

# Agenda

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## Planning Review Committee

Date: **Wednesday 25 July 2012**

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Time: **6.00 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 Lois Stock, Democratic Services Officer on or email [lstock@oxford.gov.uk](mailto:lstock@oxford.gov.uk) in advance of the meeting.

# Planning Review Committee

## Membership

<b>Chair</b>	<b>Councillor Antonia Bance</b>	Rose Hill and Iffley;
<b>Vice-Chair</b>	<b>Councillor Jean Fooks</b>	Summertown;
	<b>Councillor Alan Armitage</b>	North;
	<b>Councillor Laurence Baxter</b>	Quarry and Risinghurst;
	<b>Councillor Mark Lygo</b>	Churchill;
	<b>Councillor Joe McManners</b>	Churchill;
	<b>Councillor Mike Rowley</b>	Barton and Sandhills;
	<b>Councillor Ed Turner</b>	Rose Hill and Iffley;
	<b>Councillor Dick Wolff</b>	St. Mary's;

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# AGENDA

	<b>Pages</b>
<b>1 APOLOGIES FOR ABSENCE</b>	
<b>2 DECLARATIONS OF INTEREST</b>	
<b>3 PLANNING APPLICATION - 11/02446/FUL - CANTAY HOUSE, 36-39 PARK END STREET</b>	1 - 26
<p><u>Proposal:</u> Demolition of rearmost building. Erection of a 5 storey building consisting of 9 x 2 bed flats with cycle parking, bin stores and landscaping.</p> <p>This application was considered by West Area Planning Committee on 8<sup>th</sup> December 2011. It was subsequently called in to the Planning Review Committee.</p> <p>Report of the Head of City Development attached.</p>	
<b>4 MINUTES</b>	27 - 30
<p>Minutes of the meeting held on 26<sup>th</sup> June 2012 attached.</p>	
<b>5 DATE OF MEETINGS</b>	
<p>The following dates are scheduled for meetings of this Committee:-</p> <p>Wednesday 25<sup>th</sup> July Wednesday 29<sup>th</sup> August Tuesday 25<sup>th</sup> September (<i>please note change of day</i>) Wednesday 31<sup>st</sup> October Wednesday 28<sup>th</sup> November Wednesday 19<sup>th</sup> December Wednesday 30<sup>th</sup> January 2013 Wednesday 27<sup>th</sup> February Wednesday 27<sup>th</sup> march Wednesday 24<sup>th</sup> April Wednesday 29<sup>th</sup> May</p>	

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners..

## **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.

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**Planning Review Committee**

**25<sup>th</sup> July 2012**

**Application Number:** 11/02446/FUL

**Decision Due by:** 21st November 2011

**Proposal:** Demolition of rearmost building. Erection of 5 storey building consisting of 9 x 2-bed flats with cycle parking, bin stores and landscaping.

**Site Address:** Cantay House 36 - 39 Park End Street.

**Ward:** Carfax Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** Cantay Investments Ltd

## **Recommendation**

That planning permission be refused for the following reason:

1. The proposed scheme for the erection of 9 x 2 bedroom residential flats on a site with capacity for 10 units is inappropriate as it does not include a contribution towards the provision of affordable housing in Oxford, which is contrary to policy CS24 of the adopted Oxford Core Strategy the Affordable Housing SPD, and policies HP3 and HP4 of the Sites and Housing Plan, and would cause harm by failing to contribute to the provision of mixed and balanced communities across Oxford as required by those policies

## **Background**

1. This application was considered at the meeting of West Planning Area Committee on 8<sup>th</sup> December 2011 when Members resolved on a vote of 6 – 2 to approve the application subject to the conditions set out in the attached report.
2. A 12 member motion to call in the application to Planning Review Committee was received on 9<sup>th</sup> December 2011 on grounds that the proposal is for a development of 9 x 2 bedroom flats which is one unit short of triggering an affordable housing requirement; that the site is capable of providing 10 flats and that the developers have under developed the site in order to avoid making a contribution to affordable housing contrary to policy CS24 of the adopted Oxford Core Strategy and the Affordable Housing SPD.
3. Clearly if the site can accommodate 9 x 2 bed flats, if some of the flats were 1 bed rather than 2, then the 10 site threshold would be met.

4. On 19<sup>th</sup> December 2011 the full Council endorsed the proposed submission Sites and Housing Plan for publication and submission to the Secretary of State for examination. Council also adopted the Sites and Housing Plan for development control purposes, considering the advanced stage it is in production, the front loading of the evidence base and the responses from the earlier consultation stages. The Sites and Housing Plan was formally submitted to the SoS for examination in May 2012.
5. At its meeting on 22<sup>nd</sup> December 2012, Planning Review Committee considered the proposal, and considered that while the site technically could accommodate 10 units, and trigger the requirement for generally a minimum of 50% of the development to be affordable housing under policy CP24 of the Core Strategy and the Affordable Housing SPD; that it was better to seek an off-site financial contribution to affordable housing in accordance with policy HP4 of the Sites and Housing Plan. The Planning Review Committee voted to defer the application in order to allow negotiation between the applicant and the City Council officers in relation to an off site affordable housing contribution.
6. The affordable housing policy requirement in the Sites and Housing Plan for residential schemes of between 4 - 9 dwellings is for a financial contribution to off site affordable housing. The contribution is equivalent to 15% of the sales value of the units (otherwise known as the gross development value). In addition a 5% (of the contribution) administrative charge is required to cover the administrative costs of being able to spend and implement the affordable housing contribution. The policy requires the contribution to be paid prior to the sale (or occupation) of more than 50% of the site. This has the advantage of improving the cash flow for the developer, and removes any uncertainty about the sales value of the units.
7. The applicant has submitted 2 parallel applications for this site, one for student accommodation, and this one for residential development. The City Council granted permission for the student accommodation scheme on 9 February 2012, which included a legal agreement to pay £172,845 contribution to off site affordable housing in accordance with Policy HP6 the Sites and Housing Plan. Also included is a West End Infrastructure contribution of £49,984 and admin fees of £500 for the Infrastructure contribution and £1,000 for the affordable Housing contribution.
8. The applicant has sought to suggest that the residential scheme is not sufficiently viable to make any affordable housing contribution. The Sites and Housing Plan policy does make it clear that if there are specific issues which would make a scheme unviable, then the planning authority will take this into account when applying the policy. This reflects the normal approach of considering whether there are any material considerations which would justify a departure from the development plan policy.

