

Agenda

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East Area Planning Committee

Date: **Wednesday 2 October 2013**

Time: **6.00 pm**

Place: **Oxford Town Hall**

For any further information please contact:

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East Area Planning Committee

Membership

Chair	Councillor Roy Darke	Headington Hill and Northway;
Vice-Chair	Councillor David Rundle	Headington;
	Councillor Mohammed Altaf-Khan	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Van Coulter	Barton and Sandhills;
	Councillor Steven Curran	Northfield Brook;
	Councillor Sam Hollick	Holywell;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Michele Paule	Rose Hill and Iffley;

The quorum for this meeting is five members. Substitutes are permitted.

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AGENDA

Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

3 **ROSE HILL SPORTS GROUND, ASHHURST WAY: 13/01940/CT3**

1 - 14

The Head of City Development has submitted a report which details a planning application to demolish the existing sports pavilion. Erection of 2 storey community centre involving replacement sports pavilion, car and cycle parking, entrance square, multi-use games area and children's play area.

Officer recommendation: To APPROVE the planning application subject to the following conditions:

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of exterior materials
- 4 Development to adopt Secure by Design Principles
- 5 Management Plan
- 6 Hours of operation
- 7 Details of external lighting
- 8 Provision of refuse storage
- 9 Provision of cycle storage
- 10 Landscape Plan
- 11 Landscape carried out on completion
- 12 Details of access road and parking area
- 13 Details of mechanical plant and ventilation
- 14 Scheme for treatment of cooking odours
- 15 Sustainable Urban Drainage Scheme
- 16 Provision of NRA recommendations
- 17 Provision of Biodiversity Report recommendations

4 **43 GLADSTONE ROAD: 13/01643/FUL**

15 - 22

The Head of City Development has submitted a report which details a planning application for a change of use from a residential dwelling house (use class C3) to a House of Multiple Occupation (use class C4).

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Specific exclusion approved plans
- 4 Details excluded submit revised plans the cycle and refuse bin stores, 001 and 004,

5 Variation of road traffic order

5 65 ASQUITH ROAD: 13/02146/FUL

23 - 30

The Head of City Development has submitted a report which details a planning application to demolish existing conservatory. Erection of part single storey, part two storey, side and rear extension including balcony to rear.

Officer recommendation: That the Committee REFUSE the planning application for the following reasons:

- 1 Having regard to its height, projection to the rear and proximity to the boundary, as well as the proposed balcony and the sloping nature of the site and surrounding gardens, the proposed development would result in an overshadowing and overbearing effect to the adjacent gardens at 63 and 67 Asquith Road as well as an increase in the perception of overlooking, all to the detriment of the residential amenity of current and future adjacent occupiers and contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 - 2016 and HP14 of the Sites and Housing Plan.
- 2 Having regard to its height, depth, width and overall bulk and mass relative to the existing house and surrounding properties, the proposed development would form an overly large and bulky addition to the house and would appear jarring and incongruous when viewed from the gardens of surrounding properties, to the detriment of visual amenity and contrary to Policies CP1 and CP8 of the adopted Oxford Local Plan 2001 - 2016, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

6 81 EDGEWAY ROAD: 13/01929/FUL

31 - 42

The Head of City Development has submitted a report which details a planning application to demolish existing bungalow and garages. Erection of 1 x 4-bed dwelling (use class C3)

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions:

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 SUDS
- 5 Pedestrian vision splays
- 6 Design - no additions to dwelling
- 7 Shed/cycle parking
- 8 Sustainability measures / implementation

**7 JR HOSPITAL, HEADLEY WAY: 13/01803/FUL, NUFFIELD
ORTHOPAEDIC CENTRE, WINDMILL ROAD: 13/01807/FUL &
CHURCHILL HOSPITAL, OLD ROAD: 13/01806/FUL**

43 - 52

The Head of City Development has submitted a report which details three planning applications for smoking shelters at the John Radcliffe, Nuffield and Churchill Hospitals.

Planning application (13/01803/FUL) is for provision of 5 free-standing proprietary smoking shelters across the John Radcliffe Hospital site for use by patients and visitors.

Planning application (13/01806/FUL) is for provision of 3 proprietary smoking shelters on the Churchill hospital site

Planning application (13/01807/FUL) is for provision of 1 smoking shelter on the Nuffield hospital site

Officer recommendations:

1. That the Committee APPROVE the planning application (13/01803/FUL) subject to the following conditions

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Materials as specified

2. That the Committee APPROVE the planning application (13/01806/FUL) subject to the following conditions

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Materials as specified

3. That the Committee APPROVE the planning application (13/01807/FUL) subject to the following conditions

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Materials as specified

8 312 LONDON ROAD: 13/01395/FUL

53 - 66

The Head of City Development has submitted a report which details a planning application to demolish existing dental surgery and garage. Erection of three-storey building to provide 9 flats (3 x 3-bed, 4 x 2-bed and 2 x 1-bed) (Use class C3). Provision of private and shared amenity space, 19 cycle parking spaces, 12 car parking spaces and a communal bin store. Access off the London Road (amended plans)

Officer recommendation: That the Committee GRANT planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the notice of permission upon its completion. Should however the Community Infrastructure Levy [CIL] charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development on the grounds that the development has failed to adequately mitigate its impacts.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Sustainability design/construction
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Tree Protection Plan (TPP) 1
- 8 Boundary details before commencement
- 9 Privacy screens
- 10 Landscape management plan
- 11 Permeable parking area
- 12 SUDS drainage
- 13 Suspected contamination - Risk assess
- 14 Bin stores and cycle parking
- 15 Construction Travel Plan
- 16 Landscape hard surface design - tree roots
- 17 Landscape underground services - tree roots
- 18 Vision splays
- 19 Levels details
- 20 Retain trees/shrubs along southern boundary
- 21 Side windows obscure glazed
- 22 Arboricultural Method Statement

Legal Agreement

Contribution towards affordable housing as required by policy HP4 of the sites and Housing Plan for all new development of between 4 – 9 units

9 PLANNING APPEALS

67 - 70

To receive information on planning appeals received and determined during August 2013

The Committee is asked to note this information.

10 FORTHCOMING APPLICATIONS

The following items are listed for information. They are not for discussion at this meeting.

12/02848/OUT - Land North Of Littlemore Healthcare Trust, Sandford Road - Outline application (fixing access) for up to 140 residential units together with 258 car parking spaces, 356 cycle parking spaces, landscaping and open space.

13/00302/FUL – Oxford Stadium, Sandy Lane - Demolition of existing structures. Erection of 220 x residential units (37 x 1 bed flats, 43 x 2 bed flats, 24 x 2 bed houses, 90 x 3 bed houses, 26 x 4 bed houses) (use class C3 - single family dwellings), new site accesses, parking, landscaping, public open space and ancillary works.

13/01553/CT3 - Eastern House, Eastern Avenue - Demolition of Eastern House and erection of 7 x 3-bed and 2 x 2-bed dwellings (use class C3). Provision of associated car parking, landscaping, private amenity space and bin and cycle stores.

13/01555/CT3 - Land East Of Warren Crescent - Erection of 10 x 3-bed dwellings (use class C3) together with associated car parking, cycle and bin storage. Diversion of public footpath.

13/01893/ADV – Humphries, Oxford, 72 Rose Hill - Installation of 1 x internally illuminated totem sign, 1 x non illuminated totem sign, 1 x internally illuminated fascia sign, 1 x non illuminated fascia sign, 1 x externally illuminated entrance gate and 1 x internally illuminated hanging sign to the front elevation.

13/00757/FUL – 8 Jersey Road – Internal alterations to an existing, lawfully extended, building to provide enlarged flats (2 x 2-bed and 2 x 1-bed). Provision of vehicle parking, bin/cycle storage, communal amenity space and landscaping.

13/01811/FUL – 98 London Road - Installation of two aluminium louvres to rear elevation in association with internal plant machinery. (Amended plan and Additional Information)

13/01502/FUL – 255 Marston Road - Demolition of existing three storey building and redevelopment of the site to create a retail unit on the ground floor (use class A1) and 1 x 2 bed maisonette above (use class C3) and erection of 2 x 2 storey, 2 bed dwelling houses (use class C3). (Amended description)

13/01792/FUL – 23 Nowell Road - Erection of two storey side and rear extension. Creation of 2 bed dwelling house to the side (use class C3) with associated parking and self contained garden.

13/02285/CT3 - Land Fronting 33 To 61, Blackbird Leys Road - Provision of 18No. residents' parking spaces on existing grass verges.

13/02286/CT3 - Land Fronting 1 To 21 Monks Close - Provision of 19No. residents' parking spaces on existing grass verges.

11 DATES OF FUTURE MEETINGS

The Committee NOTES the following future meeting dates:

Wednesday 6 November 2013 (and Thursday 14 November if necessary)

Wednesday 4 December 2013 (and Thursday 12 December if necessary)

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 sclaridge@oxford.gov.uk 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 of the public are reminded that the recording of the meeting (audio or visual) is not permitted without the consent of the Committee, which should be sought via the Chair.
7. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

East Area Planning Committee

2nd October 2013

Application Number: 13/01940/CT3

Decision Due by: 25th October 2013

Proposal: Demolition of existing sports pavilion. Erection of 2 storey community centre involving replacement sports pavilion, car and cycle parking, entrance square, multi-use games area and children's play area.

Site Address: Rose Hill Sports Ground, Ashhurst Way (**site plan: appendix 1**)

Ward: Rose Hill And Iffley

Agent: ADP

Applicant: Oxford City Council

Recommendation:

APPLICATION BE APPROVED

Reasons for Approval

- 1 The proposed community centre would make an efficient use of land, and provide enhanced multi-functional community facilities for the Rose Hill Neighbourhood Area to meet the strategic regeneration aims within the Oxford Core Strategy 2026. The development is sited in a manner that would maintain and enhance the quality of the existing open-air sports facility and surrounding public realm without causing any undue harm and disturbance to local residents surrounding the site that could not be successfully mitigated by appropriately worded conditions. The size, scale, and design of the community centre would be well integrated into its setting and surrounding area. The proposed development would not have a significant impact upon the local highway network and would provide adequate car parking and cycle parking for users of the facility. The development would be energy efficient, and would not have a significant impact upon biodiversity; drainage; or noise impact and any such impact relating to these matters could be successfully mitigated by appropriate measures secured by condition. The proposal would accord with the overall aims of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

- 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
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- 4 Development to adopt Secure by Design Principles
- 5 Management Plan
- 6 Hours of operation
- 7 Details of external lighting
- 8 Provision of refuse storage
- 9 Provision of cycle storage
- 10 Landscape Plan
- 11 Landscape carried out on completion
- 12 Details of access road and parking area
- 13 Details of mechanical plant and ventilation
- 14 Scheme for treatment of cooking odours
- 15 Sustainable Urban Drainage Scheme
- 16 Provision of NRA recommendations
- 17 Provision of Biodiversity Report recommendations

Principal Planning 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
- CP14** - Public Art
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- TR1** - Transport Assessment

TR2 - Travel Plans
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
SR2 - Protection of Open Air Sports Facilities
HH2 - Primary Health Care Facilities - Non Residential buildings & New HC Facilities

Core Strategy

CS2_ - Previously developed and greenfield land
CS3_ - Regeneration areas
CS9_ - Energy and natural resources
CS11_ - Flooding
CS12_ - Biodiversity
CS13_ - Supporting access to new development
CS15_ - Primary healthcare
CS17_ - Infrastructure and developer contributions
CS18_ - Urban design, town character, historic environment
CS19_ - Community safety
CS20_ - Cultural and community development
CS21_ - Green spaces, leisure and sport

Other Planning Documents

National Planning Policy Framework

Relevant Planning History

73/00197/A H - Rose Hill Playing Fields Rose Hill, and erection of sports pavilion:
Approved

06/02026/CT4 - Erection of 6 x 12.5 metre floodlight columns: Approved.

07/01617/CT4 - Erection of 2x 10m floodlight columns: Approved

Public Consultation

Statutory Consultees

Oxfordshire County Council

- Highways Authority: No objection, subject to conditions requiring the prior approval of the access road and footway widths, details of the access manoeuvres for large refuse collections, and provision of covered cycle storage
- Drainage: No objection, ground investigations required including soakage tests for sustainable drainage scheme

Thames Water Utilities Limited: No objection

Third Parties

No comments received from third parties

Community Engagement

The design and access statement sets out the community engagement that has been undertaken prior to the submission of the application. The consultation consisted of an initial public consultation and exhibition that took place on the 12th November 2012. This was advertised through the local press and a direct mail newsletter. The consultation showed two proposals which residents were asked to vote on, with the results showing residents preferred a new community centre.

