

Agenda

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East Area Planning Committee

Date: **Wednesday 5 March 2014**

Time: **6.00 pm**

Place: **Town Hall**

For any further information please contact:

Sarah Claridge, Democratic Services Officer

Telephone: 01865 252402

Email: sclaridge@oxford.gov.uk

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 Sam Hollick	Holywell;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Helen O'Hara	Cowley;
	Councillor Michele Paule	Rose Hill and Iffley;

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

HOW TO OBTAIN AGENDA

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

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AGENDA

Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

3 **THE BUNGALOW, 35 BARTON ROAD: 13/03221/VAR**

9 - 16

The Head of City Development has submitted a report which details a variation of condition 2 (approved plans) of planning permission 13/00469/FUL to raise the roof height in order to relocate bedroom 3 into the loft space.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Variation of Road Traffic Order Barton Road,
- 8 Construction Travel Plan
- 9 Sustainability design/construction
- 10 Parking to be SUDS compliant
- 11 Vision Splays
- 12 Obscure glazing to bathroom windows
- 13 Bin and cycle stores
- 14 Design - no additions to dwelling
- 15 C3 family dwelling only
- 16 Revised 2nd floor window design

4 **SITE OF VERGE OPPOSITE 69 TO 103 MASONS ROAD:
14/00052/CT3**

17 - 24

The Head of City Development has submitted a report which details a planning application to provide 9 residents' parking spaces on existing disused drying area.

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

- 1 In accordance with approved plans
- 2 Time limit of implementation – June start
- 3 Reasonable Avoidance Measures to protect Great Crested Newts
- 4 Protection measures in place for Oak trees
- 5 Car parking spaces to meet size standards
- 6 Ground resurfacing - SUDS compliant

5 LAND TO THE REAR OF 6-7 COLLINWOOD CLOSE: 13/02542/VAR

25 - 36

The Head of City Development has submitted a report which details a variation of conditions 11 (Parking Areas), 12 (part) (Bin and Cycle Stores), 13 (part) (Boundary Treatment), 16 (Management Plan for Common Areas) and 21 (Approved Plans) of planning permission 09/02329/FUL (Erection of two detached dwellings. Access, parking and landscaping (Land to rear of 6 and 7 Collinwood Close)) to allow discharge of conditions 11 and 16 post occupation of development and minor alterations to the siting of the two dwellings.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Landscape carried out by completion
- 5 No felling lopping cutting
- 6 Tree protection measures
- 7 Landscape hard surface design - tree roof
- 8 Sustainable drainage scheme
- 9 Drainage Strategy
- 10 Parking Areas
- 11 Cycle and Bin Stores
- 12 Boundary Details
- 13 Bollards
- 14 Sustainable construction methods
- 15 Management plan for common areas
- 16 Biodiversity enhancement
- 17 Design - no additions to dwelling
- 18 Amenity no additional windows side,
- 19 Obscure glazing

6 CONFIRMATION OF TREE PRESERVATION ORDER - 392 LONDON ROAD

37 - 46

The Head of City Development has submitted a report which details a tree preservation order to replace the individual trees standing in the rear garden of 392 London Road.

Officer recommendation: To confirm the Oxford City Council – London Road (No.1) Tree Preservation Order, 2013 with the First Schedule and Map modified to replace the area A.1 with 3 individual trees standing in the rear garden of 392 London Road, including; T.1, pine; T.2, sycamore; and, T.3, silver birch.

7 DIRECT ACTION AT 73 DENE ROAD

47 - 76

The Head of City Development has submitted a report that seeks support for a decision that is expedient to take direct action to secure the requirements of an outstanding enforcement notice. This requires the demolition of a building in the rear garden of 73 Dene Road. It follows the expiry of the compliance periods of 23rd November 2013 for the demolition of the building and 23rd December 2013 for the removal of the resultant materials from the site in response of an Enforcement Notice (reference 12/00635/ENF) issued on 30th January 2013

Officer Recommendation: It is RECOMMENDED that, in the event that the requirements of the enforcement notice (12/00635/ENF) are not complied with imminently following a final warning to the owner and occupier of the property that the committee supports officers' intention to take direct action to secure the demolition of the unauthorised outbuilding at the rear of 73 Dene Road.

8 PLANNING APPEALS

77 - 88

To receive information on planning appeals received and determined during December 2013 and January 2014.

The Committee is asked to note this information.

9 MINUTES

89 - 92

Minutes from 8 January 2014

Recommendation: That the minutes of the meeting held on 8 January 2014 be APPROVED as a true and accurate record.

10 FORTHCOMING APPLICATIONS

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

13/03192/CT3 - Blackbird Leys Leisure Centre Pegasus Road - Variation of condition 2 (develop in accordance with approved plans) of planning permission 11/00242/CT3 (Extension to existing Blackbird Leys Leisure Centre to provide 25m swimming pool, learner and fun pools and ancillary facilities. Alterations to existing leisure centre including new entrance, plus external works including landscaping and alterations to existing car parking to provide 121 spaces and 50 cycle spaces) to allow replacement of escape ramp with stairs, increase in floor level by 250mm and removal of an additional tree

13/03301/CT3 – Blackbird leys Park, Pegasus Road - Creation of new landscaping to include moundings and new tree planting. Formation of new habitat area along existing brook, picnic area, fitness trail and a new

pathway.

13/03411/FUL – JR Hospital Headley Way, Erection of roof based plant and louvred enclosure.

13/02818/FUL – 11 Crescent Road - Conversion of existing 1 x 5-bedroom house into 1 x 3-bedroom house and 1 x 2-bedroom house

13/03410/FUL- Iffley Residential And Nursing Home, Anne Greenwood Close - Installation of 3 no. roof mounted ventilation ducts and cowls and 2 no. wall mounted louvres. Erection of 1.8 metre close boarded fence to form new bin storage area

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.(Deferred from EAPC meeting of 4th September 2013)

11 DATES OF FUTURE MEETINGS

The Committee NOTES the following future meeting dates:

Thursday 13 March if necessary

Wednesday 2 April and (Thursday 10 April if necessary)

Thursday 8 May and (Friday 9 May if necessary)

Wednesday 18 June and (Wednesday 25 June if necessary)

Wednesday 16 July and (Wednesday 23 July if necessary)

Wednesday 6 August and (Thursday 14 August 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.

Agenda Item 3

East Area Planning Committee

5th March 2014

Application Number: 13/03221/VAR

Decision Due by: 28th January 2014

Proposal: Variation of condition 2 (approved plans) of planning permission 13/00469/FUL to raise the roof height in order to relocate bedroom 3 into the loft space. (Amended Description)

Site Address: The Bungalow 35 Barton Road (site plan at **Appendix 1**)

Ward: Barton And Sandhills

Agent: N/A

Applicant: S Khanam

Application Called in – by Councillors -Cllr Rowley and supported by Cllrs Price, Fry and Kennedy for the following reasons –revised application does not address the problems identified in the previously refused application; there are also parking problems in the area and an extra bedroom will lead to extra pressures

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 Boundary details before commencement
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- 6 Landscape carry out by completion
- 7 Variation of Road Traffic Order Barton Road,
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- 14 Design - no additions to dwelling
- 15 C3 family dwelling only
- 16 Revised 2nd floor window design

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

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 env

West End Area Action Plan

Barton AAP – Submission Document

Sites and Housing Plan

HP9_ - Design, Character and Context

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

Relevant Site History:

77/00211/A_H - Election of garage and provision of access. PER 21st April 1977.

07/01030/FUL - Demolition of existing bungalow and erection of 2x3 bed semi-detached dwellings. WDN 2nd July 2007.

07/01693/FUL - Demolition of existing bungalow and erection of 2x3 bed semi-detached dwellings. PER 13th September 2007.

09/00536/FUL - Demolition of existing bungalow. Erection of two storey building to provide 1x3 bed dwelling house, 1x2 bed flat and 1x1 bed flat. PER 6th May 2009.

12/02139/FUL - Demolition of existing bungalow and erection of 1 x 3 bed dwelling house, 1 x 2 bed flat and 1 x bed flat.. PER 15th October 2012.

13/00469/FUL - Demolition of existing bungalow. Erection of 2x3 bed dwelling houses (Class C3).Provision of vehicle and cycle parking, bin storage and amenity space.PER 17th April 2013.