## **Summary of the Policy Position**



9. The adopted Core Strategy along with saved Oxford Local Plan policy HS4 and the Affordable Housing SPD would require that any site in excess of 0.25ha or with the capacity for 10 units to make an on site affordable housing provision of generally a minimum of 50% of the units. Policy HP3 of the Sites and Housing Plan will replace Local Plan Policy HS.4, but carries forward the threshold of 10 units as a trigger for on-site affordable housing. In calling the application to Planning Review Committee, Members were of the view that the site had the capacity to accommodate 10 or more units, and therefore the policy requirement has been triggered.
10. Policy HP4 of the new Sites and Housing Plan requires sites of 4-9 dwellings to make a contribution to affordable housing, however it seeks a financial contribution to off site affordable housing. This proposal clearly triggers this policy.
11. Under either Policy HP3 or HP4 the proposal triggers the need to make an affordable housing contribution. Officers have sought to negotiate the financial contribution in relation to the Sites and Housing Plan policy, ie that 15% of the GDV should be an affordable housing contribution towards the provision of affordable housing off site.
12. The applicant has now declined to make any affordable housing contribution, based upon their case on viability. Further details on this are set out below.

### **Viability methodology**

13. The methodology to assess viability is relatively straight forward, and is based upon the Residual Land Value. One considers the gross development value (GDV) of the scheme, in this case the total value expected of the sales of the residential units. One subtracts the costs of the scheme (which includes the cost of construction, the finance costs, developers profit and other planning policy requirements). The difference between the cost of the development and the GDV is how much the land is worth (this difference is known as the 'residual land value' or RLV). If the residual land value is greater than the existing use value (plus a reasonable incentive for the landowner to bring the site to the market), then the scheme is viable.
14. The difficulty comes when trying to assess the assumptions and values which are fed into the model, as this is where significant differences in results can occur. Therefore in assessing viability information, it is important that all of the figures are clearly evidenced.
15. It is also important for the planning authority to distinguish between viability and value. In this case, where there are two different proposals on the same site, and both uses are acceptable in principle, the question is whether the proposal creates a residual land value greater than the existing use value, not whether the scheme creates a land value higher

that an alternative land value – ie the student scheme. From a landowners perspective, all other things being equal, the landowner would implement the scheme which has the highest value. But for the planning authority, unless there can be harm demonstrated by the implementation of the alternative scheme, this is not the appropriate consideration. In effect, if every time the consideration was an alternative land value, one could clearly see the situation where value spiralled.

16. It should also be noted that permitting this scheme without provision towards affordable housing would, if that meant that this scheme would proceed and the student accommodation scheme did not, result in the loss of the provision towards affordable housing that the student accommodation scheme would provide.

### **Viability details**

17. The applicant has provided different viability assessments over the last 6 months. The applicant's own sales figures expect to generate a gross development value of £3,755,000. 15% of this sum is £546,354. and 5% administrative fee is an extra £27,318. This would create a policy compliant affordable housing contribution of £573,670

18. The applicant's first viability assessment indicated that using their own figures, an affordable housing contribution of £106,000 was viable; however the contribution offered was capped at £100,000. The City Council commissioned external surveyors to take a strategic review of the applicant's assessment. The advice from the City Council's advisors was that the viability study was unclear, and it was possible that items had been double counted. In addition there were 9 separate areas where further evidence was required.

19. In response, the applicant submitted a further viability assessment. This assessment did provide further information on a number of points. But at this stage the residual land value was compared to an alternative use value of student accommodation.

20. This approach is flawed for 2 reasons. Firstly, as set out above, the question the planning authority needs to consider is whether the scheme is viable against the existing use value (plus a landowner's sales margin) not an alternative use value. Secondly, the residual land value of the site for student accommodation has not been established clearly using the same methodology, ie a full Residual Land Value assessment. Hence they were not comparing like with like.

21. The applicant has taken this approach as the existing building on site has now been demolished, however that does not change the approach to viability assessment for planning purposes.

22. As a result of the second viability assessment, the applicant has withdrawn the original offer of an affordable housing contribution, and has

asked that the application be determined on the basis that an affordable housing contribution is not reasonable in this case.

## **Conclusions**

23. The proposal is for 9 x 2bed flats. As such the site is considered to have the capacity for 10 units. This would trigger the need for on site affordable housing under the adopted Oxford Core Strategy and Affordable Housing SPD. Under the new Sites and Housing Plan, a scheme of 4 to 9 units is required to make a financial contribution towards the provision of affordable housing off site. While the proposed development triggers both policies, Officers have sought to negotiate an affordable housing contribution in line with policy HP4 of the Sites and Housing Plan. This approach is considered reasonable and supported by a recent appeal decision (Hernes House).
24. The applicant has sought to use viability issues to argue against the payment of any affordable housing contribution, and has withdrawn an earlier offer of a financial contribution towards affordable housing. It is considered that evidence submitted is not clear or robust, and officers are not satisfied that a departure from the policy position is justified, therefore the proposal is unacceptable and would cause harm by failing to provide for mixed and balanced communities.. It is therefore recommended that the application should be refused.

## **Background Papers:**

11/02181/FUL

11/02446/FUL

Hernes House appeal

**Contact Officer:** Angela Fettiplace and Mark Jaggard

**Extension:** 2445 / 2161

**Date:** 12<sup>th</sup> July 2012

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**Application Number:** 11/02446/FUL

**Decision Due by:** 21st November 2011

**Proposal:** Demolition of rearmost building. Erection of 5 storey building consisting of 9 x 2-bed flats with cycle parking, bin stores and landscaping.

**Site Address:** Cantay House 36 - 39 Park End Street, **Appendix 1.**

**Ward:** Carfax Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** Cantay Investments Ltd

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**Recommendation:** Committee is recommended to support the proposal in principle but to defer the application in order to draw up an accompanying legal agreement and delegate to officers the issuing of the notice of planning permission.

