

Agenda

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East Area Planning Committee

Date: **Wednesday 2 November 2011**

Time: **6.00 pm**

Place: **Council Chamber, Town Hall**

For any further information please contact:

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

East Area Planning Committee

Membership

Chair	Councillor Roy Darke	Headington Hill and Northway;
Vice-Chair	Councillor David Rundle	Headington;
	Councillor Stephen Brown	Carfax;
	Councillor Mary Clarkson	Marston;
	Councillor Van Coulter	Barton and Sandhills;
	Councillor Jean Fooks	Summertown;
	Councillor Bryan Keen	Cowley;
	Councillor Gill Sanders	Littlemore;
	Councillor Dick Wolff	St. Mary's;

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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 prejudicial interests they may have in any of the following items.</p>	
3 103-104 ST. MARY'S ROAD, OXFORD - 11/02205/FUL	1 - 12
<p>The Head of city Development has submitted a report which details a planning application for the conversion and alterations of external retained workshop to provide 3 two-bed live/work units with private gardens. Erection of two and a half storey building containing 3 flats (1 x one-bed and 2 x two-bed). Car and cycle parking provision.</p> <p>Officer recommendation: Approve subject to conditions.</p>	
4 BRICKLAYERS ARMS, 39 CHURCH LAND, OLD MARSTON, OXFORD - 11/02477/FUL	13 - 24
<p>The Head of City Development has submitted a report which details a planning application for the conversion and alteration to the existing public house to form a four bedroom dwelling, together with erection of five dwellings and garages parking, landscaping and alterations to existing access. (Amendment to permission 11/01331/FUL)</p> <p>Officer recommendation: Approve subject to conditions.</p>	
5 FORMER OXFORD BUS GARAGE, 395 COWLEY ROAD, OXFORD - 11/02386/VAR	25 - 30
<p>The Head of City Development has submitted a report which details a planning application for the variation of condition No. 7 of planning permission 09/01201/OUT for Class B1 business use and student accommodation to allow occupation and student accommodation by full time student attending courses of one academic year or more</p> <p>Officer recommendation: Approve subject to conditions.</p>	
6 BURY KNOWLE PARK, OXFORD - 11/02174/CT3	31 - 34
<p>The Head of City Development has submitted a report which details a planning application for the display of a Green Flag.</p> <p>Officer recommendation: Approve subject to conditions.</p>	

7 PLANNING APPEALS

35 - 38

To receive information on planning appeals received and determined during September 2011

The Committee is asked to note this information.

8 FORTHCOMING PLANNING APPLICATIONS

These items are for information only and are not for discussion or determination at this meeting.

- (a) Former Dominion Oils site, Railway Lane – 11/02189/OUT
- (b) Temple Court Business Centre, Oxford – 11/02152/FUL
- (c) Unit 1, Templars Shopping Park, Oxford – 11/02032/FUL
- (d) 293 London Road, Oxford – 11/02584/FUL
- (e) 69 Cherwell Drive, Oxford – 11/02533/FUL
- (f) 72 Rose Hill, Oxford – 11/02377/FUL
- (g) 54 William Street, Oxford – 11/02305/FUL

9 MINUTES

39 - 42

Minutes of the meeting held on 6 October 2011

10 DATES OF FUTURE MEETINGS

All meetings start at 6.00pm unless otherwise stated.

Tuesday 6 December 2011 **Meeting starts at 4.00pm** (and 9 December if necessary)

Wednesday 4 January 2012 (and 5 January if necessary)

Wednesday 1 February 2012 (and 2 February if necessary)

Wednesday 7 March 2012 (and 8 March if necessary)

Tuesday 3 April 2012 (and 5 April if necessary)

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.

East Area Planning Committee

- 2nd November 2011

Application Number: 11/02205/FUL

Decision Due by: 19th October 2011

Proposal: Conversion and alterations of external retained workshop to provide 3No. two-bed live/work units with private gardens. Erection of two and a half storey building containing 3No. flats (1 x one-bed and 2 x two-bed). Car and cycle parking provision.

Site Address: 103-104 St Mary's Road Oxford (**Appendix 1**)

Ward: St Marys Ward

Agent: Riach Architects

Applicant: Stephen Moss
Developments

Recommendation: The East Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal would make a more efficient use of a previously developed site. It would maintain an employment use while providing residential accommodation in a manner which adequately provides for the amenities of future residents. The development would be a sympathetic addition to the site and its surroundings and would preserve the residential amenities of neighbouring properties. The application accords with the policies of the Local Plan and Core Strategy.
- 2 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.
- 3 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 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Car Parking accord with plans
- 8 Details of Bin and Cycle Storage
- 9 Vision splays
- 10 Rumble Strip
- 11 Live/work unit not to be occupied separate
- 12 Live/work unit not sub divided
- 13 Live/work unit B1 only
- 14 No storage of plant etc in open areas
- 15 Design - no additions to dwelling
- 16 Omission/replacement with obscure glass in Northwest windows
- 17 Roof light cills 1.8m minimum height
- 18 Details of privacy screens
- 19 Land contamination study

For the following reasons:

subject to the following conditions, which have been imposed for the reasons stated:-

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
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE21** - Species Protection

Oxford Core Strategy 2026

- CS2_** - Previously developed and greenfield land
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

CS28_ - Employment sites

Other Material Considerations:

The site lies within the St Clements and Iffley Road Conservation Area

PPS 1 – Delivering Sustainable Development

PPS3 - Housing

PPS 4 – Planning for Sustainable Economic Growth

PPS 9 - Biodiversity and Geological Conservation

PPG 13 – Transport

PPS25 – Development and Flood Risk

Regional Spatial Strategy for the South East

Balance of Dwellings Supplementary Planning Document

Parking Standards, Transport Assessments and Travel Plans Supplementary Planning Document

Relevant Site History:

06/00715/FUL - Demolition of sheds and outbuildings. Erection of three storey building (including rooms in the roof) fronting St. Mary's Road containing 5x1 bed flats and 2 car parking spaces to frontage. Conversion and alterations of retained workshop at rear to provide 3x1 bed live/work units. Provision of 6 car parking spaces in court yard (Amended plans and description) (103-104 St Marys Road and rear of 102 St Marys Road) – Approved

05/02033/FUL - Demolition of sheds and outbuildings. Erection of three storey building (including rooms in roof and undercroft) fronting St. Mary's Road containing 5 x 1-bed flats and 1 parking space. Conversion and alterations of retained workshop at rear to provide 3 x 2-bed houses. Provision of 7 parking spaces (103-104 St Marys Road and rear of 102 St Marys Road) – Withdrawn

03/00818/FUL - Demolition of single storey two storey 3 bedroom terraced house, single storey photographic workshop and related storage buildings (200 sq m). Erection of 3 storey block of 9x1 bedroom flats (with third floor in roof space) to St Mary's Road with covered accessway to single and two storey block at rear to provide two workshop/office units (112 sq m) on ground floor and 2x1 bed flats on first floor. Provision of communal landscaped courtyard, 4 car parking spaces for workshop occupiers and bicycle parking for occupiers of flats and workshop (Amended Plans) (102-104 St Marys Road) – Refused

02/02117/FUL - Demolition of existing storage buildings, alterations and extensions to 102 St Marys Road to form 9x1 bedroom flats in a 3 storey high building across the site frontage. Alterations, extensions and change of use of the workshop buildings at the rear to form 5x1 bedroom flats. Formation of vehicular access to serve 7 parking spaces. (102-104 St Marys Road) - Refused

Third Party Representations Received: One letter of comment has been received from No 9 Hawkins Street. The comments can be summarised as follows:

- Overdevelopment
- Too close to adjoining properties

- Too dense
- General dislike of proposal
- Loss of privacy
- Out of keeping with area
- Loss of historic use
- Substandard and cramped accommodation
- Bin and cycle storage inadequate and poorly sited
- Amenity spaces too small

Statutory and Internal Consultees:

Highways And Traffic – No objection as the proposal is similar to scheme approved under reference 06/00715/FUL.