13/01870/VAR - Variation of condition 2 (approved plans) of planning permission 13/00469/FUL to alter the roof space in order to accommodate 1 x additional bedroom in each dwelling. REF 27th August 2013.

Also of relevance:

Cricket Ground, Barton Road

13/00631/FUL - Erection of 30 residential units (8 x 4 bed houses, 17 x 3 bed houses, 2 x 2 bed flats and 3 x1 bed flats) together with access road, 51 car parking spaces, 60 cycle parking spaces, public open space and landscaping. (Amended Plans).PER 18th October 2013.

Representations Received:

37 Barton Road: do not agree with the increase in height; all windows at the rear of the property were required to be frosted/opaque so that they could not overlook neighbours this should be adhered to.

Statutory and Internal Consultees:

No comments received.

Issues:

Impact on neighbours/Residential Amenity

Officers Assessment:

Site Description

1. The application site comprises a detached, brick built bungalow which is located on a prominent corner plot at the junction of Barton Road and Blackthorne Close. The bungalow is a single storey, 2 bedroom dwelling which has front and rear gardens, a brick/stone boundary wall and access off Blackthorne Close which leads to a detached garage building.
2. The nearest neighbouring property is number 1a Blackthorne Close which is also a bungalow which was built on part of the original site area of the application site. The remaining dwellings in the vicinity of the site, apart from the bungalow opposite the site at number 37 Barton Road, are generally two storey dwellings.

Proposal

3. The application seeks permission for a two storey building to provide 2 x 3 bedroom houses. The building footprint would be identical to the 2013 extant planning permission (13/00469/FUL) for the erection of 2 x 3 bedroom houses. However the applicant now wishes to incorporate the third bedroom of each unit in the loft space making it a more spacious bedroom. As a result the height of the building will rise from 7.6m [approved] to 8.4m [proposed] an increase in height of 800mm. A total of 4 rooflights are proposed to serve these two bedrooms and these would all be located on the rear elevation along with a new window in each gable end.
4. In all other respects the proposal is the same as the approved scheme with two car parking spaces serving each dwelling (this meets the maximum requirements), cycle parking and bin storage for each dwelling and private rear gardens. All of which remain acceptable.
5. A similar application has recently been refused for the raising of the roof (13/01870/VAR) to allow for a fourth bedroom, for each unit, in the roof space. It was proposed to raise the roof to 9m an increase in height of 1.4m. This

application was refused for two reasons:

1. Having regard to the height and bulk of the proposed building and to its proximity to the boundary with number 1a Blackthorne Close which is a detached bungalow, the proposal would appear unacceptably overbearing in the outlook from the house and garden at number 1a and in this way would detract from the standard of residential amenities enjoyed by its occupiers. The proposal would therefore be contrary to policy HP14 of the adopted Sites and Housing Plan 2012.
 2. The proposal is for the erection of 2 x 4 bedroom dwellings which would have rear gardens that are considered to be too small to serve for the outdoor needs of a family [8 x 6 metres]. In this way the proposal would be contrary to policy HP13 of the adopted Sites and Housing Plan which states that private gardens serving new family dwellings should at least be proportionate to the original building footprint.
6. This current application differs in that there remain three bedrooms and not four and the height will be 8.4m and not 9m

Assessment

Impact on Neighbours/Residential Amenity

7. Policy HP14 of the adopted Sites and Housing Plan seeks to ensure that new development does not unacceptably impact on the standard of residential amenities enjoyed by the occupiers of neighbouring residential properties. In this case the only property potentially affected by the proposal is number 1a Blackthorne Close which is a detached bungalow that sides onto the application site.
8. The new building would be located 6 metres from the joint boundary with number 1a. Whilst it is unlikely that the proposed building would affect the amount of sunlight and daylight entering the windows of this adjacent bungalow, officers did have concerns over the increase in height to 9m and its proximity to the garden boundary, in that the new building would appear unacceptably overbearing in the outlook from the bungalow and its private garden area.
9. The reduction in proposed height to 8.4m (an increase of 800mm on the approved scheme) is considered to be more acceptable and will have minimal impact on 1a. The now proposed height is the same as the development approved on the land adjoining the site (the cricket ground) and therefore will be in keeping with the new street scene.
10. The rear garden of 1a faces directly south and therefore, whilst there may be some degree of overshadowing of the garden area in the morning, it is considered to be minimal and the property will receive adequate sunlight/daylight.

11. The conditions placed on the approved scheme will be carried forward onto this scheme including that requiring the rear first floor bathroom windows to be obscure to prevent overlooking.
12. The size of the proposed rear gardens are the same as those approved in the extant permission [3 bedrooms]. The officer report for the extant permission states that the gardens would be smaller than the house footprint and therefore contrary to the Sites and Housing Plan but goes on to say that the dwellings are modest and that there is a recreation ground close by. As a result of this current application this situation will not change as the houses remain as three beds.
13. Policy HP12 of the Sites and Housing Plan requires rooms to receive adequate natural light to allow proper use and enjoyment of rooms within each dwelling. The bedroom created in the loft spaces are served by a rooflight and a small window in the gable end. This is not considered adequate enough for these rooms therefore a condition can be added to seek an increase in the size of the windows. An increase in the size of the windows is not considered to have a detrimental impact on the neighbouring properties – the north gable will face over the cricket ground development where the house closest will have a blank gable wall and the south gable will face onto Blackthorn Close

Conclusion:

14. Officers are minded to recommend committee approve the application 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: None

Contact Officer: Lisa Green
Extension: 2614
Date: 21st January 2014

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East Area Planning Committee

5th March 2014

Application Number: 14/00052/CT3

Decision Due by: 4th March 2014

Proposal: Provision of 9 residents' parking spaces on existing disused drying area

Site Address: Site of Verge opposite 69 to 103 Masons Road (site plan at **Appendix 1**)

Ward: Churchill

Agent: Mr Stewart Thorp

Applicant: Oxford City Council

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal responds to the growing need to increase resident car parking spaces in the area and to prevent indiscriminate parking on grassed areas. Important trees will be protected and planting will be incorporated into the scheme and due consideration has been given to protected species. Officers conclude that the proposal is acceptable in design terms and would not cause any acceptable levels of harm to residential amenity. The proposal accords with the relevant policies of the local development plan.
- 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 In accordance with approved plans
- 2 Time limit of implementation – June start
- 3 Reasonable Avoidance Measures to protect Great Crested Newts
- 4 Protection measures in place for Oak trees
- 5 Car parking spaces to meet size standards
- 6 Ground resurfacing - SUDS compliant

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

NE15 - Loss of Trees and Hedgerows

Core Strategy

CS18_ - Urban design, town character, historic environment

CS12_ - Biodiversity

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

13/02505/CT3 - Provision of 21No. residents' parking spaces on existing grass verges. Withdrawn October 2013.

Representations Received:

No neighbours comments received

Statutory and Internal Consultees:

Natural England – should apply standing advice in relation to protected species. Biodiversity and landscape enhancements should be incorporated where possible.

Highways Authority – no comment received

Risinghurst&Sandhills Parish Council – no objection

Issues:

Visual impact

Residential amenity

Trees

Parking and Access

Biodiversity

Sustainability:

All new spaces will be constructed to Sustainable Drainage Standards. The new spaces will make a purposeful and improved use of the existing space and help avoid

the existing landscaping being gradually degraded.

Background to proposal:

1. Most of the parking provision in the City's heartland social housing estates was constructed as the estates were built in the 1950s, 60s and 70s when it was unusual for social housing tenants to own cars. In the 1980s, additional parking bays were constructed primarily in Blackbird Leys and some other high density areas as the demand for parking grew.
2. Parking pressure on the estates is continuing to increase, being one of the top three issues raised by residents at Neighbourhood Action Groups (NAG's) and in resident surveys.
3. Car ownership on the estates is now commonplace with many families having more than one car and the increased number of Houses of Multi-occupation (HMO's) also adds to the pressure.
4. Parking hotspot locations, particularly at high and low rise flats and cul-de-sacs, have resulted in residents parking on grass verges and larger grassed areas causing damage to the surface. Oxford City Council initially adopted a "defensive" approach by installing bollards and trip rails to preserve the look of the estate grassed areas, and more recently, the City Council have accepted the need for more "on grass" parking by installing Grass Grid systems at various locations. These "grass grids" have had some success but are not a truly permanent solution. There is strong interest in more permanent solutions at Parish Council level as well as from the residents of the estates.
5. Last year formal parking areas on existing grassed areas in five locations across the City were approved, and are now being implemented. Providing a formal parking area with level access should discourage indiscriminate parking on grassed areas which causes damage to the surface, as well as improving highway safety by formalising accesses. The five areas already approved are:
 - Blackbird Leys Road, Blackbird Leys
 - Monks Close, Blackbird Leys
 - Normandy Crescent, Lye Valley
 - Chillingworth Crescent, Woodfarm
 - Redmoor Close, Littlemore
6. This site at Mason's Road is only just coming forward as further consideration was needed in relation to a Great Crested Newt breeding pond on land to the north of the site.
7. The new spaces would be unallocated.