**Reasons for Approval.**

- 1 The proposal forms an appropriate visual relationship with the site and the surrounding development and would contribute to the character and appearance of the area. The development would be car free and sited in a highly sustainable location. Flats would have adequate private amenity space provision in the form of large balconies, together with cycle parking and bin storage facilities. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Oxford Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Three letters of objection have been received to the proposals. However the points raised do not provide sustainable reasons for refusing the application and appropriate conditions can be added to the planning permission to ensure a development which would not adversely impact on the amenities enjoyed by neighbouring occupiers.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

### **Conditions.**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Landscape carry out after completion
- 5 Provision of cycle parking
- 6 Bin storage
- 7 Archaeology - Implementation of programme Bronze
- 8 Flood Risk Assessment
- 9 Landscape Management Plan
- 10 Details of fire hydrants
- 11 Privacy screens to balconies
- 12 Details of external lighting
- 13 Sustainable construction measures

### **Planning Obligation**

- £48,915 towards infrastructure improvements in the West End [City]
- £19,738 towards education and libraries within the City. [County]

### **Principle Planning Policies:**

#### Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 – Siting of Development to meet Functional Needs
- CP11 - Landscape Design
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HE2 - Archaeology
- HS4 - Gen Requirement - Provide Affordable Housing
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space

#### Oxford Core Strategy 2026

- CS1 - Hierarchy of centres
- CS2 - Previously developed and greenfield land
- CS5 - West End
- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS11 - Flooding
- CS13 - Supporting access to new development
- CS17 - Infrastructure and developer contributions
- CS18 - Urban design, town character, historic environment
- CS23 - Mix of housing

### West End Area Action Plan

WE1 - Public realm  
WE10 - Historic Environment  
WE11 - Design Code  
WE12 - Design & construction  
WE14 - Flooding  
WE15 - Housing mix  
WE16 - Affordable housing  
WE29 – Streamlined Contributions

### Other Material Considerations.

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPG13 - Transport

### **Relevant Site History:**

11/02181/FUL: Demolition of external stairs and rear most building. Change of use and alterations of retained building on ground and first floors from use class D1 [conference use] to use class B1 [A] [offices]. New escape staircase. Redevelopment of rear building and erection of 5 storey building to comprise 9 x 2 bedroom flat, cycle parking, bin stores and landscaping. Withdrawn

### **Public Consultation:**

#### Statutory Consultees:

Highway Authority: No objection; site lies within the central area for transportation and has good public transport, cycling and walking links; no requirement to remove the site from the controlled parking zone as no permits are issued within the central area; pedestrian access from St. Thomas Street; refuse vehicles via yard from Park End Street; vehicular deliveries from St. Thomas Street; cycle provision acceptable.

Thames Water: No objection on grounds of water or sewerage infrastructure

Environment Agency: No objection subject to development being carried out in accordance with the approved Flood Risk Assessment; Landscape Management for all landscaped areas

#### Third Part Comments:

Oxford Civic Society: Concern raised over the loss of the existing building built in 1901 by Lucy's Iron Works; should be appropriately used with minimal alterations; Unfortunately it is vulnerable as it does not lie within a conservation area and is not listed.

Individual Comments: New building would make an excessively large block opposite Stream Edge and dominate the courtyard; 4 storey building would be less imposing; existing circle of buildings acts like an echo amphitheatre and the proposed high building will make this worse; Stream Edge flats already suffer noise and disturbance

from the various clubs and bars in the area and the proposal would increase this nuisance; new building should be kept to the height of the existing building.

### **Officers Assessment:**

#### **Site Description.**

1. Cantay House lies on the south side of Park End Street and within the area defined in the West End Action Area Plan. The buildings are not listed and do not lie within a conservation area.
2. The application site relates only to the former garage building at the rear of the site which has been used for storage purposes in the past and is now the main conference hall. It is a brick building with large garage doors and a maximum height of 10 metres. It lies between the more substantial Cantay House buildings fronting Park End Street and a traditional brick built development of residential flats with access off St. Thomas Street.
3. In support of the application, the agent maintains that it would not be cost effective to convert the existing building which is of limited merit and not prominent in the public realm.

#### **Proposals**

4. The application seeks planning permission for the demolition of the existing building and the erection of a new building, laid out over 5 floors, to provide 9 x 2 bedroom flats together with cycle parking, bin storage and landscaping. The new building would possess a flat roof with the top floor inset within a lightweight structure. There would be two apartments to the lower four storeys and one apartment and terrace to the top storey. The new building would have a contemporary appearance and would be erected using facing brick with some timber boarding.
5. The development would be car free with pedestrian access from St. Thomas Street. Cycle parking would be provided in the communal garden area and bin storage would be provided within the new building.
6. Officers consider the principle determining issues in this case to be:
  - planning policy;
  - flooding;
  - form and appearance;
  - private amenity space;
  - highways and parking
  - affordable housing;
  - Impact on neighbours;
  - landscaping;
  - biodiversity; and
  - sustainability.



## **Planning Policy.**

7. 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 no in principle objection is raised to its redevelopment.
8. As the site lies in the West End Action Area, policy WE15 of the West End Action Area Plan is relevant rather than policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.
9. Policy WE15 requires an overall provision in the West End of no more than 65% of residential units being flats, at least half of which should have 2 bedrooms and 35% houses. However the policy accepts that some sites will lend themselves more easily to flatted development than others, especially when the residential accommodation is on upper floors of a building. In this case officers accept that the site is tightly constrained and not generally suitable for family housing. The proposal to erect 9 x 2 bedroom flats therefore complies with the mix required in the West End Action Area Plan.

## **Flooding.**

10. The Flood Risk Assessment (FRA) submitted with the application makes the following conclusions:
  - the site is located in Flood Zones 1 and 2;
  - the flow from the site will be reduced due to the soft landscaping proposed;
  - the finished floor level of the proposed would be set at a minimum of 700 mm above the 100 year flood level;
  - ground levels should remain as existing;
  - there is a low flooding risk from river and ground water; and
  - there is a low risk of overland flow from surrounding areas to the site.
11. The Environment Agency has now removed its original 'holding objection' and are now raising no objection to the proposals subject to the development proceeding in accordance with the FRA and the imposition of a condition requiring the submission of a landscape management plan.

## **Form and Appearance.**

12. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for developments that show a high standard of design, that respect the character and appearance of the area and use 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 and private amenity space.

13. The proposed new building would be erected using facing bricks and timber boarding and would have a height of some 14 metres. The front elevation facing towards the stream would be largely glazed whilst the rear elevation would appear more solid. The eaves height of the new building would be very similar to the adjoining buildings to the south and east and the overall height would be over a metre lower than the adjoining Cantay House buildings. The new building would appear modern and bold and is considered to be sympathetic to the character of the area including the recently constructed contemporary developments at Stream Edge. It would also be similar in scale to older properties such as the adjacent Cantay House buildings.