Thames Water Utilities Limited – No objection

Oxford Civic Society - Substandard and cramped accommodation. Bin and cycle storage inadequate and poorly sited. Amenity spaces too small

Officers Assessment:

Site Description and Proposal

1. The application site is identified in **Appendix 1** and comprises No 103-104 St Mary's Road, a disused workshop building which is presently occupied by INEVENTS as a community venue known as the 'Old Boot Factory'.
2. The original single storey frontage buildings and other out buildings have been long since removed and the main workshop building, constructed in 1933, is all that remains of the original Boot Factory. The workshop is single storey with a feature 'Dutch' style gable facing southwest towards the road. Behind the gable is a series of pitch roofs, with ridges running parallel to the road rather than away from the gable as is more traditionally the case. Vehicular access is off St Mary's Road and there is a secondary pedestrian access to the northeast via an alleyway leading to Randolph Street.
3. The site is located within a predominately residential area, although the busy commercial centre of Cowley Road is a few hundred metres to the north/northwest.
4. Planning permission is sought for the extension to the roof of the existing workshop building and its conversion to form three live/work units (with work space on the ground floor and 2 bed flats in the extended roof space). The roof extension will introduce a new ridge running away from the front feature gable. The original roof forms are retained and the new apex will be 1.8m higher than the original roof.
5. At the front of the site, in the gap between No 102 and 105 St Marys Road, the application proposes the erection of a two storey building (with accommodation in the roof space) providing three flats (comprising 1x1 bed and 2x2 bed).

6. Car parking is provided off street for six vehicles, four of which are located to the rear of the frontage building with access off St Mary's Road via an underpass, while two spaces are in front of the new frontage building. Cycle parking and bin storage is also accommodated within the site.
7. Officers consider the main issues of the case to be the planning history, principle of development including the balance of dwellings, form, scale and appearance, proposed residential environment, impact on neighbouring properties, parking and biodiversity.

Planning History

8. Planning permission was granted under reference 06/00715/FUL for the demolition of sheds and outbuildings and the erection of a three storey building (including rooms in the roof) fronting St. Mary's Road containing 5x1 bed flats and conversion of the workshop building provide 3x1 bed live/work units. Provision of 6 car parking spaces in court yard (Amended plans and description) (103-104 St Marys Road and rear of 102 St Marys Road). The current proposal is for the most part very similar to the previously approved scheme.
9. The 2006 planning permission has expired, however there has been no major change in the policy context. Although the Council has since adopted its Core Strategy and the Balance of Dwellings Supplementary Planning Document (BoDs), the Core Strategy does not introduce policies that were fundamentally different to those against which the previously approved scheme was assessed and the number of residential units does not fall to be considered by BoDs for the reasons set out below. In such cases CLG Circular 03/09 - *Costs Awards in Appeals and Other Planning Proceedings* points out that a planning authority may be considered to have acted unreasonably if it does not determine like cases in a like manner. The Circular further explains that a Planning Authority may be vulnerable to costs in two other circumstances noted in the circular: where it fails to grant permission for a scheme that is subject to an extant or recently expired permission and where there has been no material change in circumstances. In this regard officers would advise that as there has been no great shift in the policy context or site constraints, it would not be reasonable to resist those elements which remain the same or very similar to the approved 2006 scheme. For clarity the current application has the following differences to the previously approved scheme:
 - Rear building now incorporates a roof extension to accommodate 2 bed flats rather than 1 bed flats as approved in 2006;
 - Current scheme has 2 less units than the approved scheme;
 - Mix of units is now 3x2 bed live/work, 2x2 bed and 1x1 bed flats, rather than the approved mix of 3x1 bed live/work units and 5x1 bed flats;
 - Work units on average are larger than approved scheme;
 - 1 less car parking space in current proposal;

- Detailing of frontage building altered to include brick lintels, whereas the approved scheme had simpler detailing;
 - Rear elevation of frontage building altered to infill the 'gap' between the two rear projections of the approved scheme;
 - 2nd floor terraces now proposed.
10. Since registration of the application officers have requested changed to the plans to address some concerns about the outdoor space for the 2x2 bed flats in the frontage building. The following changes have been made:
- Depth of rear wall at 2nd floor level reduced by 450mm;
 - Terraces increased in size from 1.55m (d) x 3.8m (w) to 2.05m (d) x 4.2m (w);
 - The layout of the 1st/2nd floor maisonettes altered to provide communal rooms (i.e. kitchen and living room) on 2nd floor so that terraces are accessed directly from communal living areas.

Principle of Development

11. The site is not a Key Protected Employment Site as identified by policy CS28 of the Core Strategy. However the site is afforded the normal protection for employment generating sites, included as part of the 'cascade approach' to safeguard the supply of employment sites set out in the Core Strategy.
12. Policy CS28 recognises the importance of small employment generating sites and their contribution to the economic and social wellbeing of the City. In response to this the application, like the 2006 permission, proposes the modernisation of the workshop to create three live/work units. This approach would maintain an employment use on the site in accordance with policy CS28. Local Plan policy CP6 states that development proposals should make efficient use of land by making best use of site capacity.

Balance of Dwellings

13. Core Strategy policy CS23 comments that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this policy CS23 supports a balance of dwelling types within any given locality.
14. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoDs) has assessed the housing stock within Oxford and has identified areas of pressure. The aim of BoDs is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.
15. The application site falls within an area defined by the SPD as red, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. BoDs

does not prescribe a mix for development with three or fewer units and as such the provision of a 1x1 bed flat and 2x2 bed maisonettes is acceptable in principle. The BoD's is not applicable to live/work units.

Form, Scale and Appearance

16. Local Plan policy CP8 states that the siting, massing and design of development should create an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area. While 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.
17. The street is characterised by residential development of a traditional domestic scale and appearance. The houses in the street are, with a few exceptions, all two storeys in height and form long terraces with very few breaks in the building line. The terraces are set back from the edge of the street behind a small yard or front garden which is enclosed by a low wall or in some cases a hedge.
18. The larger terrace is made up of shorter blocks of uniform terraces, with ridge, eave and roof planes matching. The front elevations also exhibit a degree of repetition with the door lintels being brick arches or more decorative stone. Most houses have ground floor bay windows. However, amid this uniformity the street exhibits variety, this is typified by the long terraces being made up of smaller blocks each with their own qualities. The ridge heights and roof lines differ in places and the replacement of original timber sash windows with metal or UPVC imitations adds further variety. More recent development has seen the insertion of a number of dormer windows fronting the street.
19. The site is between No 102 and 105 St Mary's Road, both of which have similar features but different eave and ridge lines. In response to the variety in the street the proposal does not match the ridge height of either neighbour nor does it seek to replicate their features. The proposed frontage building follows the strong building line of the road and is of a similar scale and form to the other houses in the street. Its appearance, which includes the undercroft, 1st floor Juliet balconies and small box style dormer windows, is considered to be a more modern interpretation of the street and its characteristics. It should also be noted that the scheme approved in 2006 had an identical scale and form to that now proposed. The only difference is that the current scheme incorporates brick lintels.
20. The workshop building would not be visible from St Mary's Road, however presently there are glimpsed views from Leopold Street. The alterations to the roof would introduce a new ridge which would be 1.8m higher than the ridge of the existing roof. The new roof would take a traditional pitch form and although partially visible from Leopold Street and some neighbouring gardens, it pitches away from the edges for the building and as such the additional height does not add greatly to the bulk of the building. The

existing multiple pitch roof will also assist in breaking up the new area of roof. The roof extension is not therefore considered to be unsympathetic to the appearance of the existing building.

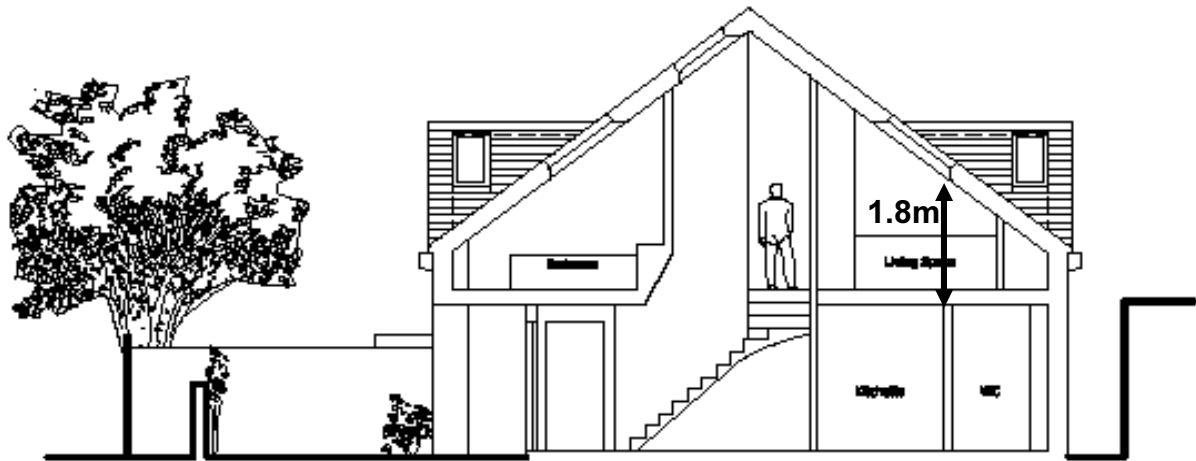
21. In consideration of the character of the street, as well as the scheme approved in 2006, officers conclude that the proposal would not be unsympathetic to the character or appearance of the street.