Officers Assessment:

Proposal

8. This scheme will provide nine off-street parking spaces on a dis-used drying area on the northern side of Mason's Road in Wood Farm. This application follows a previously withdrawn scheme for a proposal last year that involved creating 21 parking spaces including some on a grass verge adjacent to the drying area. This current scheme is an improvement as the grass verge will be left, protecting the large Oak trees on land to the rear of the site.

Visual impact

9. The existing drying area is surrounded by a concrete wall and does not contribute positively to the appearance of the area. The proposal does involve the loss of six small trees and a verge with some shrub planting, but new landscaping is included as part of the proposal and the grass verge adjacent to the site will be retained so that on balance, officers are of the view that the proposals will preserve the character of the area and will not have a harmful impact on visual amenity.

Trees

10. The loss of 4 young Scots pines, a young oak and a fruit tree from the roadside verge is regrettable but the presence of other trees means that the effect on visual amenity in the area will be limited in extent. There is an overriding need for parking in the area and this proposal is preferable to the previous withdrawn one as the current scheme has been amended to avoid parking underneath the crown spread of the adjacent mature oak trees. The loss of some trees will be mitigated by replacement planting.
11. A condition is suggested that requires the grassed area under the oak trees on land to the rear to be protected during construction of the parking area to prevent root damage.

Biodiversity

12. The development proposal is within 30m of a known Great Crested Newt (GCN) pond. If the work is conducted unsympathetically it is possible that the legal protection of GCNs could be breached. However if Reasonable Avoidance Measures (RAMs) are followed, the risk to GCNs can be reduced to acceptable levels.
13. The hard standing base to be removed is constructed of compacted aggregate and offers minimal opportunity for GCNs to shelter underneath. It is therefore highly unlikely to function as a place of shelter or protection as outlined in the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). If the work is conducted when GCNs are less likely to be on land and no structures of shelter or protection are provided

on site, construction risks can be minimised.

14. The following RAMs should therefore be adhered to during the removal of the base and construction of the new parking area and can be secured by condition:

- The development will not start before June and shall be completed before the end of July.
- In the unlikely event of a GCN being discovered, work should stop immediately and the Oxford City Council ecologist contacted.
- All materials stored overnight should be raised on pallets to avoid GCNs sheltering underneath.
- All holes should be securely covered to prevent GCNs becoming trapped, if left overnight during the construction period.
- Concrete should not be left unset overnight.

15. Due to the low likelihood of GCNs being present, and subject to these conditions being adhered to, the risk to newts is minimised to an acceptable level.

Impact on neighbours

16. No. 72 Nuffield Road which serves as two flats lies to the north of the proposed parking area but the elevation facing towards the site is blank with no window openings and therefore there would not be any significant harm in terms of noise or headlight glare.

17. The drying area is not used by residents so its loss will not be harmful.

Parking and access

18. The spaces are set back from the highway to allow adequate space for manoeuvring without obstructing the parking bays opposite. A condition is suggested requiring the spaces to be a minimum of 2.5 metres wide by 5 metres deep, to meet current car parking size standards.

Conclusion: For the reasons set out above the application is recommended for approval, 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Rona Knott

Extension: 2157

Date: 19th February 2014

Appendix 1



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Date: 24!02.2014



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Agenda Item 5

East Area Planning Committee

5th March 2014

Application Number: 13/02542/VAR

Decision Due by: 16th January 2014

Proposal: Variation of conditions 11 (Parking Areas), 12 (part) (Bin and Cycle Stores), 13 (part) (Boundary Treatment), 16 (Management Plan for Common Areas) and 21 (Approved Plans) of planning permission 09/02329/FUL (Erection of two detached dwellings. Access, parking and landscaping (Land to rear of 6 and 7 Collinwood Close)) to allow discharge of conditions 11 and 16 post occupation of development and minor alterations to the siting of the two dwellings. (Amended Description)

Site Address: Land to the rear of 6 - 7 Collinwood Close. Site plan at **Appendix 1**

Ward: Quarry And Risinghurst

Agent: Mr David Rhys

Applicant: Mr Chic MacMahon

Application Called in – by Councillors –Sinclair, Clack, Price and Cook for the following reasons –neighbour and highway concerns

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 Materials
- 4 Landscape carried out by completion
- 5 No felling lopping cutting
- 6 Tree protection measures
- 7 Landscape hard surface design - tree root
- 8 Sustainable drainage scheme
- 9 Drainage Strategy
- 10 Parking Areas
- 11 Cycle and Bin Stores
- 12 Boundary Details
- 13 Bollards
- 14 Sustainable construction methods
- 15 Management plan for common areas
- 16 Biodiversity enhancement
- 17 Design - no additions to dwelling
- 18 Amenity no additional windows side,
- 19 Obscure glazing

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_ - Urb design, town character, historic env

West End Area Action Plan

Barton AAP – Submission Document

Sites and Housing Plan

HP9_ - Design, Character and Context

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

08/01040/FUL - Erection of 3x2 storey detached dwellings. WDN 1st July 2008.

09/00649/FUL - Erection of two detached dwellings. Access, parking and landscaping (amended plan) (Land to rear of 6 and 7 Collinwood Close). PER 25th June 2009.

09/02329/FUL - Erection of two detached dwellings. Access, parking and landscaping (Land to rear of 6 and 7 Collinwood Close). PER 1st February 2010.

10/01319/CND - Details submitted in compliance with conditions 2,3,6,7,8,9,10,12,13,15 and 17 of planning permission 09/02329/FUL. PER 27th October 2010.

09/02329/NMA - Non material amendment to planning permission 09/02329/FUL involving ground floor cloakroom to be relocated in porch which requires porch to be enlarged. PER 18th July 2012.

12/02682/FUL - Erection of a single storey side extension to form a double garage (Plot No 2) adjacent to 6 Collinwood Close (amended description). WDN 28th November 2012.

12/02685/FUL - Erection of a single storey detached double garage (Plot No 1) adjacent to 6 Collinwood Close (amended description). WDN 28th November 2012.

12/02793/VAR - Variation of condition 5 (Trees) of planning permission 09/02329/FUL to allow removal of Norway Spruce labelled T7 on approved plan. APPRET .

12/03234/FUL - Erection of a single storey garage (Plot No 1) adjacent to 6 Collinwood Close (amended plans). WDN 20th June 2013.

12/03235/FUL - Erection of a single storey garage (Plot No 2) adjacent to 6 and 7 Collinwood Close (amended plans). WDN 20th June 2013.

09/02329/NMA2 - Non material amendment to planning permission 09/02329/FUL to add a condition allowing approved plans to be amended. (Amended Description). PER 1st August 2013.

Representations Received:

2 Lindsay Drive (Abingdon):

1. Purpose and Extent of the application

Conditions 12 and 13 should have been fulfilled prior to occupation and have not been; NMA2 wrongly referred to as it doesn't allow for any specific changes; applicant at fault for not complying with the original conditions

2. Delayed removal of No.6 extension

The D&AS states the kitchen at No. 6 currently located in the side extension so can't be removed whilst the current occupiers are living there. Any future residents will

have to cope without the side extension; no explanation of why the current occupants are especially deserving of a facility that is to be denied to all future occupants. There is scope to relocate kitchen to a new location whilst old kitchen remains which will aid transition rather than cause any unacceptable hardship. A Council should retain the option to prevent occupation of the second dwelling if conditions are not complied with. Extension removal is crucial to the parking situation otherwise it will have consequences for the on-street parking situation and associated neighbourhood amenity and safety. This application is delaying the removal and increasing the likelihood that it will never be done. Full parking is required as a matter of urgency due to the premature occupation of one of the new dwellings. Site is being used as a base for the family construction business and associated commercial vehicles. Domestic level of car parking provision is not enough for this site and its on-going commercial use.

