hons), Dip TP, MRTPI.
D. McCallum, BA (Hons), MPhil, MRTPI.
P. F. Thair, BSc (Hons), Dip TP, MRTPI, MEnv Sc.
Company Registration N° 2521009
Registered in England and Wales

DPDS Architecture Ltd

Directors:
L. M. Durrant, FRICS, Dip TP, MRTPI, MInstD.
N. Herham, BA Hons, Dip Arch (dist), RIBA.
M. Howland, Dip Arch, MArS, RIBA.
Consultant:
P. M. Griffiths, BSc Hons, MLI.
Company Registration N° 2937191
Registered in England and Wales

Registered Office of All Companies:
Old Bank House,
5, Devizes Road, Old Town,
Swindon, Wiltshire, SN1 4BJ.
www.dpds.co.uk



INVESTOR IN PEOPLE



Mr M Hancock
Chief Principal Planner

The explanatory text notes that:

"The access is very restricted but the site is considered to be suitable for purpose-built student accommodation".

And

"...it is considered that any other form of residential development would undermine the need to strike a balance between different land uses and needs".

Most recently the sites and housing DPD submission document has identified the site as suitable for student accommodation and has noted:

"...no other uses likely to come forward for the site due to the narrowness of the site and being owned by the University of Oxford".

The option of allocating the site for "car-free residential" development was rejected because the site "may be difficult to design family housing so as to avoid habitable rooms facing the noise of the railway".

Following on from the original allocation, planning permission was granted for the development of the site for post-graduate student accommodation for 517 bedspaces. The planning permission has now been implemented in part, and the current application seeks permission for a modified form of development on the balance of the site. There is therefore, an extant permission on the site and it is a committed site both from the Development Plan allocation and the planning permission.

In relation to Policy HP6 therefore, the extant permission could continue to be implemented without reference to the Policy. The fact that the site is committed for purpose-built student accommodation means that it would be unreasonable to assume that an alternative residential use for family housing was feasible. There is a long standing commitment to student housing on this site. The City Council has, for some time, sought uses for the land which would not lead to the generation of traffic movements. The site is very clearly not suitable for family housing.

2. Nature of the development

The proposed development is not speculative. It is being made by Oxford University in order to meet the needs of post-graduate students who are studying at the University. The new policy is clearly designed to secure contributions from developers of sites which, could otherwise be developed for general family housing. There is still a large number of students at Oxford who need to be housed in purpose-built accommodation. This will ensure that no students are then living in housing which is suitable for family housing in the wider community.

Cont/d....

Mr M Hancock
Chief Principal Planner

The University is very anxious to provide good quality accommodation at affordable prices for students. Rental levels are below market rents so the proposed development is effectively affordable housing in its own right. At the present time Policy CS25 imposes a restriction on University development where more than 3000 students live in the community, in non-purpose-built accommodation. The University is very aware of this threshold and is anxious to provide as much purpose-built student accommodation as possible. It is extremely unlikely to ever give up this site for another use and so it would not be available for family housing in any foreseeable circumstance.

3. The distinction between development carried out by Oxford University and that undertaken by the Colleges

The colleges are able to "obtain relief" from the policy because for the most part, their development is contained within single sites. Moreover, student accommodation provided by colleges very often includes some forms of "teaching" space which also secures exceptions to the Policy. In contrast, the University almost invariably provides teaching, research and support facilities on sites which are unrelated to the residential accommodation which it provides.

It would be extremely unusual for the University to provide any residential accommodation alongside or as part of any of the other facilities it provides, such as laboratories, libraries, sports facilities, administrative offices etc.

Oxford University is not a campus style university, and the criteria for exceptions to the policy fail to acknowledge its special position.

4. Is the site an existing academic campus?

Although there is no formal teaching on the site, or in the proposed buildings, there are communal facilities and study rooms, so the site is arguably a campus type site.

In the light of recent meetings and discussions, specifically to consider the impact of Policy HP6, the University has concluded, albeit that it regards the Castle Mill site as a special case in any event, that the general application of the policy is something that will be tested before an Inspector at a forthcoming Inquiry. The University is therefore intending to make provision for a financial contribution towards affordable housing in Oxford arising out of the additional units of student accommodation generated by the current application, to be made when and if the policy is formally adopted following the Inquiry.

Cont/d.....

Mr M Hancock
Chief Principal Planner

There have also been recent discussions concerning the visual impact of the proposed development from Port Meadow, particularly in relation to the "view cone" from Wolvercote car park.

We have now completed some careful analysis of the views from the Wolvercote car park (copies of drawings have been supplied), and have concluded that the visual impact of the proposed scheme will be negligible or non-existent. We are aware however, that when viewed from the towpath and from positions much closer to the site, the existing approved scheme does present a hard edge as a linear form, and does partly shield some parts of buildings to the east. The current proposal will, in places, be higher than the existing approved scheme, and its effect would therefore be marginally greater. We have given careful consideration as to how best to mitigate this and have concluded that the following measures would be beneficial:

- Carry out off-site tree planting along the edge of Port Meadow with the consent and approval of the owners etc.
- Consider the introduction of different colours and materials for certain elements of the scheme.
- Reduce the ridge height of the scheme by altering the roof pitch and introducing a "slot feature" along the ridge line which would reduce the overall height by about 1.2m

The University is therefore prepared to make the changes described above and to carry out tree planting with the owners' permission as part of this proposal.

Yours sincerely,



Terry Gashe
Consultant
Development Planning and Design Services Ltd
tgashe@dpds.co.uk

Recommendations for protection and enhancement of site's ecology

Recommendation	Details
Recommendation 1	A new artificial badger sett has been created to the north of the site. A 2m wide badger run will be retained along the western boundary to allow badger movement through the site.
Recommendation 2	Maintain development site as close-mown grassland to make the land unsuitable for reptiles to prevent harm.
Recommendation 3	The area surrounding the badger sett will be allowed to develop rough grassland to provide suitable reptile habitat.
Recommendation 4	A hedgerow of thorny shrubs including hawthorn, blackthorn <i>Prunus spinosa</i> and dog rose <i>Rosa canina</i> will be planted around the badger sett area.
Recommendation 5	Two reptile hibernation/refuge sites will be created within this area, using logs from felled trees.
Recommendation 6	Lighting will be directed away from the badger run and badger sett area.
Recommendation 7	Planted trees and shrubs in the rest of the site will include a minimum of 50% native species that are representative of the geographical location and will be sourced from stock of local provenance (see Appendix B for a list of suitable species).
Recommendation 8	To enhance the site for nesting birds six Schwegler No. 17 Triple Cavity Swift boxes will be recessed into the top of northern exterior walls below the eaves of blocks 6, 7 and 8.
Recommendation 9	Nesting birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). Disturbance to nesting birds can usually be avoided by carrying out works and by excluding birds from suitable nest sites outside the bird nesting season (the nesting season is generally March to August inclusive). However, birds may nest outside the peak nesting period, in which case, works that would result in nest disturbance must cease until birds have finished nesting.
Recommendation 10	Lawns will be created using nutrient poor soils and sown with Emmorsgate EL1 – Flowering lawn mixture. No perennial ryegrass <i>Lolium perenne</i> will be sown.
Recommendation 11	The adoption of horticultural good practice (e.g. no or low use of residual pesticides).
Recommendation 12	The proper integration, design and maintenance of Sustainable Urban Drainage (SUDS).

West Area Planning Committee

15 February 2012

Application Number: 11/03035/FUL

Decision Due by: 20 January 2012

Proposal: Demolition of existing buildings. Erection of 3 storey building comprising retail shop and Class B1 Business use on ground floor and 18 student study rooms on upper floors. Provision of cycle parking and bin stores.

Site Address: 220 And 222 Cowley Road (**Appendix 1**)

Ward: St Mary's Ward

Agent: John Philips Planning
Consultancy

Applicant: RMA Properties

Recommendation: To **refuse** planning permission for the following reasons:

- 1 The development would result in the net loss of self-contained residential dwellings and would fail to provide any replacement residential accommodation within the scheme, which would have a detrimental impact upon the balance and distribution of dwelling types within the area, contrary to Policy HS10 of the Oxford Local Plan 2001-2016.
- 2 The development would relate poorly to its general context and the character and appearance of Randolph Street, in respect of its scale, height, form and massing. It would therefore fail to maintain or enhance the streetscape to the detriment of the character and appearance of the area, contrary to policy CP1, CP8 and CP10 of the Oxford Local Plan, policy CS18 of the Oxford Core Strategy 2012 and policy HP9 of the Sites and Housing Development Plan Document (Proposed Submission).
- 3 The development would have an overbearing impact on and result in a loss of light to and outlook from neighbouring properties, in respect of its scale, height, massing and proximity to the boundaries. The development would therefore adversely affect residential amenity contrary to policy CP1, CP10 and HS19 of the Oxford Local Plan 2001 - 2016 and policy HP14 of the Sites and Housing Development Plan Document (Proposed Submission).

Planning Obligations:

In the event that the application is supported and in accordance with the Councils Planning Obligations SPD and the Sites and Housing Development Plan Document

(Proposed Submission) the following contributions would be required to mitigate the impact of the proposals on City and County Services and affordable housing. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment.

- £62,190 towards affordable housing
- £1,080 towards indoor sports facilities
- £1,134 towards library infrastructure
- £2,484 towards cycle safety measures

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP10 - Siting Development to Meet Functional Needs
HS10 - Loss of Dwellings
HS19 - Privacy & Amenity
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
RC5 - Secondary Shopping Frontage
EC1 - Sustainable Employment

Oxford Core Strategy 2026

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS23 - Mix of housing
CS25 - Student accommodation
CS28 - Employment sites

Sites and Housing Development Plan Document (Proposed Submission)

HP5 - Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP9 - Design, Character and Context
HP11 - Low Carbon Homes
HP14 - Privacy and Daylight
HP15 - Residential Cycle Parking

Other Material Considerations:

- PPS 1 - Delivering Sustainable Development
- PPS 3 - Housing
- PPG 13 - Transport
- Regional Spatial Strategy for the South East
- Planning Obligations SPD
- Parking Standards, Transport Assessments and Travel Plans SPD

- Manual for Streets

Relevant Site History: None

Public Consultation

Statutory and Other Consultees:

Highways And Traffic - No objection subject to conditions relating to cycle parking and a scheme to prevent student residents bringing cars into the City

Oxford Civic Society – Top floor overbearing in relation to adjacent houses in Randolph Street

Thames Water Utilities Limited - No objection

Third Party Representations Received: No third party comments have been received.

Officers Assessment:

Site Description and Proposal

1. The application site is identified on the plan attached as **Appendix 1**. It comprises No 220 and 222 Cowley Road, a pair of two storey properties located on the corner of Randolph Street. No 220 comprises a shop on the ground floor with a flat above, whilst No 222 is a 5 bedroom dwelling house (with accommodation in the basement) fronting Cowley Road, with a two storey extension to the rear which is occupied as Class B1 offices.
2. The application proposes the demolition of No 220 and 222 Cowley Road and the erection of a three storey building, comprising retail and B1 office uses on the ground floor, with 18 student study bedrooms provided on the 1st and 2nd floors, along with communal kitchens. Bin and cycle storage is provided for all uses within the building and in the new yard to the rear accessed off Cowley Road.
3. Officers consider the main issues of the case to be:
 - the principle of the development, including the demolition of the existing building;
 - the loss of the residential dwellings;
 - the retention of the retail and office use; and
 - the provision of student accommodation – affordable housing;
 - the scale, form and appearance of the proposal;
 - the impact on neighbouring properties, sustainability, and car parking.