#### **Private Amenity Space.**

14. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for new development proposals involving residential uses where inadequate or poor quality private open space is proposed. It goes on to say that each dwelling should have access to a private open space and that this could be provided by way of a balcony.
15. The proposal is for the erection of 9 x 2 bedroom flats. The two ground floor flats would both have small, private, rear garden spaces as well as large, front verandahs. The 6 flats on the first, second and third floors would have front and rear balconies and the flat at roof level would have an open roof garden. Given that this is a city centre location, officers take the view that this provision of amenity space is appropriate and acceptable.

#### **Highways and Parking.**

16. Oxfordshire County Council as Local Highway Authority are not raising any objection to the application based on the information submitted. Given the location of the site within the central transportation area, no objection is raised to a car free development and there is no need to exclude the site from the CPZ as no permits are issued in the central area. The cycle parking proposed would be both secure and sheltered and a condition is recommended to require that it is provided prior to occupation.
17. A condition is also attached requiring details of fire hydrants. This is because the exact number of fire hydrants cannot be calculated until detailed consultation plans are provided showing the size and location of water mains in relation to the highway.

## Affordable Housing

18. Policy WE16 of the West End Area Action Plan states that the Council will seek the provision of generally a minimum of 50% affordable housing from any development that includes residential development on a site within the West End having the capacity for at least 10 dwellings. This should be in the ratio of 80% social rented and 20% shared ownership.

19. In this case the site area is clearly restricted and a higher building would not be acceptable. The flats themselves are of a good size however with about 100 sq m floorspace each. At this size it might be possible to develop a greater number but smaller flats within the same building envelope. The applicant has responded that there are a variety of factors to take into account in not doing so:

- The need to provide appropriate standards of accommodation and to provide adequate separation from the proposed offices and the night club in the existing building
- The proposed built form is the maximum that could be achieved bearing in mind there are flats which overlook the site to the east, west and south and office windows to the north which need adequate light
- The flats have been arranged to have their main living rooms facing onto the stream and landscaped courtyard to provide a high standard of amenity
- The proposed landscaping scheme will enhance the stream to the east
- The density of the development is 126 dwellings per hectare which is in excess of the minimum density set out in policy CP6 of the OLP
- The site is in a flood zone
- The scheme provides for adequate cycle parking and bin storage
- Each flat has sufficient amenity space with acceptable outlooks
- Each flat would have 2 bedrooms and there is a specific requirement in the WEAAP to provide at least 50% 2 bedroom flats with no upper limit
- None of the flats are overly large for the location
- The site could not be developed in a more developed way to provide more units without having poor amenities and affecting the adjacent buildings
- Any endeavours to split the accommodation in a front to back arrangement would result in substandard accommodation that would be narrow and dark
- The applicant does not wish to pursue a development that would reduce the standards included in the current proposal but would instead seek alternative uses for the site

20. Officers have considered the above and concur with the agent's view that there are particular site constraints which need to be considered in relation to the suitability for greater numbers of residential units and therefore a

proportion of affordable housing.

21. The proposal is for a development that takes advantage of the attractive location towards the Wareham and Castle Mill Streams to the east, but would have a poorer aspect to a service yard to the west. Sub dividing the new building or expanding its footprint to create additional units would inevitably compromise the standard of accommodation and result in some flats having their main living rooms overlooking the existing service yard, which is currently avoided. It would also create unacceptable relationships with neighbouring residential properties, and difficulties in providing supporting facilities such as additional amenity areas, cycle and bins stores etc. For these reasons, officers are persuaded that a good case has been made to restrict the number of units to that proposed as the site does not lend itself to the provision of a larger number of units without compromising the quality of the residential amenities which existing and proposed residential occupiers should enjoy at what is a tightly constrained site.

### **Impact on Neighbours**

22. 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 occupants of the proposed and existing neighbouring, residential properties.
23. In this case the properties primarily affected by the proposal are the flats at Stream Edge on the opposite side of the Wareham Stream and the flatted development to the south accessed from St. Thomas' Street. In addition there are residential units to the west at the Old Bakery site. The building to the south of the site has a long flank wall running along the boundary with the application site but this contains only small windows serving mainly corridors and other non habitable rooms. There would not therefore be a loss of amenity to these properties.
24. Stream Edge opposite the site comprises a four storey flatted development with balconies looking towards the site. The proposed building is significantly larger than the existing building on the site and clearly the outlook from the Stream Edge flats will be affected. However the distance involved is some 25 metres and officers consider this to be acceptable in such a tight urban environment to ensure that the new building does not appear overbearing in the outlook from the flats opposite or affect the amount of daylight they receive.
25. In relation to the residential flats to the west, there is also a separation distance of 22 metres between these units and the rear wall of the proposed new building and this is also considered to be acceptable. Nevertheless In order to further address any issues of overlooking, it is recommended that a condition be imposed requiring details of privacy screens for the upper floor balconies.

## **Landscaping.**

26. The application is accompanied by a landscaping scheme which includes the planting of 6 new birch trees [*Betula ermanii*] together with shrub planting at the front and rear of the new building. Officers welcome the planting of new trees in a tightly constrained area where currently none exist. The landscaping scheme includes a predominantly evergreen framework of shrub and herbaceous perennial planting to provide year round interest and cover.
27. The landscaping scheme also proposes the removal of the existing stream side planter wall trellis fence and amenity planting and its replacement with cascading/trailing ground cover ivy and cotoneaster to visually soften or conceal the wall and provide a more natural planting form adjacent to the water course. Additional planting at the base of the blank wall of the adjacent flat building is also included with new climbers to supplement the existing planting.
28. Officers consider that the landscaping scheme will positively enhance the appearance of the site and will also provide a foil to the new and existing buildings.

## **Biodiversity.**

29. Policy CS12 of the Core Strategy states that new developments will be expected to enhance Oxford's biodiversity where there is an opportunity. In this case the existing stream which borders part of the site provides such an opportunity. In particular, officers consider that new nesting facilities for Kingfishers and Sand Martins would be appropriate and an informative is recommended to encourage the applicant to consider such provision.

## **Sustainability:**

30. The site lies in 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.
31. The application is accompanied by an Energy Statement that sets out the passive and active energy efficiency measures that will be considered and, if feasible, incorporated into the development. The report considers the form of the development and its orientation in terms of sunlight and solar gain; the shape and mass of the building in terms of low energy use; the installation of high efficiency type boilers, lights, pumping arrangements and heating/hot water systems and the possibility of installing centralised plant; the use of sustainable materials with a green guide rating of either A or A+ together with measures to restrict water usage.
32. In terms of renewable energy, the report confirms the use of solar water

heating as the most appropriate low carbon technology for the site given its restraints in terms of site area and limited roof area for the use of photovoltaics.