3. Plan Accuracy

Consistently inaccurate plans. Applicant and agent have repeatedly deceived the council by misrepresenting the site and what they had already built in subsequent applications for additional changes, namely garages. Unclear how the boundaries have changed between the first survey and construction beginning and why. Unclear as to which site plan is accurate given that each plan varies the dimensions of the site. None of the plans make sense. It is not possible for a site that was so border line acceptable in terms of parking, access and amenity to actually have surplus land at the edges to 'gift' to neighbours and still have space to fit everything adequately within, and make space for the inevitable further garage applications.

8 Collinwood Close

Nothing has happened at the site since the withdrawal of the garage applications. From the design and access statement the occupier of Number 6 is hoping to occupy the house in plot 1, upon which the completion of the road and the demolition of the side extension on number 6 will be carried out, with the landscaping to follow. We are concerned that after a delay of 14 months already this may not happen within a reasonable time scale now.

As regards landscaping the plans show trees planted in front of plot 2, to improve privacy both ways, with number 8. The front of plot 2 has been set aside to lawn. We feel our privacy has been compromised as the trees have not yet been planted.

On the whole have found the site generally quiet and would like to see the completion of this development so it can be appreciated by the neighbourhood.

Statutory and Internal Consultees:

Highways Authority: see below

Issues:

Compliance with conditions
Planning merits of proposed changes

Officers Assessment: Site Description

1. The application site comprises an area of land to the rear of 6 and 7 Collinwood Close within Risinghurst. Risinghurst, a residential suburb, lies to the north east of the city centre between the A40 and A4142. Collinwood Close is characterised by semi-detached properties, built in the 1930's. The properties are pebble dashed rendered under concrete tiled roofs of a fairly uniform character. They have small front gardens to the front and decent sized rear gardens. No.s 6 and 7 Collinwood Close lie at the end of the close. Due to the layout of the close, these properties, along with numbers 8 and 9 have larger than average rear gardens.
2. Planning permission was granted 1st February 2010 for the erection of two detached dwellings with access, parking and landscaping. These properties have subsequently been built.

Proposal

3. The application is seeking to vary conditions 11 (Parking Areas), 12 (in part) (Bin and Cycle Stores), 13 (in part) (Boundary Treatment), 16 (Management Plan for Common Areas) and 21 (Approved Plans) of planning permission 09/02329/FUL to allow compliance post occupation of development and minor alterations to the siting of the two dwellings.
4. If the committee is minded to grant planning permission for the variations to the conditions then it is important to note that the new permission will replace existing planning permission and any relevant conditions from the original planning permission will need to be re-imposed or amended to suit the current position as appropriate. In particular, where conditions had originally required the submission and approval of details and their subsequent implementation then a re-imposed condition, as in this case imposed after the development has commenced, would need to require implementation in accordance with either the originally approved or subsequently approved details.

Assessment

5. Condition 11 states:

No part of the development permitted shall be occupied until the areas for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety in accordance with policies CP1, CP9, CP10 and TR3 of the Adopted Oxford Local Plan 2001-2016.

6. The Highway Authority initially objected to the application. In terms of this application they had serious concerns by allowing the parking/turning area to

be discharged post occupation of development, that there is a real risk that the parking/turning provision will be reduced and substandard and likely to lead to indiscriminate parking on-street once work has commenced and the dwellings are occupied. In order to make the car parking acceptable, they strongly recommend that the car parking and turning area are completed before commencement so as to lessen on-street parking pressures.

7. Clearly this was not possible as the development has commenced and this was put to the Highways Officer. In response as long as they don't lose the parking or the turning head then the Highway Authority has No Objection to the application given the parking pressure within the vicinity of the site and the parking and turning areas are acceptable as shown on the plans.
8. A time limit of four months is considered reasonable to require the areas for parking and manoeuvring of vehicles to be completed and laid out in accordance with the approved plans given the length of time the site has been under construction and the need to get the development completed.
9. The number and type of vehicles within the curtilage of a dwelling is not within planning control only the number of spaces.
10. Condition 12 states:

No development permitted shall commence until details of the cycle parking areas and bin storage areas, including means of enclosure, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas, bin storage areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles and storage of bins.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads and to ensure adequate bin storage provision in accordance with policies CP1, CP9, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

11. With regards to conditions 12 the details were approved under application 10/01319/CND on 20th October 2010. Whilst these details have been approved they should have been implemented on site prior to occupation. This has only happened. Therefore officers consider it essential to impose a planning condition to put a time limit on the completion of the works.
12. A time limit of three months is considered reasonable to require the cycle parking areas, bin storage areas and means of enclosure to be provided within the site given that the details have already been approved.
13. Condition 13 states:

No development shall commence until a plan showing the means of enclosure for the new development, including details of the treatment of all the

boundaries of the site has been submitted to, and approved in writing by, the Local Planning Authority. No boundary height shall exceed a maximum height of 1.8m. The approved treatment of the site boundaries shall be completed before the development is occupied; to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual appearance and to safeguard the privacy of the adjoining occupiers in accordance with policies CP1, CP6, CP7, CP8 CP11 and HS19 of the Adopted Oxford Local Plan 2001-2016.

14. With regards to conditions 13 the details were approved under application 10/01319/CND on 20th October 2010. Whilst these details have been approved they should have been implemented on site prior to occupation. This has only happened in part therefore the requirements have only been partially met
15. Again a time limit of three months is considered reasonable to require the approved treatment of the site boundaries to be completed given the details have already been approved.
16. Condition 16 states:

No occupation of any phase or part of the development shall occur until a management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape and common areas, other than small, privately owned domestic gardens, has been submitted to, and approved in writing by, the Local Planning Authority. The management plan shall be carried out as approved.

Reason: In the interests of amenity and the appearance of the area in accordance with policies CP1, CP8, CP9, CP10 and HS20 of the Adopted Oxford Local Plan 2001-2016.

17. A site management plan has been submitted along with a plan (**Appendix 2**) to show who will be maintaining which areas with each property being responsible for areas within their control. These areas are proposed to be integrated into the deeds of each properties which is possible as the applicant currently owns them. The driveway (grey area on the plan) will be the joint responsibility of the two new dwellings. An amended condition to require compliance with the plan is therefore required.

18. Condition 21 states:

The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

19. This condition was added as a result of a non-material amendment application (ref.: 09/02329/NMA2) which allowed for a condition to be added to the permission to ensure the development was built in accordance with the approved plans. By adding the condition this allows for it to be varied and amended plans to be considered. Relevant government advice confirms that a condition can be added to a planning permission through a non-Material Amendment application.
20. The two dwellings have not been built in accordance with the plans approved under 09/02329/FUL; they have not been built in the correct location however the footprint has not changed. Both dwellings have been tilted on their axis in an anti-clockwise direction; plot two slightly more so than plot 1.
21. The change in position of the dwellings is not significant enough to alter the impact on the neighbouring properties in terms of overlooking, loss of privacy, overbearing or sense of enclosure. Tree Officers are satisfied that the construction of the existing dwellings has not significantly harmed the adjacent TPO trees and therefore have no objection to the approval of their siting under condition 21.
22. There have also been some changes to the elevations (the same changes apply to each dwelling). These include removal of three small windows in the east elevation; repositioning of the door in the east elevation; an additional window in the south (rear) elevation to serve the staircase; removal of two small windows in the west elevation and reconfiguration of the rooflights on the north (front) elevation.
23. These alterations are considered to be minor and will not harm the occupiers of the properties in terms of internal amenity and will not harm the neighbouring properties as there will be less windows and therefore a reduction in any potential overlooking or loss of privacy.

Other

24. A number of comments have been submitted as specified above. The following points address some of those comments.
25. Current legislation allows for applications to be submitted seeking permission for the development without complying with previously imposed conditions.
26. There is no condition requiring the removal of the extension at 6 Collinwood Close. However the requirement for the above conditions to be completed within four/three months will facilitate the removal of the extension because it is in the position of one of the approved car parking spaces.
27. The accuracy of the plans has been dealt with under the non-material amendment application (ref.: 09/02329/NMA2).

