

# Agenda

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## East Area Planning Committee

Date: **Tuesday 6 December 2011**

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Time: **4.00 pm**

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

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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](mailto:mmetcalfe@oxford.gov.uk) in advance of the meeting.

# East Area Planning Committee

## Membership

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

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# AGENDA

	<b>Pages</b>
<b>1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS</b>	
<b>2 DECLARATIONS OF INTEREST</b>	
<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>	
<b>3 69 CHERWELL DRIVE, OXFORD - 11/02377/FUL</b>	1 - 8
<p>The Head of City Development has submitted a report which details a planning application for the erection of first floor and two storey side extension to form 1 bed house.</p> <p>Officer recommendation: Approve subject to conditions.</p>	
<b>4 54 WILLIAM STREET, OXFORD - 11/02305/FUL</b>	9 - 20
<p>The Head of City Development has submitted a report which details a planning application for the demolition of existing building. Erection of 1x4 bedroom dwelling with bin and cycle store. (Additional information).</p> <p>Officer recommendation: Approve subject to conditions.</p>	
<b>5 27 WELDON ROAD, MARSTON, OXFORD - 11/02666/FUL</b>	21 - 30
<p>The Head of City Development has submitted a report which details a planning application for the demolition of existing single storey garage. Erection of two storey side extension to form two self-contained one bed flats. Provision of 2 car parking spaces for existing house.</p> <p>Officer recommendation: Approve subject to conditions.</p>	
<b>6 FORMER DHL SITE, SANDY LANE WEST, OXFORD - 11/02492/FUL</b>	31 - 38
<p>The Head of City Development has submitted a report which details a planning application for a variation of condition 10 (hours of deliveries and fork lift truck activity) of planning permission 11/01550/FUL to enable activity from 07:30hrs to 17:00hrs Monday to Friday and 08:00hrs to 12:00hrs on Saturdays.</p> <p>Officer recommendation: Approve subject to conditions.</p>	
<b>7 UNIT 1, TEMPLARS SHOPPING PARK, OXFORD - 11/02032/FUL</b>	39 - 52

The Head of City Development has submitted a report which details a planning application for the refurbishment of Unit 1, comprising:

- External alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvers; (Additional information);
- Mezzanine floor space within retail units 1A, 1B and 1C;
- Alterations to the pedestrian and parking areas to front of the retail building and replacement compound/new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;
- Formation of three Class A3 café-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south;
- Demolition of part of the rear of existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking. (Additional information) (Amended plans):

Officer recommendation: Approve subject to conditions.

**8 72 ROSE HILL, OXFORD - 11/02377/FUL**

53 - 62

The Head of City Development has submitted a report which details a planning application for the erection of internally illuminated tower sign and fascia sign.

Officer recommendation: Approve subject to conditions.

**9 BRICKLAYERS ARMS, 39 CHURCH LANE, OLD MARSTON, OXFORD - 11/02477/FUL**

63 - 78

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) (Amended plans).

Officer recommendation: Approve subject to conditions.

**10 PLANNING APPEALS**

79 - 82

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

The Committee is asked to note this information.

## 11 FORTHCOMING PLANNING APPLICATIONS

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

- (1) John Radcliffe Hospital – 11/02888/FUL – Two storey extension to the existing Women's Unit, containing ground floor plant room and first floor new born intensive care unit.
- (2) 4 Brookside, Oxford – 11/02710/FUL – Erection of linked studio with rooms in roof space.
- (3) 83 Edgeway Road, Oxford – 11/02755/FUL – Conversion of car port into dining room.
- (4) 51 Littlemore Road, Oxford – 11/02885/FUL – Subdivision of existing garden serving 51 Littlemore Road. Demolition of existing garages and erection of detached 2 storey, 4 bedroom dwelling and provision of 2 car parking spaces with access off Van Diemens Lane. Provision of bin and cycle stores and private amenity space.
- (5) 1 Quarry Road, Oxford – 11/02626/FUL – Change of use from single dwelling to 2x3 bedroom flats. Provision of parking and amenity space. (Amended plans).
- (6) 6 Bells Public House, 3 Beaumont Road, Oxford – Erection of timber framed smoking shelter to rear.
- (7) Part Territorial Army Centre, Slade Barracks, Mascall Avenue, Oxford – Variation of condition 15 of planning permission 09/02802/VAR to allow occupation of the development by students in full time education on courses of one academic year or more.
- (8) Temple Court Business Centre, 107 Oxford Road, Oxford – 11/02960/FUL – Conversion of offices to form 6 flats (2x3 bed and 1x1 bed) and 1x3 bed house, gardens, car parking, cycle parking, refuse storage and landscaping.
- (9) Headington Preparatory School, 26 London Road, Oxford – Construction of two storey entrance foyer. Single storey extension to form kitchen. First floor extension to provide store and teaching space. Two storey extension to provide cloakroom. New entrance lobby at rear with canopy over library.
- (10) Land to the rear of 1-2 Collinwood Close, Oxford – Demolition of existing buildings. Erection of single storey, one bedroom dwelling. Provision of one parking space, bin and cycle store and private amenity space.
- (11) Elmthorpe Convent, Oxford Road, Cowley, Oxford – 11/02628/FUL – Two storey extension to provide 6 additional bedrooms, office and store.
- (12) Former Dominion Oils site, Railway Lane, Oxford - 11/02189/OUT - Outline application (seeking access and layout) for residential

redevelopment of site including the erection of 78 flats and houses comprising 3x5 bedroom houses, 4x4 bed houses, 32x3 bed houses, 20x2 bed houses and 13x1 bed houses and 6x2 bed houses. Access road, footpaths and car parking.

- (13) 83-97 Ashurst Way, Oxford - 11/02526/FUL - Erection of two storey extension to form 2 x 1-bed flats. Provision of new bin and cycle store. (Amended description).
- (14) 59 Staunton Road, Oxford - 11/02634/FUL - Erection of outbuilding to rear to be used as a gym/games room (Amended Plans)

## **12 MINUTES**

83 - 86

Minutes of the meeting held on 2 November 2011.

## **13 DATES OF FUTURE MEETINGS**

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](mailto: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.



# Agenda Item 3

**East Area Committee**

6 December 2011

**Application Number:** 11/02533/FUL

**Decision Due by:** 29th November 2011

**Proposal:** Proposed single and two storey extension to garage and conversion to 1 bed dwelling

**Site Address:** 69 Cherwell Drive Oxford Oxfordshire OX3 0ND

**Ward:** Marston Ward

**Agent:** Pope Ingram Associates

**Applicant:** Mr Singh

Reason: Application called in by Cllrs Clarkson, Lygo, Price and Sinclair on the grounds of impact on neighbouring property and parking concerns. The site has a long history and would benefit from public debate.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

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

- 1 Development begun within time limit
- 2 Materials - matching
- 3 Landscaping
- 4 Landscape carry out by completion
- 5 Boundary treatment
- 6 Car parking
- 7 Cycle storage
- 8 Bin Storage

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals  
**CP8** - Design Development to Relate to its Context  
**CP6** – Density  
**CP10** - Siting Development to Meet Functional Needs  
**CP11** -Landscaping  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**HS19** - Privacy & Amenity  
**HS20** - Local Residential Environment  
**HS21** - Private Open Space

### **Oxford Core Strategy 2026**

**CS2** - Previously developed land  
**CS23** – Mix of housing

### **Other Material Considerations:**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
Balance of Dwellings Supplementary Planning Document (BoDSPD)

### **Relevant Site History:**

11/ 01858/FUL – Erection of first floor and two storey side extension to form 1 bed house. Refused on the basis of : Roof design, proximity of first floor to adjoining building, impact of parking area and access on the surrounding area.

09/00060/ENF – Unauthorized change of use of property from dwelling to Sikh Centre and private residential flat . Appeal dismissed and Notice complied with.

09/00061/ENF – Unauthorised extensions. Notice complied with.

07/01975/FUL - Single storey rear extension and change of use of dwelling to Sikh Centre and place of worship. Refused.

91/00046 – Ground floor extension at front of property and replacement garage. Approved.

### **Representations Received:**

None received.

### **Statutory and Internal Consultees:**

Marston Parish Council – No objection.  
Highways And Traffic – No objection.  
Thames Water Utilities Limited - Comments, no objection.

**Issues:**

- Principle of Development
- Balance of Dwellings
- Design
- Impact upon adjoining properties
- Parking Provision

**Officers Assessment:**Site Location and Description:

1. The site is located within a residential area comprising semi-detached and detached two storey houses. Some properties have been extended with two storey side extensions and first floor additions, set back from their front elevations. No.67 has a first floor extension which abuts the application boundary.
2. The application site is a three bed semi-detached dwelling with an attached single garage to the side projecting to the front with an extension incorporating an entrance to the main house and the garage.
3. The site frontage has been entirely laid to hardstanding with a low 0.3m high wall along part of the frontage. A single dropped access currently exists.
4. Whilst the site has previously been the subject of an Enforcement Notice relating to its use as a Sikh Centre and place of worship that use has now ceased and the Enforcement Notice has been complied with. The property is now in use as a single dwelling. The site location plan appears as Appendix 1.

Proposal

5. Planning permission is sought for an attached one bed house comprising a two storey side extension with a 3.6m wide first floor set in 1m from the ground floor and 1.2m from the south east boundary with No.67. The first floor would be set back 1m from the first floor of the existing house, whilst the ground floor would project forward from the front of the property by 1.5m, as existing. The two storey extension would project a further 2.75m beyond the rear of the existing house.
6. The proposed dwelling would comprise a kitchen/dining room and living room on the ground floor, with a bedroom and bathroom on the first floor.
7. Parking would be provided for one car in front of the new dwelling, whilst two spaces would be retained for the existing dwelling, accessed via a shared driveway.
8. The site layout has been amended to include rebuilding and extending the existing partly demolished boundary wall with new landscaping behind.
9. A bin store is shown at the front of the new dwelling, whilst the existing property has an existing bin storage area.

10. The existing house would be retained as a three bed dwelling.

11. This application follows refusal of application 11/01858/FUL and has incorporated the following amendments:

- First floor set in 1m from the ground floor.
- Hipped roof linked to main house.
- Shared access to enable retention of boundary wall and utilisation of existing highway access.

#### Principle of Development:

12. National planning policy guidance in the form of PPS3 'Housing' seeks to promote the re-use of previously developed land in order to minimise the amount of greenfield land being used for development. As defined by Annex B of PPS3, the site would constitute previously developed land. This is also emphasised in Policy HS2 of the adopted Oxford Local Plan 2001-2016, which states that permission will only be granted for residential development on previously developed land.

13. Therefore it is considered that the general principle of providing an additional dwelling would accord with both national policy guidance, CP6 of the adopted Oxford Local Plan 2001-2016 and Core Strategy policy CS2.

#### Balance of Dwellings:

14. Policy CS23 of the Oxford Core Strategy seeks to achieve an appropriate mix of dwellings for new residential developments to ensure a balanced distribution of dwelling types both within the site and in each locality.

15. The provision of a single one bedroom dwelling and retention of the existing dwelling would not conflict with this policy or policy HS8 and the Balance of dwellings SPD.

#### Design:

16. The Local Plan requires all new development to enhance the quality of the environment (Policy CP1). Policy CP6 states that the scale of development, including building heights and massing should be at least equivalent to the surrounding area. Policy CP8 requires new development to relate to its context with the siting, massing and design, creating an appropriate visual relationship with the form, grain and scale of the surrounding area.

17. The proposed extension would be set back at first floor level by 0.9m in accordance with the Council's Design Guide 2. Whilst the ground floor would project forward this is no different to the existing situation and similar to other such extensions. The width of the first floor extension would at 3.6m appear subordinate to the main house (5.7m). The amended roof design would result in a development which would appear as an extension to the main house, more in keeping with its setting and surroundings.

18. The reduced extent of the first floor element would allow a gap of 1.2, to the neighbouring extension at No.67, which unlike the previous proposal would avoid creating a terracing affect and would not unduly compromise the character of the streetscene.

19. The proposed dwelling would comprise an adequate internal environment of approximately 78sqm. In addition a level useable rear amenity area of approximately 46sqm (9.7 x 4.8m) would ensure a reasonable level of external amenity space.

20. The parking area as shown on the submitted plans would not change from the existing. However, unlike the previous scheme this proposal (as amended) allows for the retention of and an improvement to the existing front boundary wall, with the addition of planting behind it. This would enhance the existing appearance of the site by reducing the impact of the additional parking generated buy this proposal. The increase to the length of the boundary wall would also avoid the possibility of accessing the existing property over the highway verge which appears to have recently occurred.