Proposed Residential Environment

22. The Local Plan requires proposals for new residential development to adequately provide for the needs of future occupiers. An acceptable internal and external environment must be provided. Specifically policy HS11 requires flats to be well lit and ventilated, fully self contained and to have a floor area in excess of 25m². The proposed flats all comply with these requirements.
23. Residential accommodation is also required to cater for the outdoor needs of future occupiers by way of an acceptable residential environment and garden space. Local Plan policy HS21 states that planning permission should be refused when insufficient or poor quality private open space is provided. The policy explains that where the units proposed are unlikely to be occupied by a family then access to a communal space may be reasonable. It goes on to say that units with two or more bedrooms should have exclusive use of an outdoor space.
24. The three live/work units have exclusive and direct access to gardens measuring between 5.4 and 5.8m wide and 4.7 to 5m long. These gardens would be adequate for the purposes of the live/work units and comply with the requirements of policy HS21.
25. The one bed flat on the ground floor of the frontage building would have exclusive and direct access to an outdoor space measuring 2.7m x 5.9m. For the purposes of a one bed flat this space is considered to be acceptable and in accordance with the requirements of policy HS21.
26. The 2x2 bed maisonettes have direct access to and exclusive use of a terrace on the 2nd floor. These terraces each measure 2.05m (d) x 4.2m (w). Policy HS21 states that outdoor space can be provided in the form of a balcony and although not large, the terraces would provide adequate space for a table and chairs or to dry clothes. Given the constraints of the site the outdoor spaces provided are considered to be acceptable.
27. No 102 St Marys Road, also in the ownership of the applicant, presently has no private outdoor space. The proposals will provide an exclusive rear garden for No 102 which will be to the betterment of existing and future residents.
28. Questions have been raised about the internal environment of the flats in the workshop building. In the first instance the 2006 permission included

no roof extension and was deemed to be acceptable by the Council. Secondly, the roof extension significantly improves the head heights within the roof space and the carefully positioned roof lights allow an outlook without resulting in a loss of privacy to neighbouring properties. Figure 1 shows a section through the building and demonstrates the acceptable head height.

Figure 1 – Section of Workshop Building



Rear Building - Section d-d

Impact on Neighbouring Properties

29. Policy HS19 of the OLP 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.
30. The roof extension to the workshop would not have an overbearing impact on the neighbouring properties as it slopes away from both side boundaries at an angle of 40°. The existing pitch roof elements of the workshop cut into the new roof thus breaking up its bulk. The impact on neighbouring properties in St Marys Road would not therefore be unreasonable. The site backs onto Hawkins Street, with the rear gardens of No 1-5 backing onto the site. The increase in height would have a minimal impact on these properties due to the back to back separation distances and the pitch roof design of the roof extension. There is a betterment by way of the removal of glazing in the rear roof pitch of the existing workshop and although there will be a roof light replacing these windows, it will be high level so as to prevent any overlooking.
31. The northwest elevation of the warehouse building proposes three circular windows at 1st floor level. Although the lower end of No 101 St Mary's

Road is relatively maturely planted, due to the close proximity of the building to the boundary officers have concerns that there is an opportunity for direct overlooking. In the light of this it is recommended that the windows be either omitted or obscure glazed.

32. Other roof lights on the warehouse building are either high level (i.e. 1.8m above floor level) or do not face neighbouring properties. This ensures that the outlook is acceptable without adversely affect the privacy of neighbouring properties.
33. The frontage building does not project further rearward than No 105 St Mary's Road and as such there would be no loss of light to its rear facing windows. The building does project further rearward than No 102 St Mary's Road, however, it would not conflict with the 45° code when applied to the rear facing habitable room windows.
34. The frontage building would introduce a number of rear and front facing windows, as well as two rear terraces. The front and rear windows would not introduce levels of overlooking which are not common within dense urban areas, i.e. mutual overlooking of neighbouring gardens and facing windows across a residential street. These are considered to be reasonable within the context of the area and would not be unreasonably harmful.
35. The terraces have scope to overlook neighbouring properties, however both would have privacy screens to prevent side way views and therefore views would be restricted to the type of outlook afforded from any normal window. As a result of this the terraces are not considered to have an unacceptable impact on neighbouring properties and officers consider that the proposal complies with policy HS19.

Biodiversity

36. Policy CS12 of the Core Strategy states that development that results in the net loss of sites or species of ecological value will not be supported. Local Plan policy NE21 states that planning permission will not be granted for developments that would harm animal species specifically protected by law, unless the harm can be overcome by appropriate mitigation through compliance with planning conditions or planning obligations.
37. The warehouse building has been stripped out by its previous owner and as such there are no roof voids etc which might provide roosting opportunities for any species of bats. The site does not provide a suitable habitat for protected species and is of no ecological value. As such the proposals would not have any adverse impact in this regard.

Parking

- 38.** The proposals provide one off street car parking space per unit. The site is within the Transport District Area and as such is highly sustainable, i.e. excellent access to alternative modes of transport and to shops and services. As such the level of parking provision is acceptable and accords with the requirements of the Local Plan. The highway Authority raised no objection to the proposals on parking and highway safety grounds.
- 39.** Cycle parking is provided for 14 cycles which exceeds the requirements of the Local Plan.

Conclusion:

- 40.** The proposal would make a more efficient use of a brown field site in a manner which would retain employment opportunities whilst providing good quality residential accommodation. The proposals would respect the character and appearance of the area and the amenities of neighbouring residential properties. Officers would therefore recommend that planning permission be 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.

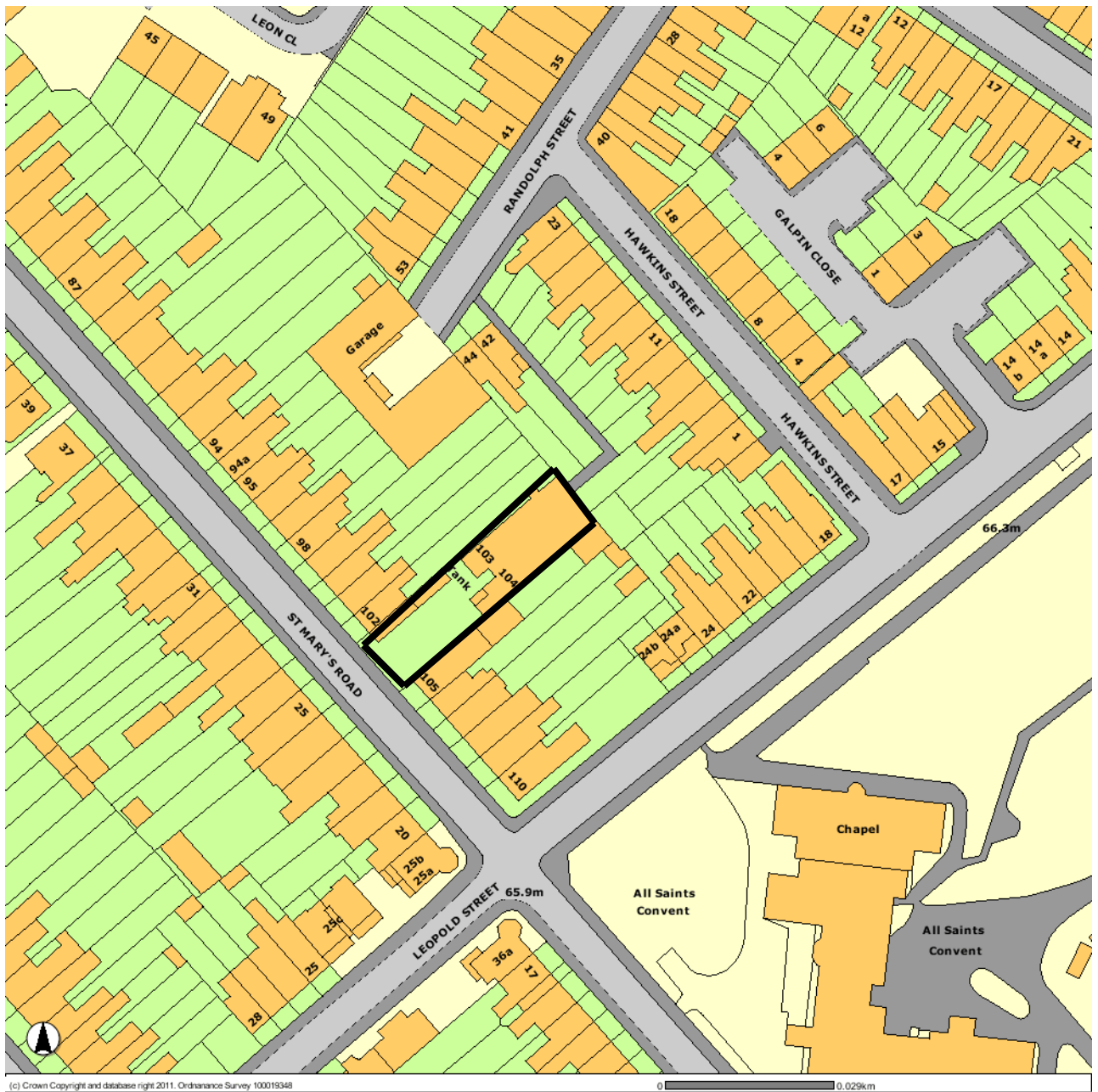
Background Papers: 11/02205/FUL, 06/00715/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 20th October 2011