Principle of Development

4. The existing buildings are of no architectural distinction and have been altered significantly in the past. Permission is not required for their demolition. However officers would nevertheless comment that in the absence of a suitable scheme for the redevelopment of the site the buildings, which are currently occupied, play a role in maintaining the particular character and vitality of this part of Cowley Road. In light of this officers would not therefore lend their support to the demolition of the buildings.
5. Local Plan policy HS10 states that planning permission will not be granted for development which results in the net loss of self-contained residential accommodation. No 220 Cowley Road has a flat on the first floor and No222 is a 5 bedroom house. It has been suggested by the applicant that both are occupied by students, however officers can confirm that their lawful planning use is as dwelling houses. In both cases the proposals would result in the loss of dwelling houses contrary to policy HS10.
6. The site is located within a Secondary Shopping Frontage, within which retail uses take priority. The proposal retains a retail unit which is larger than the one that exists.
7. The City Council wishes to see an increase in the proportion of university students housed in purpose built accommodation. Core Strategy policy CS25 supports the provision of purpose built student accommodation, and states that matters of site management and the prevention of students bringing cars into the City can be controlled by planning condition. In the light of the policy context officers consider that there is no objection to the principle of student accommodation at this location.

Affordable Housing

8. Policy HP6 of the Site and Housing Development Plan Document (Proposed Submission) states that *'Planning Permission will only be granted for new student accommodation that includes 8 or more bedrooms if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford.'* The application proposes 18 student bedrooms and therefore triggers the requirement for affordable housing delivery (this figure is set out above). The Committee should be mindful that whilst the document is not adopted it is a material planning consideration and does carry some weight in determining the planning application. The applicant has agreed to make the contribution and officers would therefore recommend that if permission is granted authority should be delegated to officers to issue the permission on completion of a legal agreement to secure the contribution.

Scale, Form and Appearance

- 9.** Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created. Policy CS18 of the Core Strategy echoes this.
- 10.** Cowley Road is a busy commercial frontage and thoroughfare characterised by large 2 and 3 storey buildings built hard up to the pavement edge along a strong building line. The buildings are generally of a traditional form and appearance, constructed of brick, tile or slate, with a pitch roof and conventional features such as sash windows and roofed bays. The uses at ground floor are a mix of retail premises, restaurants and bars, with some office accommodation. On the upper floors the buildings are mostly residential or ancillary office or storage accommodation.
- 11.** In contrast to the scale and use of the buildings fronting Cowley Road, the side roads are narrower, predominantly residential in character with buildings of a more domestic scale and mass. In many cases the side roads see a relatively undeveloped return to the Cowley Road frontage or where an infill development has taken place the buildings step down from Cowley Road to meet the scale of the properties fronting the side road.
- 12.** The character of Randolph Street is no exception and is characterised by a narrow road with two storey terrace houses built hard up to the pavement. The terraces on each side of the road are long and only broken by the junction of Green Street and Hawkins Street. The rear of 224 Cowley Road has been recently redeveloped for student accommodation and this has seen the conversion of an existing workshop building and erection of a new two storey building. The scale and mass of this new development respects the domestic characteristics of Randolph Street, albeit with a more contemporary use of materials and detailing.
- 13.** The application proposes a new three storey building. The Cowley Road elevation would appear much the same as it does at present, but slightly higher and with a greater degree of symmetry. The design approach would relate to this part of the Cowley Road in terms of scale and mass.
- 14.** The Randolph Street elevation is less successful. It presents three storey timber clad bays to the street, all with flat roofs and positioned close together. Behind the three bays runs the unbroken main ridge of the roof. The design approach is unimaginative, but more crucially the height, roof form and bay windows give the elevation a scale and mass that is out of keeping with the domestic character of the street. This impact is further compounded by the proportions and rhythm of the elevation which has no regard for the street pattern.

Impact on Neighbouring Properties

15. Local Plan policy CP10 states that development should be sited to ensure that the *'use or amenity of other properties is adequately safeguarded'*. Local Plan policy HS19 goes further and states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
16. With regard to the impact on daylight, officers have applied the 45° code to the cill of the habitable room windows that would be affected by the proposal as advised by Appendix 6 of the Local Plan. Due to the position of the proposal in relation to the windows of No 1 Randolph Street there would be no breach of the 45° code. However, there are two affected windows in the rear of No 218 Cowley Road, one serving a kitchen and the other a bedroom. Both of these rooms form part of a self-contained flat. Due to the height and proximity of the proposal to No218 the 45° code when applied to these windows would be breached.
17. The rear elevation of the building rises to three storeys and incorporates an enclosed staircase and kitchen, both of which project out from the main body of the building. The height and mass of this would have an overbearing impact on neighbouring properties, particularly No 218 Cowley Road and No 1 Randolph Street.
18. Policy CS25 of the Oxford Core Strategy states that the management of the site should be controlled by the submission of appropriate measures, to be secured by planning condition in the event of permission being granted. This would adequately address any concerns there are about potential for noise and disturbance or other management matters. If the proposals were to be supported by committee, officers would therefore suggest that a condition be imposed requiring details of site management be submitted for subsequent approval.

Sustainability

19. The application site lies within a sustainable location, on the edge of the Cowley Road District Centre. The site therefore has excellent access to shops, services and public transport nodes. The proposal will make efficient use of the site.
20. Policy CS9 states that all applications for development are expected to minimise carbon emissions by incorporating sustainable design and construction methods into the development. The application is silent on this issue, however parts of the Building Regulations, in particular Part G (Sanitation, Hot Water Safety and Water Efficiency) and Part L (Conservation of fuel and power), aim to help reduce carbon emissions and protect the environment.

21. Notwithstanding the requirements of the Building Regulations, officers would recommend that if the Committee is minded to grant planning permission a condition be attached requiring details of how sustainable design and construction methods would be incorporated into the building and how energy efficiency has been optimised through design and by utilising technology that helps achieve Zero Carbon Development.

Car and Cycle Parking

22. Core Strategy policy CS25 requires a condition to prevent future residents of student accommodation bringing cars into the City. If planning permission is granted officers would recommend that the committee impose a condition requiring details of how this will be achieved and enforced.
23. 18 cycle parking spaces are provided in a secure location. This would exceed the requirements of the Local Plan.

Conclusion: The development would result in the loss of two self-contained residential properties and would fail to mitigate the impact of the proposals on affordable housing and City and County serves. The development would have an adverse impact on visual and residential amenity. Officers would therefore recommend that planning permission be refused. If the Committee is minded to grant planning permission, officers would ask that authority be delegated to officers to issue the notice of permission on completing of an accompanying legal agreement to secure the required contributions.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse 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.

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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/03035/FUL

Contact Officer: Steven Roberts

Extension: 2221

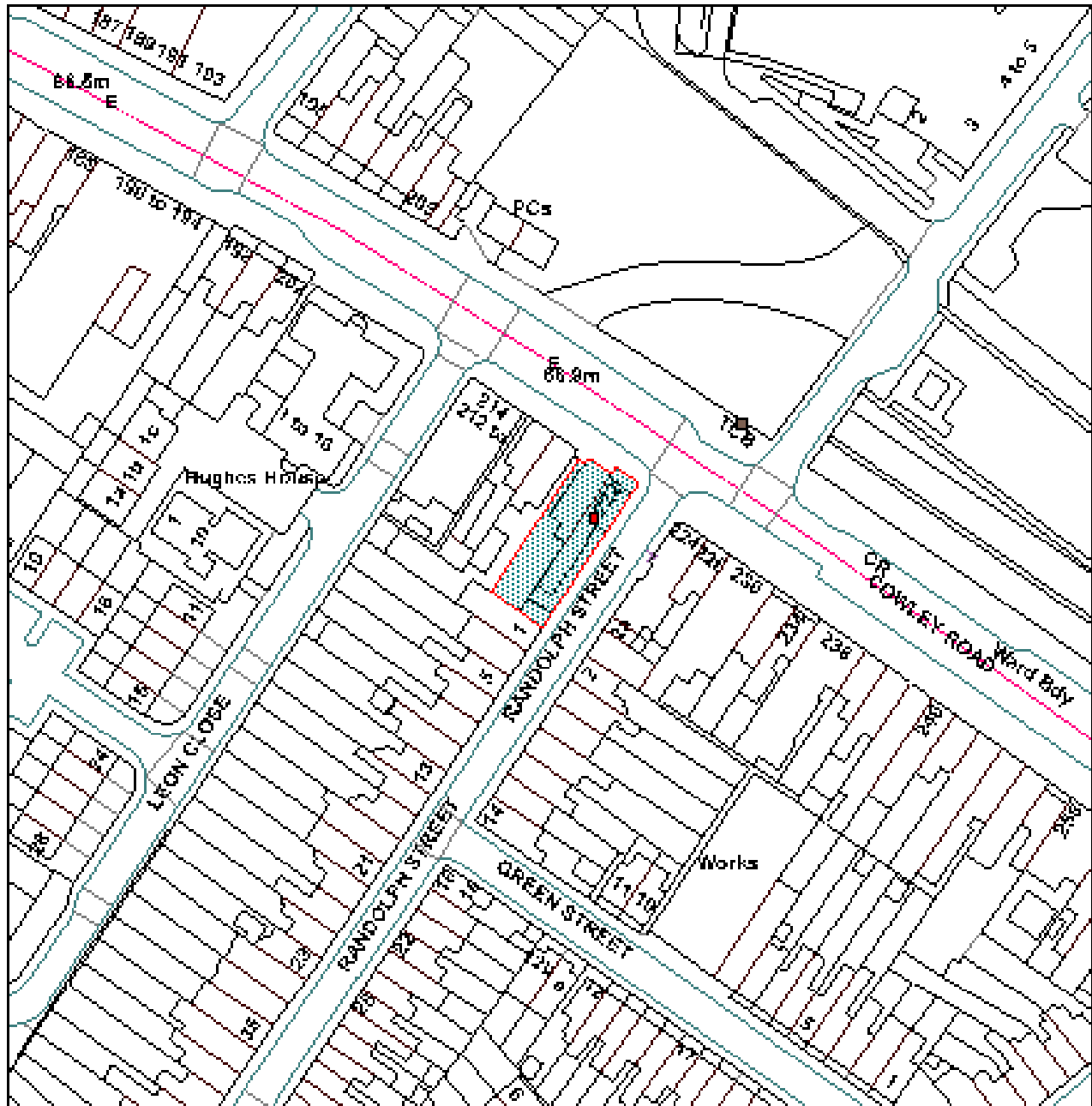
Date: 27 January 2012

Appendix 1

11/03035/FUL - 220-222 Cowley Road



OS by ARY/DSC



Scale : 1:1000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorized reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esri.uk.com>

Organisation	Not Set
Department	Not Set
Comments	
Date	17 January 2012
SLA Number	Not Set

West Area Planning Committee

15 February 2012

Application Number: 12/00046/FUL

Decision Due by: 2 March 2012

Proposal: Retention of use as student accommodation.

Site Address: 229 Cowley Road (**Appendix 1**)

Ward: St Clement's Ward

Agent: Kemp And Kemp

Applicant: Mandeep Kandola

Call in – The application was called in by Councillors Young, Benjamin, Altaf-Khan and Fooks on the grounds that the house is too large for a family house and well adapted already for student accommodation. New housing strategy is for preference to be given for student housing to be located on main roads. Such accommodation is safer for students and avoids the out of hours nuisance caused to residents in side roads.

Recommendation: To **refuse** planning permission for the following reason:

- 1 The proposed development would result in the net loss of a self contained residential dwelling. The application is therefore contrary to policy HS10 of the Oxford Local Plan 2001 - 2016.