#### Impact upon adjoining properties

21. The Council would seek to safeguard the amenities of the occupiers of the properties surrounding any proposed development. This is particularly important for existing residential properties, as new development can block light, have an overbearing effect and overlook adjoining properties. The Local Plan states in Policy HS19 that permission will only be granted for development that adequately provides for the protection, and/or creation, of the privacy or amenity of the occupants of the proposed and existing residential properties. This will specifically be assessed in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. Policy CP10 also states that any new proposal should safeguard the amenities of existing properties surrounding any proposed development.

22. No ground or first floor windows are proposed in the side elevations and as such no loss of privacy would result to No.67 or 71 Cherwell Drive. Similarly, it is not considered that the extent of the two storey extension would be harmful to light or amenity to the occupants of either property.

23. The existing property would still retain a reasonable living environment with windows on the rear elevation providing light into the kitchen/diner. In addition a private rear garden of approximately 56sqm (9.7 x 5.7m) is considered adequate.

#### Parking provision

24. The level of parking provision at 3 spaces (2 for the existing three bed dwelling and 1 for the proposed one bed dwelling) is considered acceptable. There would be no changes to the existing parking area apart from new landscaping along the frontage.

25. Secure cycle parking is shown in the rear garden of the proposed dwelling.

### Conclusion:

26. On the basis of the above it is considered that this proposal has addressed the previous reasons for refusal and as such complies with the relevant Local plan policies. The application is therefore recommended for approval.

### 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:** Mark Spragg

**Extension:** 2716

**Date:** 18th November 2011

11/02533/FULL

69 Cherwell Drive



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	24 November 2011
SLA Number	Not Set

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East Area Planning Committee

- 6<sup>th</sup> December 2011

**Application Number:** 11/02305/FUL

**Decision Due by:** 3rd November 2011

**Proposal:** Demolition of existing building. Erection of 1x4 bedroom dwelling with bin and cycle store (additional information).

**Site Address:** 54 William Street Oxford (site plan: **Appendix 1**)

**Ward:** Marston Ward

**Agent:** TSH Architects Ltd

**Applicant:** I And O Limited

**Application Called in** – by Councillors – Clarkson, Van Nooijen, Lygo and Coulter

For the following reasons - poor amenity space, parking pressure in the street and potential flooding risk at the property due to excavation work.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would make a more efficient use of land creating a new dwelling within an existing residential area which is sustainably located. The proposal would infill an open entrance to a disused commercial premises with a frontage building that would create an appropriate visual relationship with the street; would provide appropriately for the amenity needs of future occupants; and would preserve the residential amenities of neighbouring properties. The application accords with policies CP1, CP6, CP8, CP10, CP11, HS19, HS20, HS21, TR3 and TR4 of the Oxford Local Plan 2001 - 2016 and policies CS18, CS23 and CS28 of the Oxford Core Strategy 2026.
- 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.

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 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 SUDS
- 8 Design - no additions to dwelling
- 9 Re-instate kerb
- 10 Variation of Road Traffic Order
- 11 Bin and cycle storage details

### **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
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

### **Core Strategy**

- CS18\_** - Urban design, town character, historic environment
- CS23\_** - Mix of housing
- CS28\_** - Employment sites

### **Other Material Considerations:**

- PPS 1** – Delivering Sustainable Development
- PPS 3** – Housing
- PPG 13** - Transport

**Relevant Site History:**

85/00789/NO - Outline application for three storey development of 2 two-bedroom flats, with vehicular passage under first floor level. Refused October 1985.

86/00220/NO - Outline application for one-bedroom dwelling with parking space. Alterations to workshop. Refused April 1986.

89/00565/NF - Erection of one bedroom dwelling with parking space. Retention of office (Class B) with parking space. Appeal dismissed August 1989.

01/01259/NF - Subdivision of plot and erection of single and two storey 2 bedroom house with one on-plot car parking space. Provision of two on-plot parking spaces and pedestrian access to retained office building at rear. Withdrawn September 2001.

02/01463/FUL - Demolition of lean-to. Extension at front and rear, plus additional floor of accommodation to building at rear of site used as office accommodation (Amended). Refused October 2002.

11/00916/FUL - Conversion of existing workshop/office to a 1-bed flat. Erection of new 2-storey building with room in workspace to provide 1 x 1-bed flat and 1 x 2-bed flat. Provision of amenity space, bin and cycle storage. (Amended Plans and Description). Refused July 2011.

**Representations Received:**

47 William Street – lack of parking.

53 William Street – overdevelopment of site; proposal is for 2 separate units; lack of off-street parking; loss of amenities to neighbouring houses; flood risk and subsidence.

56 William Street – risk of subsidence and flooding; overdevelopment; inadequate parking provision.

58 William Street – potential for HMO; overdevelopment.

60 William Street – subsidence; overdevelopment; out of character.

**Statutory and Internal Consultees:**

Oxfordshire County Council Highways Authority - no objection subject to conditions regarding re-instating dropped kerb and variation of the Traffic Order.

Thames Water Utilities - no objection

Oxford Civic Society – overdevelopment; parking concerns; privacy

New Marston (South) Residents' Association - potential for HMO/student housing; parking concerns; out of character

**Issues:**

Principle

Design

Residential amenity

Privacy and amenity

Car parking  
Cycle parking  
Loss of office accommodation  
Use  
Flooding/subsidence

## Background

1. There are several historic planning applications on this site (listed above) that have been refused, including one appeal against a refusal that was dismissed. These proposals involved retaining the office use at the rear of the site whilst creating new dwellings at the front. The applications were refused on the grounds that the site was not adequate to accommodate new dwellings whilst retaining the commercial activity at the rear as the future occupiers would suffer from nuisance and disturbance relating to the commercial activity. This conflict has now been removed as the proposal involves the loss of the commercial activity. The proposals also included off street parking which added to the constrained nature of the site, and also raised concerns of highway safety by having vehicles reversing out on to the street. Again, this concern is addressed by not having off-street parking, and there would be no traffic generated by any commercial activity.
2. Since the previous refusals, a Controlled Parking Zone (CPZ) has been introduced to control on-street parking provision in William Street.
3. An application was submitted earlier this year to provide 2 flats in a new frontage building and to convert the existing commercial building to a flat. This application was refused at the East Area Planning Committee on 6<sup>th</sup> July 2011. The reason for refusal was:

*That, having regard to the extent of the site coverage by buildings, the limited amount of private amenity space, the narrow and inconvenient access to the proposed ground floor flat and dwelling at the rear of the site that would also be used to move cycles and bins and the conflict between the proposed locations of bin and cycle storage, the proposal would represent an overdevelopment of the site contrary to policies CP1 and CP10 of the Oxford Local Plan 2001 - 2016 and CS18 of the Oxford Core Strategy 2026.*

4. The scheme currently up for determination differs from this previously refused scheme as it seeks to provide only one unit of accommodation: a 4-bedroomed house. The existing commercial building would be demolished and a link extension would be constructed on part of the footprint of the commercial building. A rear garden and courtyard would be provided and bin and cycle storage would be located at the front, avoiding the need for a side access.

## **Officers Assessment:**

### Site

5. The application site comprises a plot on the southern side of William Street, off the Marston Road. There is a single storey office building located towards the rear of the site with hardstanding covering the rest of the site.

### Proposal

6. Planning permission is sought to erect a two-storey building, with accommodation in the roofspace, fronting William Street with a link extension at the rear to provide a 4-bed dwelling. A rear garden and inner courtyard would be provided and bin and cycle storage would be located at the front. No off-street parking would be provided but one on-street parking space would be created by re-instating the kerb at the front of the site.
7. Amended plans were received to show the line of the existing ground level. No changes to the proposal were made.

### Principle of development

8. PPS 3 identifies the need to make efficient use of land, this is reflected within OLP policy CP6 which states that development proposals should make efficient use of land by making best use of site capacity, however it goes on to state that this should be in a manner which does not compromise the character of the surrounding area.
9. The site constitutes previously developed land. The erection of a further residential building in place of a disused commercial building is considered to make more efficient use of the site. No objection is raised to the principle of this form of residential development.
10. The Balance of Dwellings Supplementary Planning Document (BoDS) was formerly adopted in January 2008 to elaborate upon the provisions of policy HS8 of the OLP (now superseded by policy CS23 of the Core Strategy (CS)) and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas. For new residential developments of between 1 – 3 units, such as the one proposed, there should be no net loss of a family dwelling.
11. The application site is currently occupied by an office building, and the proposal involves the creation of a family dwelling.

### Design

12. Policies CP1 and CP8 of the OLP state that planning permission will only be granted for development that respects the character and appearance of the area and which responds appropriately to the site and surroundings in terms of the form, grain, scale, materials and details of the proposal. Policy CS18 of the Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design

and responds appropriately to the site and its surroundings.

13. CP8 also states building design should be specific to the site and its context should respect, without necessarily replicating local characteristics, and that innovative design should not be ruled out.
14. William Street is a predominantly residential road, characterised by 2-storey terraced and semi-detached dwellings, although there are also some detached dwellings, including one directly to the west of the application site.
15. The houses along William Street are generally set behind small front yards that are enclosed by dwarf walls. The houses are laid out along a strong building line, with bay windows at ground floor level providing a strong feature, and predominantly pitched roofs of slate and tiles providing a uniform roofscape.
16. The houses are constructed primarily of brick, some of which have been painted, though there are examples of render. There is generally no off street car parking, although there are a few exceptions.
17. In response to these characteristics the proposed new building aligns with the front of the adjoining houses, with a front yard to provide some bin and cycle storage and some opportunity for landscaping on the frontage. The building stands at two storeys in height and incorporates a bay window at ground floor level. This treatment of the frontage is characteristic of the adjoining properties and the road in general.
18. The proposed materials to be used on the external elevations are rendered brickwork with artificial slate on the roof. Officers consider that although brick is the predominant building material, there are examples of render on display, including directly opposite the site, and the use of this material would not be harmful to the character of the area.
19. Due to the gradient in the street, which slopes down towards Marston Road, the proposed new building is set slightly lower than no. 56 William Street. This therefore results in the window levels and eave lines not matching up, however this is a common theme along the road due to the gradient and as such is not uncharacteristic or harmful.
20. The rear extension is accessed by a link corridor 7.5 metres long and 1 metre wide. The link would be single storey and would run along the boundary with no. 52 William Street and would measure 2.5 metres in height from adjacent ground level.
21. The rear extension is set over two floors and provides a living room on the ground floor with bedroom over. The overall height of the extension would be no higher than the existing commercial building and would measure over 8.5 metres less in length, greatly reducing the bulk and allowing for a rear garden. The extension would have a pitched roof, and although 2-

storey, would appear subservient to the main building due to it being sunk into the ground. Officers are of the view that the extension creates an appropriate visual relationship with the main building, and due to the existing commercial building, could not be considered to be out of character in the context of the site.

22. The proposed frontage building works hard to respect the characteristics of the street and whilst the street has common themes there are variations on display. The proposal would in-fill a gap in the street and is not considered to harm the character and appearance of the street or area.

23. A condition removing permitted development rights has been attached to ensure further consideration can be given to any future proposed developments.

### Residential Amenity

24. Policy HS21 of the OLP states that residential developments should provide an amount of private, good quality open space. For family dwellings, the length for a private garden should generally be 10 metres. The rear garden would be approximately 12 metres in length and there would also be an inner courtyard area between the main house and link extension. Officers consider there to be adequate outdoor garden space for the size of dwelling.

25. The proposal is considered to provide appropriate and adequate internal layouts for all three units.

26. A landscape condition and boundary treatment condition have been attached to ensure the satisfactory finish and appearance of the development. A condition has also been requiring the details of the bin and bike storage to be approved, as these will be sited on the frontage.

### Privacy and amenity

27. Policy HS19 of the OLP 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 occupants of the proposed and existing neighbouring, residential properties. The City Council will assess each development proposal in terms of: the potential for overlooking into habitable rooms or private open space; potential for noise intrusion; sense of enclosure, or development of an overbearing nature; refuse and recycling storage; cycle storage; drying space; and sunlight and daylight standards. This policy refers to the 45/25 degree code of practice, as detailed in Appendix 6 of the OLP, which is used to calculate the potential for loss of light to habitable rooms.

### *Loss of light*

28. No. 52 William Street to the west of the application site has a large two-storey rear extension and extends to almost 15 metres in length. There is one window on the side facing elevation facing the application site but this appears to serve a hallway and not a habitable room. The proposed new building would not project out as deep as this and so would not cause any issues of

loss of light or outlook from habitable rooms at no. 52.

29. With regard to the impact of the new building on no. 56 William Street, the proposal would breach the 45° guidance when measured in the horizontal plane from the closest ground floor window on the rear elevation, but it comfortably clears the 25° guidance when measured in the vertical plane. The proposal also complies with the 45° guidance in relation to the windows in the side elevation at ground floor level, and the first floor windows facing south of no. 56 William Street. Furthermore, the rear of the property faces south so benefits from good levels of natural sunlight.
30. The proposal complies with the 45/25 degree rule in accordance with Appendix 6 of the OLP and officers are therefore satisfied that the application would not unreasonably adversely affect light to neighbouring properties.