Appendix 1



East Area Planning Committee

2 November 2011

Application Number: 11/02477/FUL

Decision Due by: 23rd November 2011

Proposal: Conversion and alteration to the existing public house to form a four bedroom dwelling, together with erection of five dwellings and garages parking, landscaping and alterations to existing access. (amendment to permission 11/01331/FUL)

Site Address: Bricklayers Arms 39 Church Lane Marston Oxford

Ward: Marston Ward

Agent: JCPC Ltd

Applicant: Rectory Homes Ltd

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the existing public house building and the surrounding development and would preserve the special character and appearance of the Old Marston Conservation Area. There is an extant planning permission for a similar form of development and revised plans have now been submitted that address outstanding issues. No objections have been received from third parties or statutory consultees and the proposal complies with adopted policies contained within both the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans

- 3 Design - no additions to dwelling
- 4 Samples in Conservation Area
- 5 Boundary details before commencement
- 6 Garage not for living accommodation
- 7 Relocate cider press
- 8 Landscape plan required
- 9 No felling lopping cutting
- 10 Landscape carry out by completion
- 11 Tree Protection Plan (TPP) 1
- 12 Arboricultural Method Statement (AMS) 1
- 13 Arch - Implementation of programme historic Saxon, medieval, post medieval and early modern remains,
- 14 Construction Travel Plan
- 15 Cycle parking details required
- 16 Car/cycle parking provision before use
- 17 Driveway to be porous
- 18 Sample panels to be erected on site
- 19 Joinery details to be submitted
- 20 Repair of public house
- 21 Drawn/Photo records & Interventions
- 22 Details of driveway
- 23 Sustainable construction details
- 24 Contaminated land assessment
- 25 Provision of bat boxes/swallow nest boxes
- 26 Amenity windows obscure glass - rear bedroom window in pub conversion,

- 27 Ecology appraisal
- 28 Details of bin stores
- 29 Use of air source heat pumps

Main Local Plan 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
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS21** - Private Open Space
- RC18** - Public Houses

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS23_** - Mix of housing

Other Material Considerations:

This application is in or affecting the Marston Conservation Area.

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS5 – Planning for the Historic Environment
- PPG13 – Transport
- Balance of Dwellings [BoDS] Supplementary Planning Document [SPD]

Relevant Site History:

11/01331/FUL

Conversion, alteration and extension to public house to form 1 x 4 bedroom dwelling. Erection of 5 dwellings [2 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom]. Alterations to existing access. Erection of garages, car parking and landscaping.

Approved August 2011

Representations Received:

None. As this report has been compiled before the expiry of the consultation period, any representations received will be reported verbally at the committee meeting.

Statutory and Internal Consultees:

Marston Parish Council, Drainage Team Manager, Thames Water Utilities Limited, Highways And Traffic, Oxford Preservation Trust.

Marston Parish Council

No objection

Thames Water

No objections on grounds of either waste or surface water infrastructure

Oxfordshire County Council – Countryside Services

Old Marston Footpath 1 runs to the southeast, east and northeast of the site and is well used and defined. It must not be reduced in width in any way. The applicants must be advised that no materials, plant or temporary structures of any kind should be deposited on or adjacent to the path that may obstruct or dissuade the public from using the route while development takes place. Any damage to the surface of the path caused by the construction/demolition of the development will be the responsibility of the applicant or their contractors to put right/make good

Oxfordshire County Council as Local Highway Authority

No objection in principle, subject to the following conditions/informatives being imposed on the planning permission [as per the planning permission 11/01331/FUL].

- Private road agreement for the maintenance of the new access
- Section 278 agreement for the highway adoption of the visibility splay to the south
- The provision of at least 2 secure and sheltered cycle parking spaces
- The provision of car and cycle parking prior to occupation
- Retention of garages to maintain an appropriate level of off street parking
- Submission of a Construction Travel Plan
- All ground resurfacing to be SUDS compliant

Issues:

- Principle
- Loss of the public house
- Form and appearance and impact in the conservation area
- Impact on neighbours
- Highways and parking
- Trees
- Private amenity space
- Balance of dwellings
- Ecology

Sustainability:

The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal constitutes a sustainable form of development that would make more efficient use of an existing brownfield site.

The applicant has confirmed that the development will employ some or all of the sustainable construction measures included in the approved application. These are as follows:

- High performance double glazing
- 'A' rated condensing gas boilers
- High levels of insulation to floors, walls and roofs
- Passive solar gain via orientation and layout
- High levels of natural lighting and ventilation
- Grade A appliances where supplied
- Integrated energy management controls
- Water butts for rainwater collection
- Dual flushed cisterns and reduced capacity baths

The previous application also indicated that PV panels would be incorporated on the roofs of the new dwellings. The design and access statement accompanying the current application states that these would have limited usefulness and would 'jar' against the high quality materials required to be used in the conservation area. The current application therefore proposes to use high efficiency air source heat pumps instead of PV panels which the applicant states would provide a continuous year round supply/source of heat that can be used for heating and domestic hot water and can achieve a significant reduction in carbon dioxide emissions when compared to traditional heating systems.

Officers Assessment:Site location and description

1. The site, which extends to 0.2 hectares, comprises the now closed Bricklayers Arms Public House together with its garden area and substantial car park. The site lies at the junction of Butts lane and Church

Road and the frontage of the pub building faces south towards St. Nicholas Church.

2. The site is largely flat and has a number of mature trees and established hedges. It shares a common boundary with numbers 35 – 38 Church Lane, a property called Atlast in Church Lane and numbers 28 – 30 Church Lane.
3. The site lies in the Old Marston Conservation Area and is surrounded by residential dwellings. The site location plan appears as **Appendix 1**.

The Proposal

4. The application seeks planning permission for the conversion and alteration of the former public house to a four bedroom dwelling which would be served by a new single garage and private gravel drive. The application also seeks planning permission for the erection of 5 dwellings and a detached double garage on the former pub car park and garden area. The mix of dwellings would comprise 2 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom.
5. The existing access would be retained and the visibility splays improved. The existing established trees on the site would for the most part be retained with the existing hedge on Butts Lane being retained but cut back and replanted where necessary. A new double garage would serve units 1 and 2, units 3 and 5 would have integral garages and unit 4 would have 2 parking spaces.
6. At the request of your officers, amended plans have been submitted that improve the detailing of the development, particularly in relation to plot 5 such that it is now considered to be more appropriate on this sensitive site within the Old Marston Conservation Area.
7. The development is essentially the same as that already approved in August of this year but there are some internal and external alterations that will be examined in more detail below.

Principle

8. PPS3 identifies the need to make efficient use of land and this is reflected in policy CP6 of the Oxford Local Plan which states that development proposals should make efficient use of land by making the best use of site capacity; however it goes on to say that this should be in a manner that does not compromise the character of the surrounding area. The site constitutes previously developed land and therefore there is no in principle objection to its redevelopment.
9. Furthermore there is an extant permission that grants planning permission for the loss of the public house and its conversion to a dwelling together with the erection of further 5 dwellings.