A further round of community engagements took place following this consultation in order to develop the scheme. The scheme was then revised to take into consideration the comments received. These alterations included alterations to the appearance of the building, revisions to the layout to make a more efficient use of space, more public space and a new civic square provided, the provision of the health centre in the building, and a social club located at ground floor level.

Officers Assessment:

Site Location and Description

1. The site is located on the northern side of Ashurst Way and is bordered by the Rose Hill Primary School to the west, and residential properties of Dashwood Road to the east, and Abberbury Avenue, Hunsdon Road, and Courtland Road to the north (**site plan: appendix 1**)
2. The site comprises the Rose Hill Sports Ground which is designated within the Oxford Core Strategy as a designated open-air sports facility. The sports ground currently has sports pavilion and changing block, multi-use games area, and children's play area. The playing fields have one floodlit grass training area, one adult-sized football pitch, and junior sized pitch in the playing fields to the northern end of the site.
3. The sports ground is accessed from Ashurst Way and has an area of hard surfacing to the south of the existing multi-use games area which provides parking to the site.

Proposal

4. Planning permission is sought for the demolition of the existing single-storey sports pavilion on the site and the erection of a two-storey community centre and replacement sports pavilion.
5. The community centre will include a community 'gathering' space, health centre, multi-purpose activity hall and store, social club, advice centre, community gym and changing rooms, youth centre, training kitchen and café-style servery, large meeting room, and sports changing facilities.
6. The proposed development will also include external works to the area to the front of the centre to create an entrance square with car and cycle parking, and a relocated multi-use games area and children's play area.

7. Officers consider that the main determining issues would be as follows:
- Principle of development
 - Impact upon open-air sports facility
 - Community facilities
 - Site layout and built form
 - Impact upon adjoining properties
 - Transport
 - Landscaping
 - Sustainability
 - Drainage
 - Biodiversity
 - Other Matters

Principle of Development

8. The Oxford Core Strategy 2026 recognises that community facilities provide benefits to the wider community by encouraging social inclusion and a high quality of life. This is consistent with the aims of the National Planning Policy Framework. The site is located within Rose Hill, which the Oxford Core Strategy 2026 has identified as one of five priority areas for regeneration in the city under Policy CS3. It identifies the need to enhance or add to local community facilities as a key requirement for each of the priority areas but that in particular the provision of multi-functional community facilities are a required in Rose Hill.
9. The proposed development would seek to relocate a number of the existing community facilities within the area within a single building, while also providing additional resources. As such, officers consider that the general principle of providing a new community facility within Rose Hill would be consistent with the strategic aims for the regeneration of this area set out within the Oxford Core Strategy 2026.

Impact upon open-air sports facility

10. The new community centre would be located on the southern boundary of the sports ground which is designated as a protected open air-sports facility. Oxford Local Plan Policy SR2 makes clear that permission will not be granted for development that results in the loss of an open-air sports facility and Core Strategy Policy CS21 seeks to maintain publically accessible green space.
11. The community centre would be sited in the previously developed areas of the sports field which currently includes the children's play area, multi-use games arena, children's nursery, scout hut, and advice centre. Its position within the site would be considered the most logical in terms of maintaining the existing open-space within the sports ground while also enhancing the space by providing a focal point at the entrance and a link between the surrounding buildings (i.e. children's nursery, primary school) and sports pitches. The children's play area and multi-use games arena would then be relocated to where the existing sports pavilion is sited which again prevents any loss of the open space.

Community Facilities

12. Oxford Core Strategy Policy CS20 states that the Council will seek to protect and enhance existing community facilities and will not grant permission for developments that result in the loss of such facilities unless equivalent new or improved facilities, where foreseeable need justifies this, can be provided at a location equally or more accessible by walking, cycling, and public transport.
13. The new community centre will have a gross floor area of 1950.9m² which would be split across the two floors of the building. The building would include a community 'gathering space', health centre, multi-purpose activity hall, training kitchen and café, social club including bar and games room, sports changing facilities, advice centre, community gym and changing rooms, large meeting room, and youth centre. In terms of meeting the aims of Policy CS20, the new centre will provide additional community facilities in terms of a new health centre, multi-purpose activity hall, training kitchen and café. It will also replace the existing community centre and social club which is located on the eastern side of The Oval, and the Advice Centre and Sports Pavilion which are located within Ashurst Way and the Sports Ground.
14. Oxford Core Strategy Policy CS19 states that new developments are expected to promote safe and attractive environments which reduce the opportunity for crime and fear of crime. In doing so, developments should meet the principles of 'secured by design' including providing for well-designed public spaces, and access routes, which are integrated into the surroundings and responds to the needs of the community, maximises natural surveillance, and provides for appropriate lighting of public spaces and access routes. The development has sought to provide a layout which encourages natural surveillance of the main public areas and provides clear routes through the site to the surrounding areas. It would be recommended that a condition be attached which requires the scheme to demonstrate that it has been designed to secured by design principles and to achieve accreditation for this.
15. The application form states that the intended hours of use of the community facility will generally be between 09.00-23.00 hours Monday – Sunday. However, it is anticipated that the peak times of the individual uses within the building will not overlap or operate continually between these times throughout the week. The health centre for instance will operate primarily between 09.00-18.00 hours Monday-Friday with occasional Saturday opening at these hours. Having regards to the location of the building, the anticipated opening hours would not create any specific concerns in terms of potential for disturbance and would enable sufficient activity within the building to encourage natural surveillance of this area. It would be beneficial to secure these hours of operation by condition, and also secure the provision of an overall management plan for the facility to set out how the centre will be managed to prevent any adverse disturbance on the surrounding area.

Site Layout and Built Form

16. Oxford Core Strategy Policy CS18 requires development to demonstrate high-quality urban design that responds appropriately to the site and its surroundings;

create a strong sense of place; attractive public realm; and high quality architecture. The Oxford Local Plan requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the sites capacity and surrounding area. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.

17. The community centre has been sited to the end of the main access from Ashurst Way, with its main entrance and visible functions (health centre, social club) facing onto a new square formed to the frontage. The children's play area, car park, and multi-use games area are all arranged around this public space, while the changing facilities for the sports fields and multi-use games areas are located to the rear where there is direct access onto the sports pitches. In terms of size, and scale, the community centre would be a two-storey building which has a modern form and appearance. The building has been designed to appear as a landmark building at the end of the existing access, and while sizeable it would sit comfortably within its setting and in wider views throughout the area. The use of glazing to punctuate the elevations helps to reduce the sense of scale and provides visual interest to the detailing of the elevations. The material choices would be a key element in terms of ensuring a high quality finish for the building, and so a condition should be attached seeking prior approval of the materials.
18. Officers consider that the siting of the centre would provide an accessible and legible public entrance to the facility that encourages natural surveillance of these spaces and appropriate links to the playing fields at the rear, whilst the overall size, scale, and design would be appropriate for the site and its wider context within the residential suburb.

Impact upon Adjoining Properties

19. Policy CP10 of the Local Plan requires development proposals to be sited in a manner which meets functional need, and also safeguards the amenities of residential properties surrounding the development.
20. The residential properties which stand to be most affected by the development are those on the eastern side of Dashwood Road. The rear gardens of these properties back onto the site and are separated from the park by a mature screen of trees and hedgerows. The existing children's nursery and adventure playground currently lie directly adjacent to the boundary with these properties, and so the nature of the sports ground would already have some impact upon these properties. The proposal would introduce a sizeable structure into the sports ground, but it has been positioned as far as possible from the boundaries of the Dashwood Road properties so as to prevent any impact upon light, outlook, or privacy to the rear of these properties. The multi-use games arena is to be located closer to the boundary with these properties than is currently the case, but this would not result in any material noise and disturbance over and above the current situation within the sports ground. There is potential for any external lighting of the public spaces to the front of the community centre and multi-use

games area to have an impact upon the properties. A lighting scheme has been provided which shows the positions of all external lighting, however a condition should be attached requiring a scheme which includes details of all lighting spillage in order to ensure that this minimises any impact upon these properties.

21. In terms of the other residential properties of Ashurst Way, Abberbury Avenue, Hunsdon Road, and Courtland Road, which also surround the sports ground, officers consider that there is sufficient separation distance to ensure that the new community centre will not have an impact upon these properties in terms of loss of light, privacy, outlook, or noise and disturbance.

Transport

22. A Transport Statement has been submitted with the application. The statement identifies that the development will consist of a range of uses that will have overlapping peaks of parking demand. In terms of traffic generation it establishes that the maximum demand would occur when the main uses are operating together at its peak demand, but that it would not generate significant amounts of traffic (32 two-way trips in the AM peak period and 45 in the PM peak period). The Local Highways Authority has raised no objection to the traffic generation from the centre. The existing community centre and advice centre is located within Ashurst Way and The Oval and so already results in a level of traffic on the highway network which will be unchanged. It is also recognised that the facility will serve the local community and so is accessible by other forms of transport such as walking, cycling, and public transport.
23. The site will be accessed via Ashurst Way, with the proposed site plan showing the existing access road to be 4.1m in width. The Local Highways Authority have recommended that the access width should be a minimum of 4.8m to allow a car and large vehicles to access the site with a footway width of between 2.4m - 1.8m. There is sufficient space to provide access arrangements to these dimensions according to the proposed site plan (L900A) and as such a condition should be attached which requires details of the access arrangements to be submitted. The proposed plan shows the tracking details for servicing vehicles (i.e. refuse) entering and exiting the site. The plan shows there is sufficient space for vehicles to enter and leave the site in forward gear, and also to access the refuse storage area sited alongside the multi-use games arena.
24. The proposal will provide a total of 25 car parking spaces (including two disabled bays) along with two spaces for motorcycles. The level of parking would be acceptable given the overlapping peaks of parking demand for the facility and the spaces would be of an acceptable size. The development also provides a total of eight cycle stands to provide public cycle parking for 16 cycles and there is additional secure and covered cycle storage available for staff. The parking and cycle storage should be secured by way of condition.

Landscaping

25. In terms of landscaping, the proposed site plan L900A shows the landscaping that will be carried out around the building and includes a mixture of hard and soft landscaping. Officers consider that the indicative plans would enhance the overall quality of the space to the frontage and provide a clear distinction between public space and the main access road.
26. The mature screening on the boundary with the Dashwood Road properties will be retained, and although a tree is to be removed from this space it would not have an impact upon public amenity. The screen will be reinforced with additional planting and trees around the Multi-Use Games Arena and the boundary. The landscaping strategy should be secured by condition

Sustainability

27. An NRA and Energy Statement has been submitted with the application which reflects the need to achieve 20% of the development's regulated and unregulated energy requirements from renewable sources and is therefore considered to be acceptable. The proposed building has adopted a low carbon design approach. The energy use of the building will be minimised by the built form which achieves compliance with the carbon emission targets of Part L2a 2010 of the building regulations through passive means such as natural light and ventilation and the use of efficient technologies. It will utilise low and zero carbon technologies to further reduce emissions, through for example the choice of materials. The design will use photovoltaic tiles to offset the energy requirements and proposes an area of 370m². Overall, the NRA would achieve a score of 8/11 which would represent a good solid performance and exceeds the 6/11 requirement to comply with the policy. A condition should be attached to any permission to ensure the details are included within the development.

Drainage

28. In terms of drainage, a Foul and Surface Water Drainage Strategy has been submitted with the application. Having regards to the nature of the site, it will be important to ensure that drainage from the building and associated hard surfacing does not alter the existing surface water drainage situation on site or increase surface water drainage through the nearby Rivermead Nature Park and Site Local Importance for Nature Conservation.
29. The drainage scheme has been designed to ensure that the surface water drainage from the hard surfacing within the site does not increase the peak flow of surface water from the site. It has not included details of the likely rain run-off from the existing building or pollution controls from the parking area run-off. The Oxfordshire County Council Drainage Authority has raised no objection to the proposed scheme. Officers consider that a condition should be attached which requires a sustainable urban drainage scheme to be developed for the whole development.