#### Overlooking

31. There are no balconies or terraces proposed and as the building is not to be used as flats as in the previous refused scheme, there is no longer the issue of overlooking from flats into garden space.
32. Whilst officers recognise that the new windows in the frontage building would offer an opportunity to look down into adjoining gardens, this is a common occurrence within dense residential areas such as this and would not be unreasonably harmful.
33. The rear link extension has two forward facing windows in the first floor but these serve a staircase and an ensuite bathroom and therefore officers do not consider there to be any overlooking issues arising from these.

#### Car Parking

34. The application site is off the Marston Road with its frequent bus routes to and from the city centre and Marston. There are also cycle routes to Oxford and Marston. The site is equidistant between the shopping district of St Clements to the south, and shops at Headley Way to the north. There is a post office and convenience store on the corner of William Street and Marston Road.
35. The site is within an existing Controlled Parking Zone (CPZ). Currently there is a lowered kerb along the full width of the application site with double yellow lines marked on the road to prevent vehicles from blocking the entrance. As a condition of the permission, this kerb would be raised and the road markings removed, thereby effectively creating an additional on-street parking space in front of the new building. It is proposed therefore that the new dwelling be limited to one permit for residents parking. The Highways Authority has no objection to the proposal, subject to the applicant varying the Road Traffic Order to limit the site to one permit.



### Cycle Parking

36. Policy TR4 of the OLP states that planning permission will only be granted for development that provides good access and facilities for pedestrians and for cyclists and complies with the minimum cycle parking standards shown in Appendix 4. According to the Parking Standards SPD secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments. The minimum requirement for residential dwellings is two spaces per residential unit, and this has been provided. A condition has been attached requiring further details of the cycle stores to be approved prior to commencement of development.

### Loss of employment site

37. The site is not located within a protected employment site, however, policy CS28 of the Core Strategy states that the loss of any employment generating site must be justified and evidence provided to show that the current use is not viable.

38. Evidence has been submitted to show that the site has been marketed as office accommodation and also as D1 (Non-Residential Institution) and D2 (Assembly and Leisure) use for an extended period but has received very little interest and no occupiers have been found. The main reason given is due to its location in a predominantly residential area, which is undesirable for potential occupiers. Officers are therefore satisfied that the loss of the office use is justified in this instance.

### Use

39. On 24 of February 2011 Oxford City Council served an Article 4 Direction allowing it to introduce local planning controls in terms of HMOs. This change is subject to one year's notice, so as of 24 February 2012 planning permission will be required to change the use of a C3 dwellinghouse to a shared rented house (C4 HMO). This measure will apply to the entire Oxford City Council area. Up until 23 February 2012, conversions between C3 dwellinghouses and C4 HMOs will not require planning permission. Concerns have been raised through consultation regarding the possibility of the dwelling being used as HMO/student housing. Officers do not consider it to be reasonable to impose a condition for the interim 11 week period until the Article 4 Direction comes into force restricting the use of the development to C3 dwelling house. In any case, it is unlikely that the development would be completed and ready for occupation by this date.

### Flooding and Subsidence

40. Due to part of the development being sunk into the ground concerns have been raised from neighbours regarding the impact of the works on adjoining buildings. In response to this a Technical Report was carried out by a Chartered Engineer that surmised that the foundation system to be used is widely used in soil conditions such as the clay soil found at this site, and is technically well established, presenting no problems to competent contractors. Part A1 of the Building Regulations would not permit a design that would impair the stability of another building.

41. The risk of flooding was also raised as an issue. The site is not located on low-lying land and is not within a flood zone. William Street is on a gradient so water would flow down through the clay soil. Part H of the Building Regulations covers drainage.

**Sustainability:**

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

**Conclusion:**

The proposal is acceptable in design terms and would make an efficient use of land in this existing residential area. The existing commercial building would be demolished and much smaller building erected. The new building on the frontage relates well to the surrounding area and the proposal would not cause significant levels of harm to the living conditions of neighbours or future occupiers. Officers are satisfied that parking pressure would not be increased, and the Highways Authority has raised no objection. The loss of the employment site has been justified and the proposal is considered to comply with the relevant policies of the Oxford Local Plan 2001-2016 and Core Strategy 2026.

**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:** 11/02305/FUL

**Contact Officer:** Rona Gregory

**Extension:** 2157

**Date:** 21st November 2011

# Appendix 1

## 54 William Street



GIS by ESRI (UK)



Scale : 1:843

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Organisation	Not Set
Department	Not Set
Comments	11/02305/FUL
Date	25 November 2011
SLA Number	Not Set

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East Area Planning Committee

- 6<sup>th</sup> December 2011

**Application Number:** 11/02666/FUL

**Decision Due by:** 13th December 2011

**Proposal:** Demolition of existing single storey garage. Erection of two storey side extension to form two self-contained one-bed flats. Provision of 2 car parking spaces for existing house.

**Site Address:** 27 Weldon Road Oxford Oxfordshire OX3 0HP

**Ward:** Marston Ward

**Agent:** Ifor Rhys Ltd

**Applicant:** Mr Sadiq Ghulam

**Call in** – The application was called in by Councillors Clarkson, Lygo, Price, Van Nooijen and Sanders on the grounds of parking and traffic safety on this corner.

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**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 the site in a manner that is sympathetic to the site constraints, the character and appearance of the area and neighbouring residential amenities. The proposal would provide an acceptable residential environment for future residents. Matters of boundary treatment, landscaping and enforcement of the car free nature of the development can be secured by conditions. The application accords with the Oxford Local Plan and Oxford 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 Materials - matching
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Landscape management plan
- 8 Car Parking Space for House
- 9 Vision splays
- 10 Variation of Road Traffic Order to omit flats from Controlled Parking Zone
- 11 Bin and cycle storage
- 12 Design - no additions to dwelling under permitted development

**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
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

**Oxford Core Strategy 2026**

- CS2\_** - Previously developed and greenfield land
- CS18\_** - Urban design, town character, historic environment
- CS23\_** - Mix of housing

**Other Material Considerations:**

- PPS 1 – Delivering Sustainable Development
- PPS 3 – Housing
- PPG 13 – Transport
- Regional Spatial Strategy for the South East
- Balance of Dwellings Supplementary Planning Document
- Parking Standards Supplementary Planning Document

**Relevant Site History:**

08/00857/FUL - Demolition of existing garage and erection of two storey side extension (amended plans) – approved

11/01850/FUL - Demolition of existing garage. Erection of two storey side extension to form 2 x 1-bed flats. Provision of 2 parking spaces for existing house plus 2 parking spaces for flats – withdrawn

**Third Party Representations Received:** The following comments have been received:

- Flats are not in keeping with local area
- Loss of privacy to neighbouring properties
- Unwanted views into the gardens of proposed flats
- Proposed gardens not safe and secure
- Proposed fencing out of keeping
- Providing no cars is not realistic
- Extension out of scale with existing building
- Planning reference 08/00857/FUL has expired

**Statutory and Internal Consultees:**

Thames Water Utilities Limited – No objection

Highways Authority – No objection subject to conditions relating to vision splays and treatment of car parking area (to be provided for house prior to occupation)

**Sustainability:** The development would make more efficient use of an existing site, which is within a highly accessible area within close proximity to shops, services and public transport nodes.

**Officers Assessment:**

**Site Description and Proposal**

1. The application site comprises No 27 Weldon Road, a two storey semi-detached property situated within a predominantly residential area. The site is located at a 90° bend in the road and as such has an exposed return to the north. There is an existing garage to the rear of the site with vehicular access.
2. The application proposes a two storey side extension to provide 2x1 bed flats. Two new car parking spaces are proposed in front of the existing house to serve it exclusively. The flats have no off street car parking.
3. Officers consider the main issues of the case to be the principle of development, quality of the residential environment proposed, the impact on neighbouring residential properties, the form, appearance and visual impact of the development, and finally car parking.

**Planning History**

4. Planning permission was granted on the 3<sup>rd</sup> July 2008 for a two storey side extension. That planning permission has now lapsed. However, it was granted under the same local plan and in the light of the same design guide principles for side extensions. The proposed side extension is the same width as that now proposed but approximately 1.65m longer. Although the extension is slightly larger to that previously approved and

the previous permission has now lapsed, officers consider that the principle of a side extension remains acceptable.

5. 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, site constraints, or the Councils approach to side extensions, it would not be reasonable to resist the principle of a side extension. Officers would therefore afford the previous permission considerable weight in assessing the current application.

### **Principle of Development**

6. PPS 3 identifies the need to make efficient use of land, this is reflected within OLP policy CP6 which states that development proposals should make efficient use of land by making best use of site capacity. It however goes on to state that this should be in a manner, which does not compromise the surrounding area.
7. Policy CS23 of the Oxford Core Strategy states 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.
8. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoD SPD) has assessed the housing stock within Oxford and has identified areas of pressure. The aim of the SPD 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.
9. The application site falls within an area defined by the SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. In this area the SPD does not prescribe a particular mix for development below 3 units and as such officers have no objection to the principle of 2x1 bed flats.

### **Proposed Residential Environment**

10. Policy HS21 of the OLP states that residential development should have access to private amenity space. Units with 2 or more bedrooms are required to have exclusive access to an outdoor space and where the unit is a house the garden should generally be a minimum of 10m in length.



The existing house would retain an 11.2m long garden. This is considered to be acceptable and in accordance with the requirements of policy HS21.

11. The preamble to policy HS21 also explains that where the residential units are unlikely to be occupied by people with children the amenity space can be provided in the form of a shared space. The flats would have only one bedroom and it is therefore reasonable to conclude that they would be extremely unlikely to be occupied by persons with children. A communal garden is provided to the rear and front of the extension measuring approximately 38.69m<sup>2</sup> (7.3m x 5.3m) and 43m<sup>2</sup> (7m x 6.3m) respectively. Officers do not consider the front garden to provide a secure and private area, however the rear space would be both secure and private. The latter space is alone large enough to accommodate the two flats, however the front area does provide an additional area, albeit with limited privacy. Officers are therefore satisfied that the level and quality of outdoor space would be acceptable and in accordance with policy HS21.
12. Policy HS11 requires flats to have a floor area of at least 25m<sup>2</sup> and be fully self contained. The proposed flats would comply with this requirement. Bin and cycle storage is proposed at the rear. This is an acceptable solution and officers recommend that the detail of their appearance be secured by a condition.

### **Impact on Neighbouring Properties**

- 13 The extension is located to the north of the existing house and would not therefore adversely impact upon light to the rear habitable room windows of the existing dwelling. In addition the 45° code when applied to the rear facing habitable room windows would not be breached.
- 14 There would be new windows to the front, side and rear of the extension. These would not result in an unreasonable loss of privacy to neighbouring properties due to the separation distances. In addition the relationship between the extension and houses opposite is not uncommon in the street or residential areas in general.
- 15 Officers therefore conclude that the development would not adversely affect the residential amenities of neighbouring properties.

### **Form, Appearance and Visual Impact**

- 16 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.
- 17 Weldon Road has two characters. The first is that experienced between the southern end of the road. This sees the relatively uniform pairs of

semi-detached properties forming a strong building line. To the west of the application site the road has a different pattern. The street gently winds with houses of different sizes built along a staggered line with houses stepping in and out.

- 18 Within this context the erection of a side extension would not appear out of keeping and officers attach significant weight to the material consideration of the previous permission which established the principle of a side extension. The extension would be a subservient form to the main house, being set back from its frontage and with a lower ridge height. The side elevation has been articulated with windows and the two entrances all providing activity at street level. The inclusion of fences is not uncommon on return properties and officers would recommend a condition to control the boundary treatment to ensure that it is sympathetic to the street while providing adequate privacy to the rear garden.
- 19 In consideration of the sympathetic scale and design, as well as the previous permission, officers conclude that the extension would be an appropriate addition to the street and would not be unduly out of keeping with its character and appearance.

### **Car Parking**

- 17 The existing house would retain two off street car parking spaces, whilst the two flats would be car free. The level of provision for the house accords with appendix 3 of the OLP. The car free status of the flats can be enforced by removing the site from the controlled parking zone so that the flats would have no entitlement to parking permits. Officers would suggest a condition to secure this. The Highway Authority raise no objection to this approach.
- 18 The application was called in on the ground of concerns about highway safety at this corner. The proposed car parking is in front of the existing house and although adjacent to the bend in the road the Highway Authority raise no objection subject to a condition to provide visibility splays.