Loss of the public house

10. Policy RC18 of the Oxford Local Plan states that planning permission will only be granted for the change of use of a public house if one or more of the following criteria are met:
- No other potential occupier can be found following a realistic effort to market the premises for its existing use
 - Substantial evidence of non-viability is submitted
 - It is demonstrated that suitable alternative public houses exist to meet the needs of the local community.
11. The previously approved application for the conversion of the pub to a dwelling was accompanied by an Expert Witness Report which assessed the above criteria. On the basis of the information submitted, officers were satisfied that firstly, the business provides insufficient profit to provide owners with a liveable income and secondly that there are alternative pubs nearby to cater for the needs of the local community. It is not considered necessary to re-visit these conclusions given that the extant permission was granted only 3 months ago. Therefore sufficient justification has previously been provided for the loss of the public house and its conversion to form a family dwelling.

Form, appearance and impact in the conservation area

12. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for new development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests that the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
13. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas and their settings.
14. The site lies within the Old Marston Conservation Area which is characterised by a mix of development but which has a traditional village feel in the area around St. Nicholas Church and including the application site. In PPS5 – Planning for the Historic Environment, the Government has re-affirmed its commitment that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. A heritage asset is defined as a *“building, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets*

are valued components of the historic environment”.

15. The Government recognises that intellectually managed change may sometimes be necessary if heritage assets are to be maintained in the long term but it does say that it is desirable for development to make a positive contribution. It goes on to say that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the asset, the greater the presumption in favour of conservation should be.
16. The Bricklayers Arms is a key building in the conservation area and acts as a landmark building in views along Church Lane. Its conversion to a dwelling would involve the removal of the more modern, single storey, rear additions and the erection of a new two storey extension. The front elevation of the building would remain largely unchanged and the removal of the unsightly, modern additions would positively improve the appearance of the building. There has been a recent fire in the pub building; however damage is limited to the roof area and will not affect the plans for a residential conversion, the details of which are identical to the extant planning permission.
17. The amendments to the approved scheme as proposed in the current application involve alterations to the internal layout, footprint and external appearance of all the units, rendering them slightly larger than the units in the approved scheme. In particular the details of the proposed 5 bedroom dwelling on plot 5 have been revised to incorporate a lively elevation facing towards Butts Lane and over the adjacent fields.
18. Officers consider that the proposed amendments to the approved scheme, being primarily at the rear of the new dwellings, would not appear prominent or intrusive when viewed from the street scene and would preserve the character of the conservation area.
19. At the request of officers, an old cider press from the pub garden would be retained and relocated adjacent to the access.

Impact on neighbours

20. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupiers of the proposed and existing neighbouring, residential properties.
21. The proposed amendments to the approved plans contained in the current application do not have any further impact on the neighbouring properties. The details of the pub conversion are identical to the extant permission and a condition requiring the new rear, first floor bedroom window in the new extension to be obscure glazed and partly fixed shut is again recommended [condition 26].

22. The minor alterations to the new dwellings proposed on plots 1 – 5 would not have any further impact on the amenities enjoyed by the occupiers of numbers 35 – 38 Church Lane, the property called Atlas to the rear of the site or the terraced dwellings to the rear of plot 5.

Highways and parking

23. Oxfordshire County Council as Local Highway Authority are not raising an objection to the application on highway safety grounds. The LHA has concluded that there is unlikely to be any significant intensification in vehicular movements associated with the site as a result of the development but have recommended a number of conditions and informatives to be imposed on the planning permission. These have been set out earlier in this report.

Trees

24. The extant permission is based on an Arboricultural Report which proposes to retain the large weeping willow tree [T7] near the existing access together with a cockspur thorn [T6]. The approved scheme also retains trees and shrubs along the rear boundaries of the site together with the established hedging along Butts Lane, although as this is sparse, it will be necessary for this to be replaced with new hedge planting.
25. The current scheme retains the same layout as the approved scheme and all the significant trees, shrubs and hedges. There are no new issues relating to trees.

Private amenity space

26. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for development proposals involving residential uses where poor quality or insufficient private open space is proposed. It goes on to say that each dwelling should have access to a private, amenity space and the family dwellings of two or more bedrooms should have exclusive use of a private garden which should generally have a length of 10 metres.
27. The current proposals increase the ground floor footprint of all of the new dwellings which results in smaller rear garden areas. The new house on plot 5 [5 bedroom] would sit in a generous plot with a garden length of approximately 13 – 14 metres. The new house on plot 1 [4 bedroom] would have a garden length of between 7 – 9 metres and a garden width of 9 metres. The new dwelling on plot 2 [3 bedroom] would have a garden length of between 9 – 10 metres and a garden width of 6 metres.
28. The new dwellings on plots 3 [4 bedroom] and 4 [3 bedroom] would have garden lengths of 8.5 and 8 metres respectively and widths of 9 and 5 metres respectively. Officers consider that, whilst the garden area serving plot 4 in particular, is small, this would not cause such harm to the overall scheme to warrant a refusal of the application on this ground.

29. The garden area serving the converted pub remains as previously approved.

Balance of dwellings

30. The Balance of Dwellings [BoDS] Supplementary Planning Document [SPD] was adopted in January 2008 to elaborate upon the provisions of policy HS8 of the Oxford Local Plan [now superseded by policy CS23 of the Core Strategy] and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas described in the SPD. These are red, amber and green. The application site lies in an amber area wherein new developments of between 4 – 9 dwellings should include 30% three bedroom units.

31. The proposal is for a total of 6 new dwellings, including the pub conversion, which would comprise 2 x 3 bedroom, 3 x 4 bedroom and 1 x 5 bedroom. This provides 30% three bedroom units as required by BoDS but would also provide 50% 4+ bedroom dwellings. This is the same mix as was previously approved.

32. There is no requirement in the BoDS matrix for amber sites for the provision of any one or two bedroom units. The scheme is very close to being BoDS compliant with just one bedroom being at issue and in the case of units 1 and 3, both four bedroom dwellings; the fourth bedroom is very small and may be more appropriate for use as a study. It is therefore considered that in this particular case, the strict application of BoDS in terms of the provision of larger dwellings could be seen as being over prescriptive and there is insufficient harm to warrant a refusal of the application on the grounds of BoDS.

Ecology

33. The approved application was accompanied by an Ecology Appraisal which contains habitat and bat surveys. The appraisal concludes that no notable or protected species were found on the site which overall was of little ecological interest. The appraisal highlights the following:

- Any site clearance work should take place outside the nesting season, typically from March to August
- A survey of the small, potential bat roost feature on the outside of the pub building would be recommended immediately prior to demolition
- The site could be enhanced for the benefit of wildlife by installing sparrow and bat boxes at suitable locations around the site [condition 25 refers]
- New planting should be native species
- A swallow/swift nest box should be installed at the eaves of the two new buildings on the site

34. Officers broadly concur with the conclusions of the ecology appraisal and appropriate conditions are recommended

Conclusion:

35. The proposal forms an appropriate visual relationship with the existing public house building and the surrounding development and would preserve the special character and appearance of the Old Marston Conservation Area. There is an extant permission for a similar form of development and revised plans have been submitted that address outstanding issues. No objections have been received from third parties or statutory consultees and the proposal complies with adopted policies contained within both the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016.