28. The letter of objection makes reference to the reasons why conditions were imposed on the previous planning permission. The minor changes to the approved scheme do not result in any material harm to issues of acknowledged importance and the development is therefore considered acceptable.
29. It is clearly disappointing that the development has not been carried out in accordance with the approved plans or some of the conditions originally imposed on the planning permission. The site has been subjected to scrutiny from third parties and from your officers in order to ensure that the development achieves the objectives envisaged by the original planning permission. However, whilst the failure to adhere to the approved plans and comply with the requirements of some of the conditions is regrettable and in no way condoned by the Council, the best way to ensure that the development achieves the objectives originally envisaged is to re-enforce the required conditions on implementing the approved details with a time limit. This is not enforcement action but will have the effect of providing the opportunity to take swift enforcement action through the service of a Breach of Condition Notice if the requirements of the recommended conditions are not met within the time limits contained within them. The Council's enforcement officers will monitor the site to check that the required works are carried out in time. Provided that the works are carried out the development will be acceptable on its planning merits.

Conclusion:

30. Committee is recommended to approve the application.

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:
09/02329/FUL

Contact Officer: Lisa Green
Extension: 2614
Date: 24th February 2014

13/02542/VAR Land to rear of 6 & 7 Collinwood Close



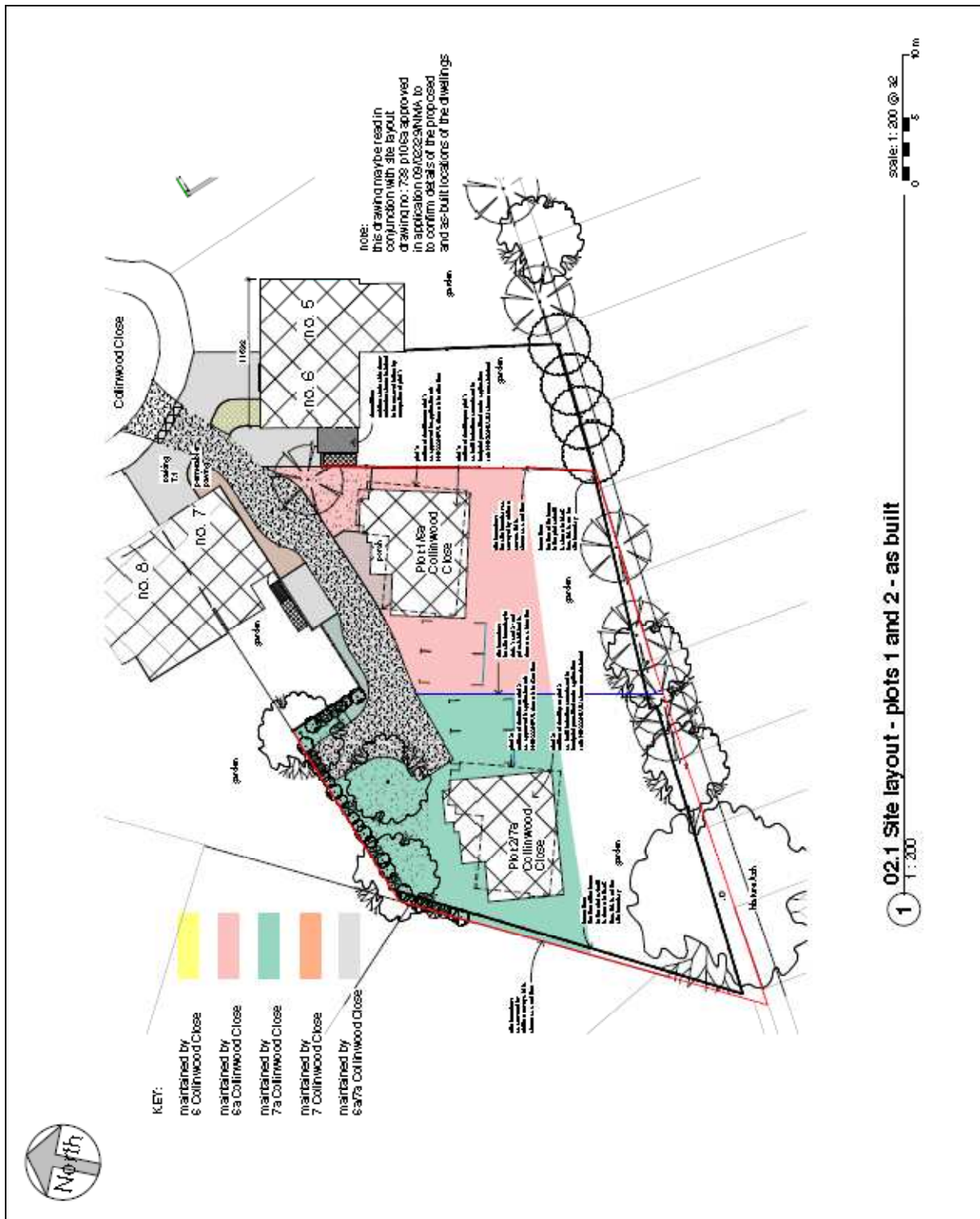
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Date: 24/02/2014



Plan Showing Management Responsibilities



EAST AREA PLANNING COMMITTEE

5th March 2014

Order Name: Oxford City Council - London Road (No.1) Tree Preservation Order, 2013

Decision Due by: 25th March 2013

Site Address: 392 London Road, Headington Oxford

Ward: Quarry And Risinghurst

Recommendation:

To confirm the Oxford City Council – London Road (No.1) Tree Preservation Order, 2013 with the First Schedule and Map modified to replace the area A.1 with 3 individual trees standing in the rear garden of 392 London Road, including; T.1, pine; T.2, sycamore; and, T.3, silver birch.

Background:

The Oxford City Council – London Road (No.1) Tree Preservation Order, 2013 was made on 25th September 2013. It protects all tree of whatever species standing within the area A.1 on the plan (Appendix 2) standing within the rear garden of 392 London Road.

The order was made in response to concerns being raised by a resident in the area about tree felling taking place in the garden of 392 London Road. At the time the order was made and served building work was taking place at the property, trees were not physically protected and were in the process of being felled.

The order is provisional order first instance and it must be confirmed to become permanent. The objections that have been made to the order must be considered in reaching a decision on whether the order should be confirmed or not.

On 12th November 2014 the Council's Tree Officer met with Mr Khatri, the owner of 392 London Road, and his representative, Mark Hemmings, to discuss objections to the order. However, Mr Khatri decided not to withdraw objections made on his behalf by Mr Porter by letter dated 12th October 2013. The matter is therefore now reported to committee for a decision.

Reasons for making order:

To protect in the interest of public amenity, trees that are a feature of public views from Downside End and The Larches.

Relevant Site History:

12/00009/ORDER; Oxford City Council – London Road (No.2) TPO, 2012. Expired.

12/02103/FUL; Erection of part single storey, part two storey, side and rear extensions,

including side roof extension. Erection of detached garage (amended plans). Approved, subject to conditions requiring approval of landscape details and tree protection measures prior to the start of works on site.

12/02103/CND; Details submitted in compliance with conditions 5 (tree protection) and 6 (landscaping) of planning permission 12/02103/FUL. Pending consideration.

13/03084/TPO; Fell 1 Pine tree identified in A1 of the OCC - London Road (No.1) Tree Preservation Order, 2013. APPROVED.

Representations Received:

Letter of objection from Mr G Porter, 4 Boulter Street (reproduced in full as Appendix 2).

Officers Assessment:

Site:

392 London Road is a large dwelling house with generously proportioned gardens. The protected trees stand in the rear garden of the property.

Trees and their amenity:

The trees to be included in the modified order include;

- T.1, a mature pine which has stands along the southeast boundary of the rear garden. The tree has a height of about 15 metres and a crown spread of about 10 metres, with branches on the south side overhanging the boundaries to 2 Downside End and 6 The Larches. Some low branches on the south side of the tree have been removed but the crown retains a well-proportioned and balanced appearance with a natural crown outline. It has some ivy encroaching into its crown which should ideally be removed;
- T.2., a mature sycamore tree which stands along the eastern boundary adjacent to Downside End. The tree is about 15 metres tall having a single stem to about 4 metres above ground level at which it bifurcates into 2. The tree has developed together with that of an adjacent sycamore tree which stands outside of the garden of 392 London Road. There is some dead and broken branches in the crown of the tree which should be removed. Swelling at the base of the main stem has been noted which should be investigated for evidence of internal decay;
- T.3., an early mature silver birch with a height of about 12 metres. It appears to be in good physiological health and sound structural condition. This tree will become more important visually if sycamore tree T.2 is removed at any time.