Biodiversity

30. An extended Phase 1 Habitat Survey and Bat Inspection have been submitted with the application. The proposal will not have an adverse impact upon any priority habitat. The survey identified that the building has limited potential for nesting birds. It goes on to state that there would be low potential for roosting bats, but recommends that a further survey is carried out to ensure that this is the case. The survey has also identified potential biodiversity enhancements such as the provision of bat and bird boxes.
31. Officers consider that it is unlikely that the building is used for more than a temporary roost, and therefore unlikely that an offence under the habitat regulations would take place if the development went ahead. Nevertheless the applicant is preparing to carry out this survey, but a condition should be attached to secure one should this not be completed by the by the end of September which is the end of the active period for bats. A condition should also be attached to ensure that if demolition of the existing pavilion takes place within the active period for bats (May-Sept) then a method statement is agreed before work starts and is implemented.

Other Matters

32. The nature of the proposed uses will require details of plant and machinery for the ventilation of the facility, and also any flue associated with the café and training kitchen. A condition should be attached which requires details of all plant, including a scheme for the ventilation of cooking odours to be provided.

Conclusion:

33. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016, and therefore the officer's recommendation is to approve the development.

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.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 23rd September 2013

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Appendix 1

Rose Hill Sports Ground (13/01940/CT3)



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	24 September 2013
SLA Number	Not Set

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East Area Planning Committee

2nd October 2013

Application Number: 13/01643/FUL

Decision Due by: 13th September 2013

Proposal: Change of use from a residential dwelling house (use class C3) to a House of Multiple Occupation (use class C4).

Site Address: 43 Gladstone Road, Headington, Oxford OX3 8LL
(Location Plan – Appendix 1)

Ward: Quarry And Risinghurst

Agent: N/A

Applicant: Miss Yuen Yee Lui

Application Called in – by Councillors – Sinclair, Lygo, Rowley and Clack

for the following reasons – proliferation of HMOs and pressure on on-street parking

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development will not result in an overconcentration of Houses in Multiple Occupation in the local area and provides an acceptable level of facilities and parking for future occupiers. Subject to conditions to ensure an acceptable level of screening and security to cycle and bin storage and in the interests of highway safety, the proposals comply with Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 - 2016, CS23 of the Core Strategy and HP7, HP12, HP13, HP15 and HP16 of the Sites and Housing Plan. No objections have been received from third parties.
- 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 Specific exclusion approved plans
- 4 Details excluded submit revised plans the cycle and refuse bin stores, 001 and 004,
- 5 Variation of road traffic order

**Main Local Plan Policies:
Oxford Local Plan 2001-2016 (OLP)**

CP1 - Development Proposals

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS23 - Mix of housing

Sites and Housing Plan (SHP)

HP7 - Houses in Multiple Occupation

HP12 - Indoor Space

HP13 - Outdoor Space

HP15 - Residential cycle parking

HP16 - Residential car parking

MP1 - Model Policy

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

88/01111/NF - Single storey front extension. PER 1st November 1988.

98/00518/P - Demolition or part of front boundary wall to create vehicular access..
PNR 15th April 1998.

Representations Received:

No comments received

Statutory and Internal Consultees:

Local Highway Authority: No objection subject to conditions.

Issues:

Concentration of HMOs
Amenities and Facilities
Parking

Officers Assessment:Site description and proposal

1. 43 Gladstone Road is a mid-terrace house with an area of hard-standing to the front and a conservatory to the rear.
2. Permission is now sought for a change of use from a single family dwelling (Use Class C3) to a small House in Multiple Occupation (HMO – Use Class C4).

Concentration of HMOs

3. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area.
4. The Sites and Housing Plan states that the Council will use its planning responsibilities to prevent any further over-concentration of HMOs in areas where there are already significant numbers. Policy HP7 of the Sites and Housing Plan states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%.
5. There are around 100 buildings within 100m street length of 43 Gladstone Road, both along Gladstone Road itself and along surrounding streets to a distance of 100m. Of these, licencing records indicate that 8 of these have, or have applied for an HMO licence. The actual number may be higher, due to some HMOs not being licenced, but the figures indicate that less than 10% of buildings in the relevant area are HMOs, well below the 20% concentration defined in Policy HP7. The surrounding area does not therefore show a significant concentration of HMOs and the current proposal will not materially harm the overall mix of housing in the local area and the application complies with Policy CS23 of the Core Strategy and Policy HP7 of the Sites and Housing Plan.

Amenities and Facilities

6. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities.
7. The application shows the provision of storage for bins and cycles, the rooms are

of adequate size and there is the opportunity to provide an adequate level of bathrooms, WCs and kitchen facilities, although adequate screening and protection of the bins are not demonstrated. It is therefore considered reasonable for any grant of planning permission to be conditional on the submission of further acceptable information demonstrating appropriate screening and security for the storage of bins and bikes to ensure the development complies with Policy TR4 of the OLP and Policies HP7 and HP15 of the SHP in this regard.

Parking

8. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The SHP makes it clear that C4 HMOs will be subject to the same standards as houses and flats and that different levels of parking will be suited to different areas. Oxfordshire County Council has published "Car parking standards for new residential developments" (parking standards) which includes detailed technical guidance on parking space dimensions and visibility, along with a guide to maximum parking provision in Appendix A.
9. Appendix A of the above parking standards suggests that a maximum of two parking spaces should be provided for a house of more than one bedroom. The house currently provides one compliant parking space. The submitted drawings show a second small space in front of the front door, but this of a sub-standard length and would be likely to result in a car overhanging the footway, to the detriment of highway safety and contrary to Policy CP1 of the OLP. It is therefore considered reasonable to exclude this space from any grant of planning permission.
10. However, the use of the house as an HMO may result in an increased number of cars associated with the site and a corresponding increase in pressure on on-street parking in the area. The site is within a Controlled Parking Zone and is considered a sustainable location with easy access to public transport and local shops. Subject to conditions removing the future occupants from eligibility for residents' parking permits and residents' visitors' parking permits and the provision of acceptable bin and cycle stores the Local Highway Authority has no objection and points out that HMOs tend to provide accommodation for a low car ownership demographic.
11. On balance, it is considered reasonable for any grant of planning permission to be conditional on the exclusion of the site from eligibility for residents' parking permits and residents' visitors' parking permits to ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6 and CP10 of the Adopted Oxford Local Plan 2001-2016 and HP16 of the Sites and Housing Plan.

Conclusion:

12. The development will not result in an overconcentration of Houses in Multiple Occupation in the local area and provides an acceptable level of facilities and parking for future occupiers. Subject to conditions to ensure an acceptable level of screening and security to cycle and bin storage and in the interests of highway safety, the proposals comply with Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 – 2016, CS23 of the Core Strategy and HP7, HP12, HP13, HP15 and HP16 of the Sites and Housing Plan.

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

Background Papers: 13/01643/FUL

Contact Officer: Tim Hunter

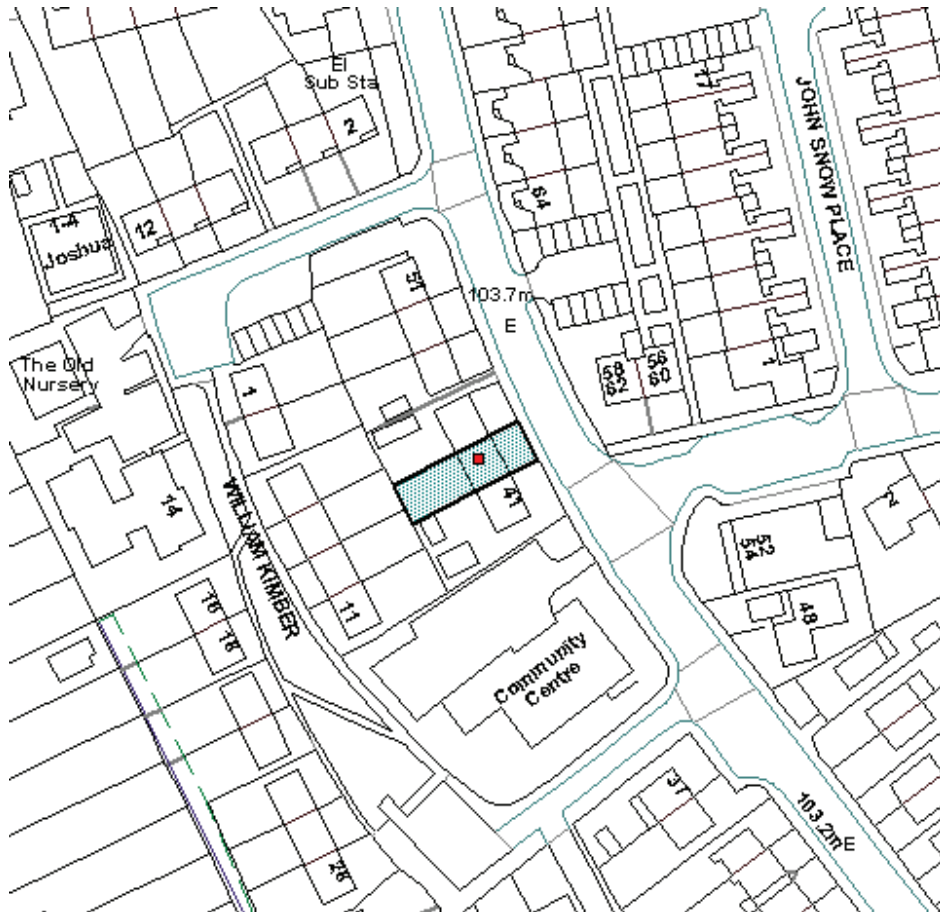
Extension: 2154

Date: 20th September 2013

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Appendix 1

13/01643/FUL - 43 Gladstone Road



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Ordnance Survey 100019348

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East Area Planning Committee

2nd October 2013

Application Number: 13/02146/FUL

Decision Due by: 15th October 2013

Proposal: Demolition of existing conservatory. Erection of part single storey, part two storey, side and rear extension including balcony to rear.

Site Address: 65 Asquith Road Oxford Oxfordshire OX4 4RN
(Location Plan – Appendix 1)

Ward: Rose Hill And Iffley Ward

Agent: Mr David Rhys

Applicant: Mr & Mrs Gavin Lovatt

Application Called in – by Councillors – Turner, Fry, Rowley and Sanders
for the following reasons – Level of harm to residential amenity

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 Having regard to its height, projection to the rear and proximity to the boundary, as well as the proposed balcony and the sloping nature of the site and surrounding gardens, the proposed development would result in an overshadowing and overbearing effect to the adjacent gardens at 63 and 67 Asquith Road as well as an increase in the perception of overlooking, all to the detriment of the residential amenity of current and future adjacent occupiers and contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 - 2016 and HP14 of the Sites and Housing Plan.
- 2 Having regard to its height, depth, width and overall bulk and mass relative to the existing house and surrounding properties, the proposed development would form an overly large and bulky addition to the house and would appear jarring and incongruous when viewed from the gardens of surrounding properties, to the detriment of visual amenity and contrary to Policies CP1 and CP8 of the adopted Oxford Local Plan 2001 - 2016, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

MP1 - Model Policy

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Oxford City Council Planning Design Guide 2 – Side Extension (Design Guide 2)

Relevant Site History:

13/00866/FUL - Demolition of existing conservatory. Erection of part single storey, part two storey, side and rear extension including balcony to rear. WDN 20th August 2013.

Representations Received:

No comments received

Statutory and Internal Consultees:

Local Drainage Authority: Drain using SUDs methods

Issues:

Visual appearance

Effect on adjacent occupiers

Flooding

Officers Assessment:

Site description and proposal

1. 65 Asquith Road is an end of terrace house backing onto the Southern Bypass with a larger than average rear garden and access to the side. Built as a two bedroom house with a ground floor bathroom, the house has been internally altered to provide three bedrooms.
2. Having recently taken responsibility for two additional children, the applicants have a pressing need for more accommodation, in particular bedrooms and an upstairs bathroom. Permission is sought to erect a large single and two storey extension to the side and rear, along with the erection of a terrace to the rear of the extended ground floor. The current proposals are an amended form of those submitted under application 13/00866/FUL and attempt to address officer concerns relating to the scale of the proposals and effect on adjacent occupiers.

Design

3. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
4. Although reduced from the previous submission, the proposed development is still unusually large and parts will be visible from the public domain.
5. The side extension is set back from the existing front wall and down from the ridge. At a maximum projection beyond the side wall of 2.35metres, the side extension is less than half the width of the existing house. The depth of the extension, at 11.5 metres is unusually deep, but partly because of the orientation of 65 Asquith Road in relation to number 67, this will only be apparent from limited areas of the public domain. Overall, the extensions would appear subservient to the existing house when viewed from the street, the development complies with Design Guide 2 and the visual impact on the public domain would be limited.
6. However, the visual impact when viewed from the rear of the side would be significant. The development would more than double the original 35 square metre footprint of the house and project over 5 metres behind the original rear wall on the ground floor and four metres on the first floor, with the two storey element continuing beyond the side wall and wrapping round the side of the original house. The visual relationship with the existing house is accentuated by the current small size of the house. The sloping nature of the site and the provision of a terrace / balcony area would only serve to accentuate the visual bulk and mass of the proposals when viewed from the rear gardens of surrounding properties.