**Conclusion:** Officers recommend that the Committee grant planning permission 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:** 11/02666/FUL and 08/00857/FUL

**Contact Officer:** Steven Roberts

**Extension:** 2221

**Date:** 24th November 2011

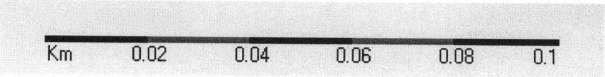
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# Appendix 1

27 Weldon Road - 11/02666/FUL



Legend	



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Organisation	Not Set
Department	Not Set
Comments	
Date	25 November 2011
SLA Number	Not Set

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**East Area Planning Committee**

6<sup>th</sup> December 2011

**Application Number:** 11/02492/VAR

**Decision Due by:** 24th November 2011

**Proposal:** Variation of condition 10 (Hours of deliveries and fork lift truck activity) of planning permission 11/01550/FUL to enable activity from 07:30hrs to 17:00hrs Monday-Friday and 08:00hrs to 12:00hrs on Saturdays.

**Site Address:** Former DHL Site Sandy Lane West Oxford. Site plan attached at **Appendix 1**.

**Ward:** Littlemore Ward

**Agent:** Seymour Harris Architecture

**Applicant:** Mr Ronan Mellett

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## **Recommendation:**

Committee is recommended to support the proposal for the following reasons:

- 1 The proposed variation of condition 10 of 11/01550/FUL to allow an increase in the hours for deliveries and fork lift truck activity accords with all the relevant policies within the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 as the current restriction will cause operational issues and the agreed 3m high acoustic fencing will provide some significant mitigation against noise.
- 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 Materials
- 4 Details of gates
- 5 Details of acoustic fencing
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1
- 8 Details of cycle parking
- 9 Opening hours

- 10 Deliveries and fork lift truck activity
- 11 Construction Travel Plan

**Main Local Plan Policies:  
Oxford Local Plan 2001-2016**

- CP1 - Development Proposals
- CP19 - Nuisance
- CP21 - Noise

**Other Material Considerations:**

- PPS1 Delivering Sustainable Development
- PPG24 Planning and Noise

**Relevant Site History:**

07/02809/FUL - Redevelopment of the existing employment site to provide 18 x B1(c), B2, B8 industrial units and warehouse units (8 with ancillary trade sales) and one builders merchant (Sui Generis), and a parking area for Stagecoach vehicles. Floodlighting. PER 18th June 2008.

11/01550/FUL - Change of use from class B8 (storage and distribution) to a builders merchant (sui generis) for the display, sale and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage and associated external alterations, together with the demolition of adjacent redundant buildings (Amended Plans). PER 21st September 2011.

11/02041/ADV - Installation of 9No non-illuminated advertisements (including 8No fascia signs and 1No free standing signs). PER 26th September 2011.

**Representations Received:**

None.

**Statutory and Internal Consultees:**

Littlemore Parish Council: no objection subject to neighbours and planning control  
Environment Agency Thames Region: application deemed to either have a low environmental risk or relate to conditions that were not recommended by the EA.

Thames Valley Police: no comments to make.

Thames Water Utilities Ltd: the application does not affect Thames Water and as such they have no comments to make.

**Issues:**

Variation of condition

**Officers Assessment:  
Site Description**



1. The application site is located to the south east of the city centre, to the south of the eastern bypass and is accessed via Ledger Close off Sandy Lane West. Currently on site are three industrial warehouse buildings and associated service yards.

## **Proposal**

2. Variation of condition 10 of planning permission 11/01550/FUL.

## **Assessment**

3. Application 11/01550/FUL was put before East Area Planning Committee on 3<sup>rd</sup> August 2011 for a change of use from class B8 (storage and distribution) to a builders merchant (sui generis) for the display, sale and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage and associated external alterations, together with the demolition of adjacent redundant buildings.
4. East Area Planning Committee was minded to approve the scheme subject to conditions suggested by Officers. One such condition, condition 10, states:
  - Deliveries and fork lift truck activity shall be restricted to between 8.00am and 5.00pm Monday to Friday. There shall be no such activity on Saturday, Sunday or Bank Holidays.

Reason: In the interest of the amenities of nearby occupiers and the area generally in accordance with policy CP1, CP19 and CP21 of the Adopted Oxford local Plan 2001-2016

5. The condition was added at the request of Environmental Development as the application indicated that the premises would be operating between the hours of 0700 hours to 1800 hours. Environmental Development had concerns about noise during delivery times and subsequent forklift truck activity. As a result condition 10 was added to restrict the deliveries and fork lift truck activity to the hours stated in the condition.
6. The applicant sees this condition as restrictive and will cause significant operational issues and will prevent Travis Perkins (the future occupier) from taking deliveries or using fork lift trucks when they are open for trade, namely between 0730 hours and 1700 hours Monday to Friday and 0800 hours and 1200 hours on Saturdays. It is essential for Travis Perkins to be able to receive deliveries and hence use fork lift trucks during their opening times. Fork lift trucks are also required to load building materials onto customer vehicles.
7. The application is therefore seeking to vary the condition to enable the delivery and fork lift truck activity hours to tie in with the permitted opening hours. The suggested new wording for the condition is:

- Deliveries and fork lift truck activity shall be restricted to between 7.30am and 5.00pm Monday to Friday and between 8.00am and 12.00pm on Saturdays. There shall be no such activity on Sundays or Bank Holidays.

Reason: In the interest of the amenities of nearby occupiers and the area generally in accordance with policy CP1, CP19 and CP21 of the Adopted Oxford local Plan 2001-2016

8. In June 2008 planning permission was granted for the redevelopment of the whole site under planning reference 07/02809/FUL. Included in this scheme was a 3m high acoustic fence. Within application reference 11/01550/FUL it was proposed that a 2.4m acoustic fence be erected to mitigate against forklift truck noise. Officers recommended that this be increased to 3m in height, to be consistent with the proposal in 2008 planning permission and a condition was added to that effect. It was considered that this would give further protection against noise disturbance to nearby residents.
9. As the original recommendation for a restriction on the use of the fork lift truck to 8.00am to 5.00pm will cause operational difficulty for the site occupiers and as the applicant have agreed to a 3m high acoustic fencing, which should provide some significant mitigation against noise Officers have no objections to the proposals in the application.

### **Conclusion:**

For the reasons given above and taking into account all other matters raised Officers conclude that the proposed variation of condition 10 of 11/01550/FUL to allow an increase in the hours for deliveries and fork lift truck activity accords with all the relevant policies within the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore recommends approval as the current restriction will cause operational issues and the agreed 3m high acoustic fencing will provide some significant mitigation against noise.

### **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:**

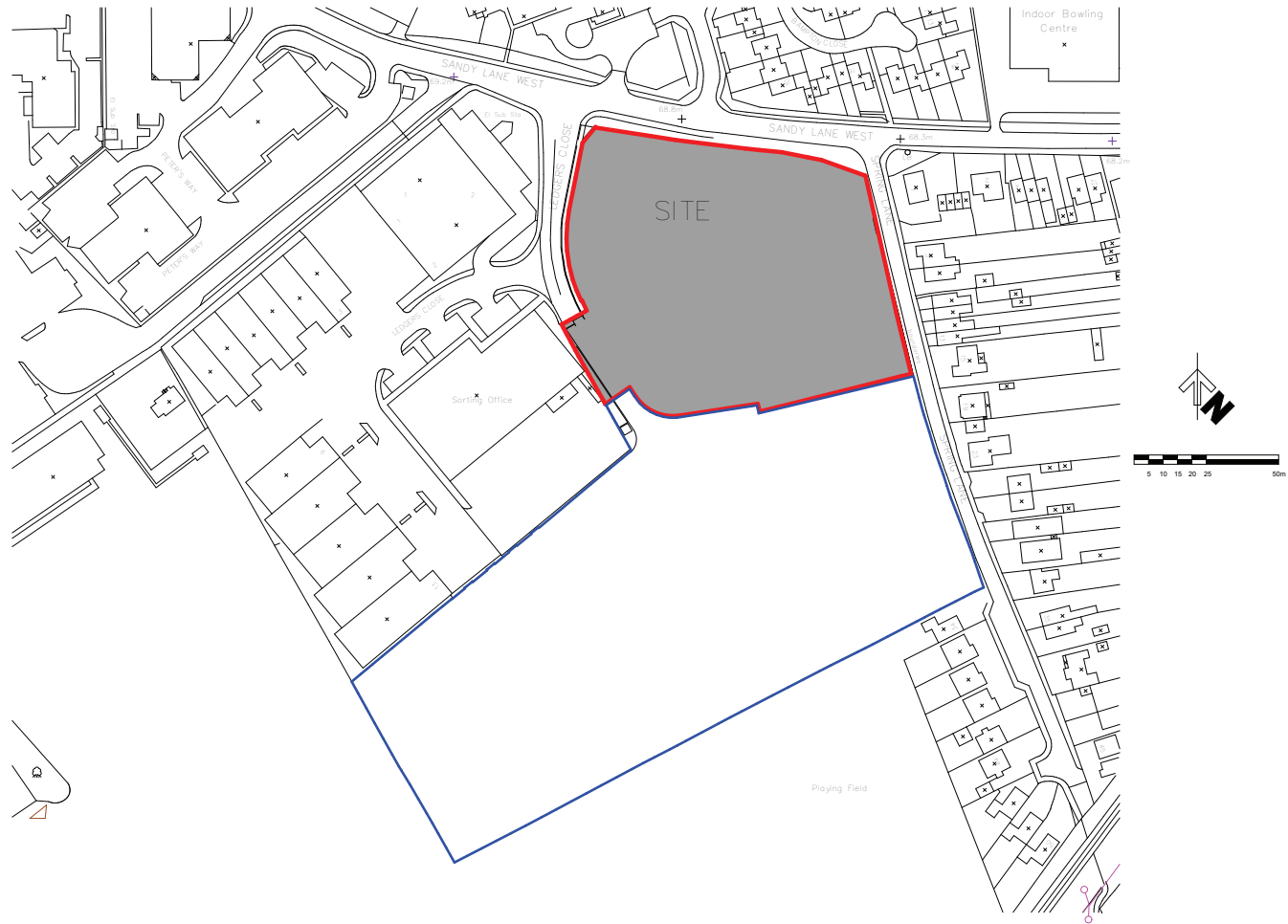
**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 16th November 2011

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PLANNING

Rev	Drawn	Date	Description	Rev	Drawn	Date	Description	Purpose Of Issue	Risk Assessment	Project title	Drawing title : Location Plan				
										<b>SANDY LANE WEST, OXFORD TRAVIS PERKINS</b>					
										Client : <b>NAUS GROUP</b>	Drawing No. : <b>AP(0)001</b>			Revision No. :	
										Drawn : <b>PJW</b>	Reviewed : <b>RVM</b>	Scale : <b>1:1250</b>	Orig : <b>A2</b>	Date : <b>10/05/11</b>	Job No. : <b>10.057</b>
										<b>Birmingham - Leeds - London</b> 26 Highfield Road Edgbaston Birmingham B15 3DP E : birmingham@seymourharris.com www.seymourharris.com T : +44 (0) 121 454 4571 F : +44 (0) 121 454 5403					
										<b>SeymourHarrisArchitecture</b>					

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East Area Planning Committee

6<sup>th</sup> December 2011

**Application Number:** 11/02032/FUL

**Decision Due by:** 9th November 2011

**Proposal:** Refurbishment of Unit 1 comprising:-

- External alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvres; (Additional Information)
- Mezzanine floor space within retail units 1A, 1B and 1C;
- Alterations to the pedestrian and parking areas to front of the retail building and replacement compound/ new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;
- Formation of three Class A3 cafe-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south;
- Demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking. (Additional Information) (Amended Plans)

**Site Address:** Unit 1, Templars Shopping Park, Between Towns Road,  
**Appendix 1**

**Ward:** Cowley Ward

**Agent:** Blue Sky Planning

**Applicant:** Kyarra Sarl

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**Recommendation:** Committee is recommended to support the proposals in principle but defer the application to allow a “Deed of Variation” to be drawn up and to delegate to officers the issuing of the Notice of Planning permission on its completion.

## Reasons for Approval

- 1 The proposals accord with the relevant policies within the Oxford Local Plan and is supported accordingly. The external alterations will match the existing shop fronts whilst the principle of sub-division and inclusion of a food retailer at Unit no.1 have been previously established. The additional A3 units will add vitality and vibrancy to the site and the additional dwellings will make

efficient use of the land and add to the balance and mix of dwellings within the area. The new café units are considered to form an appropriate relationship with the area and do not impact on the immediate neighbours in a detrimental way. The remnants of a stone rubble wall and gable to the former factory site are retained as reminders of Cowley's past and new trees planted to replace losses.

- 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.