The trees are prominent in public views from the street in The Larches and Downside End and in these views help to soften the appearance of the houses around them, also providing a sense of enclosure within and separation between the Downside End and Larches housing estates. The variety of their crown forms and shapes, differing colour and texture of their bark and the range of colour, texture, size, shape and density of their foliage is visually attractive and adds seasonal interests to the area which enhances the appearance and character of the suburban environment in public views. It is probable that the trees provide

'stepping stone' habitats for birds and other wildlife moving through the built environment.

Also growing within the rear garden, are a small ivy infested pine tree and a poor quality hawthorn tree. TPO consent (application no. 13/03084/TPO) has been granted for the removal of the pine which has little public amenity value. The hawthorn tree also has little public amenity value and does not merit TPIO protection.

Expediency:

The trees were are in the process of being felled at the time the order was made and it is clear following the Tree Officer's meeting with the owner that they are at continued risk of being felled if it is not confirmed.

Issues:

Officer's response to concerns raised in Mr Porter;

1. Soil levels and compaction:

It appears that subsoil excavated during the construction of the foundations of the approved extensions has been spread across part of the rear garden and over the roots of the retained trees. The depth of this material varies, but appears to be about 100mm. Officers can find no evidence of significant soil compaction within the rooting area of the trees, but vehicles may have been used to spread the fill material. While the increase in soil level and any compaction of the rooting areas might prove to be harmful to the health of the trees in the future this is only likely to become manifest over a period of several years. The trees show no evidence of declining health at present that might be attributed to the soil level increases and compaction and their removal for that reason would be premature at this time. It would be prudent for the owner to carefully remove the material that has been spread over the root systems of the trees and monitor the health of the trees. If confirmed, the TPO allows the owner to make an application for TPO consent to fell any trees that show evidence of progressive declining health. Any such application will be considered on its merits at the time it is made. The TPO enables the Council to secure replacement planting by condition if TPO consent is granted for the removal of trees in the future.

2. Small pine tree:

TPO consent has been granted for the removal of this small, ivy tree which has little public amenity value;

3. Pine T.1 overhanging southeast boundary over 2 Downside End:

The crown of this tree overhangs the parking area at the front of 2 Downside Road and although the resident who uses that parking space has not formally objected to the order it is likely that pine needles, cones and other debris that will fall regularly from the tree are likely to be inconvenient and might even cause minor damage to a car parked underneath the tree from time to time. However, these concerns do not provide adequate justification for the harm to public visual amenity that would result from the removal of

the tree. The situation could however be improved by pruning the tree and if this is carried out sympathetically in accordance with good pruning practice this would not harm its appearance or amenity value; for example the lowest branch growing towards 2 Downside End could be removed. If the TPO is confirmed any application for TPO consent to prune overhanging branches will be considered on its merits at the time it is made.

4. Sycamore tree, crown condition and swelling on lower stem:

The tree has some dead and broken branches in its crown. This is not unusual for a tree of this species and age and in this case is not thought to be indicative of progressively declining health associated with damage to the roots. The branches can easily be removed and this does not require TPO consent. The tree does have a swelling at the base of its stem which could be symptomatic of internal decay. However, there is no evidence that the nature and extent of any decay, if it is present, is significant for the tree in structural terms and it is not known if there is an increased risk of the tree breaking or falling because of it. Furthermore, removal of this tree might leave the adjacent sycamore tree, which stands outside of the garden in the pavement, more exposed to the wind and vulnerable to damage. As things stand removal of the tree does not appear to be justified and would be premature, but it would be prudent for the owner to instruct a competent arboriculturalist to investigate the structural condition of the trunk at this point more closely, for example using internal decay investigation tools such as PICUS tomograph or resistograph. If the TPO is confirmed and more detailed investigation provides evidence of significant decay an application for TPO consent for remedial works can be made. Any such application will be considered on its merits at the time it is made. The TPO enables the Council to secure replacement planting by condition if TPO consent is granted for the removal of this tree in the future.

5. Root structure damage:

Officers can find no evidence that the trees have had their root structure damaged in the past. If the TPO is confirmed and more detailed investigation provides evidence of significant damage an application for TPO consent for remedial works can be made. Any such application will be considered on its merits at the time it is made.

6. Tree survey and Area TPO;

The order was made in response to concerns about trees in the progress of being felled and the Area designation was appropriate to that situation. However, the trees have now been surveyed and officers recommend that if the order is confirmed it should be modified to replace the area A.1 with 3 individual trees standing in the rear garden of 392 London Road, including; T.1, pine; T.2, sycamore; and, T.3, silver birch; refer to appendices 3 and 4 or this report for draft modified First Schedule and Map.

7. Timing of order:

It is unfortunate that a TPO was not made at the time planning permission no. 12/02013/FUL was granted. However, this permission was granted on condition that landscape details including proposed tree removals and also

details of tree protection measure be approved before the development started. In the event the tree removals that prompted the making of this order was undertaken in breach of those conditions. It is to be regretted that the provisional Oxford City Council – London Road (No.2) TPO, 2012 that had previously been made by the Council was not confirmed and had therefore expired. Internal procedures have been reviewed and tightened subsequently;

8. Landscaping:

Landscaping of the garden is required by condition of planning permission no.12/02013/CND. Details have yet to be approved. Any new trees that should be planted as part of the approved landscaping will be welcomed, particularly large growing species that are likely to benefit amenity in public views in the future as they mature. However, this does not provide a justification for removal of existing trees which already make a significant contribution to amenity in the area.

Conclusion:

Taking into account the objections that have been received to the order, officers are minded to recommend that the Oxford City Council – London Road (No.1) Tree Preservation Order, 2013 should be confirmed with modifications to the First Schedule and Map as shown at Appendices 4 and 5, to replace the area A.1 with 3 individual trees standing in the rear garden of 392 London Road, including; T.1, pine; T.2, sycamore; and, T.3, silver birch.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to confirm this Tree Preservation Order with modifications. They consider that the interference with the human rights of the land owner under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to confirm this Tree Preservation Order with modification, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Oxford City Council – London Road (No.1) Tree Preservation Order, 2013.