Planning Obligations:

Notwithstanding the recommendation above, in the event that committee is minded to support the planning application, then, in accordance with the Planning Obligations SPD and the Sites and Housing Development Plan Document (Proposed Submission) the following contributions would be required to mitigate the impact of the proposals on City and County Services and affordable housing delivery. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment. The applicant has indicated in relation to the first item that he is unable to make the contributions in full for viability reasons. A letter of explanation is attached as **Appendix 2**.

- £38,427.20 towards affordable housing
- £780 towards indoor sports facilities
- £819 towards library infrastructure
- £1794 towards cycle safety measures

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP10 - Siting Development to Meet Functional Needs
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
HS10 - Loss of Dwellings
HS19 - Privacy & Amenity

Oxford Core Strategy 2026

CS17_ - Infrastructure and developer contributions
CS25_ - Student accommodation

Sites and Housing DPD – Proposed Submission

HP5_ - Location of Student Accommodation
HP6_ - Affordable Housing from Student Accommodation

Other Material Considerations:

- PPS 1 - Delivering Sustainable Development
- PPS 3 - Housing
- PPG 13 - Transport
- Regional Spatial Strategy for the South East
- Planning Obligations SPD
- Parking Standards, Transport Assessments and Travel Plans SPD

Relevant Site History:

11/02068/FUL - Change of use of dwelling house to house in multiple occupation (HMO) – Withdrawn

10/00562/FUL - Three storey rear extension (retrospective) - Approved

APP/G3110/A/C/10/2123487 - Appeal by Ms B Kaur against the enforcement notice issued by Oxford City Council for the unauthorised change of use of 229 Cowley Road from a dwelling house to student accommodation - Dismissed

09/02099/FUL - Retention of rear extension to 229 Cowley Road. Change of use from residential dwelling to student accommodation. Provision of cycle parking and bin storage – Refused

09/00087/FUL - Erection of 2/3 storey building fronting Bartlemas Road to provide 9 study bedrooms at rear of 229/231/233 Cowley Road – Refused

09/00032/FUL - Retention of extension to 229/ 231/ Cowley Road and use of 229, 231 and 233 Cowley Road as student accommodation (39 bedrooms) including

change of use from dwelling (229) and guest house (231, 233) – Withdrawn

08/00754/FUL - Retention of extension to 229 and 231 Cowley Road. Retention of use of 229, 231 and 233 Cowley Road as student accommodation (39 bedrooms) including change of use from dwelling (229) and guest house (231/233) – Withdrawn

05/02433/FUL - Single and three storey rear extensions to 229 and 231 Cowley Road. Raise roof, two dormers in front elevations and single dormer to rear of 231 Cowley Road – Approved in Part

05/01016/FUL - Single, two and third storey rear extension - Approved

Public Comments:

Statutory and Internal Consultees:

Highways And Traffic – No objection subject to condition to prevent students bringing cars in to Oxford and cycle parking and contribution towards cycle safety measures
Thames Water Utilities Limited – No objection

Officers Assessment:

Site Description and Proposal

1. The application site comprises No 229 Cowley Road, a three storey end of terrace property. The authorised use is as a dwelling house. However the property has been operating as student accommodation for a number of years without the benefit of planning permission. The adjoining properties at Nos 231 and 233 (also in the ownership of the applicant) are in use as student accommodation having gained planning permission in 2009.
2. The application seeks permission to retain the property in use as student accommodation.
3. Officers consider the determining issue in this case to be the loss of the dwelling house.

Planning History

4. There is a lengthy planning history on this site (set out above). For ease officers set out below the key points:
 - Planning permission granted for single and three storey rear extension in 2006, increasing the number of bedrooms from 4 to 6;
 - Three storey extension approved in 2006 built 1.9m longer than approved, omitting the single storey element entirely. Further

investigation determined that the property was now in use as student accommodation;

- Following several aborted application submission an application was refused in 2009 for the retention of the extension and use of the property as student accommodation;
- Following the refusal in 2009 the Planning Department issued an Enforcement Notice requiring the use to cease and the extensions to be regularised. An application to retain the extension as built was approved in April 2010, however the Enforcement Notice was Appealed by the applicant;
- A Planning Inspector dismissed the appeal in June 2010 on the grounds that the change of use to student accommodation, albeit retrospective, would result in the loss of a dwelling house contrary to policy HS10 of the Local Plan. The appeal decision is attached as **Appendix 3**.

5. In considering the appeal the Inspector raised no other concerns, e.g. residential amenity and car parking, and accepted that the location was otherwise suitable for student accommodation. Officers will therefore focus their assessment on the matters of contention.

Loss of Dwelling

6. Local Plan policy HS10 states that planning permission will not be granted for development which results in the net loss of self-contained residential accommodation. The loss of the dwelling house would therefore be contrary to policy HS10. In addition to this, the Planning Inspector considered this issue in the context of a number of material considerations (see Appeal Decision) and concluded that none of the other matters outweighed the conflict with the adopted local plan policy.
7. Since the appeal decision in July 2010 there has been no shift in the policy context so far as Local Plan policy HS10 is concerned and as such officers can find no planning reason to take a different view to the Planning Inspector.

Affordable Housing

8. Policy HP6 of the Site and Housing Development Plan Document (Proposed Submission) states that '*Planning Permission will only be granted for new student accommodation that includes 8 or more bedrooms if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford.*' The application proposes 13 student study bedrooms and therefore triggers the requirement for affordable housing delivery (this figure is set out above). The Committee should be mindful that whilst the document is not adopted it is a material planning consideration and does carry some weight in determining the planning

application. The applicants have submitted a letter explaining why they are not able to pay the full contribution and have offered £10,000 towards off-site affordable housing and the other infrastructure contributions.

9. In the event that the Committee supports the application officers would draw its attention to the new requirements of policy HP6 and recommend that in resolving to grant planning permission authority be delegated to officers to issue the planning permission on completion of a legal agreement and appropriate contribution towards affordable housing.

Parking

10. The application does not include any off street car parking. However if Committee are minded to support the proposal officers can confirm that it is reasonable to impose a condition in accordance with Core Strategy policy CS25 to prevent students resident at the property from bringing cars into Oxford. The Highway Authority agrees with this approach. A condition is also recommended to ensure that cycle parking is provided.

Conclusion: There has been no change in circumstances since the enforcement appeal was dismissed. The proposal would still be contrary to Local Plan policy HS10 and as such officers would recommend that planning permission be refused. Should the Committee resolve to support the application officers would recommend the imposition of the conditions set out in the report and that authority be delegated to officers to issue the planning permission on completion of a legal agreement to secure appropriate contributions to off – site affordable housing.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse 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.

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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

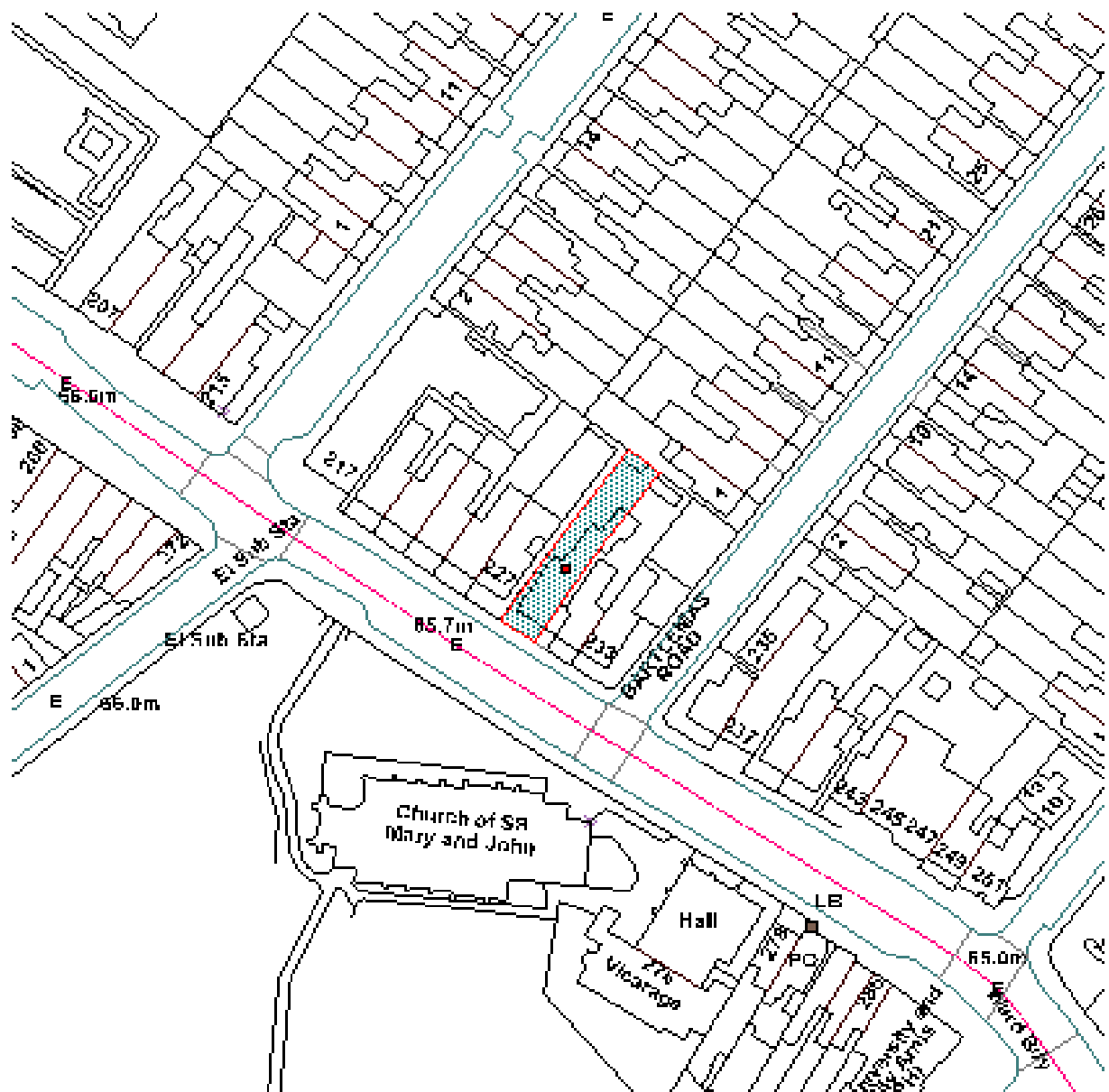
Background Papers: 12/00046/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 31 January 2012

Appendix 1 – 229 Cowley Road



Appendix 2 – Letter from applicant regarding contributions

Dear Mr Roberts,

I write in connection with my application at 229 Cowley Road, Oxford (ref: 12/00046/FUL) and in response to your e-mail dated 17th January 2012. I am sorry to say that I cannot afford to provide the full amount of £42,065.20p.

Since January 2011 I have been unemployed and not claiming benefits. Although I am actively seeking employment, my situation is such that I have had to return to my parents' home and my running costs (food, travel, heating, clothing, socializing etc.) are now kindly met by them.

The current average outgoings of 229 Cowley Road are numerous and are not met by the rental income. The average monthly breakdown is as follows:

Mortgage	£3,915
Gas	£200
Electricity	£190
Water	£52.50
Internet connection	£37
Building Insurance	£35.50
Fire safety test	£8.50
Gas safety test	£6.70
Electric safety test	£8.50
Maintenance fees	£225

This averages to £4,678.33 per month and therefore £56,140 per year. The rental income is £54,000. As you can see the net amount does not enable me to provide the full contributions requested. In fact, there is currently a loss, which has thus far been covered by my family.

I can offer £10,000, after an application for a loan. This money would more than meet the contributions you request for City (indoor sport fee of £780 and £100 for admin costs) and County (£819 for libraries, £1794 for cycle safety measures and £100 for admin costs) facilities. The remainder will be provided by way of an off-site contribution to affordable housing.