### **Subject to the Following Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Landscape management plan
- 5 Landscape underground services - tree roots
- 6 Tree Protection Plan
- 7 Arboricultural Method Statement
- 8 Archaeological evaluation
- 9 Methodology for the coral rag wall
- 10 Plant and/or machinery
- 11 Scheme for treating cooking fumes/odours
- 12 Noise
- 13 CCTV
- 14 Lighting
- 15 Accessibility
- 16 Residential car parking
- 17 Vision splays
- 18 SUDS
- 19 Construction Traffic Management Plan
- 20 Travel Plan Statement
- 21 Cycle parking details - residential and retail
- 22 Opening hours for retail units

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

CP1 - Development Proposals

CP5 - Mixed-Use Developments

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  
CP21 - Noise  
TR3 - Car Parking Standards  
TR4 - Pedestrian & Cycle Facilities  
NE15 - Loss of Trees and Hedgerows  
NE16 - Protected Trees  
HE2 - Archaeology  
HE7 - Conservation Areas  
RC4 - District Shopping Frontage  
RC11 - Environmental Improve - District/Neighbourhood Shop Centres  
RC12 - Food & Drinks Outlets

### **Core Strategy 2026**

CS1 - Hierarchy of centres  
CS2 - Previously developed and greenfield land  
CS13 - Supporting access to new development  
CS14 - Supporting city-wide movement  
CS18 - Urban design, town character, historic environment  
CS19 - Community safety  
CS22 - Level of housing growth  
CS23 - Mix of housing  
CS31 - Retail

### **Other Material Considerations:**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPS4 Planning for Sustainable Economic Growth  
PPS5 Planning for the Historic Environment  
PPG13 Transport  
PPS24 Planning and Noise

Supplementary Planning Document: Parking Standards, TAs and TPs Adopted Feb 2007.

Supplementary Planning Document Balance of Dwellings Adopted Jan 2008.

### **Relevant Site History:**

85/00508/NOY - Development of a retail park comprising 14,165 sq. m gross Class 1 non food retail floor space 929 sq. m garden centre, parking for 450 cars, open space and new pedestrian and vehicular access (Outline) (Templars Shopping Park, Between Towns Road). Refused 4th October 1985.

85/00893/NOY - Development of a retail park, comprising 13,032 sq. m. gross Class I non food retail floor space, 929 sq. m. garden centre, associated car parking, open space and new vehicular and pedestrian accesses (Outline) (Templars Shopping Park, Between Towns Road). Approved 29th May 1986.

86/00678/NR - Retail park, comprising 13,032 sq. m. gross Class I non food retail floor space, 929 sq. m. garden centre, associated car parking, open space, and new vehicular and pedestrian accesses (Reserved Matters of NOY/893/85) (Amended Plans) (Templars Shopping Park, Between Towns Road). Approved 8th October 1986

87/00955/A - Externally illuminated fascia signs (pelmet lighting) and externally illuminated logos for B & Q Retail Ltd. (sun flood lighting) (amended plans) (Unit 1 Templars Shopping Park). Approved 19th November 1987.

88/00181/A - Floodlit illuminated entrance advertisement (Templars Shopping Park, Between Towns Road). Approved 28th April 1988.

88/00617/A - Externally illuminated fascia sign for B & Q Retail Ltd. (pelmet lighting) (Unit 1 Templars Shopping Park). Refused 6th October 1988.

95/00572/A - i) Internally illuminated lettering over entrance ii) Internally illuminated high level lettering to western and southern elevations (Amended plan) (Unit 1 Templars Shopping Park). Withdrawn 3rd October 1995.

95/01195/A - Internally illuminated high level lettering to east and south elevation for B and Q. (Unit 1 Templars Shopping Park). Allowed on appeal 6th October 1995.

97/00432/NF - Erection of weld mesh fence to form secure compound (Adjoining Unit 1 Templars Shopping Park). Approved 3rd June 1997.

97/01127/Q - Application to determine whether prior approval is required for the method of demolition/reinstatement of the glazed walk ways at the John Allen Centre. (Templars Shopping Park, Between Towns Road). Granted 6th August 1997.

98/01302/NF - Installation of 36 lighting columns and alterations to entrances of retail units by construction of new rendered and brick piers. (Templars Shopping Park, Between Towns Road). Approved 13th October 1998.

98/01303/A - 1x15m, 3x6m, 1x4m internally illuminated totem signs. 4 sail banners on 4.5m columns. 7 pairs of internally illuminated signs on entrance piers to shops. 7 fascia signs on porte cocheres. 5x1.6m directional signs. (Templars Shopping Park, Between Towns Road). Approved 13th October 1998.

05/02238/ADV - 6 internally illuminated poster display panels (Templars Shopping Park, Between Towns Road). Approved 4th January 2006.

10/01959/FUL - Alterations to site access including the erection of ticket barriers and payment machines (Templars Shopping Park). Approved 11th November 2010.

10/01960/ADV - Display of advertisements comprising:  
1 x double sided externally illuminated 'totem' sign (8m x 2.5m); 1 x double sided externally illuminated 'totem' sign (8m x 2.3m) with 4.5m canopy; 1 x single sided

internally illuminated information sign (3.55m x 2.99m) (Templars Shopping Park, Between Towns Road). Approved 11th November 2010.

10/03090/FUL - Refurbishment of Unit No.1 including external alterations to elevations and new entrances, to create 4 retail units. Insertion of mezzanine level into units 1A and 1B, plus alterations to the car parking and pedestrian area to frontage and replacement compound/plant area within service area. (Amended plans). Approved 18th January 2011.

11/00006/ORDER - Oxford City Council - Between Towns Road (No.1) Tree Preservation Order 2011. Provisional Order approved.

In addition there have been two variations to the legal agreement which accompanied the original 1986 permission to create the retail park:

09/00673/POM - Amendment to the range of goods permitted to be sold at Templars Shopping Park. PDE

11/00461/POM - Variation to legal agreement relating to retail park to allow up to 2500sq m of floor space to be used for food sales. Approved 6th July 2011.

### **Consultation**

#### **Statutory Consultees:**

Highway Authority: No objection subject to conditions.

Thames Water Utilities Ltd: No objections.

Environment Agency: Application is deemed to have a low environmental risk.

Thames Valley Police: No objection subject to recommendations (see text)

Drainage Team Manager (Oxfordshire County Council): no objection

#### **Third Party Representations Received:**

Prior to the submission of the planning application, a public exhibition was held at the retail park on 7<sup>th</sup> July 2011 with a general consensus that the proposals were welcomed.

Following the receipt of the planning application responses were received from:

9 Cleveland Drive; 52 Church Cowley Road; 12 Beauchamp Lane; 22 Church Hill Road; 11 Beauchamp Lane; 7 Hockmore Street; 30 Church Hill Road; Flat 49, The Manor House, Bennett Crescent; Zurich Assurance c/o Threadneedle.

#### **Summary of comments**

- Close to adjoining properties
- General dislike of the proposal
- Inadequate parking provision
- Increase in traffic
- Inadequate access
- Loss of parking
- Increase parking on surrounding streets
- Inadequate public transport provisions

- Noise nuisance
- Lack of cycle parking facilities
- Overdevelopment
- Strain on existing community facilities
- More cafes not required – cause nuisance with food rubbish, parking, rats, anti social behaviour
- Loss of historic aspect of Cowley
- Effect on local ecology/loss of trees
- Development too high
- Loss of privacy
- Impact on conservation area
- Out of keeping with character of area
- Intrusive on Beauchamp Lane aspect
- Development would create new planning unit not be controlled by existing legal agreement
- Welcome economic regeneration of the area

## **Issues**

Planning policy

Design

Potential for noise nuisance

Highways, traffic and parking

New housing

Heritage assets

Trees and landscaping

## **Officers Assessment**

### **Site Description**

1. The application site is part of the Cowley Centre (Templars Square) District shopping centre. It is located adjacent to the B4495, with a traffic light controlled access. The retail centre forms part of the Cowley Centre with Templars Square shopping centre opposite. The development is subdivided into plots, with a central parking area. Some of the units have been updated with new facades and had mezzanine floors constructed.

### **Proposals**

2. The application is seeking permission for the refurbishment of Unit 1 comprising a number of separate elements:-
  - external alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvres;
  - mezzanine floor space within retail units 1A, 1B and 1C;
  - alterations to the pedestrian and parking areas to front of the retail building and replacement compound/ new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;

- formation of three Class A3 cafe-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south; and
  - demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking.
3. The principle of the external alterations to the eastern elevations of the building to create 4 units, including additional glazing and new frontage louvres, mezzanine floor space within retail units 1A, 1B and alterations to the pedestrian and parking areas to front of the retail building and replacement compound/new plant area within the service area have already been established and approved under planning permission 10/03090/FUL.
  4. This current application proposes the modification to this permission by amalgamating units 1C and 1D to facilitate a single unit of 2500sqm for the occupation by Sainsbury's. The resultant unit is to be known as Unit 1D, along with three smaller units (1A-1C) with an additional mezzanine is to be added to unit 1C. The depth of units 1A-1D is to be reduced by the change of use of the back part of the building to A3 at the rear of units 1A and 1B and the demolition of further retail floor space mainly behind unit 1C.

### **Planning Policy**

5. National planning policy on retailing is presently set out in PPS4, which broadly promotes a '*town centre first*' policy. This approach supports sustainable travel and positively encourages investment to take place within established town and district centres, such as Templars Retail Park. The vitality and viability of town centres is to be delivered through the focusing of economic growth with greater competition between retailers and enhanced consumer choice. The adopted Oxford Core Strategy adopts the same approach and identifies Cowley Centre as a Primary District Centre. This recognises the important role that it plays in the retail hierarchy as it serves a larger catchment area than other districts and is the most accessible. The Core Strategy therefore encourages growth in retail, employment, leisure and other uses to be focused within the District centre to promote its vitality and viability
6. In terms of the 'saved policies' from the Local Plan of particular relevance to the proposed retail and restaurant uses are policies RC4 (District Frontage); RC12 (Food and Drink) and RC.13 (Shopfronts). The mix of uses within this district frontage at present has a high proportion of Class A1 (retail) uses which amounts to almost 75% of the total whilst the minimum threshold to be retained is set at 65%. There is therefore scope to allow other uses. Overall the current proposals are assessed as adding vitality and viability to the Primary District centre, without compromising its important retail role within Oxford's retail hierarchy.
7. It has been suggested that granting the application would permit such a radical change that it would create a new planning unit which would not be

controlled by the existing s52 agreement. It is Officers opinion that this argument only works if:

- the existing agreement contains a clause that it will not apply to future development. The existing agreement does not.
  - the new permission would change the retail park so significantly that it would create a new chapter in the planning history. Whilst the introduction of the A3 units is quite significant they don't alter the whole character of the site.
8. The granting the application would not necessarily create a new planning unit and the s52 agreement would continue to apply but it would need amending to provide for the A3 uses. .

## **Design**

9. The design of the new units reflects those existing. They would face south across the open space at the corner of Rymers Lane and Between Towns Road, and would in effect form an extension to Unit 1 currently occupied by B&Q. This space would be opened up to create a useable public space and allow customers to spill out into external seating areas. The new A3 units continue the contemporary nature of the retail park but with more trees and greenery being retained than originally envisaged, with the new units creating an active frontage along a currently 'dead' area. Access to the new units on foot could be achieved direct from the street without first entering the car park, via the existing footpath which runs along the north side of the access road.
10. In response to consultation Thames Valley Police comment that there have been a number of crimes reported from this area and are concerned about the sunken area that passes in front of the new units and serves as an outdoor seating area for the café/restaurant. During the day time there is likely to be sufficient activity in the area to reduce the opportunity for crime and disorder. However at night time and out of operating hours this sunken area is isolated with little natural surveillance from the surrounding buildings or pedestrians. Thames Valley Police therefore recommend either restricting access from the footpath leading to the new units by installing gates which can be locked out of trading hours, or introducing CCTV at this point. The applicant is agreeable to the latter which would complement the existing CCTV system in operation which has been successful in limiting crime in the car park. A condition is suggested requiring details to be submitted. Moreover Thames Valley Police also recommend that tree canopies are at least 2 metres from ground level and that any proposed planting of shrubs etc is maintained at no more than a metre in height. This will allow a clear field of vision across the public green area, increase the opportunity for natural surveillance, and reduce opportunity for crime. Again this can be incorporated into the landscaping requirements via a condition.