7. Officers note the existing conservatory which would be replaced and the pitched roof nature of the proposals, but for the reasons given above the proposed extensions would fail to achieve an appropriate visual relationship with the existing house to the detriment of visual amenity and contrary to Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

Effect on adjacent occupiers

8. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim.
9. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
10. The 45-degree guidance indicates that the development will not result in a material loss of light to adjacent habitable rooms. However this is partly because of an existing porch at number 63, and partly because of the orientation of number 67, which is somewhat splayed away from 65. The adjacent glazed door at 63 serves the porch lobby rather than a habitable room and the small window on the far side of the porch is already significantly affected by the porch, such that the proposed extension will not materially reduce the level of light reaching this window. The remaining windows at 63 and 67 are far enough away to be materially unaffected by the proposals.
11. Officers have had regard to any creation of an overbearing or overshadowing effect to the adjacent gardens and consider that there will be an effect, specifically to number 63, where the relatively flat area immediately behind the house is likely to be the most intensively used part of the garden and will be overshadowed for much of the afternoon. The large bulk of the single and two storey extension will also appear overbearing to this space and the corresponding area at number 67.
12. In addition, the ground floor balcony will increase overlooking and perception of overlooking to adjacent gardens and this would be exacerbated by the fall in ground level to the rear of the plots. When considered cumulatively with the overbearing and overshadowing effects explained above, the effect on the living conditions of the occupants of neighbouring properties is unacceptable.
13. Overall, the proposals will result in a material loss of residential amenity for the current and future occupants of adjacent properties. and contrary to Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

Parking

14. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that different levels of parking will be suited to different areas and that developers should have

regard to current best practice. Oxfordshire County Council has published “Car parking standards for new residential developments” (parking standards) which includes a guide to maximum parking provision in Appendix A.

15. Appendix A of the above parking standards suggests that a maximum of two parking should be provided for a house of more than one bedroom. 65 Asquith Road currently has space to park two cars on the frontage and therefore accords with CP1 of the OLP and the SHP.

Flooding

16. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.
17. The Local Drainage Authority has suggested that drainage from the development be compatible with the principles of Sustainable Urban Drainage Systems (SUDS) and it is considered reasonable for any grant of planning permission to be conditional on SUDS compliant drainage in order to reduce the rate of run off and the risk of flooding in accordance with Policy CS11 of the Core Strategy.

Conclusion:

18. The proposed development fails to form an acceptable visual relationship with the existing building and local area, would result in an unacceptable effect on the current and future occupants of adjacent properties and the proposals therefore fail to comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 – 2016, CS18 of the Core Strategy and Policies HP9, HP14 and HP16 of the Sites and Housing Plan.

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

Background Papers:

Contact Officer: Tim Hunter

Extension: 2154

Date: 23rd September 2013

Appendix 1

13/02146/FUL - 65 Asquith Road



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East Area Planning Committee

2nd October 2013

Application Number: 13/01929/FUL

Decision Due by: 20th September 2013

Proposal: Demolition of existing bungalow and garages. Erection of 1 x 4-bed dwelling (use class C3). (Amended plans)

Site Address: 81 Edgeway Road Marston. Site plan at **Appendix 1**

Ward: Marston

Agent: Mr Robert Di Carlo

Applicant: Mr & Mrs Garry and Katja Ziegler-Tan

Application Called in – by Councillors – Clarkson, Humberstone, van Nooijen and Curran
for the following reasons – overlooking, un-neighbourliness and impact on street scene

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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

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

- 4 SUDS
- 5 Pedestrian vision splays
- 6 Design - no additions to dwelling
- 7 Shed/cycle parking
- 8 Sustainability measures / implementation

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP10 - Siting Development to Meet Functional Needs

Core Strategy (OCS)

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS12_ - Biodiversity

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

West End Area Action Plan

Barton AAP – Submission Document

Sites and Housing Plan (SHP)

MP1 - Model Policy

HP1_ - Changes of use from existing homes

HP2_ - Accessible and Adaptable Homes

HP9_ - Design, Character and Context

HP11_ - Low Carbon Homes

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework (NPPF)

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

Relevant Site History:

58/06903/A_H - Private garage. PDV 6th May 1958.

Representations Received:

In Support

85 Edgeway Road: Fully support the proposal. The property would sit amidst a collection of eclectic buildings on this side of the road. The current building does nothing to enhance the area but the proposed development would be aesthetically pleasing and an exciting rejuvenation project. It would also be a positive outcome to have a family home in an area that has seen a large number of properties being developed into flats /student accommodation with two more blocks currently proposed in Edgeway Rd.

58 Edgeway Road: This is an excellent proposal. It is eco-friendly, attractive and a good use of existing space taking into consideration the concerns of overlook. This sort of building needs to be encouraged especially in an area with small, energy-inefficient housing.

30 Edgeway Road: The plans portray an exciting development that will be a great improvement on the bungalow. The side of Edgeway Road on which the bungalow sits has a variety of buildings, including a number which have 2.5/3 stories, so the new proposal is not out of keeping with its surroundings. The type of building materials proposed are very energy efficient and should be encouraged. They also represent a much quicker form of construction which will mean less disruption, for a shorter length of time, than with a traditional build. Clearly, the proposed plans have been well thought through to provide an attractive family home that I believe will enhance the area and therefore they should be supported.

36 Edgeway Road: Fully support the proposed development. We live directly opposite the site, and having seen the drawings and specifications, are very happy with the modern design submitted. We are also pleased that it will be a family home, adding to the age mix in this pleasant and supportive neighbourhood.

Objecting

73 Edgeway Road: Object to the proposal. Reduction in light and privacy. Building is completely different to all those in the road. Larger by far. The building works required for such an elaborate property will take a considerable time to accomplish and therefore be a significant disturbance both to the new owners and other neighbours. These are a ridiculous and ostentatious proposals for the area and the site. Proposals are for a dwelling which needs far more space around it to be environmentally sympathetic.

66 Ferry Road: Object to the proposal. A double width, pre-fabricated, three storey building with four bedrooms and gym will harm the character of the street which

consists mainly of small houses. In addition, the new building will overlook neighbours. We live in the next street Ferry Road and I believe it will block our view of the sky and exacerbate the sense that we are living in a well. Revised plans are minimal and do not address concerns.

67 Hugh Allen Crescent: This building seems excessively large for the site, especially as it is 3 storeys replacing a bungalow. The character of the design seems out of keeping with the area, which has a mixture of just a few early to mid twentieth century styles, mainly cottages and 3 bed semis. This will be a very dominant building squeezed into an urban streetscape. I am also concerned about light

83 Edgeway Road: Support the development of a family home and sustainable nature of the proposals however objects to the proposal. Overly dominant and overbearing. Out of keeping with the general character of the neighbouring properties. Represents an over development of the site. Given its eaves height and ridge height overall impact will be overbearing and create a building that will loom over our building. Will have a negative impact on solar panels on the roof. Loss of light. Overlooking. Not clear on surface water drainage. Welcome revised plans and in particular reduction in width, repositioning of dormer and reduction in height. Still loss of yield from solar panels but impact will be smaller.

70 Ferry Road: Overly large and dominant. Scale and mass excessive. Too high. Out of character with the area. Overshadowing of garden. Overlooking. Revised plans have not change previous comments.

72 Ferry Road: Overlooking, loss of privacy, loss of skyline, oppressive and overbearing and give an unwanted and unwelcome sense of enclosure. As a resident of Ferry Rd I applaud architectural diversity and welcome houses of different types and designs. However, this house not only represents a huge change to the existing structure but is also out of character in the neighbourhood, with a height at the apex greatly in excess of other properties. Revised plans make no material differences to the issues raised.

76 Ferry Road: The proposed development on Edgeway Road seems to be excessively large given the size of other properties on the road. Additionally, it would adversely affect the light and privacy of those properties on Ferry Road whose gardens are adjoining.

62 Ferry Road: Whilst in general we do not object to the development of the bungalow into a family home and would be generally supportive of the contemporary style of dwelling proposed. Concerns about the proposed size of the development. Edgeway Road is characterised by open space between and above houses, which creates a sense of openness and lets light and views from the neighbouring landscape permeate onto the street. The proposal is not in character with the street, and would potentially set a precedent for future planning applications which could lead to the closure of all gaps in the house frontages due to its height and width. Revised plans show little difference. Does not address concerns.

Statutory and Internal Consultees:

Oxfordshire County Council Highways: No objection subject to conditions

Oxfordshire County Council Drainage: The development is to be drained using SuDs methods including porous surfaces for driveways.

Issues:

Principle
Design
Lifetime Homes
Residential Amenity
Car Parking
Cycle Parking
Sustainability
Biodiversity
Contaminated Land

Officers Assessment:

Site Description

1. The application site lies on the western side of Edgeway Road and currently a 1950's detached bungalow sits on the site with a detached single storey flat roofed garage.

Proposal

2. The application is seeking to replace the bungalow with a 4 bed dwelling with integral garage. The new dwelling will be low energy, low carbon, pre-fabricated of German design. There will be parking for two cars off street and cycle and bin store provision.
3. As a result of comments and discussions with the neighbours amended plans were submitted which move the building away from the boundary with 83 Edgeway Road, repositioning of the dormer, and a reduction in the height of the property.

Assessment

Principle

4. The NPPF states planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land). This is supported by Policy CS2 of the OCS.
5. Previously developed land is defined as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)

and any associated fixed surface infrastructure. This excludes: land in built-up areas such as private residential gardens.

6. The application site is considered to be previously developed by virtue of its previous use as a dwelling therefore the principle of redeveloping the site for residential use would still accord with the NPPF and Policy CS2 of the OCS.
7. Policy HP1 of the SHP states planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site. Whilst there will be a loss of a dwelling it will be replaced with another therefore this is no net loss of a dwelling.

Design

8. The design is very simple in form and this is partly due to its pre-fabrication construction. The front elevation is broken up by the set back to allow for an off street car parking space and the roof line is broken up by a small dormer on the side facing 83 Edgeway Road.
9. The property is to be in a render finish, colour to be finalised but it is suggested to be white/off white/cream or light grey. A condition can be added to seek a sample of the final colour. For the roof a roman grey colour concrete tile is proposed. There are a variety of facing and roofing materials, including render, along Edgeway Road so the use of render and the grey roof tiles will not be out of character or context when viewed in the street scene.
10. Edgeway Road is a road of two halves with the properties on the north eastern side being 1930's semis virtually the whole length of the street where as on the south western side there is mixture of styles (detached, semi detached, terraced), ages, heights, widths, depths and so on. The anomaly within the street is the application site as it is the only bungalow. The loss of the bungalow is therefore not considered to be an issue and it is considered its replacement will, given this eclectic mix of properties on the south western side of the street, site comfortably amongst the varied styles.
11. Policy HP14 of the SHP says planning permission will not be granted for any development that has an overbearing effect on existing homes. The proposal does not extend beyond the rear building line of the neighbouring properties; in fact No. 73 extends 3.7m beyond the proposed rear elevation and No. 83 by 0.6m. It has also been set in from the common boundary with these two properties.
12. Height to ridge is 9.5m this has been reduced from the original 10m, and whilst this is slightly higher than the surrounding properties there is no continuous ridgeline along this side of Edgeway Road. The proposal has also been reduced in width. Whilst the proposal does occupy the majority of the width of the plot and is clearly larger than the existing bungalow it is not considered to be overly dominant or overbearing within the street scene or on the neighbouring properties, to the side or rear

13. The proposal is therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1 of the Oxford Local Plan 2001-2016 and HP9 of the Sites and Housing Plan in that the proposal respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings and creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.