### **Conclusion.**

33. The proposal forms an appropriate visual relationship with the site and the surrounding development and would contribute to the character and appearance of the area. The proposed car free development would be sited in a highly sustainable location and the flats would have adequate private amenity space provision in the form of large balconies, cycle parking and bin storage. No objections have been received from statutory consultees and the proposal complies with adopted policies contained within the Core Strategy and Oxford Local Plan.

34. Committee is recommended to support the application accordingly.

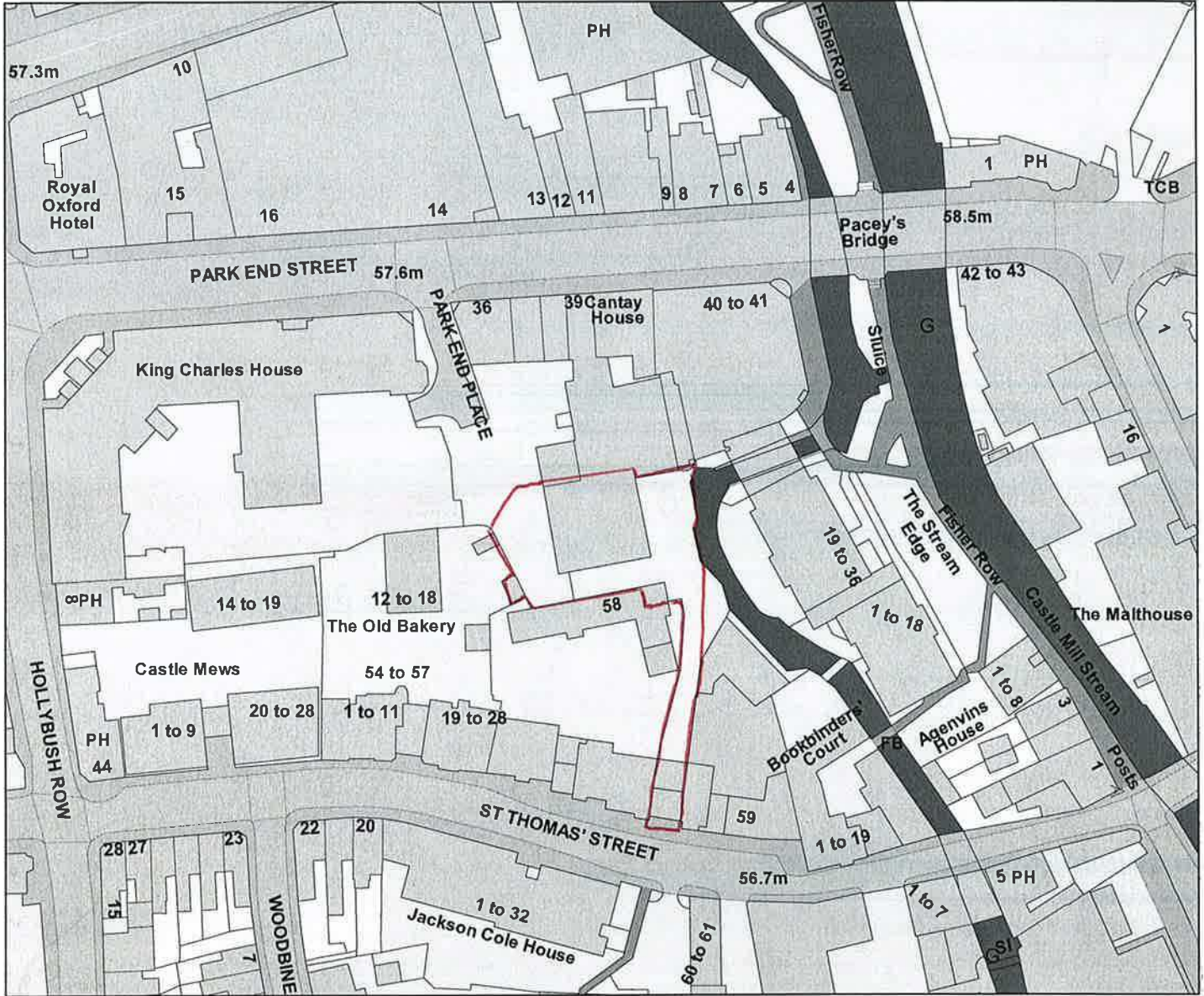
### **Human Rights Act 1998**

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.

# Appendix 1

## Cantay House, Park End Street, Oxford



Legend	
Scale:	1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	28 November 2011
SLA Number	Not Set

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## Appeal Decision

Hearing held and site visit made on 17 January 2012

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 22 May 2012

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### Appeal Ref: APP/G3110/A/11/2159196

### Hernes House, Hernes Crescent, Oxford OX2 7PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Grange Mill Developments against the decision of Oxford City Council.
- The application ref: 10/02605/FUL, dated 24 September 2010, was refused by notice dated 29 July 2011.
- The development proposed is demolition of Hernes House and erection of 9 dwellings (5 x 4 bedroom and 4 x 5 bedroom), provision of 18 car parking spaces, private amenity space and landscaping.

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### Decision

1. The appeal is allowed and *planning permission is granted* for demolition of Hernes House and erection of 9 dwellings (5 x 4 bedroom and 4 x 5 bedroom), provision of 18 car parking spaces, private amenity space and landscaping at Hernes House, Hernes Crescent, Oxford OX2 7PS, in accordance with the terms of the application, ref: 10/02605/FUL, dated 24 September 2010, *subject to the conditions listed at the end of this decision*.

### Procedural Matters

2. As clarified at the hearing, the above development description is consistent with the amended plans for the scheme, as refused by the Council. A signed and dated version of a unilateral undertaking (previously submitted as a draft) was handed in at the hearing: it provides for a contribution towards affordable housing elsewhere in the city. Further to discussion at the hearing, I agreed to allow extra time for revisions to be made. A revised, signed and dated version of the undertaking was submitted within the agreed timescale, and it is that version (dated 23 January 2012) to which I refer in the reasoning that follows.
3. The application and appeal submissions, and the Council's refusal reasons, refer to various Planning Policy Statements (PPS), most notably *PPS3:Housing*. All the PPSs have been replaced, since the hearing, by the National Planning Policy Framework (the Framework) and the Council and appellant have had an opportunity to comment on the implications of this for their cases. I have had regard to their written responses and to the Framework in making my decision, and note at the outset that the parties agree that relevant development plan policies<sup>1</sup> are up-to-date and/or consistent with the Framework.