## **Potential for Noise Nuisance**

11. The intended occupier for the larger unit is Sainsbury's who wish to make three deliveries a day of fresh food out of hours. Given the close proximity to

residential properties at Rymers Lane etc, it is proposed to make these deliveries via the car park to the front of the store when the retail park is closed to customers rather than from the rear servicing area which would only be in use during the working day. Environmental Health Officers have reviewed the application and acoustic consultants report, and visited the site. No objection of principle is raised to these arrangements and support is given to the condition suggested by the applicant, namely:

*“Noise generated as a result of vehicle deliveries to the front of the development should not exceed 45 dBLAeq8hr , 60 dBLAmax between the hours of 23:00 and 07:00 and 55 dBLAeq16hr at any other time”.*

12. As the potential also exists for noise emanating from the proposed catering developments, Officers would also recommend that the following be attached to any approval:  
*“All new fixed plant and/or machinery serving the proposed development shall not increase the ambient noise levels above existing levels, when measured at the nearest noise sensitive property. Prior to the installation of such fixed plant and/or machinery details of the proposed equipment, along with any related noise mitigation measures, shall be submitted and approved in writing by the Planning Authority. The measurements and assessments shall be made accordance to BS 4142:199”*
13. Further, in order that fumes and odours from the new café outlets are adequately controlled so as to prevent nuisance or a loss of amenity, a further condition is suggested requiring details of a scheme cooking smells to be submitted and agreed.

### **Highways, Traffic and Parking**

14. The parking provision for the site is noted as remaining at 469 spaces with the provision for the disabled increasing to 23 of those spaces. This level of car parking is in line with the standards set down in the Local Plan for retail development of this sort. Whilst no additional car parking is proposed for the catering units, as its customers are likely to either be car borne customers of the retail park already, or others arriving on foot, then it is accepted that no additional parking is required. In any event the existing car parks at Cowley Centre have substantial spare capacity, and recent remote signage introduced nearby indicates when such capacity is available at these other facilities. For its part the Highway Authority conclude there would be no appreciable impact on traffic at the controlled access into the retail park, though it would wish to see further details of the arrangements for night time deliveries and whether any adjustments may need to be made to the existing pedestrian access to the site. A Construction Traffic Management Plan is also suggested, again to be secured by condition.
15. In terms of cycle parking provision, an additional 28 spaces are proposed; all located within close proximity to the new A3 units. Again this accords with Local Plan requirements and details can be requested via a condition.

## **New Housing**

16. The District centre is an accessible one with good public transport links, and is therefore a suitable location for additional residential accommodation at appropriate locations, which could be car free or with limited parking provision. In these proposals 4 residential units are proposed fronting on to Rymers Lane in the form of 2 x 1 bed and 2 x 2 bed houses. For dwellings of 1 to 9 units within the District centre there is no specific mix required by the Balance of Dwelling SPD, and the application therefore accords with the SPD.
17. The four units provide a row of terraced properties of a similar scale and proportion to those currently along this eastern side of Rymers Lane. They would be constructed of brick to match neighbouring properties which are set back from the street behind a low brick wall with black hand rails. The new dwellings would incorporate the existing part of the stone “coral rag” wall along Rymers Lane to cill height. The form of this short terrace of housing is consistent with its neighbours in terms of form, scale and materials and adequate private amenity space is provided for each unit in accordance with established Local Plan policy, each house possessing a private garden to the rear 16m in length. There are no issues of overlooking or loss of privacy and the new dwellings will not appear overbearing or create a sense of enclosure for the neighbouring property at 2 Rymers Lane
18. Six car parking spaces are proposed for the four units off street in the form of a communal parking area to the south of the new dwellings. The Highway Authority raise no objection to the access arrangements. Although no cycle parking facilities are shown, there is sufficient space to provide it on plot as each house possesses rear access. Details of cycle parking provision for the new dwellings can be sought via a condition.

## **Heritage Assets**

19. This site is of interest because it lies within the early modern (and potentially earlier) extent of Church Cowley and encompasses the site of the Oxfordshire Steam Ploughing Company. The company was established in 1868 by Walter Eddison and Richard Nodding, producing steam ploughs and cranes. By 1900 it was a significant employer in Oxford and was claimed to be the largest private firm of steam ploughs in the world. By 1924 the company had become John Allen & Sons clearing factory sites for Morris Motors.
20. A relocated gable façade from the factory survives adjacent to its original site, incorporating a 1900 plaque of a steam plough. Officers note that the submitted Heritage Statement recognises the significance of the surviving elements of the Steam Plough Factory in the form of the relocated factory façade. Moreover the archaeological desk based assessment accompanying the application notes significant potential for archaeological remains in this location relating to the Roman pottery industry, the medieval and post medieval historic core of Cowley and the late 19th century and early 20th century Steam Ploughing Company, and provides a truncation model



identifying areas that would warrant further field evaluation which may involve trial trenching and mitigation. A condition is recommended accordingly.

21. Officers note that the natural stone coral rag wall along Rymers Lane is one of the few remaining visible links to Cowley's important industrial past and one of the few remaining visible heritage assets surviving in the part of the historic village which has been otherwise heavily redeveloped. Officers would argue however that this does not constitute meaningful retention of the asset but nevertheless would request that it be retained to the height of the sill of the ground floor windows to the proposed houses. This would provide a stronger boundary definition and defensible space for the occupants of the properties. A condition is suggested requiring the retention and protection of the wall.
22. The gable façade from factory is to be relocated in these proposals to the side elevation of unit 1G facing Rymers Lane. It is Officers opinion that its relocation is positive as it is currently partly hidden from public view by nearby tree coverage. The new location would bring it closer to the footpath and make it more accessible and visible to the public, thus reminding of them of the history of the site and area.

### **Trees**

23. The application site possesses a number of trees some of which were intended for removal as originally submitted. Whilst some of the removals were less significant there were three trees or groups of trees in particular which would have been adversely affected by the development as proposed:
  - the loss of a group of lime trees to the west of the access road into the retail park which provide a valuable screening function with potential to mature and grow in importance;
  - a large mature poplar prominent in public views from Rymers Lane and Between Towns Road which would be adversely affected by hard surfaces and seating proposed; and
  - the loss of a large, mature alder forming a significant feature along Rymers Lane whose removal would have a harmful effect on public views.
24. The planning application was subsequently amended to address these concerns and retain these important trees. Although one of the group of limes is still removed, this is justified by the benefits of providing a footpath entrance and ensure a reasonable gradient to the catering units. Moreover whilst the loss of trees along Rymers Lane is regretted, their loss does provide a better opportunity to view the relocated gable feature from the former factory, and the important poplar there is retained now. New tree planting here can mitigate the losses. Overall therefore the loss of some of the tree coverage is accepted to allow the development to proceed, but with full mitigation in the form of new planting to be agreed.

### **Conclusion**

The applications represent the latest in a series of proposals which reflect the changing character of the retail park, with new traders replacing previous ones,

smaller units being created, and additional facilities provided. The additional catering units forming part of this latest application would not harm the retail attractiveness of the retail park but would seek to complement it, whilst the additional residential accommodation represents a small but welcome addition to the housing stock locally. Traffic and servicing arrangements are in hand, amendments made to the potential loss of tree coverage, and the heritage assets of the area acknowledged.

Committee is recommended to support the proposals accordingly.

### **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.

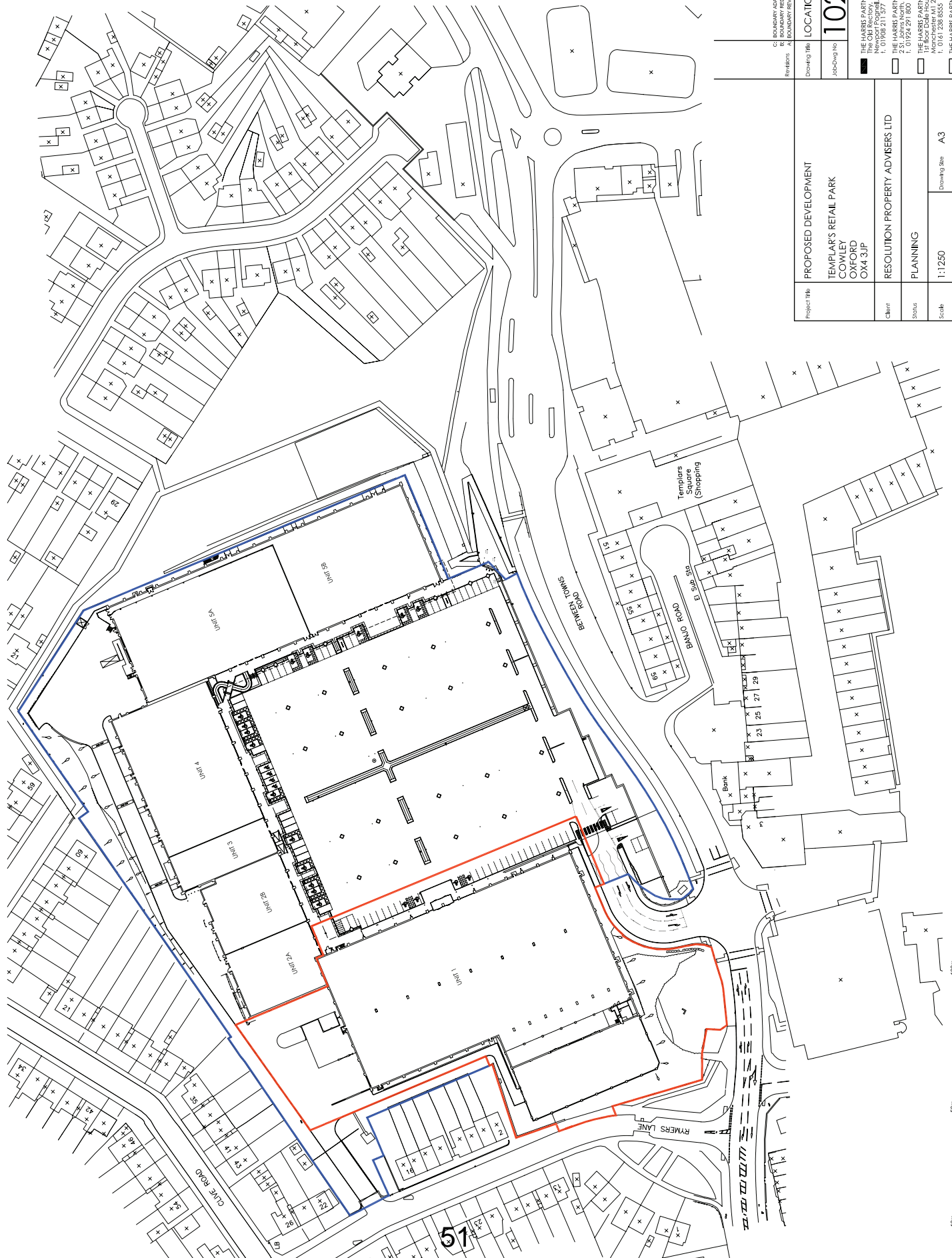
### **Section 17 of the Crime and Disorder Act 1998**

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

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 17th November 2011



26/07/11 TT (GR)  
02/08/11 TT (GR)  
14/08/11 TT (GR)

C: BOUNDARY ADAPTED FOR NEW APPLICATION.  
B: BOUNDARY REDUCED FOR NEW APPLICATION.  
A: BOUNDARY REMOVED TO SHOW HIGHWAYS LAND.

Drawing Title: **LOCATION PLAN**  
Job/Dwg No: **10275A-98**  
Rev: **C**

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Project Title	PROPOSED DEVELOPMENT	Client	RESOLUTION PROPERTY ADVISERS LTD
	TEMPLAR'S RETAIL PARK COWLEY OXFORD OX4 3JP	Status	PLANNING
		Scale	1:1250
		Drawing Size	A3
Drawn By	TVT	Checked By	GH
Date	22.10/09		

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**East Area Planning Committee**

6<sup>th</sup> December 2011

**Application Number:** 11/02377/ADV

**Decision Due by:** 10th November 2011

**Proposal:** Erection of internally illuminated tower sign and fascia sign

**Site Address:** 72 Rose Hill Oxford Oxfordshire OX4 4HS

**Ward:** Rose Hill And Iffley Ward

**Agent:** Mr Pete Tilbey

**Applicant:** Mr Matthew Humphris

**Application Called in –** by Councillors – Turner, Sinclair, Sanders and Lygo.

for the following reasons - Impact on the streetscene and the risk of light pollution.

---

## **Recommendation:**

Committee is recommended to grant advertisement consent for the proposed fascia signs but refuse advertisement for the totem sign.

## **APPROVED:**

Fascia sign

For the following reasons:

- 1 Officers conclude that the illuminated fascia sign accords with all the relevant policies within the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore recommends approval as it is considered to be acceptable in terms of scale, design, appearance and materials and will not have a detrimental impact highway safety or residential amenity.
- 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 Five year time limit
- 3 Advert - Statutory conditions
- 4 Illumination levels - fascia sign
- 5 Times of Illumination

**REFUSED:**

Totem sign

- 1 The proposed totem sign by virtue of its height, bulk, size, illumination and prominent location would appear unduly obtrusive when viewed from the street or from adjacent residential properties to the detriment of the visual amenity of the area. The proposed totem is therefore contrary to policy CP1, CP10 and RC14 of the Oxford Local Plan 2001-2016.