Sustainability

14. Policy CS9 of the OCS sets out a commitment to optimising energy efficiency through a series of measures including the utilisation of technologies that achieve Zero Carbon developments. A key strategic objective in the Core Strategy seeks to maximise Oxford's contribution to tackling the causes of climate change and minimise the use of non-renewable resources.
15. Energy use in new development can be further reduced by appropriate siting, design, landscaping and energy efficiencies within the building. New developments, including conversions and refurbishments, will be expected to achieve high environmental standards. All development must include the use of renewable energy where possible.
16. The proposal is a HanseHaus house which is a German company that specialises in prefabricated house construction. Every prefabricated HANSE HAUS is a future-proof energy-saving property. They are designed to be ultra-low on energy consumption with high levels of airtightness and insulation. The property will also be prepared for the installation of solar/photovoltaic panels on the south eastern roof pitch.
17. The style of construction used in the manufacture of the house is to a very high energy saving SIP standard. Therefore although there are transport costs involved in prefabricated projects, the overall embodied energy in the construction is much lower than a traditional stone, brick and blockwork built houses.
18. Building regulations in terms of energy consumption require a minimum performance of 220 KW/m². The new property will consume far less and will be in the range 60 to 70 KW/m² because of better insulation. This means that despite an increase in size the new house will use less energy than the existing house.
19. The energy efficient features of the build require space, in particular space for insulation. This results in thicker floors and roof, which adds to the height of the building. Floors in the proposed house would be 48 cm and the roof 42 cm thick; UK floors and roofs can be up to 30 cm thinner (i.e. floors 18 cm and roof 12 cm). The proposed dwelling would achieve energy efficiency rating B; it is not possible to build a B rated house with less insulation.
20. Also with prefabricated builds the construction time is greatly reduced

therefore reducing the impact on the neighbours. The property will be built in about seven days.

Lifetime Homes

21. Achieving mixed and balanced communities requires the City Council to plan for people's different physical needs. The City Council wishes to see new homes built that are accessible to all who may wish to live in them, and visit them, including those with disabilities. The Lifetime Homes Standard is a widely used national standard, which goes further than statutory building regulations. Lifetime Homes specifications ensure that the spaces and features in new homes can readily meet the needs of most people, including those with reduced mobility.
22. Policy HP2 of the SHP states planning permission will only be granted for new dwellings where all the proposed new dwellings meet the Lifetime Homes standard. The proposal allows for Lifetime Homes standards to be met and also allows for the property to be easily adaptable for wheelchair use despite this not being a requirement for the property.

Residential Amenity

23. Policy HP12 of the SHP require good quality internal living accommodation, with it stipulating any family dwelling providing less than 75m² of floor space will not be granted permission. A family dwelling is defined as a self-contained house (or bungalow) of 2 or more bedrooms, or a self-contained flat either with 3 or more bedrooms or otherwise deemed likely to encourage occupation by a family including children. The proposal is considerably over this size requirement and provides a spacious open plan living space with generous rooms upstairs.
24. Policy HP13 of the SHP states planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space, to meet the following specifications; a houses of 2 or more bedrooms must provide a private garden, of adequate size and proportions for the size of house proposed, for exclusive use by occupants of that house. The garden is considered to be of adequate size and proportions for the house proposed and will provide a decent area of private space for the current and future occupiers.
25. Policy HP14 of the SHP states planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes.
26. There are no privacy issues regarding the neighbours either side i.e. 83 and 73 Edgeway Road. With regards to the neighbours at the rear i.e. 70 and 72 Ferry Road, it is acknowledged that there will be some degree of overlooking as the development is going from a bungalow to a two and a half storey property. However there is a 20.9m separation distance from the first floor windows which is considered adequate enough to prevent any undue

overlooking or loss of privacy. It is normally accepted that some overlooking of gardens by neighbours is inevitable in most medium to high density situations as is the case here and the situation is no different to what is happening along the rest of the street.

27. There are windows in the side elevations of the neighbouring properties (73 and 83 Edgeway Road). However these windows serve non-habitable rooms therefore the 45 degree code of practice does not apply. With regards to the properties at the rear applying the 45 degree code of practice both to ground floor and first floor windows the 45 degree line is not breached.
28. Rights to light are nothing to do with the planning system. The main statutory power is the Prescription Act of 1832 which provides that where access of light has been enjoyed for a period of more than 20 years without interruption, such a right is “absolute and indefeasible”.
29. It is accepted that there is no private “right to a view”, that the planning system should protect, as stated in former PPG1 para.64. However, there is little doubt that loss of an “attractive view” from a public vantage point, as the result of a new development, is very much a material consideration. There is no “attractive view” from any public vantage point that is lost in this case.

Car Parking

30. The Highway Authority has visited the site and have the following comments to make. The information submitted in support of the application indicates that the proposed dwelling will have off road parking provision for 2 cars (1 within an integral garage and the other on the driveway). This level of provision is in accordance with standards. Drawing number 220 ‘Proposed Plans, Ground, First, & Attic Floors’ indicates that the garage’s internal dimensions are in accordance with current standards. The parking space dimensions on the site frontage must be in accordance with current standards (at least 2.5m x 5 m).

Cycle Parking

31. Policy CS13 of the OCS states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport. A fundamental part of encouraging cycling is the provision of secure cycle storage within people’s homes. This is reiterated in the Parking Standards SPD which says secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments and again in policy HP15 of the SHP which states all residential cycle storage must be secure, undercover, preferably enclosed, and provide level, unobstructed external access to the street. Policy HP15 also requires houses and flats of 3 or more bedrooms to have at least 3 spaces per dwelling.
32. Cycle storage is proposed in the shed in the rear garden which is considered large enough to accommodate the required number of cycles along with associated garden equipment. A condition can be added to ensure the garden shed remains as a garden shed and is not used for any other purpose to

ensure cycle storage is always available.

Biodiversity

33. Due to the maintenance level and location of the building to be demolished officers consider it unlikely that its demolition would result in an offense under the habitats regulations.

Contaminated Land

34. Officers have considered the application with respect to contaminated land. The development involves the creation of a new residential dwelling. Residential dwellings are considered to be sensitive uses. Land use maps do not show any sources of contamination on or near to the site. The risk of any significant contamination being present on the site is low. However, it is the developers responsibility to ensure that the site is suitable for the proposed use. Therefore, officers recommend that an informative is placed on any planning permission regarding unexpected contamination.

Conclusion:

- 35 Approve subject to conditions

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:

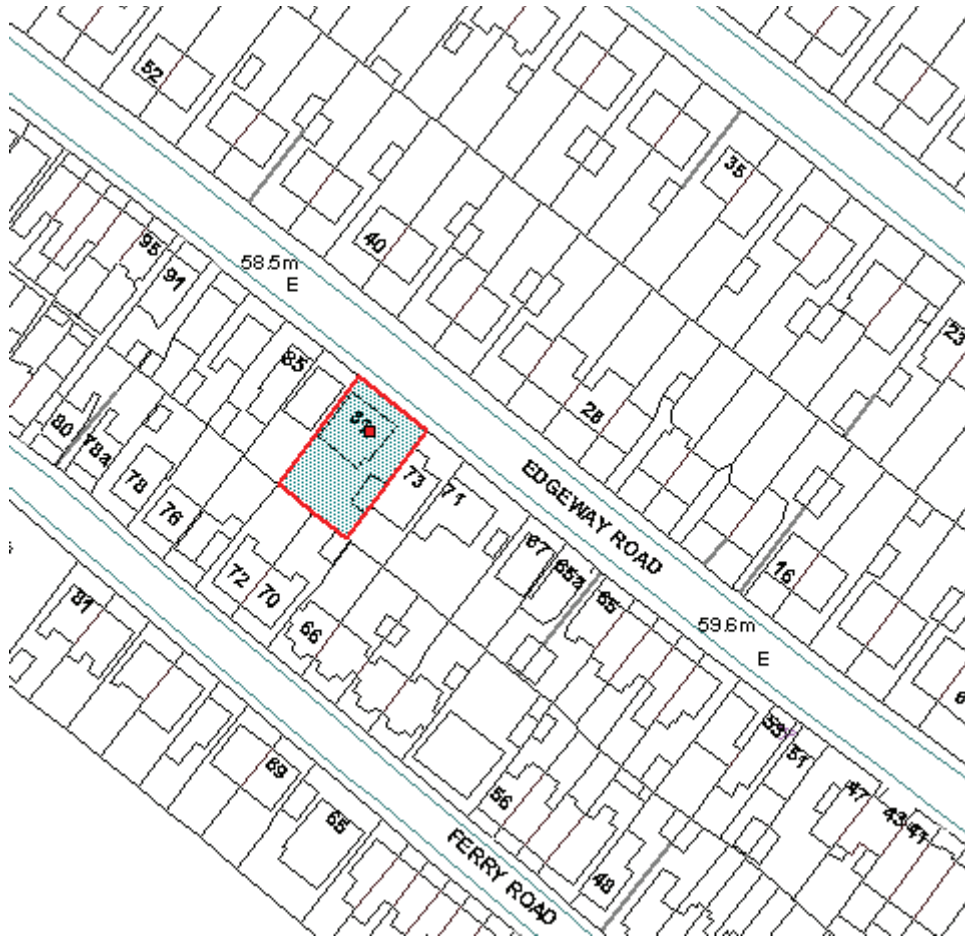
Contact Officer: Lisa Green

Extension: 2614

Date: 20th September 2013

Appendix 1

13/01929/FUL - 81 Edgeway Road



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Ordnance Survey 100019348

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North East Area Committee

-2nd October 2013

Application Number: 13/01803/FUL

Decision Due by: 16th September 2013

Proposal: Provision of 5 no. free-standing proprietary smoking shelters across the John Radcliffe Hospital site for use by patients and visitors. **Site location plan Appendix 1**

Site Address: John Radcliffe Hospital Headley Way Headington

Ward: Headington

Application Number: 13/01806/FUL

Decision Due by: 16th September 2013

Proposal: Provision of 3 No. proprietary smoking shelters on the hospital site. **Site location plan Appendix 2**

Site Address: Churchill Hospital Old Road Headington

Ward: Churchill

Application Number: 13/01807/FUL

Decision Due by: 16th September 2013

Proposal: Provision of 1 No. smoking shelter on hospital site. **Site location plan Appendix 3**

Site Address: Nuffield Orthopaedic Centre Windmill Road

Ward: Headington

Agent: GBS Architects

Applicant: Oxford University Hospitals
NHS Trust

Application Called in – by Councillors – Pressel, Fry Kennedy and Van Nooijen for the following reasons – better uses for the space and they look ugly

Recommendation:

APPLICATIONS BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Materials as specified

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

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS18_ - Urban design, town character, historic environment

West End Area Action Plan

Barton AAP – Submission Document

Sites and Housing Plan

SP8_ - Churchill Hospital & Ambulance Resource Cntr

SP23_ - John Radcliffe Hospital Site

SP38_ - Nuffield Orthopaedic Centre, Windmill Rd

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

The planning history for all three hospital sites is varied and extensive. There is no history specifically relevant to these proposals.

Representations Received and Statutory and Internal Consultees:

John Radcliffe Hospital (13/01803/FUL)

- 43 Sandfield Road: lack of smoking shelter provision currently focuses smokers around main entrances and/or exports the nuisance of smoke and litter to the neighbouring streets. Shelters should go some way to addressing this problem and also give the hospital a focus for their no smoking initiatives.
- 39 Sandfield Road: in favour of the plan to erect more Smoking Shelters, however will make little difference unless the Hospital has some form of sanction against their Staff/Patients who refuse to use the shelters, Currently the Smokers have been driven from the Hospital grounds, down the stoney road to Sandfield Road (and the Recreation Ground) where, up to a dozen people can congregate on the pavement, littering the ground with cigarette butts.
- 70 Sandfield Road: The introduction of smoking shelters within the JR site will greatly alleviate the current inconvenience of patients, visitors & staff using neighbouring roads, pavements & front gardens as smoking areas & rubbish bins
- 43A Sandfield Road: I support much needed smoking shelters being built at the JR Hospital, essential that shelters be erected to accommodate STAFF as well as patients and visitors, Residents locally have to contend with the unpleasant cigarette smell and discarded cigarette butts when smokers retreat to the hospital boundaries. This is mainly staff so erecting shelters for patients and visitors only will not address the local residents problem. This has been going on since 2009 and despite a petition, and other letters being submitted to the hospital this problem has not been resolved.