Contact Officer: Kevin Caldicott

Extension: 2149

Date: 22nd February 2014

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COMMITTEE REPORT

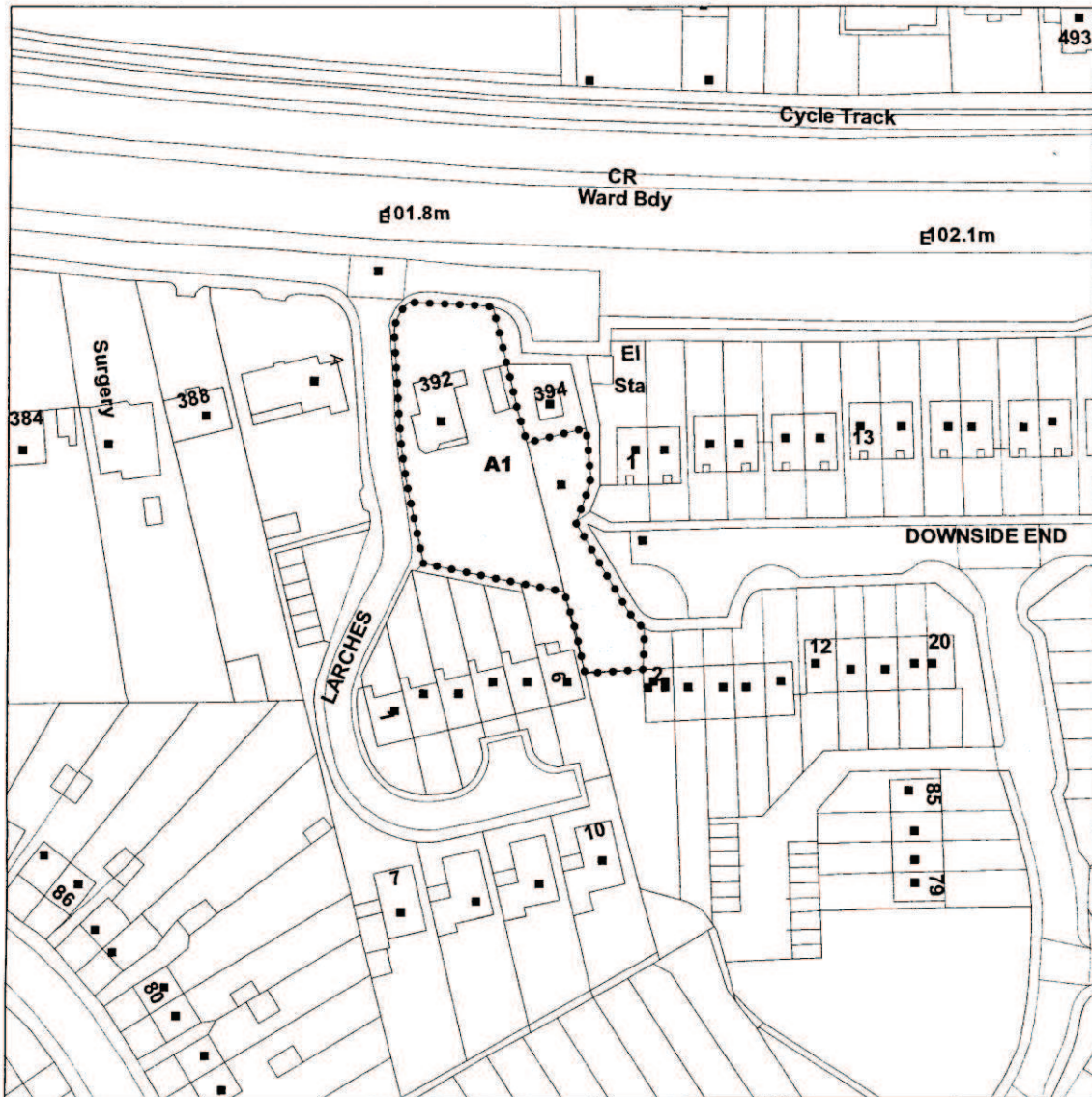
APPENDIX I

13/00009/ORDER

392 London Road



GIS by ESRI (UK)



Scale : 1:1000

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	25 September 2013
SLA Number	Not Set

COMMITTEE REPORT

APPENDIX 2

Kevin Caldicot, Tree Officer
St Aldates Chambers
109-113 St Aldates
Oxford, OX1 1DS

Your ref: 13/00009/ORDER
My ref: 392 London Road, Oxford.

PLANNING SERVICES	
RECEIVED	27 OCT 2013
REFERRED TO	DATE RT

Gerrard Porter
4 Boulter Street
St Clements Street
Oxford, OX4 1AX

12th October 2013

Dear Mr Caldicott,

Objection to the serving of tree preservation order: Oxford City Council-London Road, (no1) Tree preservation order, 2013.

I write to formally object to the serving of the area order at 392 London Road, Oxford. Please note that any damage caused to the tree's on the land is historical and was undertaken prior to the order being served.

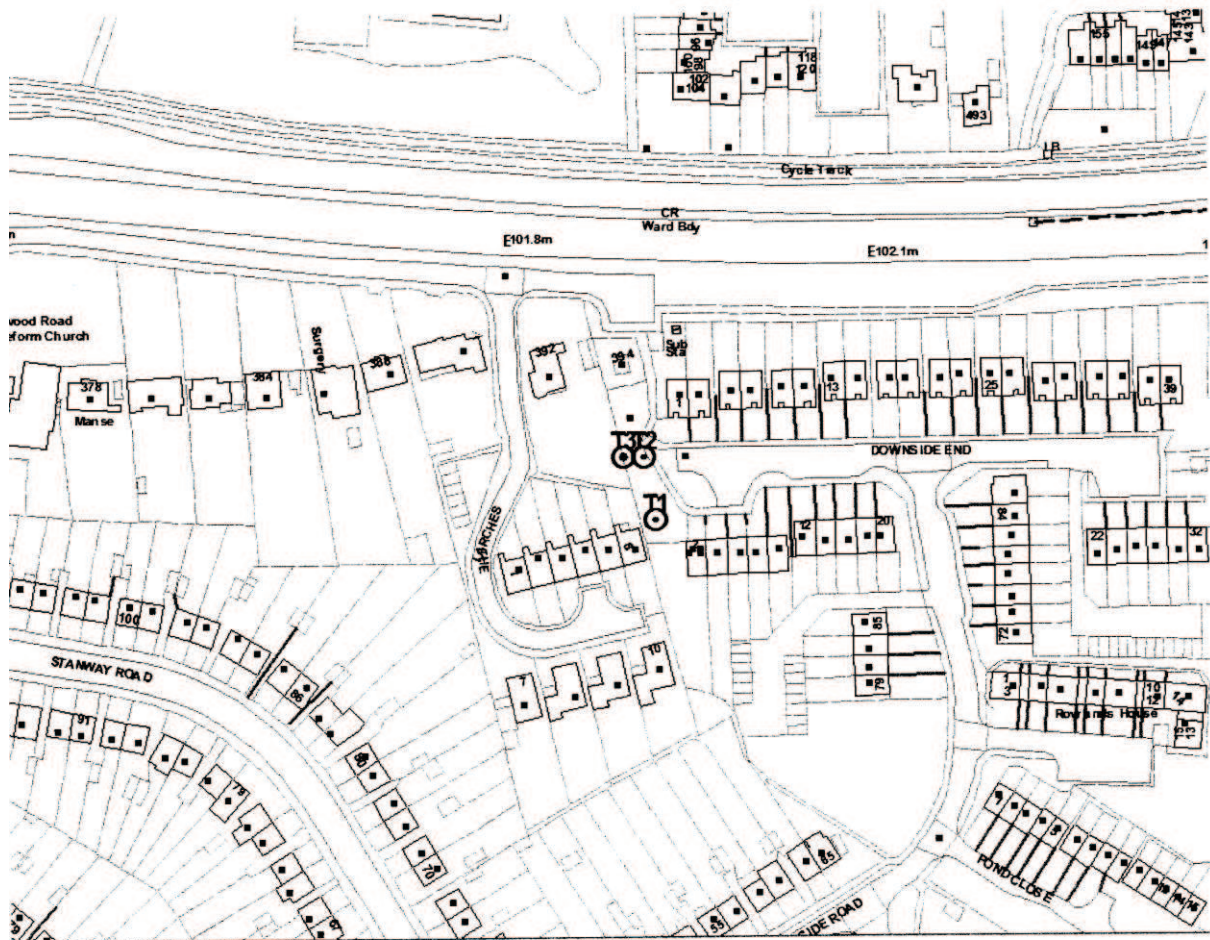
My reasons for objecting to the serving of the order are as follows:

- 1, The soil levels around the tree's has been raised and compacted. This has significantly reduced the oxygen levels in the soil. A reduction in oxygen will lead to the trees early demise. Soil aeration wouldn't be a viable option due to heavy clay soil present and the amount of micarhiza fungi that would be lost during this process.
- 2, The small pine tree on the North-east boundary is almost dead and leans over the adjacent neighbouring garden.
- 3, Over 50% of the crown of the pine tree to the south-east boundary is growing over: 2 Downside end. This will lead to future applications to heavily reduce the crown of the tree, this type of pruning will significantly reduce thr trees health and amenity value.
- 4, The crown of the Sycamore tree on the eastern boundary has started to go into decline. The swelling on the lower stem would suggest that the tree contains internal decay.
- 5, The root structure of the trees has been damaged in the past. This will affect the trees stability. Root damage can also be an entry point for pathogens.
- 6, It is clear from the points listed above that a full survey of the trees has not taken place. In the secretary of state's view the area classification should only be a temporary measure until a full assessment of the trees can be undertaken to assess the trees suitability for retention.
- 7, If the local Authority consider the trees to be worthy of a tree preservation order, why didn't Mr Caldicott serve the order when the Planning Officer was considering the application for the extension to the house?
- 8, The garden is going to be landscaped by the currant owner. This will increase biodiversity in t he area and enhance the local landscape.

Yours sincerely

COMMITTEE REPORT

Appendix 3



**OXFORD CITY COUNCIL – LONDON ROAD (No.1) TPO, 2013
Modified Plan (Draft)**

COMMITTEE REPORT

APPENDIX 4

OXFORD CITY COUNCIL – London Road (No.1) TPO, 2013 SCHEDULE 1

SPECIFICATION OF TREES (WITH MODIFICATIONS)

Trees specified individually (Represented by a solid black circle on the map)

Reference on Map	Description	Situation
None		
T.1	Pine	Standing in the garden of 392 London Road
T.2	Sycamore.	Standing in the garden of 392 London Road
T.3	Silver Birch	Standing in the garden of 392 London Road

Trees specified by reference to an area (within a dotted black line on the map)

Reference on Map	Description	Situation
A.1	All trees of whatever species standing within the area A.1 identified on the map.	