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP10** - Siting Development to Meet Functional Needs

**RC8** - Neighbourhood Shopping Centres

**RC14** - Advertisements

**Core Strategy**

**CS18\_** - Urban design, town character, historic environment

**Other Material Considerations:**

Town and Country Planning (Control of Advertisements) Regulations 2007

**Relevant Site History:**

00/00884/A - 3.75 m high flag pole with advertisement and 4.75 m high flag pole with advertisement. REF 21st May 2001.

79/00806/P\_H - Replacement internally illuminated pole mounted sign.. PER 14th September 1979.

84/00327/A - Non-illuminated fascia signs to front canopy over forecourt. PER 14th June 1984.

94/00136/A - (1) Internally illuminated free-standing sign (2) Internally illuminated letters on canopy. PER 26th May 1994.

95/01590/A - Externally illuminated fascia sign. PER 11th January 1996.

96/00623/A - 1) externally illuminated fascia. 2) Internally illuminated double sided projecting sign (logo only) 3) Externally illuminated sign adjacent to entrance 4) N/A 5) Non-illuminated free standing location sign (Amended Plans). DIS 15th April 1997.

98/01572/A - Replacement totem sign on forecourt with halo illuminated letters and logo and external lighting. PER 17th February 1999.

04/00415/ADV - Proposed 3.5 m internally illuminated totem sign. REF 27th April 2004.

04/01954/ADV - Internal illuminated fascia sign. REF 26th January 2005.

05/01464/ADV - Erection of 2 pylon signs (one 3.75 m illuminated, one 2.65 m non-illuminated)(Amended Plans). REF 17th October 2005.

### **Representations Received:**

66 Rose Hill, 75 Rose Hill, 81 Rose Hill, 83 Rose Hill, 85 Rose Hill, 105 Rose Hill

### **Summary of comments:**

- Close to residential property – overbearing and light will shine into windows.
- Out of keeping with character of area.
- Potentially contaminated land.
- Light pollution.
- Contrary to previous precedent and will set a precedent
- Fascia signs illumination needs to be restricted in hours
- Totem sign visually intrusive and will degrade the appearance of the area
- Conflict with local plan,
- Not sustainable;
- Distracting effect on road users close to junctions and bus stops

### **Statutory and Internal Consultees:**

Local Highway Authority – No comments.

### **Issues:**

Design / visual amenity  
Highway safety

### **Officers Assessment:**

#### Background

1. The application site is a car showroom and garage. It lies on the western side of Rose Hill and is located within what the Core Strategy 2026 (CS) and the Oxford Local Plan 2001-2016 (OLP) describe as a neighbourhood shopping

centre. The eastern side of the road and the western side to the north of the application site are mainly residential. To the south of the site is a parade of shops, subdivided by Courtland Road, containing a mix of shops, offices, takeaways and other A3 uses on the ground floor.

2. The application is seeking advertisement consent for the following advertisements:
  - A. An internally illuminated and 3.1 metre tall (0.99 metre wide) totem or “pylon” sign.
  - B. An internally illuminated fascia sign mounted on the front wall of the garage and measuring 8.13 metres by 0.72 metres.

### Design / visual amenity

3. Policy RC14 of the OLP states that consent will be granted for outdoor advertisements that suit their visual setting. Policies CP1 and CP8 require all new development to respect the character and appearance of the area, whilst policy CS18 of the Core Strategy requires development to demonstrate high quality urban design.
4. The car showroom currently displays a variety of fascia signs illuminated by external light sources, with the position of the proposed fascia sign not being directly illuminated. The proposed fascia sign is internally illuminated and similar to illuminated fascia signs present to the frontages of other shops and businesses within the adjacent neighbourhood shopping centre. Advertisement consent was given earlier in 2011 for an illuminated fascia sign for the new Co-op premises at 76 Rose Hill under application 11/01675/ADV. The fascia sign is therefore not considered to be significantly out of context with the area or to significantly harm the visual amenity of the local area.
5. With regard to the effect of the illumination on visual amenity, and with regard to the existing illumination on the site, the additional illumination is considered unlikely to create an unacceptable increase in light pollution. However bearing in mind the proximity of residential properties, it is considered prudent and reasonable for any grant of consent to be subject to conditions controlling the times of illumination to the hours that the showroom is open and the level of illumination to ensure that the visual amenity of the area is protected.
6. Subject to the conditions referred to above, the fascia sign element of the proposal therefore complies with policies CP1, CP8 and RC14 of the OLP and policy CS18 of the Core Strategy in this regard.
7. There are no other illuminated totem signs within the immediate local area. A similar totem sign on the current application site was the subject of a refused application for advertisement consent in 2004. That case was dismissed at appeal as the inspector considered that “such a large illuminated sign, less than 10m from the nearest window of the dwelling [at 70 Rose Hill], could not fail to have a detrimental impact on the amenity of outlook of the occupants” and concluded that “the display of the advertisement would be detrimental to



the interests of amenity". The decision dismissing the appeal is attached at **Appendix 2**.

8. It is acknowledged that an existing totem sign currently exists serving the garage. However this sign is not illuminated, does not appear to benefit from a grant of advertisement consent and as the inspector noted in the appeal decision referred to above, the site "is barely large enough to accommodate 2 totem signs without overburdening the premises with signage."
9. It is considered that the totem sign by virtue of its height, bulk, size, illumination and prominent location would appear unduly obtrusive when viewed from the street or from adjacent residential properties to the detriment of the visual amenity of the area, contrary to policies CP1 and RC14 of the OLP and CS18 of the Core Strategy.

#### Highway safety

10. Policy RC14 of the OLP states that consent will be granted for outdoor advertisements that do not significantly prejudice highway safety and policy CP1 requires development to be acceptable in respect of highway safety.
11. The proposed signs are situated within an area characterised by illuminated advertisements and are not considered likely to significantly add to distractions for road users in the area. There is therefore considered to be no material effect on highway safety, the Local Highway Authority has not commented, and the proposal as a whole complies with policies CP1 and RC14 of the OLP in this regard.

#### **Conclusion:**

12. It is considered that the totem sign by virtue of its height, bulk, size, illumination and prominent location would appear unduly obtrusive when viewed from the street or from adjacent residential properties to the detriment of the visual amenity of the area. The proposed totem is therefore contrary to policy CP1, CP10 and RC14 of the Oxford Local Plan 2001-2016.
13. The fascia sign accords with all the relevant policies within the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and it is considered to be acceptable in terms of scale, design, appearance and materials and will not have a detrimental impact highway safety or residential amenity.

#### **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 approval in part, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers: 11/02377/ADV**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 21st November 2011

11/02377/ADV

72 Rose Hill



**Legend**

**Scale:** 1:1250



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Appendix 1
<b>Date</b>	25 November 2011
<b>SLA Number</b>	Not Set



## Appeal Decision

Site visit made on 02 August 2004

by Terry Emm

an Advertisement Appeals Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

13 AUG 2004

Appeal Ref: APP/G3110/H/04/1150929

Humphris Oxford Ltd, 72 Rose Hill, Oxford OX4 4HS

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Humphris Oxford Ltd against the decision of Oxford City Council.
- The application (Ref 04/00415/ADV) is dated 27 February 2004. The advertisement proposed is a freestanding internally illuminated totem sign measuring 3.5m x 1.35m.

**Summary of Decision: The appeal is dismissed**

### Main Issues

1. I consider the main issues to be the visual impact of the proposed sign on the surrounding area and on the amenity of residents.

### Planning Policy

2. The Council have referred to the advertisement control policies contained in the adopted and draft Oxford Local Plans. The Regulations require that decisions are made only in the interests of amenity and public safety. Therefore the Council's policies alone cannot be decisive, but I have taken them into account as a material consideration.

### Reasons

3. The appeal premises comprise a car showroom and garage situated on the western side of Rose Hill (A4158), one of the arterial routes into the city, and approximately 3k from the centre. The eastern side of the road is mainly residential. The appeal site constitutes the northern end of a commercial enclave along the western side of the road. Immediately to the north of the appeal site are two semi-detached dwellings nos. 66 and 68.
4. The appeal premises are divided into Seat and Hyundai showrooms and are displaying the usual amount of associated signage. There is a comparatively narrow forecourt, some 15m in depth, used for displaying cars and providing customer parking. The Seat showroom is displaying a totem sign roughly 3m-4m in height. At the time of my inspection the Hyundai showroom appeared to be undergoing refurbishment.
5. The appellants argue that the appeal sign is a replacement sign for an earlier and similar Nissan sign. The Council have said little about the circumstances relating to the previous sign, but it seems to have been erected in 1999 when use as a petrol filling station ceased. Consent for the earlier sign would have been based on the merits of the case existing at the time. It cannot be regarded as a precedent. I will therefore decide this appeal on its merits taking into account the current circumstances.

6. I note that an appeal against refusal of consent for a similar sign measuring 3.6m in height, and to be placed in a similar position, was dismissed in 1997; at that time the premise were also in use as a petrol filling station. In that case the Inspector found that the sign would have a detrimental impact on the amenity of local residents and the streetscene in general. In my view the objections identified in the previous appeal decision apply equally to this appeal.
7. The appeal sign would be positioned by the site entrance, adjacent to the boundary with no. 68. The sign would be placed immediately next to the neighbouring property and I consider that such a large illuminated sign, less than 10m from the nearest window of the dwelling, could not fail to have a detrimental impact on the amenity of outlook of the occupants. Also, in my view the site frontage of approximately 40m, is barely large enough to accommodate 2 totem signs without overburdening the premises with signage.

**Conclusions**

8. For the reasons given above and having regard to all other matters raised, I conclude that the display of the advertisement would be detrimental to the interests of amenity.

**Formal Decision**

9. I dismiss the appeal.



Advertisement Appeal Inspector

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**East Area Planning Committee**

**6 December 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

- 
1. This application was considered by Members at their meeting on 2 November 2011 and a copy of the report and site plan is attached at Appendix 1. The application has been brought back to Committee in order to up date Members of public comments and consultation responses that were received after the compilation of the committee report and which were not made known to Members at the November meeting.
  2. The following comments can now be reported:

Oxford Civic Society

Too many dwellings are proposed. There might be space enough for two houses above the original public house but not more; if they were all built they would be too close together without space and daylight between them and a potentially good site would have been wasted.

Archaeology Officer

Archaeological trial trenching has been undertaken at this site by Thames Valley Archaeological Services which identified extensive medieval features. It would therefore be appropriate to repeat the previous condition to secure archaeological excavation in the event that this alternative scheme is progressed.

Oxfordshire County Council- Drainage

No objection subject to:

- No surface water to enter the highway
- Excess surface water to be dealt with on site
- Permeable block paved areas
- Use of water butts
- SUDS drainage scheme

#### Neighbour representations – 4.

The main comments can be summarised as follows:

- Butts Lane is very narrow and the existing pub is on a blind bend which is very dangerous. The road does not conform to the Residential Road Guide [Oxfordshire County Council] as it is only just over 4 metres wide
  - Butts Lane is already the access road for St. Nicholas Park which contains 50 dwellings and a farm. There are probably up to 70 vehicles already using Butts Lane
  - The development would considerably increase the number of vehicles using the road and cause problems for the existing road users including pedestrians as there is no footpath and this is especially dangerous in the hours of darkness
  - Disruption to residents during the construction period
  - Planning permission has been refused on a number of occasions in the past on grounds of access
  - The traffic pattern for the pub is substantially different from residential traffic
  - The pub traffic tends to be outside the peak times for residential traffic
  - The pub car park has often been used when large numbers of people attend St. Nicholas Church
  - There will be extra strain placed on Church Lane
  - Over development of the site with a high density proposed
  - The block of flats at numbers 35 – 38 Church Lane backs onto the site. The new house on plot 1 would be very close to the existing building and would result in a loss of light entering into the living room of no. 36
  - The new house on plot 1 should be moved further away from the existing flats
3. As set out in the attached committee report, Oxfordshire County Council as Local Highway Authority is not raising any objection to the proposal on highway safety grounds. This is based on the established use of the site as a public house and the potential of such a use to create a large number of vehicle trips at varying times of the day and evening. The LHA has requested that a Construction Travel Plan be submitted and agreed in order to minimise disruption to local residents during construction works.
4. At the time of the previously approved application, no comments were received from the occupiers of the flats at 35 – 38 Church Lane which back onto the site. A site visit made by the case officer established that there were high level windows together with roof lights on the rear elevation of the building that would face the new development and that these were unlikely to be adversely affected by the proposals.