The following comments relate to all three applications:

- NHS Oxfordshire Clinical Commissioning Group: object to the applications on the grounds that as an issue of principle the NHS should be smoke free. This is the clear current national aspiration. The health implications of providing shelters may adversely affect the wellbeing of patients and visitors. The impact of allowing smoking on the site will weaken the Health Improvement work that we are engaged in across the County, involving all District Councils. The law bans smoking in public buildings and there is a clear NHS aspiration to have non-smoking grounds. Guidance from the National Institute of Clinical

Excellence (NICE), currently in draft, shows that this is the direction of travel: the NHS wishes to be seen as smoke free. This is recognised in Government White Paper, Choosing Health DH (2006) stating that an 'ultimate standard is to have smoke free grounds as well as buildings'. Agreeing to the introduction of shelters will weaken the thrust of the Joint Health and Wellbeing Strategy which has specific targets for smoking cessation. The NHS will be seen as condoning smoking and appeasing smokers rather than putting all efforts into helping people to give up. The public expect to see health promoting leadership from the NHS, not action to make it more convenient for smokers to smoke on NHS land.

- County Hall (Director of Public Health for Oxfordshire): object to the applications on the grounds that as an issue of principle the NHS should be smoke free. This is the clear current national aspiration. The health implications of providing shelters may adversely affect the wellbeing of patients and visitors. The impact of allowing smoking on the site will weaken the Health Improvement work that we are engaged in across the County, involving all District Councils. The law bans smoking in public buildings and there is a clear NHS aspiration to have non-smoking grounds. Guidance from the National Institute of Clinical Excellence (NICE), currently in draft, shows that this is the direction of travel: the NHS wishes to be seen as smoke free. This is recognised in Government White Paper, Choosing Health DH (2006) stating that an 'ultimate standard is to have smoke free grounds as well as buildings'. Agreeing to the introduction of shelters will weaken the thrust of the Joint Health and Wellbeing Strategy which has specific targets for smoking cessation. The NHS will be seen as condoning smoking and appeasing smokers rather than putting all efforts into helping people to give up. The public expect to see health promoting leadership from the NHS, not action to make it more convenient for smokers to smoke on NHS land.
- Oxford Civic Society: size of shelters appear inadequate for proposed numbers esp. if these inc. wheelchair users, shelters should be screened from public view, locations should be demonstrated as suitable for the avoidance of smoke pollution and passive smoking impacts on non-smokers, no signage details are provided, opportunity should be taken for the display of health promotion messages in the shelters.

Issues:

Design
Residential Amenity
Use of land
Other

Officers Assessment:

Site Description and Proposal

John Radcliffe Hospital

1. It is proposed to erect 5 free standing smoking shelters around the site on existing paved areas close to the larger buildings on the site. See site location plan at Appendix 1 for locations.

Churchill Hospital

2. It is proposed to erect 3 free standing smoking shelters around the site on existing paved areas close to the larger buildings on the site. See site location plan at Appendix 2 for locations.

Nuffield Orthopaedic Centre

3. It is proposed to erect 1 free standing smoking shelter to the west of the main building. See site location plan at Appendix 3 for its location.

Assessment

4. These three applications are included within the same committee report as the issues raised are nearly identical.

Design

5. The design of the smoking shelters is the same for all three sites. They are a standard design that is compliant with relevant legislation on smoking in public places. They have a powder coated aluminium frame with a polycarbonate roof and sides and can accommodate up to 8 people.
6. The locations are the three hospital sites where there is no one overriding building form or style. The shelters are relatively small and occupy a small footprint compared to these surrounding buildings and will appear as subordinate forms of "street furniture" in the locality. The shelters will not, therefore, look out of character or context.
7. The smoking shelters are therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1, CP6, CP8 and CP10 of the Oxford Local Plan 2001 - 2016 in that they 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 and creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.

Use of land

8. The locations of the shelters are considered appropriate. These locations have been selected for being convenient whilst not obstructive. The locations are not required for other new buildings but should these locations be required for further development proposals at the hospitals for improved healthcare, the shelters can easily be relocated compared to more permanent and larger structures.

Residential Amenity

9. On all three sites the smoking shelters are well within the confines of the hospitals and therefore will not impact on any of the neighbouring properties. This will represent a significant improvement upon the existing situation. Representations on the application have emphasized the existing problems of staff leaving the hospital premises to smoke in small congregations close to residential properties resulting in large amounts of cigarette smoke flowing into those properties and large numbers of cigarette butts deposited in those areas.

Other

10. Whilst officers could not agree more with the comments made regarding the health implications associated with smoking these are not a material planning consideration that allows for the applications to be refused. It is clear to officers from visiting all three sites that whilst the sites are supposed to be smoke free this is not the case and people continue to smoke regardless.
11. There is a considerable overlap between the planning and pollution control regimes. Air quality can be a material planning consideration but this is an issue that normally arises in cases concerning developments for or in close proximity to industrial and commercial premises, waste disposal plants, transport hubs and routes and facilities that generate high traffic levels.
12. In the case of a smoking shelter unless it would result in material harm to the health of occupiers adjoining the development, to deny permission on the grounds that it would enable smokers to continue to practice their harmful habit would be too paternalistic and overstep the proper bounds of the planning system.
13. A statement was issued at the end of July around smoking shelters where Mark Trumper, Director of Development and the Estate at Oxford University Hospitals NHS Trust (OUH) said:

“We continue to discourage smoking on all of our hospital sites. However, we accept that it has not been practical or enforceable to prevent patients and visitors from smoking, therefore we have taken the decision to establish a limited number of smoking shelters for patients and visitors.”

We hope this will encourage people to consider the impact that smoking has on the wider public and to create a more appropriate environment around our entrance areas which is where we historically have had a significant problem.

The policy for staff will not change. Staff are prohibited from smoking anywhere on our hospital sites and any member of staff found smoking on site will be subject to internal disciplinary procedures.

We will continue to provide on-going smoking cessation support and advice for those patients and visitors who want to stop smoking.

Any patients admitted to the OUH are able to get support and Nicotine Replacement Therapy from the Stop Smoking Advisors on their ward and OUH staff are able to get support through the Occupational Health department.”

Conclusion:

14. Approve subject to conditions

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: 18th September 2013

Appendix 1 John Radcliffe Hospital Headley Way

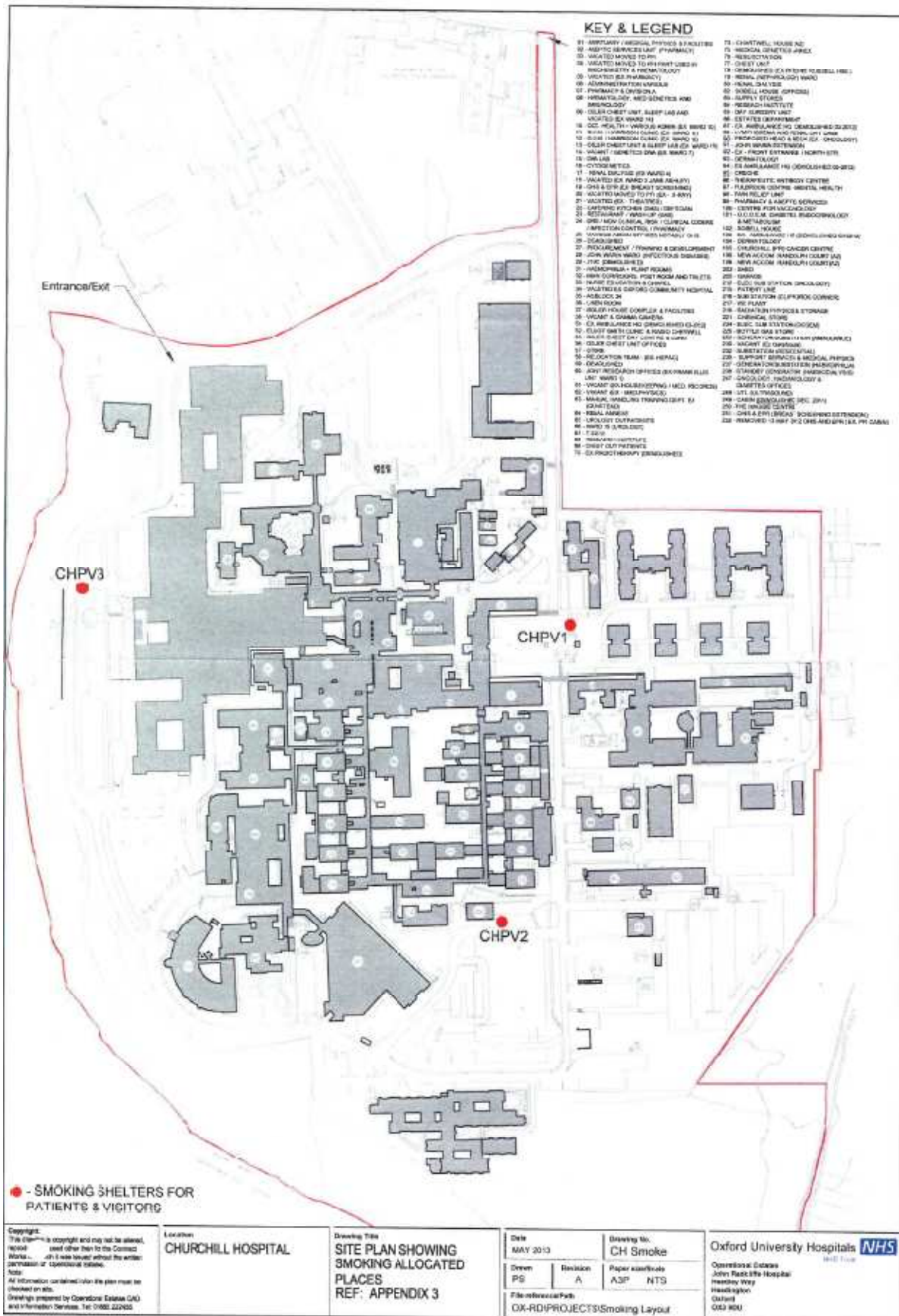


Oxford University Hospitals NHS Trust
New Smoking Shelters
John Radcliffe Hospital, Oxford
Location Plan
As Proposed

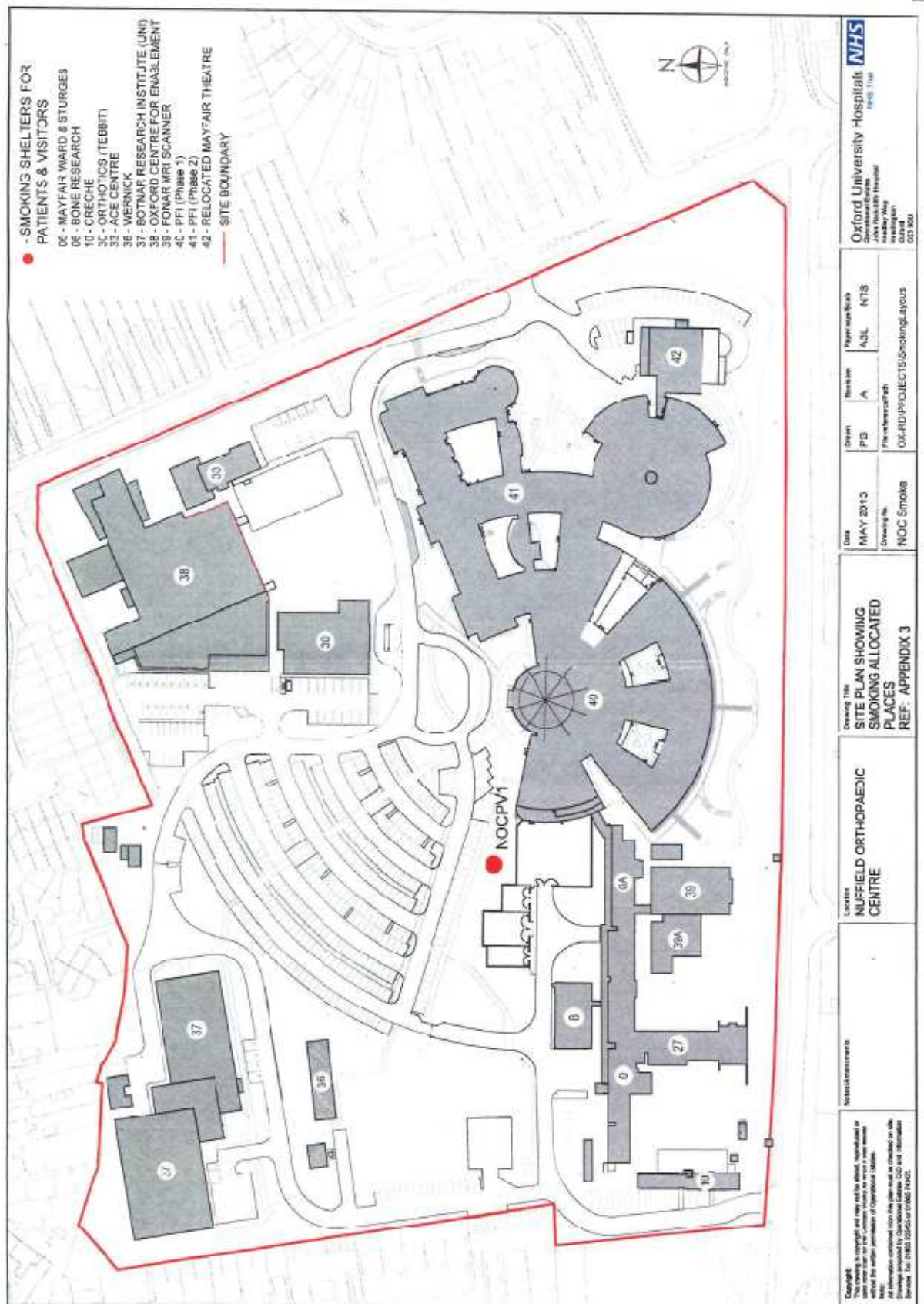
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Date: 06/08/2019
Rev: 02.1.19