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:

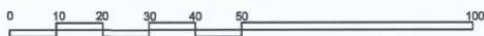
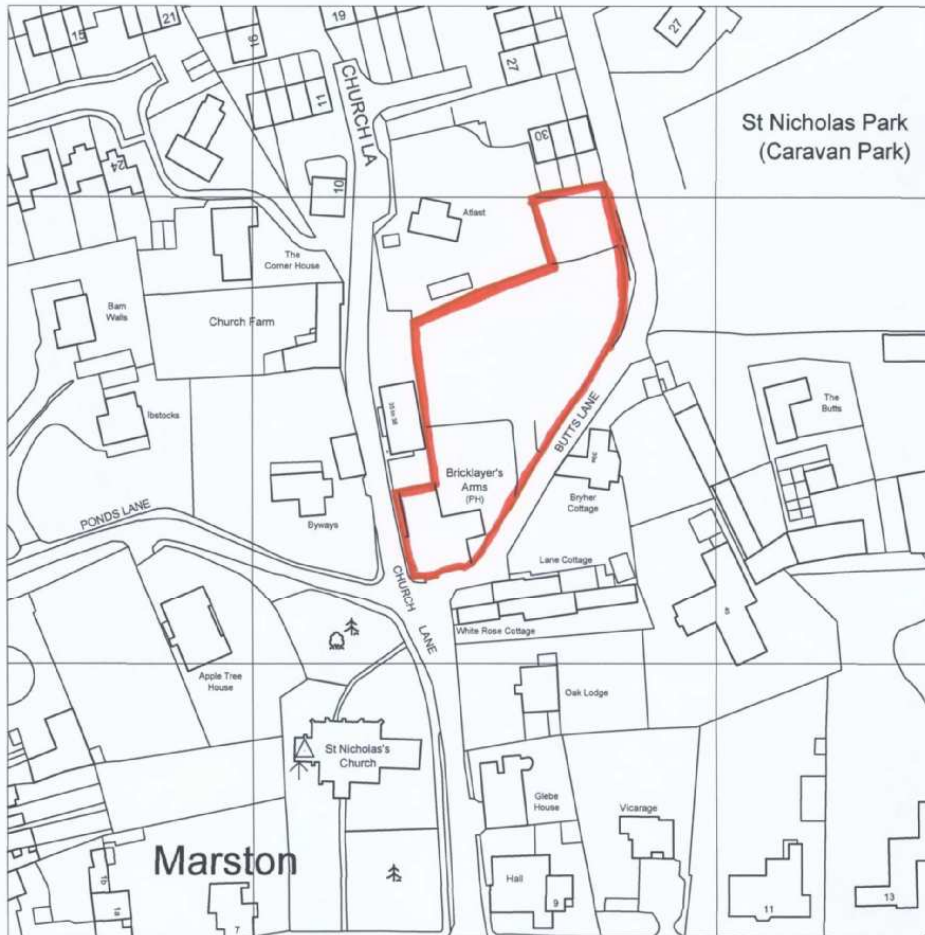
11/01331/FUL

11/02477/FUL

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 18th October 2011



RECTORY LTD RECTORY HOUSE THAME ROAD
 HADDENHAM, AYLESBURY, BUCKINGHAMSHIRE,
 HP17 8DT
 T: 01844 295100 F: 01844 295350
 www.rectory.co.uk

Bricklayers Arms, Marston

Sept 2011

1:1250@A4

Site location plan

P.158.00

East Area Planning Committee

2nd November 2011

Application Number: 11/02386/VAR

Decision Due by: 10th November 2011

Proposal: Variation of condition No. 7 of planning permission 09/01201/OUT for Class B1 business use and student accommodation to allow occupation and student accommodation by full time student attending courses of one academic year or more

Site Address: Development Site Of Former Oxford Bus Depot 395 Cowley Road, Site Plan **Appendix 1**

Ward: Cowley Marsh Ward

Agent: N/A

Applicant: Berkley Homes (Oxford And Chiltern) Limited

Recommendation:

East Area Planning Committee is recommended to support the variation of the condition in principle but defer the planning application in order to allow the original accompanying legal agreement to be amended, and to delegate to officers the issuing of the Notice of Permission subject to conditions on its completion.

Reasons:

- 1 It is considered that the proposed variation to condition 7 would not be harmful to the development approved under 09/01201/OUT or residential amenities. No objections have been received. It is in accordance with Local Plan and Core Strategy policies.
- 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 Commencement
- 2 Approved outline matters
- 3 Reserved matters
- 4 Develop in accordance with approved plans

- 5 Samples
- 6 Starter units
- 7 Occupation by full time students attending courses of one academic year or more
- 8 Resident warden
- 9 Use as student accommodation
- 10 Students - No cars
- 11 Car/cycle parking provision before use.
- 12 Cycle parking
- 13 Landscape carry out after completion
- 14 Landscape management plan
- 15 Construction Travel Plan
- 16 Construction no mud on highway
- 17 Construction management plan
- 18 Suspected contamination - Risk assess
- 19 Soakaway - contaminated land
- 20 Foul and surface water drainage system
- 21 Sustainable drainage
- 22 Petrol / oil interceptors
- 23 NRA

Legal Agreement:

Amendment to previous 2010 legal agreement to relate to this application.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

Core Strategy

CS25_ - Student accommodation

Other Material Considerations:

None

Relevant Site History:

09/01201/OUT: Outline application (seeking access and layout) for the erection of 2092sq m of class B1 floorspace for start up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking space off Glanville Road, cycle parking and landscaping. Approved 17/03/10.

11/01150/RES: Reserved matters of planning permission no. 09/01201/OUT,(for 2092sq.m of class B1 Business floor space and 106 student study rooms), seeking approval of appearance of block B and C and of the student accommodation block. (Amended plans). Approved 12.08.2011.

Representations Received:

The period for consultation has not expired at the time of writing the report. However, no representations have been received thus far. Any that are received will be reported verbally to Committee.

Statutory and Internal Consultees:

As above.

Officers Assessment:

Outline planning permission was granted for this part of the former bus garage in March 2010 for a mix of employment use and student accommodation (09/01201/OUT refers), with matters of design and landscaping reserved for further consideration.

The application seeks to vary the wording of condition 7 of 09/01201/OUT which restricts the occupation of the student accommodation to the University of Oxford or Oxford Brookes University, to allow any full time student on a course of one academic year or more to reside at the accommodation.

Issues:

Officers consider the main issue is the principle of the proposed variation.

Principle of Development:

At the time the outline application was considered Policy HS14 of the Oxford Local Plan was relevant. The application site was not allocated for student accommodation in the adopted Local Plan, but policy HS.14 allowed for the development of such facilities at non allocated sites subject to provisions that occupation was limited to full time students of the two universities, that appropriate management arrangements were put in place, and that there would not be an unacceptable impact on the locality. The development was approved with the standard restrictive condition limiting it to full time students of the two Universities.

However, since that time Policy HS14 has been superseded by the recently adopted Core Strategy policy CS25. This policy states that purpose built student accommodation should be restricted to use by full time students on courses of one academic year or more. This changes the policy requirements of deleted Local Plan policy HS14 and it is no longer possible to restrict student accommodation to students of the two Universities. In this regard therefore the principle of the variation of the condition is acceptable and in full accordance with policy CS25.

Conclusion: The proposal accords with Core Strategy policy CS25 and as such officers recommend that planning permission be granted.