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<sup>1</sup> In the Oxford Local Plan 2001-2016 (LP) (adopted in November 2005) and the Oxford Core Strategy 2026 (CS) (adopted in March 2011)

## Reasons

4. Although the Council's three refusal reasons are inter-related to some extent, I shall consider as the **first main issue** whether or not the proposal would accord with national and development plan policy regarding the efficient use of land. The **second main issue** is whether or not it would accord with national and development plan policy which seeks to ensure mixed and balanced communities: this is in terms of (a) the mix of dwelling sizes and (b) whether provision should be made (on or off-site) for affordable housing. My overall conclusions then follow.

### *Efficient use of land*

5. There is no dispute that the appeal site, with its disused and deteriorating institutional building, is previously developed land. The principle of redeveloping it was established some years ago: in 2008, approval was granted on appeal for 24 flats, as reserved matters to a previous outline permission. The permission remains extant, following compliance with pre-commencement conditions and some initial works. More recently an 8-dwelling scheme was refused by the Council (in 2010) on several grounds including two which, in essence, are repeated in this case<sup>2</sup>.
6. Saved LP Policy CP.6 seeks to ensure that proposals make maximum and appropriate use of land, subject to the need for compatibility with the site and surrounding area, and various more detailed criteria. In this suburban locality, comprising blocks of flats and also semi-detached and detached dwellings, either form of development would be appropriate in principle, in terms of general design compatibility with the surrounding area.
7. When seeking to make the most efficient use of a site it is also important to consider both practical matters and other policy objectives. The former includes, for example, safeguarding existing occupiers' living conditions and protected trees, and providing sufficient amenity and parking space for a development. The latter includes achieving mixed and balanced communities<sup>3</sup>, which is consistent with national policy in the Framework.
8. For various reasons, not least because individual private gardens are normally required for houses and for ground floor family-sized flats, it is usually easier to achieve higher densities with flatted developments. However, it is highly probable that building only flats on all sites where they would be compatible with their surroundings would fail to achieve the mix of dwelling types and sizes sought by CS Policy CS23 and the BoDs SPD.
9. The Council clarified at the hearing that, whilst it does not seek a scheme consisting wholly of flats, it considers the extant permission a clear indicator that more than 9 dwellings could be achieved, perhaps as a mix of houses and flats. However, significantly increasing the number of family-sized dwellings, whether houses or flats, is likely to increase the space needed for parking and especially for private gardens. The Council could not estimate how many more dwellings might feasibly be accommodated. Nor did it clearly explain how site

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<sup>2</sup> That is, failure to make the most efficient and effective use of the site, and thus failure to secure the appropriate levels of affordable housing

<sup>3</sup> An objective of CS Policy CS23 and the Balance of Dwellings Supplementary Planning Document (BoDs SPD) (adopted in January 2008)

constraints, practical requirements and other policy objectives should be balanced against each other.

10. Nonetheless, possibilities such as a pair of semi-detached houses on Plot 1 (rather than one detached house), or splitting one of the largest houses into 2 flats, were noted at the hearing. Having taken account of site constraints and requirements such as private amenity space, trees to be retained and parking, I consider there would be scope for at least one additional family dwelling. Depending on flexibility in parking provision, a few more might be accommodated. However, in the absence of any evidence to the contrary, I am not convinced that a substantially higher figure could be achieved if other development plan policies and guidance are also to be complied with.
11. The scheme's density, at roughly 39 dwellings per hectare, is only marginally less than the baseline of 40 in LP Policy CP.6: it is a reasonable figure for a scheme of this nature and would not be out of character in this particular site context. Moreover, if the 9 houses were a mix of 3 and 4 bed units (rather than 4 and 5 beds) thereby complying with CS Policy CS23 and the BoDs SPD, the density would still be 39 per hectare.
12. In summary, I find that the site could accommodate at least 10 family-sized dwellings, but not a substantially greater number. On balance, I find this insufficient reason to conclude that the appeal proposal fails to make efficient use of the site, or materially conflicts with LP Policy CP.6.

#### *Mixed and balanced communities*

##### *Mix of dwelling sizes:*

13. Influencing dwelling sizes is part of the Council's strategy to achieve mixed and balanced communities. After adoption of the LP, but before the CS, the Council produced the BoDs SPD to address a developing imbalance due to increasing numbers of small 1 and 2 bed dwellings and insufficient family units. The SPD sets out<sup>4</sup> a policy approach to influence this imbalance and promote provision of more family housing units. It specifies a mix of dwelling sizes for each defined area (the appeal site being in the Summertown 'Neighbourhood Area'). This aims to achieve a balanced mix 'within localities' and across Oxford as a whole. More recently, CS Policy CS23 also refers to the BoDs mixes for Neighbourhood Areas, and expects a balanced mix of housing to be provided 'within each site' as well as across the city as a whole.
14. In Summertown, no more than 50% of dwellings in a scheme of 4-9 units should have 4+ bedrooms and at least 30% should have 3 bedrooms, whilst some 1 or 2 bed units may be provided but are not required, thus reflecting the emphasis on family-sized dwellings. Thus the appeal scheme, with 9 units of 4+ bedrooms, would conflict with both Policy CS23 and the BoDs SPD.
15. It is notable that the extant scheme for 24 small flats also conflicts with the BoDs SPD, albeit this does not appear to have been an issue in the 2008 appeal<sup>5</sup>. Given the number of existing flats around the appeal site, it seems unlikely that scheme would assist in creating a more mixed and balanced community. Moreover I note that, in responding to this appeal application, several local residents supported a development of houses rather than flats.

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<sup>4</sup> In paragraph 59

<sup>5</sup> Appeal ref: APP/G3110/A/08/2068644, decision dated 24 June 2008

site provision and remain viable. I fully appreciate the uncertain future of this draft policy, but it does highlight a possible role for contributions to off-site provision to help improve the supply of affordable housing.

21. Taking account of all relevant matters, I conclude that provision should be made for affordable housing but, in this particular case, I am satisfied that a contribution towards off-site provision would be reasonable and would not conflict with the objectives of CS Policy CS24. I heard that there are schemes to which the contribution could be applied, and the sum of £600,000 in the revised unilateral undertaking has been explained. Its adequacy is not disputed by the Council and, despite some differing views as to how many affordable units it could fund, it is probable these would include family units, unlike the 7 small flats to be provided as affordable units in the extant scheme.
22. Thus I find that the planning obligation to secure the contribution is necessary to make the appeal development acceptable in planning terms. It would be directly related to the development, and fairly and reasonably related to it in scale and kind, thereby meeting the tests in Regulation 122 of the *Community Infrastructure Levy Regulations 2010*.