If you wish to discuss the matter further, please contact Mr S Singh who is in charge of running 229 Cowley Road for me.

Best regards

Mandeep Kandola



Appeal Decision

Site visit made on 14 June 2010

by **Andrew Hammond** MA MSc CEng
MIET MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
26 July 2010

Appeal Ref: APP/G3110/C/10/2123487
229 Cowley Road, Oxford OX4 1XG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms B Kaur against an enforcement notice issued by Oxford City Council.
- The Council's reference is 09/00723/ENF.
- The notice was issued on 13 January 2010.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land from use as a single dwelling house to use as student accommodation.
- The requirements of the notice are to cease the use of the property as student accommodation.
- The period for compliance with the requirements is 6 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Decision

1. I dismiss both the ground (a) appeal and the appeal under ground (g), uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a)

main issue

2. The main issue in this appeal is the effect on the stock of self contained dwellings in Oxford.

discussion

3. There is no dispute between the parties that the premises are in use as student accommodation. The property, as currently arranged, comprises a large communal kitchen/sitting area to the rear ground floor, three bathrooms and 13 study/bedrooms each with its own lockable door and wash basin. Whilst it is disputed when the use began, the appellant does not claim that it has subsisted for 10 years or more and makes no appeal under ground (d) of section 174(2) of the Town and Country Planning Act 1990 as amended.
4. Furthermore the appellant accepts that the change of use of 229 Cowley Road is contrary to the development plan in the terms of saved Policies HS.9 and

HS.10 of the Oxford Local Plan 2001-2016 (LP). Policy HS.9 states that planning permission will not be granted for the change of use of the whole of any dwelling to non-residential use and Policy HS.10 states that planning permission will not be granted for any development which results in the net loss of one or more self-contained dwellings.

5. Notwithstanding the conflict with the development plan, the appellant argues that there are material considerations which sufficiently outweigh the development plan in this case.
6. Firstly it is suggested that the use has resulted in no ill effects on the locality. Whilst there may be no obviously apparent harmful effects "on the ground", the change of use has clearly resulted in the loss of a single self-contained dwelling contrary to the essence of LP Policy and the aims it seeks to achieve, introducing significant harm in this respect. As with consideration of any application or appeal, a mere lack of specific harm in one respect cannot outweigh actual harm in another.
7. 229 Cowley Road is operated as student accommodation in conjunction with Nos. 231 and 233, together with which it forms a terrace of 3 properties. The appellant argues that the acceptability and precedent of the use has been established by the granting of planning permission for change of use of Nos. 231 and 233 in 2009. That permission was, however, for the retention of a rear extension to number 231 and change of use of 231 and 233 from a guest house to student accommodation. Clearly no precedent was established for change of use from a single dwelling. The fact that the three properties are operated together does not, in my opinion, add significant weight in favour of the change of use.
8. The Council has granted retrospective planning permission for a 3 storey rear extension to No.229 (containing 3 bedrooms to each of the 1st and 2nd floors above the kitchen). It is similar to an extension to the rear of 231, also granted retrospective planning permission. However the Council made clear in the decision notice (Ref. 10/00562/FUL) that the extension approved retrospectively is for use in association with the authorised use of the residential dwelling house and permits no change of use. Whilst the internal arrangements of the approved extension do not appear to be ideal for use of the property as a single dwelling, that would not have been grounds for the Council to refuse planning permission for the extension. Therefore the grant of retrospective planning permission for the extension adds very little weight to arguments in favour of the change of use.
9. The appellant further argues that the property is well managed as student accommodation and goes some way to meeting a pressing need for such in a sustainable location. From what I saw on the site visit the property is currently clearly well managed and works to facilitate the change of use have been carried out to a high standard. The location is sustainable with a wide range of facilities in the immediate area and good public transport. However the demand for student accommodation, location and current management of the premises are, in my opinion, considerations of little weight in favour of the change of use.

10. In the grounds of appeal, the appellant states that to consider the property as a single dwelling is neither reasonable nor viable. No material has been submitted in support of this statement. However, the Council have suggested that it may be acceptable to convert the building to 3 flats and, in any event, any difficulties in returning the property to its existing lawful use, as a single dwelling, brought about by works to facilitate the change of use cannot legitimately be pleaded in support of the appeal.
11. The appellant has entered into a Unilateral Undertaking (UU) to provide contributions towards indoor sports facilities, cycle safety measures and library facilities. I acknowledge that the need for contributions would be reasonably brought about by the change of use and that the sums involved accord with adopted supplementary planning guidance. However the existence of the UU does not outweigh the harm in other respects.
12. I conclude that the considerations in favour of the change of use are cumulatively of insufficient weight to justify a departure from the provisions of the development plan and the appeal on ground (a) fails.

The appeal on ground (g)

13. The time for compliance with the enforcement notice is 6 months from the notice taking effect. The grounds of appeal state that 12 months would be more appropriate to allow the outstanding tenancy agreements to run out. A period of 6 months will extend beyond the end of the academic year and I see no justification for extending the compliance period.
14. The appeal on ground (g) fails.

Andrew Hammond
INSPECTOR

West Area Planning Committee

15 February 2012

Application Number: 12/00028/VAR

Decision Due by: 4 April 2012

Proposal: Variation of condition 3 of planning permission 09/00731/FUL to allow student accommodation to be occupied by students in full time education of one academic year or more

Site Address: Part Manzil Way Gardens And 205 Cowley Road
(Appendix 1)

Ward: St Clement's Ward

Agent: Mr Peter Uzzell

Applicant: Crampton Smith Properties

Recommendation: To **grant** planning permission for the following reasons:

- 1 The proposal to vary condition 3 of planning reference 09/00731/FUL to allow the development to be occupied by full time students on courses of one or more academic year is consistent with the terms of policy CS25 of the Oxford Core Strategy.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as approved
- 4 Occupancy restriction – full time students on course of academic year or more
- 5 Name of management company
- 6 No music between midnight and 8am
- 7 Removal of PD rights
- 8 No display/sale of goods in open areas
- 9 Lighting scheme as approved
- 10 No deliveries on East Avenue
- 11 No change from police office without permission

- 12 No change of B1 office without permission
- 13 Public toilets prior to first use
- 14 Privacy screen as approved
- 15 Students - No cars
- 16 Bin and bike store as approved
- 17 Sustainable design as approved
- 18 Sustainable drainage scheme as approved
- 19 Variation of Road Traffic Order – no parking permit entitlement
- 20 Protection of Ash Tree at 6 East Avenue
- 21 Landscaping as approved
- 22 Protection of Trees
- 23 In accordance with Arboricultural Method
- 24 Underground services as approved
- 25 Construction Traffic Management Plan

Planning Obligations:

In accordance with the Councils Planning Obligations SPD the following contributions would ordinarily be required to mitigate the impact of the proposals on City and County Services. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment. The following contributions were paid upon commencement of the development and are therefore not required under the application to vary condition 3.

- £1,921 towards indoor sports facilities
- £2,016 towards library infrastructure
- £4,416 towards cycle safety measures
- £500 towards New Loading Bay

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

Oxford Core Strategy 2026

CS25 - Student accommodation

Site and Housing DPD – Proposed Submission

HP5 - Location of Student Accommodation

Other Material Considerations: None

Relevant Site History:

09/00731/FUL - Demolition of Police Office, public toilets and 205 Cowley Road. Erection of a single and three storey building to provide 32 student study rooms, a retail unit (class A1), office accommodation (class B1), seasonal cafe and replacement police office, public toilets and sweeper store. Provision of enclosed cycle and refuse store with access from East Avenue – Approved

03/00307/FUL - Demolition of police office, public toilets and 2-storey office building. Erection of single, two and three-storey building to provide 570 sq. m. retail unit (Class A1) on ground floor together with replacement police office, public toilets and storage space, with 28 student study bedrooms incorporating communal facilities, on first and second floors. Provision of enclosed bin store, cycle racks and service access from East Avenue – Approved

Public Consultation:

Statutory and Internal Consultees: None

Third Party Comments Received: No comments received.

Officers Assessment:

Site Description and Proposal

1. The application site comprises No 205 Cowley Road and a 12m wide strip of land along the western side of Manzil Way Gardens (formally the site of the police office and public toilets).
2. Planning permission was granted in 2009 for the demolition of the buildings on the site and the erection of a 3 storey building comprising a mixed use scheme (including retail, office and student accommodation, along with some ancillary community uses – see reference 09/00731/FUL above). The development approved under this application is currently under construction.
3. Planning permission is now sought to vary condition 3 of that planning permission to allow the student accommodation to be occupied by full time students on courses of one academic year or more. Presently the condition restricts occupation to students attending either Brookes University or the University of Oxford.
4. Officers consider the main issue in this case to be the principle of changing the occupancy restriction.

Principle

5. When planning permission was originally granted the relevant planning policy relating to student accommodation was HS14 of the Local Plan. This policy specified that speculative student accommodation should be

limited to occupation by students of Oxford Brookes and University Of Oxford. In March 2011 policy CS25 of the Core Strategy replaced policy HS14 and it allows occupation by any student provided they are studying full time and on courses of one academic year or more. In light of this change in the policy context officers raise no objection to the condition being varied to comply with the terms of policy CS25.

Conclusion: Officers would conclude that the application is compliant with the development plan and would therefore recommend that planning permission is granted subject to the conditions set out above.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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 safety.

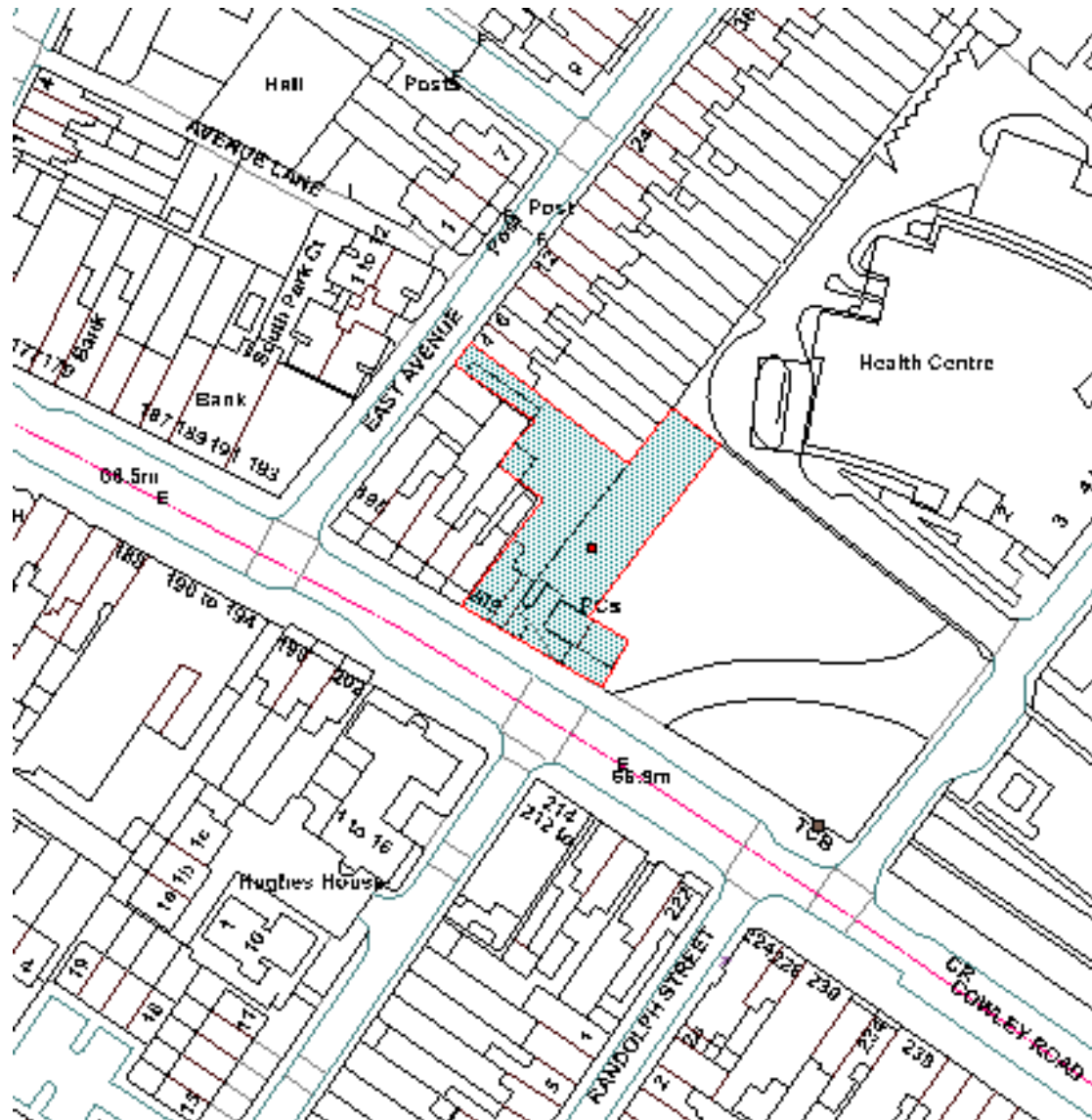
Background Papers: 12/00028/VAR, 09/00731/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 30 January 2012