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: 11/02386/VAR

Contact Officer: Felicity Byrne

Extension: 2159

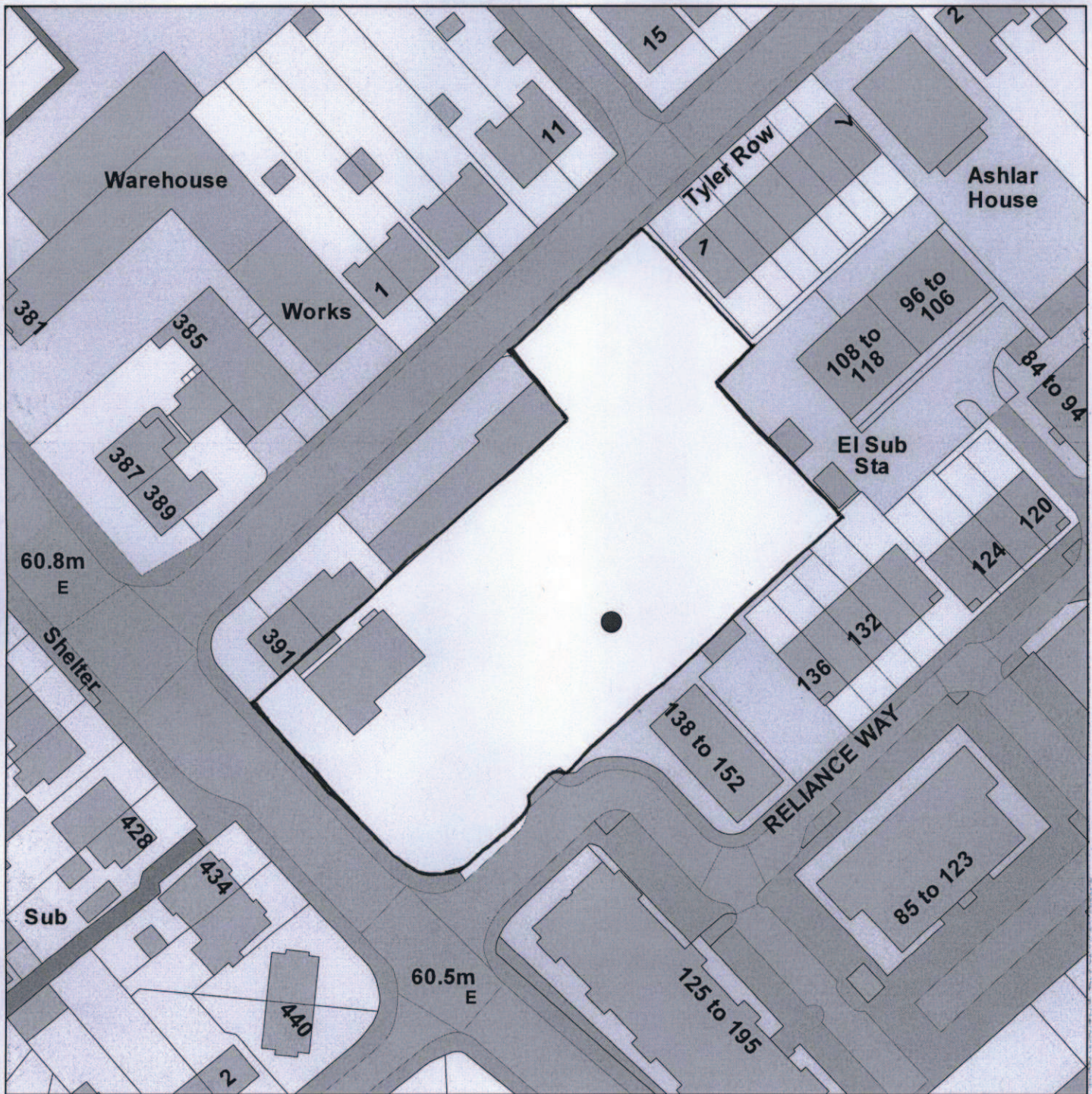
Date: 17th October 2011

11/02386/VAR Former bus depot, 395 Cowley Road

Appendix 1



GIS by ESRI (UK)



Scale : 1:881

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	24 October 2011
SLA Number	Not Set

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EAST AREA PLANNING COMMITTEE

2nd November 2011

Application Number: 11/02174/CT3

Decision Due by: 19th October 2011

Proposal: Display of Green Flag.

Site Address: Bury Knowle Park North Place Oxford Oxfordshire

Ward: Barton And Sandhills Ward

Agent: N/A

Applicant: Oxford City Council

The applicant is Oxford City Council and the application must therefore be decided by Planning Committee in accordance with the Council's Scheme of Delegation

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed flag advertisement is a welcome celebration of the success of the City's parks and is considered to be appropriate to its setting without materially harming visual amenity or adversely impacting highway safety. The proposal therefore complies with Policies CP1 and RC14 of the adopted Oxford Local Plan 2001 - 2016.
- 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Five year time limit
- 2 Advert - Statutory conditions
- 3 Approved Plans

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 – Design Development to Relate to its Context

RC14 – Advertisements
HE7 – Conservation Areas
SR5 – Protected Open Space

Other Material Considerations:

This application is in or affecting the Old Headington Conservation Area.

PPS1 – Delivering Sustainable Development
PPS5 – Planning for the Historic Environment
PPG19 – Outdoor Advertisement Control

Relevant Site History:

None

Representations Received:

None

Statutory and Internal Consultees:

No comments received

Issues:

Appearance
Highway Safety

Officers Assessment:

Site Description

1. The application site relates to Bury Knowle Park within the Headington area of Oxford which is predominantly tree lined along its boundaries but which opens out into a grassed recreation area within the park. It is located to the south extremity of the Old Headington Conservation Area.

Description of Proposal

2. The application seeks consent to display a flag advertisement just inside the London Road public entrance to Bury Knowle Park. The flagpole is proposed to be 6m in height and would display a 1.8m (width) x 1.2m (height) green coloured flag which is to celebrate that the park achieved a Green Flag award for quality in 2011. Parks must apply each year to keep their Green Flag status and winning parks are eligible to fly a Green Flag in the park for that year.

Suitability

3. The flag is of a relatively standard size and is identical in appearance to that erected within both Hinksey and Cutteslowe Parks in recent years to celebrate their achievement of Green Flag status. Officers consider that the display of a single flag celebrating the quality of the park is something that the Council should welcome and believe the proposed flag to be entirely commensurate with the overall appearance

and public enjoyment of the park. As a result of the flagpole's siting close to the park's London Road entrance it will be separated and well screened from the wider Old Headington Conservation Area and as such will preserve the character and appearance of this designated area.

The flag is to be erected just over 5m inside Bury Knowle Park and therefore away from any highway and, as a result, will not compromise pedestrian or vehicular safety.

Conclusion:

The proposed flag should be welcomed as a celebration of the success of the City's green spaces and officers consider that it will not cause any harm to visual amenity or highway safety. The proposal therefore complies with all relevant policies of the Development Plan and officers recommend the application by approved.

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: 11/02174/CT3

Contact Officer: Matthew Parry

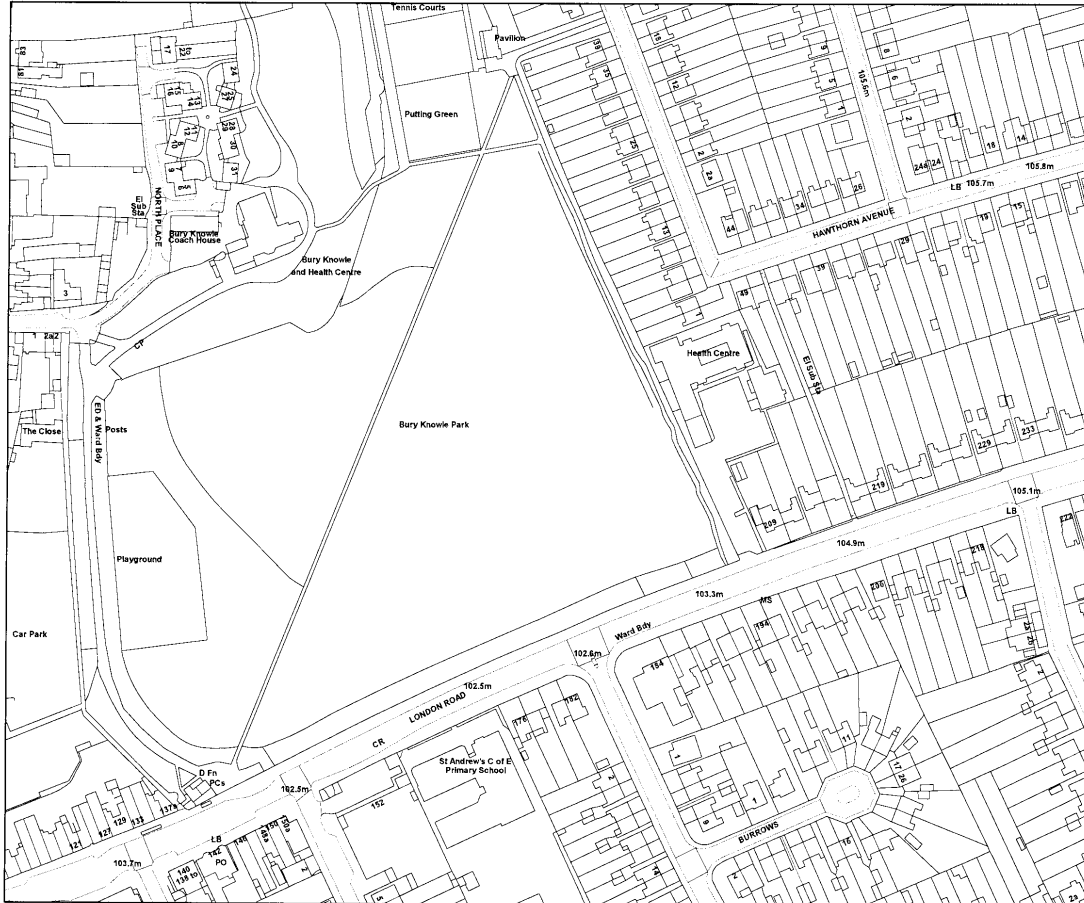
Extension: 2160

Date: 20th October 2011

Appendix 1 – Site Location Plan

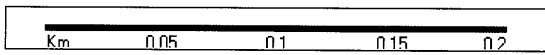
11/02174/CT3

Appendix 1



Legend

Scale: 1:2500



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Organisation	Not Set
Department	Not Set
Comments	
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Agenda Item 7

Monthly Planning Appeals Performance Update – September 2011

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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 30 September 2011, while Table B does the same for the current business plan year, ie. 1 April 2011 to 30 September 2011.