#### *Conclusions & conditions*

23. I recognise that within Oxford there is an identified need to provide not only more housing in total, but also more affordable housing and a more balanced mix of housing, all of which reflects national policy in the Framework. However it is likely that there will be occasions when not all of these objectives can be fully met. In this case, achieving a significantly larger number of dwellings than the 9 currently proposed is likely to involve smaller flatted units, similar to many others nearby and contrary to the mix of dwelling sizes sought in the BoDs SPD. The appeal scheme does not include any 3 bed units, also contrary to the BoDS SPD mix for this Neighbourhood Area, but it would nonetheless be beneficial in helping to meet the identified need for family housing.
24. As the appeal proposal is a small scheme which only just crosses the threshold to trigger a requirement for affordable housing provision, I consider it is reasonable to take a flexible approach to the way in which that provision is made. Funding for affordable housing elsewhere, as provided for, would help to offset the lack of on-site provision. Thus the proposal would facilitate a beneficial increase in affordable housing, broadly in accordance with the social dimension of sustainable development as explained in the Framework. It would also be beneficial in re-using previously developed land.
25. In summary therefore, I conclude in the particular circumstances of this case that the proposal would achieve an acceptable balance between the objective of making efficient use of land and that of ensuring mixed and balanced communities. Its overall benefits would outweigh the limited conflicts with relevant development plan policies and associated SPDs. I have had regard to all other matters raised, including the relationships that would be created with neighbouring properties, but have found nothing sufficient to alter or outweigh the balance of my conclusions that the appeal should succeed, and permission should be granted subject to conditions.

#### *Conditions:*

26. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. Conditions relating to materials

I have also borne in mind the particular history of this site, the lengthy negotiations with Council officers, and the absence of any mention of the mix of dwelling sizes in the 2010 refusal of the very similar scheme for 8 houses.

16. Taking full account of the policy background, which has developed during the course of successive proposals for this site, and this specific locality and set of circumstances, I consider that a scheme consisting entirely of family-sized houses would make a better contribution to the balance of dwellings within the locality than one consisting wholly or partly of flats. This is even though the inclusion of some flats could potentially increase the total number of units. Moreover, given that the BoDs SPD seeks to encourage more family housing in general, rather than any particular size of dwelling, I find on balance that the absence of 3 bed dwellings in the appeal scheme is not sufficient to justify refusing the proposal.
17. I note here that the appellant's unilateral undertaking provides for £600,000 towards affordable housing elsewhere in the city: it is likely that this would be in a different Neighbourhood Area and that at least some of such units would be 3 bed family dwellings. Although the appellant suggests the appeal scheme combined with affordable housing elsewhere could be a BoDs-compliant mix, I have found nothing in the development plan policies or SPD to support such an approach, and I therefore give very little weight to this suggestion.

*Affordable housing:*

18. Providing for affordable housing is another key objective of national and local policy, to meet local needs and to create inclusive and mixed communities. At present, it is addressed in both LP Policy HS.4 and CS Policy CS24, with further guidance in an adopted SPD<sup>6</sup>. The combined effect of the two policies is that affordable housing is expected from any development of at least 10 dwellings, including on a site with capacity for at least 10 dwellings, or at least 0.25 ha in area. Generally, the percentage of affordable housing should be at least 50%. As I have already found that the appeal site has capacity for at least 10 dwellings, it follows that provision should be made for affordable housing.
19. CS Policy CS24 is the most up-to-date local policy relating to the provision of affordable housing, post-dating the SPD. It states that provision should be made as part of the development unless the Council<sup>7</sup> and developer both consider it preferable to make a financial or other contribution towards provision on another site: the Council officers' report to Committee sets out a rationale for finding a contribution acceptable in the circumstances of this particular case, with which I do not disagree. Moreover, neither the policy itself nor its supporting text explicitly indicates that off-site provision is acceptable only in exceptional circumstances.
20. I heard that the Council's Draft Sites and Housing DPD<sup>8</sup>, which will replace LP Policy HS.4 in due course, had been approved for consultation. This is at an early stage and so carries little weight, but the reasoning for draft policy HP4 (concerning contributions towards affordable housing from small developments of 4-9 units) is of interest. In effect, this suggests that although providing 50% of dwellings as affordable housing on such sites is often not practicable, most of these small schemes could make a financial contribution towards off-

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<sup>6</sup> Affordable Housing SPD, adopted in November 2006

<sup>7</sup> Or Secretary of State where appropriate

<sup>8</sup> Development Plan Document

and landscaping are reasonable and necessary in the interests of visual amenity and to protect the long term health of trees the subject of a Tree Preservation Order (taking account of the Arboricultural Implications Assessment & Outline Method Statement submitted with the application).

27. The provision of sustainable drainage, cycle parking and bin storage is needed to ensure a sustainable form of development, whilst provision of parking spaces and visibility splays is important in the interests of highway safety. Given the demolition involved and the proximity of existing housing, a condition requiring a construction method statement is reasonable and necessary in the interests of residential amenity. Bearing in mind the size of the proposed buildings relative to the size of their garden areas, I find it reasonable to restrict permitted development rights to extend the dwellings.
28. However, as the site is in a long-established residential area, and in the absence of any evidence to justify the need for them, I am not persuaded that conditions relating to investigating contamination, providing for foul water drainage or providing for fire hydrants are necessary in this particular case. Nor is there any evidence sufficient to justify a need to exclude future occupiers of the development from eligibility for on-street parking permits.
29. Planning permission is therefore granted subject to the following conditions:
  - 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans, drawing nos. 09020-L01, 09020-P10/E, 09020-P11/A, 09020-P12/A, 09020-P13/E, 09020-P14/E, 09020-P15/D, 09020-P16.
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) No development shall take place until details for the implementation, maintenance and management of a sustainable drainage scheme, including permeable surfacing of all hardstanding and parking areas, have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
  - 5) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plans and details comprising 'Option 2' in the revised Arboricultural Implications Assessment & Outline Method Statement dated March 2011 (the Statement). No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the Statement, without the local planning authority's written approval. No site clearance shall begin until protection measures for the trees to be retained have been put in place, in accordance with the Option 2 plans and particulars in the Statement. Development shall be carried out at all times in accordance with the Statement (Option 2), unless otherwise approved in writing by the local planning authority.