Appendix 1 – 12/00028/VAR – Part Manzil Way Gardens and 205 Cowley Road



This page is intentionally left blank

Agenda Item 7

West Area Planning Committee

15 February 2012

Application Number: 11/03043/EXT

Decision Due by: 27 February 2012

Proposal: Application to extend time limit on planning application 07/02818/FUL (Two and three storey extension with basement to Middle Eastern Centre to provide new library facilities, common area, lecture room, storage areas and including external landscaping)

Site Address: 66 And 68 Woodstock Road St Antony's College (Middle Eastern Centre) Site Plan, **Appendix 1**

Ward: North Ward

Agent: Mr Nik Lyzba

Applicant: The Warden And Fellows
Of St Antony's College

Recommendation: West Area Planning Committee is recommended to approve the application, subject to and including the conditions set out below.

Reasons:

- 1 Having regard to Government guidance on applications to replace extant planning permission, in order to extend the time limit for implementation there are no new issues in terms of development plan policies, national policies or any material change in site circumstances therefore the application to extend this permission for a further 3 years is considered acceptable.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below and with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Specifically in accordance with approved revised plans
- 4 Samples in Conservation Area North Oxford Victorian Suburb,
- 5 Students full time, one yr course
- 6 Archaeology - mitigation 2
- 7 Tree Protection Plan

- 8 Hard surfaces -trees
- 9 No top lopping etc
- 10 Landscape plan
- 11 Landscape carry out after completion
- 12 Details mechanical ventilation
- 13 Revised details of NE elevation etc
- 14 Specifically exclude removal of trees
- 15 NRA

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Developmt to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Developmnt to Meet Functionl Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP20 - Lighting
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- NE15 - Loss of Trees and Hedgerows
- HE2 - Archaeology
- HE7 - Conservation Areas

Core Strategy

- CS1_ - Hierarchy of centres
- CS9_ - Energy and natural resources
- CS13_ - Supporting access to new development
- CS17_ - Infrastructure and developer contributns
- CS18_ - Urb design, town character, historic env
- CS19_ - Community safety
- CS25_ - Student accommodation
- CS29_ - The universities

Sites and Housing Development Plan Document Submission Consultation January 2012:

None

Other Material Considerations:

This application is in or affecting the North Oxford Victorian Suburb Conservation Area.

Relevant Site History:

07/02818/FUL: Two and three storey extension with basement to Middle Eastern Centre to provide new library facilities, common area, lecture room, storage areas

and including external landscaping. (Amended plans). Approved 31.03.2009

07/02572/LBC: Listed Building Consent for internal alterations to re-order main library and basement storage areas involving removal of existing ceilings, basement chimney breast and wall, provision of new floor slab, service ducts and services, new basement rolling stack, mezzanine and library shelving in main library and new doors. Internal alterations involving replacement of existing modern metal windows. Approved 10.03.2008.

08/01551/FUL: Erection of two detached 4-storey buildings to provide new porter's lodge, student accommodation (54 rooms), offices and meeting rooms. Approved 15.10.2008

11/01528/VAR: Variation of condition 2 of planning permission 08/01551/FUL (for the erection of two detached 4-storey buildings to provide new porter's lodge, student accommodation (54 rooms), offices and meeting rooms) involving variations to the design and external appearance. Approved 10.08.2011

Representations Received:

One objection from neighbour:

Approval of this controversial proposal was given by a casting vote over three years ago. Since then several new factors have weighed against it.

68 Woodstock Road is now listed. Removal of the diseased chestnut trees has revealed the distinction of the southern aspect of this building which would be entirely obscured by this proposed development and is, in itself, sufficient reason for complete review of the acceptability of the project.

For almost three years 'sample' materials have been on show in the garden. None is satisfactory and the sample colours on view (silver, ochre and black) are entirely out of keeping with the Victorian Conservation Area. Further, a serious problem has clearly arisen due to bird droppings on the 'shiny' surface, despite apparent attempts to discourage birds with spikes. This appears to present the college with an ongoing cost and is unsightly at all times.

The college grounds now appear to have a further building in progress, which was mentioned but not fully considered at the planning meeting in September 2008.

The general effect of the mixing of so many incompatible architectural styles in what should be a Victorian conservation area lacks aesthetic integrity, is an unhappy pick and mix of varying styles and materials and there is a serious risk of over-development and lack of garden space.

I understand that there are plentiful lecture areas within St Antony's, and, contrary to a statement made at the planning meeting mentioned, development of the college is not confined within the block of Woodstock Road/Bevington Road/Winchester Road and Church Walk. Both the Centres for Latin American and African Studies are outside this particular block.

Having spoken to a variety of members of the college, including college porters, students and fellows, the vast majority appear to dislike the proposal and say 'this is not the place' for this particular building whatever its merits might be in another context.

Statutory and Internal Consultees:

No comments received.

Issues:

Officers consider the main issues in determining this application are:

- Extension of time
- Development plan policies

Officers Assessment:

Site Description

1. Nos.66 and 68 Woodstock Road lie within St Antony's College ownership. The existing buildings and their gardens have been in ownerships associated with academic use for some time. The buildings are set back from the road frontage, delineated by low retaining brick walls with existing vehicle access and parking to the front. Mature trees and shrub planting both front and side/rear of No.68 form a screening and glimpsed views of the building, particularly during summer months. Similarly semi-mature trees and shrubs screen the front of No. 66.
2. The site lies within the North Oxford Conservation Area, which is characterised in part by Victorian villas and academic buildings separated by gardens, with mature trees and planting.

Proposal:

3. It is proposed to create a link extension, referred to as a 'Softbridge' extension, above ground between No.68 Woodstock Road and to and around to the rear of No.66, extending further below ground into the rear quad of the college. This latest application is to extend the time within which construction can begin for this proposed extension, approved in March 2009.

Assessment

4. In October 2009, the Government introduced measures to enable greater flexibility for planning permissions, in direct response to the current economic downturn. These measures included the ability for applicants to apply to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.
5. The Department for Communities and Local Government (DCLG) Guidance to these measures makes clear that in determining such applications, Local Planning Authorities should take a positive and constructive approach towards the applications. The development proposed in an application for an extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should off course, be determined in

accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission. In other words if the circumstances have not changed to a significant extent then there is a presumption towards granting the application for the extension of the period for implementation of the original planning permission.

6. Under the Planning and Compulsory Purchase Act 2004 Local Plans are being replaced by Local Development Frameworks. The City Council is currently reviewing the development plan system to meet the requirements of the Planning and Compulsory Purchase Act 2004. In this respect the Oxford Core Strategy was adopted on 14th March 2011 and the Sites and Housing Development Plan Document (SHDPD) Proposed Submission was endorsed by Council on 19th December 2011 following Pre-Options Consultation and consultation on the Preferred Options Document. The SHDPD Proposed Submission will now go out to Public Consultation in the next stage of the adoption process and the policies are therefore emerging.
7. As a result of the Core Strategy adoption a number of saved policies within the Adopted Oxford Local Plan 2001-2016 were cancelled. There are 32 new policies in the Core Strategy and 42 Local Plan policies that have been replaced by the Core Strategy.
8. The current proposal is identical to the original application, but in accordance with DCLG advice, officers will consider the application against the relevant development plan policies and also any other material considerations that would be relevant to the proposal.
9. As a 'saved' document, the Oxford Local Plan 2001-2016 (OLP) contains all the relevant development plan policies and remains the principle policy document against which this application has to be considered. The OLP was adopted in November 2005. Therefore the previous application was also considered under the same development plan policies. However several policies within the OLP (CP2, CP3, CP7, CP12, CP15, CP16, ED7 and ED8), which are relevant to this proposal, have been replaced by CS1, CS9, CS13, CS17, CS18, CS19, CS25 and CS29 respectively of the Core Strategy. Policies CP7 and CS18 relate to urban design and policies CP3, CS13 and CS18 relate to limiting the need to travel, the hierarchy of shopping centres and access to new development. CP12 and CP19 relate to designing out crime and community safety and CP15, CP16 and CS9 relate to Energy and natural resources. CP2 and CS17 relate to planning obligations and developer contributions. Finally, ED7, ED8, CS25 and CS29 relate to education, student accommodation and the Universities.
10. Whilst there has been a significant change in the development plan the majority of saved policies within the OLP are still extant and the replaced policies within the Core Strategy do not significantly alter the thrust of the replaced policies. In respect of the SHDPD Proposed Submission Consultation January 2012 there are no relevant policies as this development

is for academic accommodation not residential. Therefore the application is still considered acceptable.

11. DCLG Guidance also states that if appropriate different conditions could be imposed or some conditions could be removed for example in order to make the scheme acceptable in the light of new policies or if some pre-commencement conditions have already been discharged. In this case one condition of the original permission, Condition 3, has been complied with. This condition excluded certain plans and required revised plans to be submitted and approved. This was done. Condition 3 listed above therefore now lists those revised approved plans. The only other proposed change to a condition is the wording of Condition 5 that formerly restricted occupation to that of the University of Oxford and Oxford Brookes University, which was applied as a matter of course. However, since then policy CS25 now means that it is not possible to restrict the use to the universities only but to full time students on a course of one academic year or more. The wording of the condition should therefore be altered accordingly. No other conditions are affected and there is no need to add or take off any other conditions.
12. Comments received from a neighbouring resident have been taken into consideration. The deceased chestnut trees that have been removed were considered and agreed at the time of the original planning application and therefore their removal and the impact on the existing buildings considered. This is therefore not a significant material change in circumstances that would warrant reconsideration of the proposal at this time or refusal. Similarly objections to the architectural aesthetics in this location in the Conservation area, lack of garden space and overdevelopment were all considered in determining the original application and there has been no significant material change in circumstances since then that would warrant refusal now. Whilst the college is building student accommodation elsewhere on campus, their intentions were known at the time of the previous application. The accommodation is to house existing students and this is not considered significant material change in circumstances that would impact on the proposed extension and provision of academic floor space for the Middle Eastern Centre.