Table A. BV204 Rolling annual performance (to 30 September 2011)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	11	(27%)	6 (50%)	5 (18%)
Dismissed	29	73%	6 (50%)	23 (82%)
<i>Total BV204 appeals</i>	40		12	28

Table B. BV204: Current Business plan year performance (1 April to 30 September 2011)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	6	(33%)	2 (33%)	4 (33%)
Dismissed	12	67%	4 (67%)	8 (67%)
<i>Total BV204 appeals</i>	18		6	12

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 30 September 2011

	Appeals	Percentage performance
Allowed	16	(30%)
Dismissed	38	70%
All appeals decided	54	
Withdrawn	7	

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 September 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 September 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 1/9/11 And 30/9/11

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
11/00486/FUL	11/00019/REFUSE	DEL	REF	ALC	06/09/2011	IFFLDS	289 Iffley Road Oxford Oxfordshire OX4 4AQ	Single storey rear extension and conversion of rear paper store to 2 self contained 1 bedroom flats. Provision of cycle and bin storage.
10/03323/FLT	11/00022/REFUSE	DELCOM	PER	ALC	13/09/2011	JEROSN	Telecommunications Mast Walton Well Road Oxford Oxfordshire	Removal of existing 15m high monopole. Installation of 17.5m high monopole with 6No. antennas and ancillary equipment cabinet.
11/00923/FUL	11/00024/REFUSE	DELCOM	PER	DIS	13/09/2011	HINKPK	68 Abingdon Road Oxford Oxfordshire OX1 4PL	Loft conversion and alterations to existing roof involving flat roofed rear dormer windows.
10/03141/FUL	11/00023/REFUSE	DEL	REF	DIS	14/09/2011	LYEVAL	Land To The Rear Of 184 Fern Hill Road Oxford Oxfordshire	Demolition of bungalow. Erection of single storey building comprising 2 x 1 bed apartments. Provision of 2 off street car parking spaces.
10/02512/FUL	11/00015/REFUSE	DEL	REF	DIS	28/09/2011	SUMMTN	241 Banbury Road Oxford Oxfordshire OX2 7HN	Erection of 1st floor rear extension to form a 2-bed flat.
10/03324/FUL	11/00011/REFUSE	DEL	REF	ALC	28/09/2011	STMARG	31 Charlbury Road Oxford Oxfordshire OX2 6UU	Demolition of house and outbuildings. Erection of two storey house (with accommodation in roof space) and garden studio building.
10/03330/CAC	11/00018/REFUSE	DEL	REF	ALC	28/09/2011	STMARG	31 Charlbury Road Oxford Oxfordshire OX2 6UU	Demolition of house and outbuildings.

Total Decided: 7

TABLE E Appeals Received Between 1/9/11 And 30/9/11

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
10/02605/FUL	11/00035/REFUSE	COMM	PER	I	Hernes House Residential Home 3 Hernes Crescent Oxford Oxfordshire OX2 7PS	SUMMT	Demolition of Hernes House and erection of 9 dwellings (5 x 4-bedroom and 4 x 5-bedroom). Provision of 18 car parking spaces, private amenity space and landscaping. (Amended plans) (Amended description)
11/00730/FUL	11/00033/REFUSE	DEL	REF	H	1 Arthur Garrard Close Oxford Oxfordshire OX2 6EU	NORTH	Proposed dormer window.
11/00887/FUL	11/00029/REFUSE	DEL	REF	W	5 Farndon Road Oxford Oxfordshire OX2 6RS	NORTH	Two storey extension to side, front and rear extension to basement and rebuild front porch
11/01214/FUL	11/00034/REFUSE	COMM	PER	I	Oxonian Rewley Press Ltd Lamarsh Road Oxford Oxfordshire OX2 0HY	JEROSN	Demolition of former Oxonian Press premises. Erection of 8 flats (2 x 1-bed, 4 x 2-bed and 2 x 3-bed) in a 3 storey block with 10 car parking spaces, cycle and bin storage. (Amended Plans)
11/01669/FUL	11/00031/REFUSE	DEL	REF	W	Land To The Rear Of 9 Saunders Road Oxford Oxfordshire	COWLY	Erection of 3 storey building to provide 2x1 bed houses - including integral car parking, bin and cycle storage and forecourt vehicle turntable
11/01702/FUL	11/00032/REFUSE	DEL	REF	H	326 Woodstock Road Oxford Oxfordshire OX2 7NS	WOLVER	Side and rear two storey extension

Total Received: 6

EAST AREA PLANNING COMMITTEE

Thursday 6 October 2011

COUNCILLORS PRESENT: Councillors Darke (Chair), Rundle (Vice-Chair), Brown, Coulter, Fooks, Keen, Sanders, Wolff and Tanner.

OFFICERS PRESENT: Mathew Metcalfe (Democratic Services) and Murray Hancock (City Development)

53. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Mary Clarkson (Councillor John Tanner attended as a substitute).

54. DECLARATIONS OF INTEREST

Councillor Gill Sanders declared a personal interest in agenda item 4 (12 Kelburne Road, Oxford) as she had been in communication with local residents in an advisory role and had not expressed an opinion to them on the proposed application. (minute 56 refers).

55. SAE OXFORD, 33 ARMSTRONG ROAD, OXFORD - 11/01569/FUL

The Head of City Development had submitted a report (previously circulated, now appended) which detailed an application for a change of use of part of ground floor and whole of the first floor from Class B1 offices to mixed Class B1 office and D1 educational use.

In accordance with the criteria for public speaking, Gavin Attard and Steve Hartley spoke in support of the application. There were no requests to speak against the application.

The Committee considered all submission, both written and oral agreed to support the proposals in principle but defer the application in order that an accompanying legal agreement was completed and to delegate to officers the issuing of the Notice of Permission upon its completion subject to the five conditions laid out in the Planning Officers report. Before doing so drafts of the conditions and legal agreement were to be forward to the Chair for information.

56. 12 KELBURNE ROAD, OXFORD - 11/01729/FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed an application for a part single and part first floor extension.

Councillor Gill Sanders declared a personal interest as she had been in communication with local residents in an advisory role and had not expressed an opinion to them on the proposed application.

In accordance with the criteria for public speaking, Stafford Crewe spoke against the application.

The Committee considered all submissions, both written and oral and agreed

- (a) To grant planning permission subject to the five conditions as laid out in the Planning Officers report with an additional sixth condition as follows:
 - (6) Car park requirement.
- (b) That Planning Officers be instructed to investigate if the application property was currently in use as an unauthorised multiple occupation property.

57. PLANNING APPEALS

The Head of City development submitted details (previously circulated, now appended) which detailed planning appeals received and determined during August 2011.

The Committee agreed to note the information.

58. FORTHCOMING PLANNING APPLICATIONS

The Committee agreed to note that the following applications may be submitted to a future meeting for consideration and determination.

- (a) Former Dominion Oils site, Railway Lane, Littlemore – 11/02189/OUT
- (b) Unit 1, Templars Shopping and Retail Park – 11/02032/FUL
- (c) 29 Balfour Road, Oxford – 11/02278/FUL
- (d) 1A Lawrence Road, Oxford – 11/02119/FUL
- (e) 12 Boswell Road, Oxford – 11/01877/FUL
- (f) 103/104 St. Mary's Road, Oxford – 11/02205/FUL

59. MINUTES

Vim Rodrigo addressed the Committee as he felt that the minutes should reflect the comments that he had made when speaking against the planning application for 34 Cottesmore Road and 30 Wynbush Road, Oxford – 11/01275/VAR (minute 48).

In response Vim Rodrigo was informed that the minutes recorded the decision of the Committee with regard to planning applications and did not record the detail of comments made by members of the Committee, the public or any other

public speaker as there were other avenues for public speakers to have their comments noted.

The Committee agreed to approve the minutes (previously circulated) of the meeting held on 7th September 2011 subject to the following minor amendment:

In minute 48 (34 Cottesmore Road and 30 Wymbush Road, Oxford – 11/01275/VAR) to delete the word “again” in the first line of the second paragraph and insert the word “against”.

60. DATES OF FUTURE MEETINGS

The Committee agreed:

- (a) To alter the start time of its meeting on 6th December 2011 to 4.00pm
- (b) To note the dates and start times (taking into account (a) above) of future meetings listed on the agenda, with the next scheduled meeting of the East Area Planning Committee being on Wednesday 2nd November 2011 at 6.00pm in the Town Hall.

The meeting started at 6.00 pm and ended at 7.15 pm

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