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Appendix 2 Churchill Hospital Old Road



Appendix 3 Nuffield Orthopaedic Centre Windmill Road



East Area Planning Committee

2nd October 2013

Application Number: 13/01395/FUL

Decision Due by: 20th August 2013

Proposal: Demolition of existing dental surgery and garage. Erection of three-storey building to provide 9 flats (3 x 3-bed, 4 x 2-bed and 2 x 1-bed) (Use class C3). Provision of private and shared amenity space, 19 cycle parking spaces, 12 car parking spaces and a communal bin store. Access off the London Road (amended plans)

Site Address: Dental Surgery, 312 London Road, Headington Oxford

Ward: Quarry And Risinghurst Ward

Agent: Demarcation

Applicant: FWG Construction

Recommendation:

Committee is recommended to resolve to grant planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the notice of permission upon its completion. Should however the Community Infrastructure Levy [CIL] charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development on the grounds that the development has failed to adequately mitigate its impacts.

Reasons for Approval

- 1 The proposal forms an appropriate visual relationship with the site and the surrounding development and will appear in keeping with the character of the area. Planning permission was granted in 2008 for a scheme of 9 flats and there have been no changes in site circumstances since that date. It is considered that the proposal complies with adopted policies contained in the Oxford Local Plan, the Oxford Core Strategy and the Sites and Housing Plan.
- 2 Objections have been received from the Risinghurst and Sandhills Parish

Council, the Oxford Civic Society and a number of local residents and the points made have been carefully considered. However the Council take the view that the issues raised do not constitute sustainable reasons for refusing planning permission and that the imposition of appropriate conditions will ensure a good quality form of development that will relate satisfactorily to neighbouring development and the street scene.

- 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 Sustainability design/construction
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Tree Protection Plan (TPP) 1
- 8 Boundary details before commencement
- 9 Privacy screens
- 10 Landscape management plan
- 11 Permeable parking area
- 12 SUDS drainage
- 13 Suspected contamination - Risk assess
- 14 Bin stores and cycle parking
- 15 Construction Travel Plan
- 16 Landscape hard surface design - tree roots
- 17 Landscape underground services - tree roots
- 18 Vision splays
- 19 Levels details
- 20 Retain trees/shrubs along southern boundary
- 21 Side windows obscure glazed
- 22 Arboricultural Method Statement

Legal Agreement

Contribution towards affordable housing as required by policy HP4 of the sites and Housing Plan for all new development of between 4 – 9 units.

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design

Core Strategy

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

Sites and Housing Plan

HP2_ - Accessible and Adaptable Homes
HP4_ - Affordable Homes from Small Housing Sites
HP9_ - Design, Character and Context
HP10_ - Developing on residential gardens
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework
Balance of Dwellings [BoDS] Supplementary Planning Document [SPD]

Relevant Site History:

05/01610/FUL: Demolition of existing detached two storey dwelling. Erection of single and two storey block of 8 flats [6 x 2 bedroom and 2 x 1 bedroom units] with accommodation in the roof space. Provision of communal garden, 8 on plot car parking spaces and covered cycle parking and bin stores. Approved

08/00423/FUL: Demolition of detached dwelling [dental practice]. Erection of two storey building with accommodation in the roofspace to provide 9 flats [2 x 3 bedroom, 5 x 2 bedroom and 2 x 1 bedroom]. Approved

Public Consultation

Statutory Consultees:

- Drainage Team Manager - development should be drained using SUDS measures to include the parking areas
- Thames Water Utilities Limited – No objection but suggest the developer makes contact. Informative added
- Risinghurst and Sandhills Parish Council – objection – the proposal is an

overdevelopment of the area; the design is grossly out of character with the surrounding buildings; the proposed building would add to an already overstretched sewer and drainage system which TW have been made aware of over the last 3 years and traffic would be increased on the narrow slip road which already has problems with congestion and parking/access to the existing developments in the area.

- Oxford Civic Society – the loss of a dental practice in this location would be unfortunate in view of the shortage of local dentists. The application is inadequate in that there is no indication of the context represented by the existing adjacent buildings and the allocation of the gardens is not clear.
- Oxfordshire County Council as Local Highway Authority – No objections subject to the imposition of conditions/informatives relating to cycle parking, vision splays, SUDS drainage, Travel Information Packs for residents, Construction Traffic Management Plan and highway works.

Individual Comments

4 letters of objection. The main points raised can be summarised as follows:

- All the existing trees on the site should be retained
- The top floor balconies will overlook houses in Forest Road and the plans should be amended to avoid this
- The parking provision is inadequate and will result in more on street car parking
- The new building should be no larger or higher than the adjacent flat building
- The design is out of keeping with the area
- Loss of dental surgery which are expensive to build and in great demand
- Overdevelopment – 9 flats is too many and they will overlook neighbouring gardens
- The adjoining flat block was built too high so there should be levels details to ensure this does not happen again
- Trees along the southern boundary should be retained to maintain privacy to the houses in Forest Road
- Overlooking from side facing windows

Issues:

- Principle
- Affordable housing
- Balance of dwellings
- Form and appearance
- Impact on neighbours
- Highways and parking
- Trees
- Residential amenity
- Sustainability
- Sewage and drainage systems

Officers Assessment:

Site description and location

1. The application site lies on the south side of London Road and to the east of the Green Road roundabout and is accessed by a slip road. It extends to approximately 0.1 hectare and currently accommodates a detached, brick built dwelling that is unoccupied.
2. The existing dwelling has formerly been used as a dental surgery since the mid 1950's. However the practice closed some 5 years ago and the building has been empty since then.
3. The area surrounding the application site is characterised by large detached and semi-detached dwellings. Abutting the eastern boundary of the application site are two substantial, three storey flat blocks containing 15 x 2 bedroom flats which were erected in 2002/2003. Further to the east is another single and two storey block containing 8 flats that was granted planning permission in late 2005. The combined total of 23 flats replaced three detached dwellings that formerly existed on the sites.

The Proposal

4. The application seeks planning permission to demolish the existing dwelling and garage on the site and to erect a three storey building with a flat roof to provide a total of 9 flats. Of these, 3 would have three bedrooms and would be located on the ground floor with direct access to a private garden and on the second floor with direct access to 3 private balconies.
5. The proposed building would have a width of 16.45 metres and a depth of 19.6 metres. It would have a maximum height of 8.25 metres and would be erected using red brick, render bay panels and larch timber cladding with a composite zinc roof. The new building would extend across the whole width of the site with 1 metre gaps to both side boundaries.
6. A total of 12 car parking spaces are proposed at the front of the site which would provide 2 spaces for each of the three bedroom flats and 1 space for all the remaining flats. A bin store is also proposed at the front of the site together with a cycle store sited within the communal rear garden area.
7. There are a number of trees on the site including a Silver Birch and a Walnut, both of which are protected. The application proposal retains these trees and a condition is recommended to ensure that they are adequately protected during construction. Most of the remaining trees lie to the rear of the site and will also be retained. A landscaping condition is recommended to enhance the planting on the site and a landscape management condition to ensure that the landscaping is maintained to an adequate standard.

Principle

8. The site contains existing buildings such that it represents previously developed land as defined in Government guidance. The principle of development on previously developed land in sustainable locations is considered acceptable and the National Planning Policy Framework [NPPF] includes a presumption in favour of such development. This is supported by policy CS2 of the Oxford Core Strategy and policy CP6 of the Oxford Local Plan which both seek the effective and efficient use of land.
9. In addition, planning permission was granted in 2008 for a development of 9 flats and although this permission has now lapsed, it remains an important material consideration in the determination of the current application.
10. The loss of the dental surgery use was considered to be acceptable at the time of the previous permission; there are no protective policies that relate to health care facilities and the adjoining property at 310 London Road is currently used as a dental surgery.

Affordable Housing

11. Policy HP4 deals with the provision of affordable homes from small housing sites and requires a financial contribution to be secured towards delivering affordable housing elsewhere in Oxford. The contribution required will be 15% of the total sale value of the development, and will be calculated using the formula set out in Appendix 2 of the Plan. The recommendation is to resolve to grant planning permission subject to the completion of the legal agreement, which, inter alia, will provide for the contribution towards affordable housing to be made. The planning permission will not be issued before the completion of the agreement. In this way the impact of the development on the housing provision within the city will be satisfactorily mitigated.

Balance of dwellings

12. The Balance of Dwellings SPD seeks to ensure the provision of an appropriate mix of housing in the different neighbourhood areas in the City. The application site lies within an 'amber' area which indicates that the pressure on family dwellings is considerable and that new family dwellings should form part of new developments in excess of 3 units. For new developments of between 4 – 9 units, the SPD requires that 30% of the dwellings contain three bedrooms.
13. The current application proposes 3 three bedroom units which equates to 30% of the overall development. The proposed 4 x 2 bedroom and 2 x 1 bedroom units also comply with the requirements of BoDS.

Form and appearance

14. 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 reiterates this by stating that all new and extended buildings should relate to their setting in order to strengthen, enhance and protect local character.
15. Policy CP8 also suggests that the siting, massing and design of all new development should create an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and policy CP10 states that planning permission will only be granted for new development that maintains or enhances the street scene.
16. Policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan both encourage good urban design that contributes to local character and an attractive public realm.
17. The immediate street frontage has undergone considerable change as a result of the new flatted developments that have been erected to the east of the application site and this is a material consideration that needs to be considered in the determination of the current application.
18. The size of the proposed new building is largely the same as the scheme approved in 2008. However whilst that scheme focused on a traditional new building, the current proposal is for a modern, contemporary design with a flat roof and an angular appearance. The external walls would be a mix of red brick, rendered panels and larch timber cladding under a composite zinc roof. The front and rear elevations would include first and second floor balconies and there would be paved walkways down both sides of the new building. Officers consider that the proposed building incorporates good urban design and that it will relate well with the form of the surrounding development.

Impact on neighbours

19. Policy HP14 of the Sites and Housing Plan seeks to ensure that new development does not detract from the residential amenities enjoyed by neighbouring, residential occupiers. In this case the potentially affected neighbouring properties comprise the flatted development to the east of the application site, a dental surgery to the west at 310 London Road and dwellings in Forest Road which abut the rear boundary of the application site.
20. There are no habitable room windows in the side wall of the flat block to the east. Whilst the proposed third floor flat incorporates three small side windows serving the lounge area, these would face onto the largely blank side elevation of the flat block and would not affect amenity.

21. The property at 310 London Road is used entirely as a dental surgery with no residential use. Therefore officers are satisfied that there would be no loss of amenity resulting from the proposed development.
22. The distance from the rear wall of the proposed building to its rear boundary is some 21 metres. This boundary is partially screened by existing trees which it is proposed to retain. Officers consider that this distance is sufficient to ensure that there would be no significant overlooking of the garden areas of houses in Forest Road. In addition a condition is recommended to require privacy screens to be installed on all the balconies to further safeguard the privacy of adjoining gardens.

Highways and parking

23. Oxfordshire County Council as Local Highway Authority is not raising an objection to the application subject to a number of conditions as set out earlier in this report. The County Council has accepted the level of car parking and cycle parking proposed and has requested that, given the likely loss of on street parking space to facilitate the new access, the developer contribute towards the provision of parking controls in the vicinity of the site [estimated at £3000 to be effected by way of a Unilateral Undertaking].
24. Cycling parking for all the flats except the two, three bedroom ground floor flats would be provided in a secure and sheltered purpose built cycle store located in the rear communal garden area [18 cycle parking spaces] Cycle parking for the two ground floor flats would be in their individual private garden areas [3 spaces per flat].