Conclusion:

13. Having regard to Government guidance on applications to replace extant planning permission, in order to extend the time limit for implementation there are no new issues in terms of development plan policies, national policies or any significant material change in site circumstances. Therefore Officers consider the application to extend this permission for a further 3 years is acceptable and recommend approval by Committee.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers

have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

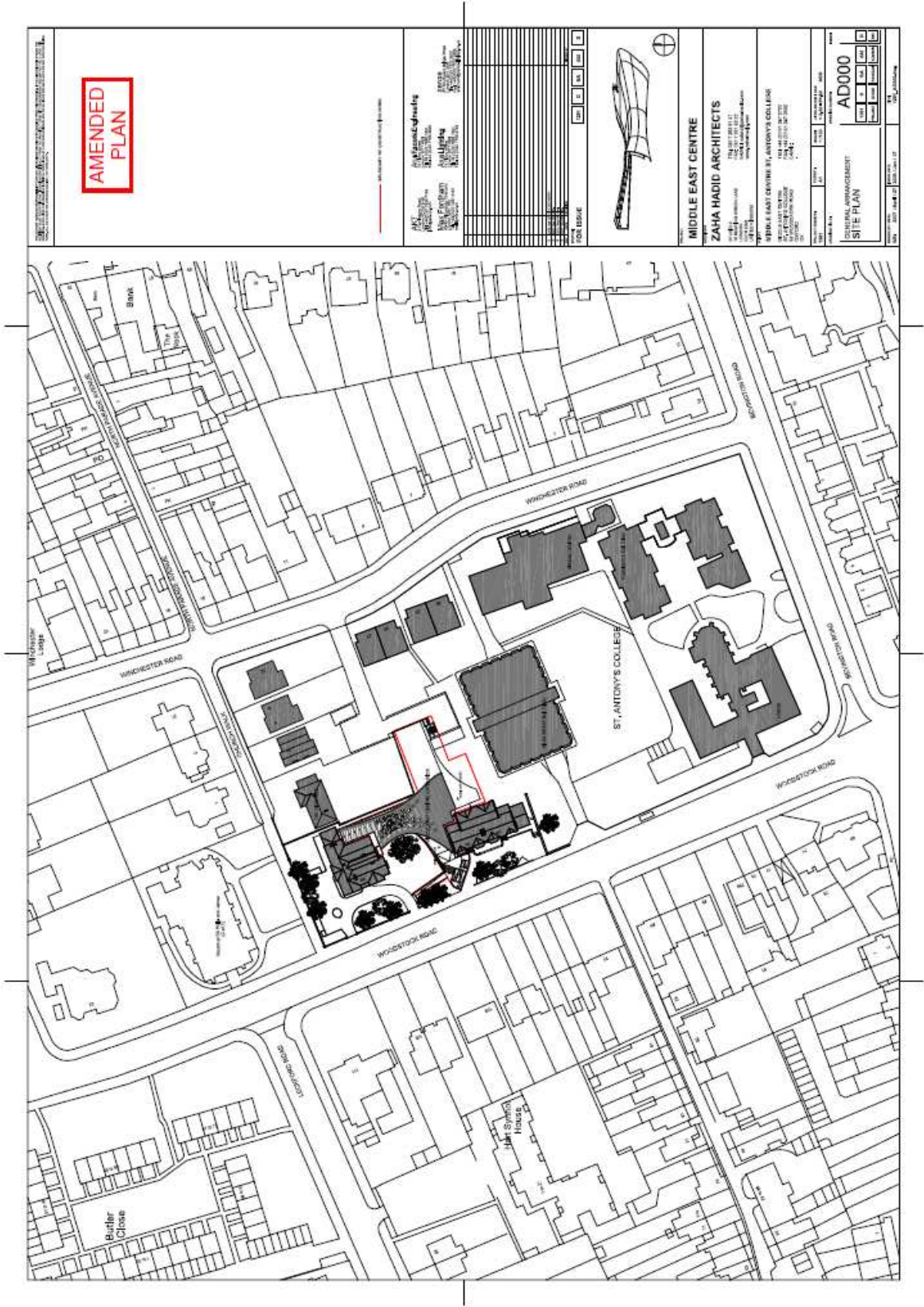
Background Papers:

Contact Officer: Felicity Byrne

Extension: 2159

Date: 4 January 2012

APPENDIX 1



West Area Planning Committee

15 February 2012

Application Number: 11/03109/FUL

Decision Due by: 31st January 2012

Proposal: Demolition of existing two storey rear extension. Erection of part single storey, part two storey and part three storey extension to rear. Extension of existing basement.

Site Address: 143 Kingston Road Oxford (Site plan at **Appendix 1**)

Ward: North Ward

Agent: PPA Architecture Ltd

Applicant: Mr And Mrs Andrew And Lisa Morgan

Application Called in – by Councillors – Van Nooijen, Price, Coulter, Humberstone and Lygo.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered to form an appropriate visual relationship with the dwelling and its surroundings and do not impact on the immediate neighbours in a detrimental way.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 4 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Landscape plan required
- 5 Tree Protection Plan (TPP) 1
- 6 Arboricultural Method Statement (AMS) 1
- 7 Sustainability design/construction

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Oxford Core Strategy 2026 (OCS)

- CS18_** - Urban design, town character, historic environment

Sites and Housing Development Plan Document – Proposed Submission (SHDPD)

- HP9_** - Design, Character and Context
- HP14_** - Privacy and Daylight

NB: The City Council has recently approved the Site and Housing Development Plan Document (SHDPD) which will now go out to consultation before examination by an Inspector. It forms part of Oxford's Development Framework and although not adopted it does carry weight as a material consideration in determining planning applications.

Other Material Considerations:

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

This application is in or affecting the North Oxford Victorian Suburb Conservation Area.

Relevant Site History:

04/01386/PDC - Proposed tree house. PRQ 22nd September 2004.

04/02108/PDC - Replacement of garden shed. PNR 3rd November 2004.

Representations Received:

144 Kingston Road: demolition will affect structural integrity of adjoining structure, lead to problems for access, scaffolding and security, 3D studies not consistent with proposed plans, overbearing, loss of light, loss of privacy, proposal will unbalance the pair of semis, detract from the conservation area, overlooking from roof light, tree in garden needs protecting, basement could be used a separate unit of accommodation, overdevelopment, constructional integrity of the proposed basement and incorporation of water and drainage runs needs to be ascertained.

142 Kingston Road: concerned over height and footprint of ground floor extension, loss of light to kitchen due to length and height of extensions, scale and form out of character and context of the conservation area and is visible from Tackley Place, security needs to be maintained, various conditions requested.

Statutory and Internal Consultees:

Highway Authority: no objection.

Officers Assessment:

Site Description

1. The application site comprises a four storey (inc. basement) semi detached residential property on the eastern side of Kingston Road within the North Oxford Victorian Suburb Conservation Area. The property is constructed of red brick with a slate roof and timber windows. The property is separated from the street by a small front garden and has a narrow passage to the side that leads to the private rear garden.
2. Kingston Road does not exhibit any of the 'garden suburb' elements of the rest of the North Oxford Victorian suburb i.e. the large front gardens and tree-lined avenues, but due to the front gardens and hedging there is an element of greenery that softens and enhances the red and yellow brickwork. The smaller scale houses create a sense of intimacy and enclosure lacking in the wider roads.

Proposal

3. The application is seeking permission for the erection of a rear extension comprising an enlargement to the basement, kitchen/dining room at ground floor level, first floor bathroom and a second floor shower room.

Issues:

Design
Residential Amenity
Trees
Sustainability
Other

Design

4. Policy CS18 of the OCS states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the OLP and HP9 of the SHDPD. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings.
5. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.
6. The application site lies within the North Oxford Victorian Suburb Conservation Area therefore policy HE7 of the OLP applies. This states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or their setting. PPS5 suggests not all elements of a Conservation Area will necessarily contribute to its significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.
7. The proposal is in three distinct parts, at various levels to the house. Firstly the ground floor extends 5m from the main rear elevation of the property and has a dual pitched roof with a glazed end elevation and spans the full width of the property with a basement proposed below. Secondly the first floor extends 3m from the rear elevation but only half the width of the property in the same location as the existing rear outrigger and has a mono pitched roof. Lastly the second floor extends 1.8m from the rear elevation above the first floor and has a dual pitched roof creating a gable end. All materials are to match the existing property and a condition would be added to ensure this.

8. It is acknowledged the proposed rear extensions would unbalance the rear elevations of the pair of semis. However the vertical form is retained and the mass and bulk are subservient to the main dwelling. The proposal is entirely at the rear and therefore would not therefore be visible within the public domain and will therefore not have a detrimental impact on the character and appearance of the conservation area. Long views along the street would not be compromised by the erection of the proposed extension.

Residential Amenity

9. Policy HS19 of the OLP sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25-degree code of practice, detailed in Appendix 6 of the OLP. In normal circumstances, no development should intrude over a line drawn at an angle of 45° in the horizontal plane from the midpoint of the nearest window of a habitable room and rising at an angle of 25° in the vertical plane from the cill. For the purpose of these guidelines a habitable room includes a kitchen as well as living rooms, dining rooms, studies, bedrooms and/or playrooms.
10. In respect of 144 Kingston Road the properties own existing two storey outrigger breaches the 45/25-degree code of practice in relation to the main windows on their rear elevation. As 144 Kingston Road is south of the application site it is not therefore considered that the proposal would impact on sunlight and daylight conditions to habitable rooms within 144 Kingston Road
11. With respect to 142 Kingston Road the proposal does not breach the 45/25-degree code of practice in relation to the windows/glazed door on the end elevation of their rear extension as the proposal does not project as far to the rear. The side elevation of the extension at 142 Kingston Road has a 3.5m length of high level windows (which are visible above the boundary wall) and a 2.35m length of windows sitting on a dwarf wall. If a main window to a habitable room in the side elevation of a dwelling is affected, development will not normally be allowed to intrude over a line drawn at an angle of 45 degree in the vertical plane from the cill. Officers do not consider these side windows to be the main windows to the extension however. Notwithstanding this the single storey element of the proposal does not breach the 45 degree uplift. The first and second floor elements do breach the 45 degree uplift but only in relation to the high level windows.
12. Officers acknowledge there will be a small impact on sunlight/daylight from the first and second floor element of the proposal on the extension at 142 Kingston Road. However given the amount of glazing in the side elevation, the double doors and windows on the end elevation and the glazed roof officers do not feel the impact is significant enough to warrant refusal of planning permission as adequate sunlight and daylight would still reach the extension.

13. Policy HS19 also assesses development in terms of creating a sense of enclosure or being of an overbearing nature. With regards to 144 Kingston Road the ground floor element will extend 2.9m beyond the existing outrigger and the first floor element by 0.9m. The eaves of the ground floor element are 0.9m above the existing boundary wall with the pitch of the roof sloping away from the boundary. The dimensions of the ground floor element have been kept to a minimum and are below what could be built under permitted development therefore it is not considered to be overbearing or create a sense of enclosure.
14. In respect of 142 Kingston Road the ground floor element is 2m from their side elevation (1m from the common boundary) and is just less than 1m shorter than the ground floor extension. There is an approx 2m high brick wall between both properties and the eaves are marginally higher at 2.7m compared to 2.55m. Given the separation distance, the existing boundary conditions and the similarities in scale and form of the proposal to that at 142 Kingston Road again officers do not consider the proposal to be overbearing or create a sense of enclosure in relation to this property either.
15. Policies HS19 and CP10 of the OLP require the correct siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties and proposals will be assessed in terms of potential for overlooking into habitable rooms or private open space. All windows in the proposal face down the garden apart from a side window in the basement and roof lights in the ground floor element. The window in the basement is at ground floor level and does not therefore overlook anything. Given the nature of roof lights it is not possible to look out of them. They are merely a means of getting light into a room and have an internal cill height set at 3m. Officers therefore take the view that the proposal would not give rise to any overlooking issues and hence no loss of privacy.