5. Comments have now been received from the owner of number 36 Church Lane which comprises one of the first floor flats, which state that one of the rooflights is actually combined with a high level window and provides light and outlook to the living area of the flat.
6. Officers have further considered the relationship of this high level window/rooflight which would be some 2.2 metres distant from the gable wall of the new house on plot 1. Officers have concluded that, whilst it is difficult to apply the 45/25 degree rule to situations involving rooflights, there could be some impact in terms of daylight and outlook in terms of the lower part of this high level opening. It is considered that the larger rooflight, which faces upwards, would not be significantly affected by the proposal.
7. There remains an extant permission for the development and the current layout is virtually identical to that approved. The relationship between number 36 Church Lane, the flat in question and the new dwelling on plot 1 remains unchanged. It is considered that, on balance, any loss of light or outlook caused to the living room window at number 36, would not be so harmful to warrant a refusal of the application on this ground alone and the Committee is recommended to endorse their previous approval of the application subject to the conditions set out in the committee report.

**Contact Officer: Angela Fettiplace**

**Extension: 2445**

**Date: 17 November 2011**

**Background papers:**

11/01331/FUL

11/02477/FUL

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**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:**

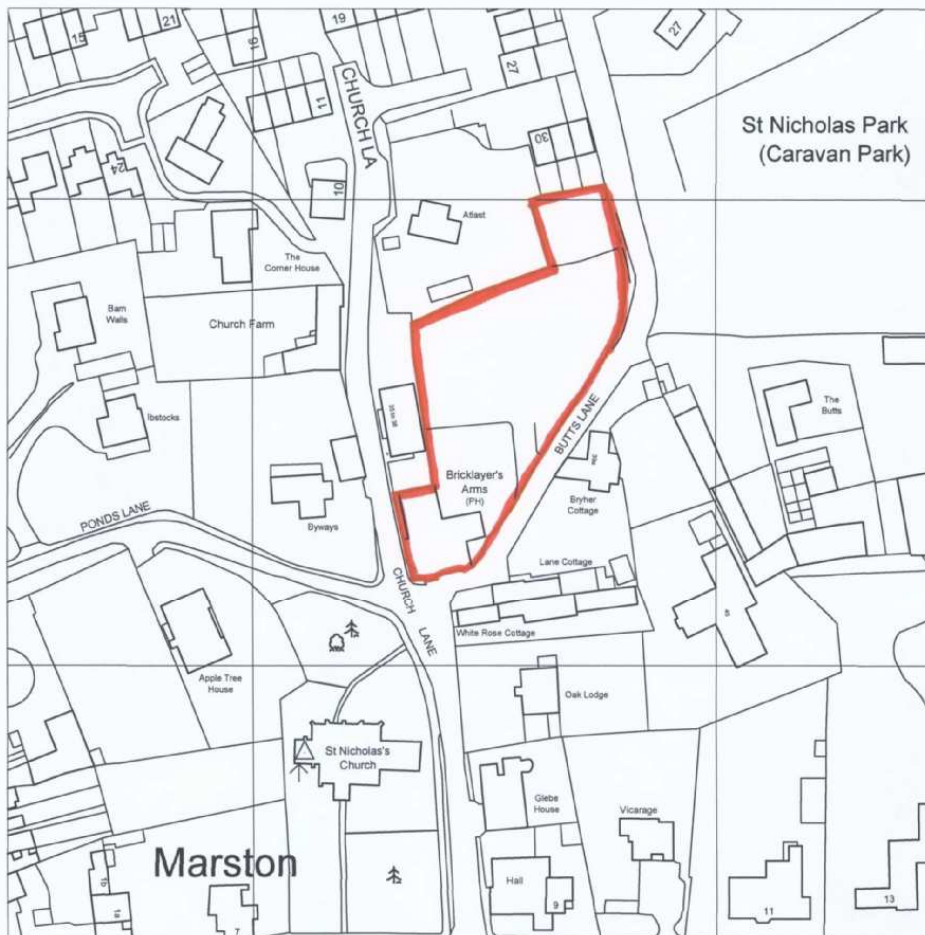
11/01331/FUL

11/02477/FUL

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 18th October 2011



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Bricklayers Arms, Marston

Sept 2011

1:1250@A4

Site location plan

P.158.00

# Agenda Item 10

## Monthly Planning Appeals Performance Update – October 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 October 2011, while Table B does the same for the current business plan year, ie. 1 April 2011 to 31 October 2011.

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

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	13	(33%)	7 (54%)	6 (22%)
Dismissed	27	67%	6 (46%)	21 (78%)
<i>Total BV204 appeals</i>	40		13	27

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

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	8	(36%)	3 (43%)	5 (33%)
Dismissed	14	64%	4 (57%)	10 (67%)
<i>Total BV204 appeals</i>	22		7	15

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 October 2011

	Appeals	Percentage performance
Allowed	14	(29%)
Dismissed	35	71%
All appeals decided	49	
Withdrawn	7	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to ward members, and if a committee decision to 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 October 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 October 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 1/10/11 And 31/10/11

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
10/02830/CPU	11/00001/REFUSE	DEL	REF	DIS	07/10/2011	QUARIS	51 Green Road Oxford Oxfordshire OX3 8LD	Application for certificate of lawful proposed use that outbuilding in rear garden would be ancillary to the main dwelling.
11/00029/FUL	11/00027/REFUSE	DELCOM	REF	ALC	12/10/2011	SUMMTN	1 Upland Park Road Oxford Oxfordshire OX2 7RU	Demolition of existing house. Erection of pair of semi-detached 4 bed houses and 1 x detached 4 bed house. Provision of 4 off street car parking spaces. (Additional Information)
10/02570/FUL	11/00021/REFUSE	DEL	REF	DIS	19/10/2011	LYEVAL	1 Coverley Road Oxford Oxfordshire OX3 7ET	Demolition of garage and porch. Erection of two storey side extension to form new 1 bedroom house. Provision of car parking, bin and cycle storage.
11/01702/FUL	11/00032/REFUSE	DEL	REF	ALC	19/10/2011	WOLVER	326 Woodstock Road Oxford Oxfordshire OX2 7NS	Side and rear two storey extension
11/00730/FUL	11/00033/REFUSE	DEL	REF	DIS	25/10/2011	NORTH	1 Arthur Garrard Close Oxford Oxfordshire OX2 6EU	Proposed dormer window.

## Enforcement Appeals Decided Between 1/10/11 And 31/10/11

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditons, AWD - Appeal withdrawn, DIS - Dismissed

EN CASE NO.	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
11//0014/5/ENF	11/00038/ENFORC	WITHDR	12/10/2011	7 Stephen Road Oxford Oxfordshire	HEAD	Unauthorised change of use of garden area for use as commercial car parking facility

## TABLE E Appeals Received Between 1/10/11 And 31/10/11

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
11/01039/FUL	11/00039/REFUSE	DEL	REF	W	63 Botley Road Oxford Oxfordshire OX2 0BS	JEROSN	Erection of two storey side extension to provide external stair to first floor flat and store.
11/01095/FUL	11/00037/REFUSE	DEL	REF	W	1 Park Town Oxford Oxfordshire OX2 6SN	NORTH	Erection of annexe building, bicycle shelter, extension of wendy house to provide garden store and re-instatement of railings to street frontage
11/01348/FUL	11/00040/REFUSE	DEL	REF	W	Rear Of 48 And 49 Great Clarendon Street Oxford Oxfordshire	JEROSN	Alteration and extension of disused storage building to form 2 dwellings including partial demolition of roof and walls
11/01905/FUL	11/00041/REFUSE	DEL	REF	W	235 To 239 Iffley Road Oxford Oxfordshire OX4 1SQ	STMARY	Retention of 6no cycle shelters.

Total Received: 4

## Enforcement Appeals Received Between 1/10/11 And 31/10/11

TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

EN CASE NO.	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
11/00145/ENF	11/00038/ENFORC	W	7 Stephen Road Oxford Oxfordshire OX3 9AY	HEAD	Unauthorised change of use of garden area for use as commercial car parking facility

Total Received: 1

## EAST AREA PLANNING COMMITTEE

**Wednesday 2 November 2011**

**COUNCILLORS PRESENT:** Councillors Rundle (Vice-Chair), Brown, Clarkson, Coulter, Fooks, Keen, Sanders, Sinclair and Wolff.

**OFFICERS PRESENT:** Mathew Metcalfe (Democratic Services) and Martin Armstrong (City Development)

### **61. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Roy Darke (Councillor Dee Sinclair attended as a substitute).

### **62. DECLARATIONS OF INTEREST**

Councillor David Rundle declared a personal interest in agenda item 5 (Former Oxford Bus Garage, 395 Cowley Road, Oxford – 11/02386/VAR) as he was an employee of the University of Oxford. (Minute 65 refers).

Councillor Van Coulter declared a personal interest in agenda item 5 (Former Oxford Bus Garage, 395 Cowley Road, Oxford – 11/02386/VAR) as he was a Member of the Governing Council of Ruskin College. (Minute 65 refers).

Councillor Stephen Brown declared a personal interest in agenda item 5 (Former Oxford Bus Garage, 395 Cowley Road, Oxford – 11/02386/VAR) as he was an employee of the University of Oxford. (Minute 65 refers).

### **63. 103-104 ST. MARY'S ROAD, OXFORD - 11/02205/FUL**

The Head of City Development submitted a report (previously circulated, now appended) which detailed 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 half storey building containing 3 flats (1 x one-bed and 2 x two-bed). Car and cycle parking provision.

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

- (a) To grant planning permission, subject to the 19 conditions as laid out in the Planning Officers report with two additional conditions as follows plus one informative:

#### Conditions

- (20) Solar water heating panel details to be submitted and approved and implemented in accordance with approved details prior to first occupation;
- (21) Management plan for communal area.

### Informative

The developer is asked to investigate the feasibility of Photo-voltaic and/or solar heating panels on front elevations.

- (b) To note at the request of Councillor Wolff his comments that the roof line of the live/work units should have been designed to follow the original outline of the roof.
- (c) To request the Head of City Development ensure that in future all reports submitted to the various Planning Committees contain sustainability details of the proposed development.

#### **64. BRICKLAYERS ARMS, 39 CHURCH LANE, OLD MARSTON, OXFORD - 11/02477/FUL**

The Head of City Development submitted a report (previously circulated, now appended) which detailed an application for the conversion and alteration to the existing public house to form a four bedroom dwelling, together with the erection of five dwellings and garages, parking, landscaping and alterations to existing access. (amendment to permission 11/01331/FUL).

The Committee considered all submissions, both written and oral and agreed to grant planning permission subject to the 29 conditions as laid out in the Planning Officers report.

#### **65. FORMER OXFORD BUS GARAGE, 395 COWLEY ROAD, OXFORD - 11/02386/VAR**

The Head of City Development submitted a report (previously circulated, now appended) which detailed an 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.

Councillor David Rundle declared a personal interest as he was an employee of the University of Oxford.

Councillor Van Coulter declared a personal interest as he was a Member of the Governing Council of Ruskin College.

Councillor Stephen Brown declared a personal interest as he was an employee of the University of Oxford.

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

- (a) To support the proposals in principle and subject to the 29 conditions as laid out in the Planning Officers report, but to defer the planning application in order to allow the original accompanying Legal Agreement to be amended, and to delegate to Officer the issuing of the Notice of Permission on its completion;

- (b) To ask the Scrutiny Committee to research the need for new purpose-built student accommodation not specifically commissioned by one of the two universities.

#### **66. BURY KNOWLE PARK, OXFORD - 11/02174/CT3**

The Head of City Development submitted a report (previously circulated, now appended) which detailed an application for the display of Green Flag.

The Committee considered all submissions, both written and oral and agreed to grant planning permission subject to the three conditions as laid out in the Planning Officers report.

#### **67. PLANNING APPEALS**

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

The Committee agreed to note the information.

#### **68. FORTHCOMING PLANNING APPLICATIONS**

The Committee agreed

- (a) To note that the following applications may be submitted to a future meeting for consideration and determination.
  - (i) Former Dominion Oils site, Railway Lane – 11/02189/OUT
  - (ii) Temple Court Business Centre, Oxford – 11/02152/FUL
  - (iii) Unit 1, Templars Shopping Park, Oxford – 11/02032/FUL
  - (iv) 293 London Road, Oxford – 11/02584/FUL
  - (v) 69 Cherwell Drive, Oxford – 11/02533/FUL
  - (vi) 72 Rose Hill, Oxford – 11/02377/FUL
  - (vii) 54 William Street, Oxford – 11/02305/FUL
- (b) That the Chair and Vice-Chair investigate further the issue of how best to deal with representations received before the close of the consultation period, but after the Planning Officer has written their report, and to report back their findings to the Committee.

#### **69. MINUTES**

The Committee agreed to approve the minutes (previously circulated) of the meeting held on 6<sup>th</sup> October 2011.

#### **70. DATES OF FUTURE MEETINGS**

The Committee agreed to note the dates and times of future meetings and that the next meeting would be on:

Tuesday 6<sup>th</sup> December 2011 starting at 4.00pm.

**The meeting started at 6.00 pm and ended at 7.20 pm**