- 6) No development shall take place until a scheme for hard and soft landscaping has been submitted to and approved in writing by the Council. The scheme shall include species, sizes, numbers and a planting schedule for new tree and shrub planting; details of all boundary treatments and of any minor artefacts and structures; materials to be used for hard-surfaced areas; a management plan for communal landscaped areas; and an implementation programme. The scheme shall be carried out as approved.
- 7) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The statement shall include details of: areas within the site to be used for loading, unloading and manoeuvring, for storage of materials and equipment and for parking for site personnel, operatives and visitors; wheel washing facilities; measures to minimise dust and noise from demolition and construction operations; operating hours for the use of power tools and machinery and for arrival and departure of vehicles associated with the demolition and construction works. Development shall be carried out in accordance with the approved statement.
- 8) The vehicle access to the communal parking area shall not be brought into use until it has been provided with pedestrian visibility splays, in accordance with the details which shall first have been submitted to and approved in writing by the local planning authority. The splays shall be retained as such thereafter.
- 9) None of the dwellings hereby permitted shall be occupied until vehicle parking and manoeuvring areas have been provided in accordance with the approved plans. The parking and manoeuvring areas shall be retained and kept available for such purposes at all times thereafter.
- 10) No dwelling hereby permitted shall be occupied until cycle parking and bin storage facilities for it have been provided in accordance with the approved plans, unless otherwise approved in writing by the local planning authority. These facilities shall be retained for such purposes thereafter.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions shall be erected to the dwellings hereby permitted.

*Jane Miles*

INSPECTOR

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## PLANNING REVIEW COMMITTEE

**Tuesday 26 June 2012**

**COUNCILLORS PRESENT:** Councillors Bance (Chair), Fooks (Vice-Chair), Baxter, Lygo, McManners, Rowley, Wolff, Coulter and Gotch.

**OFFICERS PRESENT:** Mathew Metcalfe (Democratic and Electoral Services), Michael Morgan (Law and Governance) and Nick Worlledge (City Development)

### **1. ELECTION OF CHAIR FOR COUNCIL YEAR 2012/2013**

The Committee agreed to elect Councillor Antonia Bance as Chair for the Council Year 2012/13.

### **2. ELECTION OF VICE-CHAIR FOR COUNCIL YEAR 2012/2013**

The Committee agreed to elect Councillor Jean Fooks as Vice-Chair for the Council Year 2012/13.

### **3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Alan Armitage (Councillor Mike Gotch attended as a substitute) and Ed Turner (Councillor Van Coulter attended as a substitute).

### **4. DECLARATIONS OF INTEREST**

No declarations of interest were declared.

### **5. PLANNING APPLICATIONS 12/00495/FUL AND 12/00460/LBC - MAGDALEN COLLEGE**

The Head of City Development submitted a report (previously circulated, now appended) which detailed two applications as follows:

- (1) Extension to existing library to provide book storage, reading rooms, staff accommodation, seminar rooms, landscaping to quadrangle and provision of level access and bicycle storage facilities;
- (2) External and internal alterations and extension to library involving the removal of inserted floor and staircase, insertion of new staircase, lift to provide book storage, reading rooms, staff accommodation and seminar space.

The application was considered by the West Area Planning Committee at its meeting on 30<sup>th</sup> May 2012, where it agreed not to grant planning permission for the following reasons:

- (1) *To refuse planning consent for application 12/00459/FUL for the following reasons:-*
- (a) *The proposal would form an inappropriate visual relationship with the existing Grade II\* listed New Library building and the surrounding development that lies within the Central City and University Conservation Area. The proposals are therefore considered to be contrary to policies HE3, HE7 of the Oxford Local Plan 2001-2016, and policy CS18 of the Oxford Core Strategy 2026.*
  - (b) *The construction of the plinth/terrace would cause unacceptable harm by its visual impact on the setting and special architectural and historical interest of the Grade II\* listed New Library building that is not outweighed by the public benefit of development. The proposals are therefore considered to be contrary to policies HE3, HE7 of the Oxford Local Plan 2001-2016, and policy CS18 of the Oxford Core Strategy 2026.*
- (2) *To refuse planning consent for application 12/00460/LBC for the following reasons:-*
- (a) *The proposal would form an inappropriate visual relationship with the existing Grade II\* listed New Library building and the surrounding development that lies within the Central City and University Conservation Area. The proposals for listed building consent are therefore contrary to the advice in the National Planning Policy Framework 2012.*
  - (b) *The construction of the plinth/terrace would cause unacceptable harm by its visual impact on the setting and special architectural and historical interest of the Grade II\* listed New Library building that is not outweighed by the public benefit of development.. The proposals for listed building consent are therefore contrary to the advice in the National Planning Policy Framework 2012.*

Following the West Area Planning Committee meeting, the applications were subsequently called-in by Councillor Mary Clarkson, Colin Cook, Van Coulter, James Fry, Patricia Kennedy, Shah Jahan Kahn, Joe McManners, Susanna Pressel, Bob Price, Mike Rowley, Gill Sanders, Scott Seamons, John Tanner and Ed Turner as they felt that the reasons for refusal were not strong with a risk of losing on appeal.

In accordance with the criteria for public speaking, Charles Young, Claire Wright and Julian Mumby spoke in favour of the applications. No requests to speak against the applications were received.

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

- (a) With regard to application 12/00459/FUL, to grant planning permission subject to the 13 conditions as laid out in the Planning Officers report submitted to the West Area Planning Committee on 30<sup>th</sup> May 2012.;

- (b) With regard to application 12/00460/LBC to grant Listed Building Consent, subject to the 13 conditions as laid out in the Planning Officers report submitted to the West Area Planning Committee on 30<sup>th</sup> May 2012.

## **6. MINUTES**

The Committee agreed to approve the minutes (previously circulated, now appended) of the meetings held on 15<sup>th</sup> and 22<sup>nd</sup> December 2011.

## **7. DATES OF MEETINGS**

The Committee agreed to note that it would meet (subject to their being business to transact) at 6.00pm in the Town Hall on the following dates:

Wednesday 25<sup>th</sup> August 2012  
Wednesday 29<sup>th</sup> August 2012  
Tuesday 25<sup>th</sup> September 2012  
Wednesday 31<sup>st</sup> October 2012  
Wednesday 28<sup>th</sup> November 2012  
Wednesday 19<sup>th</sup> December 2012  
Wednesday 30<sup>th</sup> January 2013  
Wednesday 27<sup>th</sup> February 2013  
Wednesday 27<sup>th</sup> March 2013  
Wednesday 24<sup>th</sup> April 2013

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

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