Trees

16. Policy NE15 and NE16 of the OLP seek to retain trees and protected trees where their loss would have a significant adverse impact upon public amenity. The proposal will result in the loss of a number of small garden trees in the rear garden. However these are only partially visible to public views via Tackley Place and the loss of them will not result in any significant harm to public visual amenity or to the character and appearance of the conservation area. A condition will be added to ensure retained trees are protected during construction.

Sustainability

17. The proposal will make efficient use of the land and will provide improved family accommodation and notwithstanding the need to meet the requirements of the Building Regulations a condition is suggested for information on how sustainable design and construction methods will be incorporated into the building(s) and how energy efficiency has been

optimised through design and by utilising technology that helps achieve Zero Carbon Development.

Other Issues (arising from consultation responses)

18. The constructional integrity of the proposed basement and incorporation of water and drainage runs are not a planning issue and should be dealt with under Building Regulations.
19. Whilst the demolition may affect the structural integrity of adjoining structure, this is not a matter for consideration under planning. This should be dealt with via Building Regulations and/or the Party Wall Act.
20. Issues such as for access, scaffolding and security are not a planning matter and are matters to be dealt with between the interested parties.
21. Officers consider the 3D visual representation drawing as for illustrative purposes only and it would not constitute an approved plan should planning permission be granted.
22. Planning permission would be required to use the basement as a separate unit of accommodation. As it is not proposed within this application it has not been considered. A condition could be added should members wish to reinforce the matter.

Conclusion:

For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accords with all the relevant policies within the development framework and therefore recommends approval as the proposal is considered to form an appropriate visual relationship with the dwelling and its surroundings and do not impact on the immediate neighbours in a detrimental way.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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 safety.

Background Papers:

11/03109/FUL

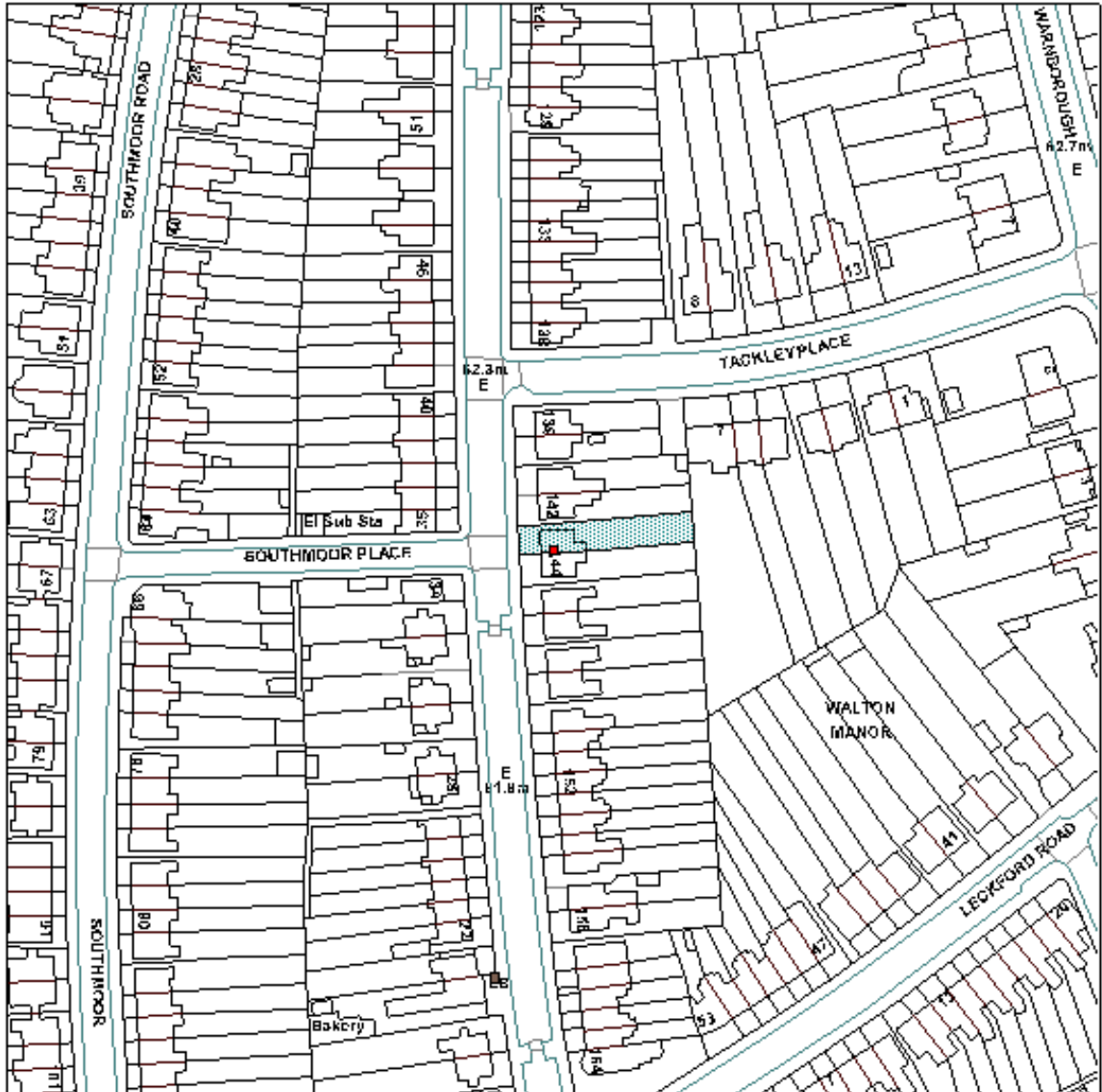
Contact Officer: Lisa Green

Extension: 2614

Date: 3 February 2012

Appendix 1

11/03109/FUL 143 Kingston Road



Scale : 1:1250



© Crown Copyright and database right 2011.
Ordnance Survey 100019348.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	02 February 2012
SLA Number	Not Set

This page is intentionally left blank

West Area Committee

15th February 2012

Application Number: 12/00196/CT3

Decision Due by: 23rd March 2012

Proposal: Installation of photovoltaic panels.

Site Address: Ferry Sports Centre Ferry Pool Road Oxford Oxfordshire

Ward: St Margaret's Ward

Agent: Mr Inderpal Bhogal -ADP
Architects

Applicant: Oxford City Council

Recommendations:

- 1) That the committee delegate authority to officers to determine the application, in liaison with the Chair of the West Area Planning Committee, pending the expiry of the consultation period.
- 2) In the event that the committee resolves to delegate the determination of the application, Members are asked to indicate to officers the main issues arising from the application as they see them.

For the following reason:

In order that a prompt decision can be made so that, in the event that planning permission is granted, it would still be possible to implement the development within the timescales of the expiry of the higher Feed in Tariffs for renewable energy currently being offered by the government, without the need for an extraordinary meeting of the Committee.

Main Local Plan Policies:

The policies listed below are those which are considered to be relevant in the consideration of this application.

Oxford Local Plan 2001-2016:

CP 1 Development proposals

CP10 Siting Development to Meet Functional needs

CP16 Renewable Energy

Core Strategy:

CS9_ - Energy and natural resources

CS18_ - Urban design, town character, historic environment

Other Material Considerations:

PPS22 – Renewable energy

Relevant Site History:

09/02715/CT3- Erection of single storey extension to gym. Realignment of parking spaces and provision of new covered cycle parking spaces. Permitted- 21.01.2010

10/00843/CT3- Display of 1x externally illuminated fascia sign. Permitted 18.05.2010

Representations Received: None to date but officers will carefully assess any representations that are received with a view to addressing any concerns and, if necessary imposing planning conditions to mitigate against any identified harm.

Statutory and Internal Consultees: None to date but officers will carefully assess any representations that are received with a view to addressing any concerns and, if necessary imposing planning conditions to mitigate against any identified harm.

Issues:

Principle of development

Visual Impact

Impact on Neighbours

Officers Assessment:

1. Site

1.1 The application site comprises of the Ferry Sports and Leisure centre situated north-west of Ferry Pool Road, which is a no-through road, leading to the sports centre complex. The site features a cluster of buildings with the large main sports centre building north-west of the site with the Sports Hall, which is the subject of this application, to the south extent of the site.

2 Proposal

2.1 Planning permission is sought for the installation of solar panels on the roof of the sports centre building on both the north and south facing slopes of the curved roof. The panels on the south roof slope are proposed to cover this half of the roof and approximately 2/3^{rds} of the north half of the roof slope in order to maximise the efficiency of the array.

3. Sustainability

3.1 The proposal would constitute a highly sustainable proposal that would

increase the energy efficiency of the building by the use of renewable energy from the sun.

- 3.2 Renewable energy is that which flows from naturally occurring sources and in this proposal, the sun. The Government currently offers ranges of incentives to stimulate the generation of electricity supplies through renewable sources. Policy CP16 of the OLP states that the City Council will encourage the use of photovoltaic panels where appropriate on both new and existing buildings in appropriate locations. Policy CS9 of the adopted Core strategy states that development should seek to minimise carbon emissions and where possible include optimising energy efficiency by utilising appropriate technologies.
- 3.3 Whilst the performance of the photovoltaic system proposed cannot be predicted with any certainty due to variability in solar radiation over the seasons, the estimate provided by the applicant's agent is that the power generated by the scheme proposed would generate 39,391 kwh/year and reduce Co₂ emissions by 20,838 kg/year.

4. Principle and visual Impact

- 4.1 Policy CS9 of the adopted Core strategy states that development should seek to minimise carbon emissions and where possible include optimising energy efficiency by utilising appropriate technologies. The sports hall is a large functional building and utilitarian in appearance. The hall has a curved roof with a shallow 'pitch'.
- 4.2 Policy CP1 of the OLP is a central and general policy which states that development will only be granted planning permission where the proposal respects the character and appearance of the area. Policy CP10 has regard to the siting of development for functional needs. It states that planning permission will only be granted where proposals are shown to not adversely affect occupiers of the properties surrounding the proposed development.
- 4.3 The site is not in a conservation area and nor is it listed or affecting the setting of any listed buildings. There are listed buildings ('Diamond Cottages') situated to the west of the sports hall, but these are partly obscured by the south wing of the main sports centre building (squash courts) and for this reason the application has not been advertised as affecting the setting of the listed buildings.
- 4.4 The panels would be likely to be visible to some occupants of Dorchester Court to the south but they are set back by such a distance that due to the positioning and shallow profile of the roof and the proposed array any views of the panels would be set against the roof and would not materially alter the view of the building from those properties. There will be no other harmful impacts and therefore the proposal is considered acceptable although officers will have due regard to any comments received during the consultation period. Members will be updated verbally of any further

comments.

5 Summary

- 5.1 Officers will carefully consider and have due regard to any comments which may be received during the consultation period.
- 5.2 Officers have not yet identified any issues or constraints that would have a negative bearing on a recommendation but should any be identified during the consultation period these will be assessed and addressed in any recommendation or in liaison with the Chair of the West Area Planning Committee.
- 5.3 Should any adverse impacts be identified, officers will consider if any unacceptable harm could be overcome by the imposition of conditions, if planning permission is granted.

Human Rights Act 1998

Officers will consider the Human Rights Act 1998 in reaching any recommendation. Officers will also consider the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act in the event that planning permission is granted and conditions are imposed on the basis and that those actions will be proportionate.

Officers will also consider the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol if planning permission is granted and conditions are imposed. In such circumstances officers will have considered that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference would therefore be justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers will consider 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, officers will have to consider whether the proposal will undermine crime prevention or the promotion of community safety.