Trees

25. There are two protected trees on the site comprising a Silver Birch and a Walnut and these are to be retained and protected during construction works. They are sited some distance from the rear wall of the new building so are not threatened by the development itself. There is also a mature Silver Birch tree on the site frontage which is also to be retained and protected. Of the other trees on the site, several low quality and value trees are proposed to be removed; the loss of mature tree cover is always regrettable but their removal will not have a significant impact on amenity in the area and the planting of new trees as proposed will mitigate the loss.
26. Planting has become established along the frontage of the adjacent flatted development and this partially screens the frontage parking area to the benefit of the street scene. It is considered that similar planting along the frontage of the application site would also be beneficial and a landscaping condition is therefore recommended along with a number of other tree related conditions aimed to ensure that there is no damage to any of the retained trees.

Residential amenity

27. Policy HP12 of the sites and Housing Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use if:
- Each dwelling has its own lockable entrance, kitchen and at least one bathroom
 - The space provided within each room allows for reasonable furnishing, circulation and use of household facilities in each part of the home, including for desk based home working
 - Each dwelling provides adequate storage space taking account of the occupation intended
28. The policy goes on to say that planning permission will not be granted for new dwellings if:
- Any single family dwelling provides less than 39 sq. metres of internal floorspace
 - Any single family dwelling provides less than 75 sq. metres of internal floorspace
 - Inadequate ceiling height, lack of natural lighting or natural ventilation or a restricted outlook prevents proper use and enjoyment of the dwelling.
29. In this case the 2 x 1 bedroom flats have an internal floorspace of approximately 43 sq. metres, the 4 x 2 bedroom flats have an internal floorspace of between approximately 55 - 65 sq. metres and the 3 x 3 bedroom flats vary between 75 sq metres on the ground floor and 123 sq metres on the second floor.
30. All of the flats will have full height ceilings as the building is flat roofed and all of the flats will have adequate lighting, ventilation and outlook.
31. In terms of private amenity space, there would be a communal open area at the rear of the site which would extend to some 10 metres in length by some 18.4 metres in width and this would be accessed by all of the flats. The 2 x 3 bedroom flats on the ground floor would both have private rear gardens measuring 10 x 7 metres and this is considered to be acceptable. The 4 x 2 bedroom flats on the first floor would all have private balconies as well as access to the communal open space and the 3 bedroom flat on the upper floor would have 3 individual private balconies at the front and rear which cumulatively provide 53 sq. metres of outdoor amenity space. Officers are satisfied that overall the flats would provide a good standard of residential amenity and would accord with policies HP12 and HP13 of the Sites and Housing Plan. Furthermore, the Design and Access Statement submitted with the application confirms that the new building would be built to Lifetime Homes Standards and would therefore comply with policy HP2 of the Sites and Housing Plan.

Sustainability

32. The application is accompanied by an Energy Statement in accordance with policy HP11 of the Sites and Housing Plan which states the following:
- With regard to reducing annual energy demand and carbon emissions, a 'fabric first' approach will be undertaken with the intention of utilising high levels of insulation, low U-value glazing, attention to thermal bridging and the use of mechanical ventilation heat recovery
 - Heating supply [substantially reduced through the above] to be via an appropriately sized gas condensing boiler with time and temperature controls
 - The use of air source heat pump technology as an alternative will be explored and if found to be better in terms of carbon emissions and running costs, will be incorporated into the specification
 - The development will seek to go beyond the minimum standards of Part G of the Building Regulations [domestic water] through the use of dual flush WC's, low capacity baths, aerated shower heads and taps and flow restrictions. Consideration will be given to grey water harvesting technology.
 - Materials selection will utilise the BRE Green Guide to Specification which grades the elements of a building on an A+ to E standard and the aim will be to deliver much of the building to a grade B and above.
33. Officers take the view that the Energy Statement is acceptable in terms of compliance with policy HP11 [Low Carbon Homes] of the Sites and Housing Plan.

Sewage and drainage systems

34. The Risinghurst and Sandhills Parish Council have objected to the proposal on a number of grounds including that there is an existing problem with an overstretched sewage and drainage system which floods. The Parish Council makes the point that Thames Water has been advised of these problems.
35. Thames Water has responded on this application and has stated that as regards waste and surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

36. As regards water comments, Thames Water recommend the addition of an informative on any planning permission relating to water pressure.

37. Thames Water is not objecting to the application on grounds of either waste or water. As a statutory consultee, their comments are important and need to be taken into account in the determination of the current application.

Conclusion:

38. The proposal forms an appropriate visual relationship with the site and the surrounding development and will appear in keeping with the character of the area. Planning permission was granted in 2008 for a development of 9 flats and there have been no changes in site circumstances since that time. It is considered that the proposal complies with adopted policies contained in the Oxford Local Plan, the Oxford Core Strategy and the Sites and Housing Plan.

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:

05/01610/FUL

08/00423/FUL

13/01395/FUL

Contact Officer: Angela Fettiplace

Extension: 2445

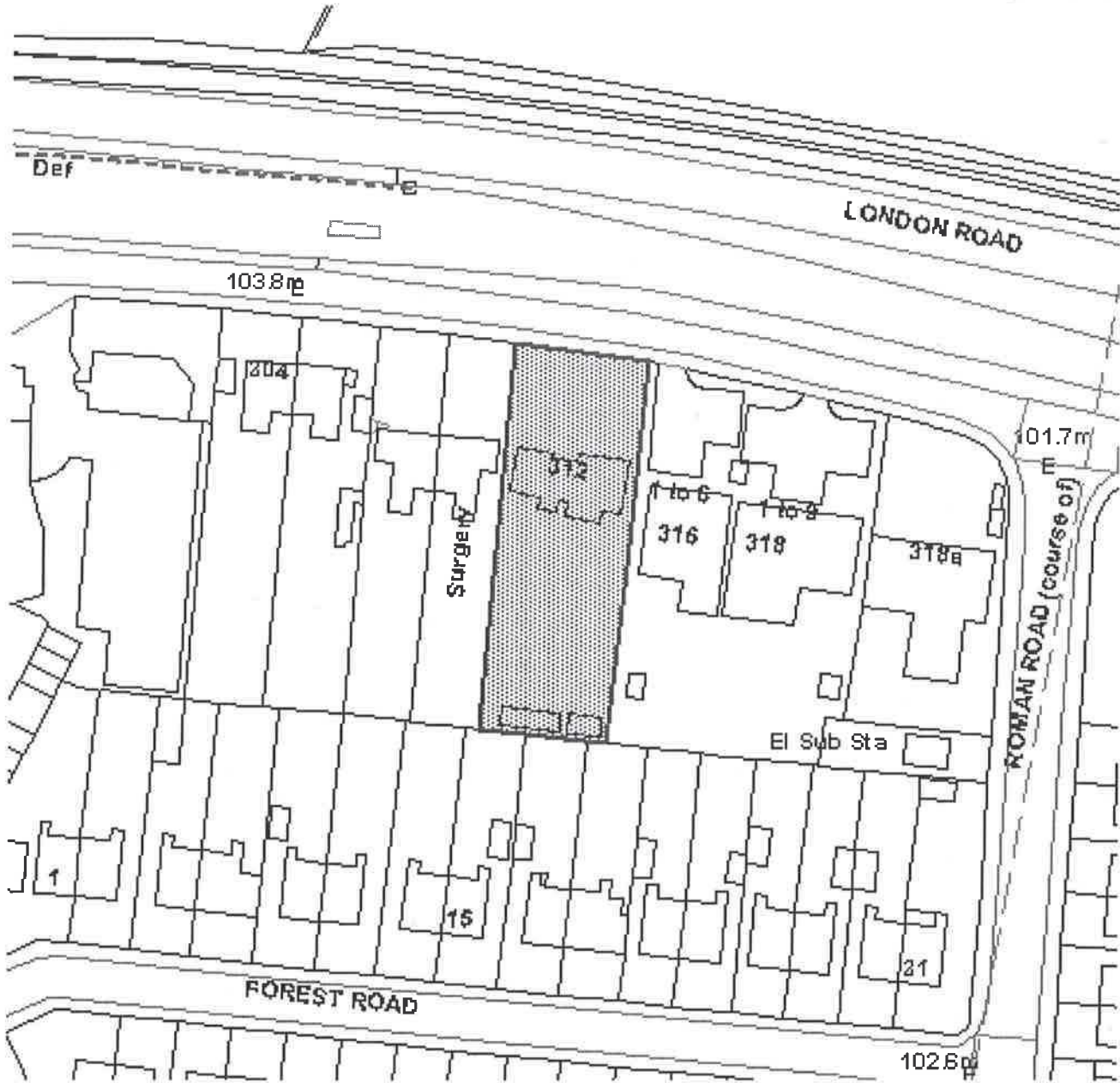
Date: 11th September 2013

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Appendix 1

13/01395/FUL – Former Dental Surgery , 312 London Road

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Ordnance Survey 100019348

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Agenda Item 9

Monthly Planning Appeals Performance Update – August 2013

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 August 2013, while Table B does the same for the current business plan year, ie. 1 April 2013 to 31 August 2013.

Table A. BV204 Rolling annual performance (to 31 August 2013)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	14	(33%)	4 (50%)	10 (29%)
Dismissed	29	67%	4 (50%)	25 (71%)
<i>Total BV204 appeals</i>	43		8	35

Table B. BV204: Current Business plan year performance (1 April to 31 August 2013)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	3	(23%)	1(33%)	2 (20%)
Dismissed	10	77%	2 (67%)	8 (80%)
<i>Total BV204 appeals</i>	13		3	10

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 August 2013

	Appeals	Percentage performance
Allowed	16	(32%)
Dismissed	34	68%
All appeals decided	50	
Withdrawn	2	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during August 2013.
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 August 2013. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D

No planning appeals decided.

Enforcement Appeals Decided Between 1/8/13 And 31/8/13

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

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
12//0063/5/ENF	13/00006/ENFORC	DIS	23/08/2013	73 Dene Road Oxford Oxfordshire	LYEVAL	.Alleged erection of single storey outbuilding without planning permission

Total Decided: 1

TABLE E Planning Appeals Received Between 1/8/13 and 31/8/13

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	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
12/02083/FUL	13/00043/REFUSE	DEL	REF	W	339 Banbury Road Oxford OX2 7PL	SUMMT	Erection of one apartment block comprising 2 x 1-bed and 1 x 2-bed apartments, cycle store and waste recycling point. (Additional information) (Additional plans) (Amended plans)
12/03053/OUT	13/00039/REFUSE	DEL	REF	W	Garages To The Rear Of 1 3 5 7 And 9 Coppock Close Oxford Oxfordshire	QUARIS	Demolition of eleven garages. Erection of 2 x single storey, one bedroom detached dwellings with provision of private amenity space, 2 parking spaces and cycle and bin
13/00386/FUL	13/00041/REFUSE	COMM	REF	W	166 Sandy Lane Oxford Oxfordshire OX4 6LQ	BBLEYS	Erection of a two storey side extension and alterations to existing 4 bedroom dwelling to create 1x1 bedroom dwelling and 1x2 bedroom dwelling
13/00404/FUL	13/00048/REFUSE	DEL	REF	W	102, 102A And 102B Bridge Street Oxford OX2 0BD	JEROSN	Installation of replacement windows to front elevation.
13/01015/VAR	13/00042/COND	DEL	SPL	W	387 Cowley Road Oxford Oxfordshire OX4 2BS	COWLYM	Variation of conditions 1, 2 and 3 of planning permission 12/01835/FUL to allow installation of plywood roof and timber screening on pergolas, change of premises operating hours and change of extraction equipment operating hours, post commencement of development.
13/01131/FUL	13/00040/REFUSE	DEL	REF	W	110 Oliver Road Oxford Oxfordshire OX4 2JG	LYEVAL	Erection of 2 x 2 bedroom dwellings (Class C3) to the rear of the existing property with associated parking for the existing and proposed dwellings.

Enforcement Appeals Received Between 1/8/13 And 31/8/13

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

EN CASE	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
13/00170/ENF	13/00044/ENFORC	W	32 Old Marston Road Oxford Oxfordshire OX3 0JP	MARST	Erection of single storey outbuilding without planning permission
13/00317/ENF	13/00047/ENFORC	W	1 Valentia Road Oxford Oxfordshire OX3 7PN	CHURCH	Unauthorised outbuilding