Background Papers: 12/00196/CT3

Contact Officer: Hannah Revell

Extension: 2241 Direct line 01856 252241

Date: 1 February 2012

Appendix 1

12/00196/CT3 Ferry Sports Centre



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	03 February 2012
SLA Number	Not Set

This page is intentionally left blank

Agenda Item 10

Monthly Planning Appeals Performance Update – December 2011

Contact: Head of Service City Development: Michael Crofton-Briggs.
Tel 01865 252360.

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 31 December 2011, while Table B does the same for the current business plan year, ie. 1 April 2011 to 31 December 2011.

Table A. BV204 Rolling annual performance (to 31 December 2011)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	11	(32%)	5 (50%)	6 (25%)
Dismissed	23	68%	5 (50%)	18 (75%)
<i>Total BV204 appeals</i>	34		10	24

Table B. BV204: Current Business plan year performance (1 April to 31 December 2011)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	9	(36%)	3 (43%)	6 (33%)
Dismissed	16	64%	4 (57%)	12 (67%)
<i>Total BV204 appeals</i>	25		7	18

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C. All planning appeals (not just BV204 appeals): Rolling year to 31 December 2011

	Appeals	Percentage performance
Allowed	12	(31%)
Dismissed	27	69%
All appeals decided	39	
Withdrawn	8	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during December 2011.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during December 2011. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D Appeals Decided Between 1/12/11 And 31/12/11

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
11/00887/FUL	11/00029/REFUSE	DEL	REF	DIS	14/12/2011	NORTH	5 Farndon Road Oxford Oxfordshire OX2 6RS	Two storey extension to side, front and rear extension to basement and rebuild front porch
11/01398/FUL	11/00028/REFUSE	DEL	REF	ALC	20/12/2011	WOLVER	3 Bladon Close Oxford Oxfordshire OX2 8AD	Subdivision of garden. Erection of 2 storey 4-bed detached house. (Re-submission of planning application 10/03424/FUL)

Total Decided: 2

TABLE E Appeals Received Between 1/12/11 And 31/12/11

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
 RECMND KEY: PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
11/00853/FUL	11/00047/REFUSE		REF	W	72 Wolsey Road Oxford Oxfordshire OX2 7TA	SUMMT	Erection of single storey one bedroom dwelling.
11/01486/T56	11/00046/REFUSE	DEL	4PA	W	Land North Of Heritage Gate Sandy Lane West Oxford Oxfordshire	LITTM	Application for prior approval for 12.5m Hutchinson Jupiter Streetworks column and equipment cabinet.

Total Received: 2

WEST AREA PLANNING COMMITTEE

Wednesday 11 January 2012

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Goddard (Vice-Chair), Benjamin, Cook, Gotch, Jones, Khan, Price and Tanner.

OFFICERS PRESENT: Alec Dubberley (Democratic and Electoral Services Officer), Martin Armstrong (City Development), Felicity Byrne (City Development), Angela Fettiplace (City Development) and Matthew Parry (City Development)

77. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

None.

78. DECLARATIONS OF INTEREST

3. Fox and Hounds, 279 Abingdon Road, Oxford - 11/02594/FUL, 11/0297/FUL, 11/02595/FUL, 11/02596/FUL and 11/02591/ADV.

Councillor Elise Benjamin, Personal and Prejudicial, is employed by one of the objectors to the application.

3. Fox and Hounds, 279 Abingdon Road, Oxford - 11/02594/FUL, 11/0297/FUL, 11/02595/FUL, 11/02596/FUL and 11/02591/ADV.

Councillor Shah Khan, Personal, was acquainted with one of the objectors to the development.

7. Recreation Ground, Meadow Lane, Oxford - 11/01473/FUL.

Councillor Bob Price, Personal, had contacted the applicants to state that the opening of a skate park would be welcomed, although approaching the meeting with an open mind.

7. Recreation Ground, Meadow Lane, Oxford - 11/01473/FUL.

Councillor Colin Cook, Personal, had been approached by a work colleague to discuss highway arrangements in the vicinity of the site.

7. Recreation Ground, Meadow Lane, Oxford - 11/01473/FUL.

Councillor Elise Benjamin, Personal, had attended a residents' meeting where the application was discussed without expressing a view.

7. Recreation Ground, Meadow Lane, Oxford - 11/01473/FUL.

Councillor Graham Jones, Personal, had invited a relative of the applicant to the Lord Mayor's charity Christmas party in recognition of community work.

7. Recreation Ground, Meadow Lane, Oxford - 11/01473/FUL.

Councillor Oscar Van Nooijen, Personal, had received correspondence from interested parties.

9. 3 Lathbury Road, Oxford - 11/02722/FUL.

Councillor Oscar Van Nooijen, Personal, had received correspondence from interested parties.

79. FOX AND HOUNDS, 279 ABINGDON ROAD, OXFORD - 11/02594/FUL, 11/0297/FUL, 11/02595/FUL, 11/02596/FUL AND 11/02591/ADV

The Head of City Development submitted a report (previously circulated, now appended) which gave details of the following planning applications:

11/02594/FUL - Demolition of existing public house. Erection of 3 storey building to provide retail store on ground floor and 1 x 3 bedroom, 1 x 1 bedroom and 2 x 2 bedroom flats on upper floors. Provision of plant enclosure, service yard, 9 x retail car parking spaces, 7 x residential car parking spaces, cycle parking, bin storage, landscaping and communal open space -

11/0297/FUL - Alterations to frontage of existing building to provide new shop front and creation of a ramped access.

11/02595/FUL - Installation of plant and associated fencing

11/02596/FUL- Installation of an ATM

11/02591/ADV - Display of 4 externally illuminated fascia signs and one internally illuminated hanging sign.

The Development Control Team Leader explained that the applications had been deferred from the previous meeting in order to obtain clarity on concerns raised about highway and pedestrian safety. Farakh Hamid from Oxfordshire Highways spoke to the meeting to clarify the response given and to answer any further questions.

In accordance with the criteria for public speaking Mr Afzal, a local business owner, spoke in objection to the developments raising concerns on highways safety and lack of need for the development. Gemma Brickwood, Simon Peter and Nathan Hanks (on behalf of the applicants) spoke in support of the proposal. The Committee was also advised that the applicant had withdrawn application 11/02596/FUL to install a cash machine.

The Committee considered all submissions both written and oral and it was:

Resolved

In respect of 11/02594/FUL to:-

- (1) Support the development in principle, subject to the conditions in the officer's report, but defer the application in order to complete an accompanying legal agreement as outlined in the officers' report and to delegate to officers the issuing of the notice of planning permission on its completion.
- (2) Impose a further condition requiring that no occupation of the building shall occur until measures have been put in place in, accordance with Highway Authority specifications, to provide for alterations to the junction of Weirs Lane and Abingdon Road and/or the carriageway and pavements of Weirs Lane up to the first

bridging point of the River Thames to improve pedestrian safety in crossing the roads in order to mitigate against the pedestrian and highway safety implications of the approved development.

- (3) To impose a further condition requiring the applicant to construct a brick wall on the side of the site bordering 10 Weirs Lane.

In respect of 11/0297/FUL to refuse planning permission for the following reasons:

- (1) The proposal would be an inadequate use of the site
- (2) The number of car parking spaces would be too large and of concern for highway safety
- (3) The proposal would not be in keeping with the character and appearance of the area.
- (4) The development would not provide much needed housing in the area.

In respect of 11/02595/FUL to refuse planning permission for the following reasons:

- (1) The proposal would be an inadequate use of the site
- (2) The number of car parking spaces would be too large and of concern for highway safety
- (3) The proposal would not be in keeping with the character and appearance of the area.

In respect of 11/02591/ADV:

To approve the application subject to the conditions in the officer's report.

80. 3 LATHBURY ROAD, OXFORD - 11/02722/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing a planning application for the Erection of a two storey side extension and first floor extension to rear of property together with associated internal alterations.

In accordance with the criteria for public speaking George Brownlee spoke in objection to the development highlighting concerns that the development would be out of character for the area. Anthony Crean spoke on behalf of the applicant in support of the development.

The Committee considered all submissions both written and oral and it was:

Resolved to:-

- (1) Approve the application subject to the conditions in the officer's report
- (2) Add an additional informative to ask for a hipped roof to be put onto the extension.

81. RECREATION GROUND, MEADOW LANE, OXFORD - 11/01473/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing a planning application for the demolition of existing timber skate park facilities and construction of new concrete skate park facilities.

In accordance with the criteria for public speaking the Sarah Wilde spoke on behalf of the Iffley Fields Residents' Association objecting to the proposal on grounds of the scale of the proposal and Pamela Webber and Jack Richens spoke in support.

The Committee considered all submissions both written and oral and it was:

Resolved to:-

- (1) Grant planning permission subject to the conditions in the officer's report
- (2) Amend the condition on operating hours to allow the new park to be used between the hours of 10am and dusk on both weekdays and weekends.

82. CANTAY HOUSE, PARK END STREET, OXFORD - 11/02477/FUL

The Head of City Development submitted a report detailing an application for the demolition of a building and the erection of a 5 storey building to comprise 44 student study rooms plus warden's accommodation.

In accordance with the criteria for public speaking Tony Joyce spoke in objection to the development stating he felt that student accommodation was inappropriate for the site. Nik Lyzba, on behalf of the applicant, spoke in support of the development.

The Committee considered all submissions both written and oral and it was:

Resolved to:-

- (1) To support the development in principle, subject to the conditions in the officer's report, but defer the application in order to complete an accompanying legal agreement as outlined in the offers' report and to delegate to officers the issuing of the notice of planning permission on its completion.
- (2) Add the additional Informatives as follows:
 - i. Grey water

- ii. To make provision to encourage the nesting of Kingfisher and Sand martin varieties of bird.

83. 109A BANBURY ROAD, OXFORD - 11/02850/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for alterations to garden building including the addition of a kitchen to enable it to be used as a self contained annexe ancillary to 109A Banbury Road.

In accordance with the criteria for public speaking Karen Hewitt and David Madden spoke in objection to the development highlighting concerns of over development and Mr Fiorentino, the applicant, spoke in support.

The Committee considered all submissions both written and oral and it was:

Resolved to grant a personal planning permission to the applicant subject to the conditions in the officer's report.

84. GREEN STREET BINDERY AND 9 GREEN STREET, OXFORD - 11/02850/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for Demolition of existing buildings. Erection of 2 and 3 storey building to provide 1x1 bed, 5x2 bed and 1x3 bed residential properties as well as provision of car and cycle parking and landscaping.

In accordance with the criteria for public speaking Hillary Cave spoke in objection to the development explaining concerns that the proposal was out of character for the area. Nik Lyzba, the applicant's agent, and Mike Tait spoke in support of the development.

The Committee considered all submissions both written and oral and it was:

Resolved to:-

- (1) Refuse planning permission for the reasons listed in the officers report
- (2) Add an eighth reason namely that the proposal made no provision for affordable homes contrary to the recently approved Housing Development Planning Document.

85. PLANNING APPEALS

The Head of City Development submitted a report (previously circulated, now appended) giving details of planning appeals received and determined during November 2011.

Resolved to note the report.

86. FORTHCOMING APPLICATIONS

Members noted the following planning applications which would be before the Committee at future meetings:-

- (1) Linton Lodge Hotel, Linton Road: 11/02916/FUL: Extensions etc
- (2) 376 Banbury Road: 11/03008/FUL: 9 flats
- (3) 56 St. Clements: 11/02722/VAR: Variation to residential permission.
- (4) Innovations House, Mill Street: 11/03005/FUL: Student accommodation
- (5) Castle Mill, Roger Dudman way: 11/02881/FUL: Student accommodation
- (6) University Science area: 11/00940/CONSLT: Masterplan (Not a planning application)

87. MINUTES

Resolved to approve as a correct record the minutes of the meeting held on 8 December 2011.

The meeting started at 6.00 pm and ended at 9.42 pm