Groups of trees (within a broken black line on the map)

Reference on Map	Description	Situation
------------------	-------------	-----------

Woodlands (within a continuous black line on the map)

Reference on Map	Description	Situation
None		

East Area Planning Committee

5th March 2014

Subject: Seek support for a decision that it is expedient to take direct action to secure the requirements of an outstanding enforcement notice. This requires the demolition of a building in the rear garden of 73 Dene Road. It follows the expiry of the compliance periods of 23rd November 2013 for the demolition of the building and 23rd December 2013 for the removal of the resultant materials from the site in response of an Enforcement Notice (reference 12/00635/ENF) issued on 30th January 2013

Site Address: 73 Dene Road, Oxford, Oxfordshire

Ward: Marston

Agent: N/A

Applicant: Mr Singh Turna

Recommendation:

It is RECOMMENDED that, in the event that the requirements of the enforcement notice (12/00635/ENF) are not complied with imminently following a final warning to the owner and occupier of the property that the committee supports officers' intention to take direct action to secure the demolition of the unauthorised outbuilding at the rear of 73 Dene Road.

Introduction and Background

1. A single storey detached outbuilding with a flat roof has been erected at the rear of 73 Dene Road. The outbuilding was constructed for and is used as a residential building. The location of the property is shown at **Appendix 1**. Following complaints made about the outbuilding the property was visited by a planning enforcement officer when it was at an early stage of construction and found to require planning permission. Letters were sent to the owner informing him that planning permission was required and the outbuilding was unauthorised. Building work continued and no planning application was submitted; the outbuilding was completed at the beginning of 2013. The owner was informed that if he did not apply for planning permission then the Council would consider issuing an enforcement notice requiring the unauthorised outbuilding's demolition.
2. In the absence of a planning application seeking the outbuilding's retention an

enforcement notice was issued on 30th January 2013. A copy of the enforcement notice can be found in **Appendix 2**.

3. An appeal was lodged against the issuing of the enforcement notice. The appeal was dismissed on 23rd August 2013; a copy of the Inspector's Decision can be found in **Appendix 3**.
4. As part of the appeal process both the Council and the Inspector were obliged to consider the interference with the human rights of the owner under Articles 1 and 8 of the Human Rights Act 1998 that would occur through the demolition of the building. Any interference with the human rights of the owner of the property must be balanced against the Council's legitimate aim of acting in the public interest, conferred under the various Articles. The objections to the retention of the outbuilding are serious ones and it is clear that the dismissal of the appeals against the requirements of the enforcement notice demonstrates that the public interest can only be safeguarded through the requirement to demolish the building. Therefore the requirement to demolish the building has been found to be expedient and proportionate to the nature of the harm arising from it. It is therefore important to acknowledge that the Council can be readily satisfied that it was right to enforce against the building and that the requirement to demolish the building is fully justified.
5. Following the dismissal of the appeal against the enforcement notice the owner applied for a Certificate of Lawful Development for a proposed outbuilding at the property. The proposed outbuilding was identical to the existing unauthorised outbuilding apart from being 150mm lower. The application for the Certificate of Lawful Development was refused on 14th November 2013 as the outbuilding was not considered incidental to the existing dwellinghouse i.e it was of such a size and scale that activities within it were unlikely to be restricted to those which would reasonably be considered as incidental.
6. An appeal has subsequently been lodged in relation to the refusal to grant the Certificate of Lawful Development. This appeal is currently pending. It is considered however that the outbuilding proposed in the Certificate of Lawful Development application is only sought on the basis to retain and modify the existing unauthorised outbuilding. This would not be considered acceptable as the outbuilding is clearly in a residential use and could not be considered incidental. Also the outbuilding has a harmful impact on the amenity of neighbouring residential properties; this would not be remedied through the reduction in height of the outbuilding. The inspector that dealt with the appeal against the enforcement notice would have had the opportunity to allow for the retention and slight lowering of the outbuilding but did not do so. On this basis it is suggested that the matter currently being considered at appeal has already effectively been dealt with by the Inspector in the previous appeal (see **Appendix 3**).
7. In addition to lodging the appeal against the refusal to grant the Certificate of Lawful Development a solicitor wrote to the Council on 22nd November 2013 requesting that we extend the period of compliance with the enforcement

notice until after the determination of the appeal. A response was sent explaining that it was the Council's view that the matter had already been dealt with in the previous appeal; the enforcement notice took precedence and the enforcement notice should be complied with within the time-frame previously advised.

8. To date the outbuilding has not been demolished and the enforcement notice has therefore not been complied with.

Prosecution

9. Following the failure of the owner to comply with the enforcement notice the Council has instituted proceedings in the Magistrates Court to prosecute the owner for the offence committed (Section 179(2) of the Town and Country Planning Act 1990 (as amended)).
10. An Information and Summons for the offence has been prepared; a first hearing has taken place on 3rd March 2014. **A verbal update of the outcome of the hearing will be advised to the Committee.**

Direct Action

11. Section 178(1) of the Town and Country Planning Act 1990 gives the local planning authority the power to enter the land the subject of an enforcement notice and execute the works that were required to be executed but have not been within the compliance period. It also provides that any costs that had been reasonably incurred by the Local Planning Authority in entering the land and executing the works can be recovered from the owner of the land. This option therefore allows the Council to carry out the requirements of the enforcement notice as though it were the owner and then recover any costs incurred. The effect for the owners is precisely the same as though they were to comply with the requirements of the notice voluntarily.
12. The option of direct action has the advantage of securing an immediate resolution to the matter and removing the planning harm identified as resulting from the continued presence of the building. It would remove any further possibility of more planning applications being submitted to retain the building and the need to defend any planning appeals lodged in the event that further retrospective planning applications were refused. Although costs associated with this action are likely to be at least as expensive as other options, there does appear to be a realistic prospect of these costs being recovered at some point.
13. Officers have had recent advice from other authorities in relation to planning enforcement; particularly relating to unauthorised outbuildings. Oxford City Council has considered direct action before but has never undertaken any. Despite this, the experiences of other authorities would suggest that this is an effective course of action.

Financial Implications (Confidential) – See Appendix 4

14. As explained above there would be costs associated with this action but there are legal provisions available to the Council so there is a realistic prospect of such costs being recovered from the owner.

Risk Assessment (Confidential) – See Appendix 5

Legal Implications

15. The legal implications are set out in the body of the report. The recommendation of direct action in this case is considered to be a proportionate response to the continuing breach of the enforcement notice.
16. It is considered that the reluctance of the owner to demolish the outbuilding means that direct action may be the only way of resolving the breach in planning controls. To date the Council has invested a considerable amount of time and money in this matter. To cease to act now would leave the Council open to criticism that it issues enforcement notices with no intention of securing compliance with them all. A consequence of this could be that future enforcement notices issued by the Council may not be taken seriously enough.
17. If the Council were to take no action at this point it is possible that, in the event that a complaint were made to the Ombudsman, a finding of maladministration could result as the Council would have failed to take effective enforcement action to remedy the harm caused by the building. The Ombudsman may recommend a compensatory payment to be made.
18. The Council must secure compliance with the enforcement notice through proportionate means. Prosecution is being pursued already. However, given the time that has elapsed between the end of the compliance period and now it is suggested that direct action is a legitimate and proportionate method to ensure compliance.

Carbon management

19. Materials resulting from the demolition will be separated and disposed of in an environmentally friendly way.

Equalities Implications

20. There are no equalities implications arising from this report and the issues relating to Human Rights have been addressed by the Inspector as set out in Paragraph 1.4.

Conclusion

21. Notwithstanding the lengthy enforcement actions taken to date, the building remains in situ, as does the harm arising from it. Therefore officers have decided that taking 'direct action' is the most appropriate and proportionate action to resolve this matter in the event that the building is not demolished in the imminent future. A final warning will be sent to the owner informing them that the direct action will be carried out unless they demolish the building.
22. Officers do not approach this decision lightly. They are aware of the ongoing efforts by the owner to secure permission for the partial retention of the outbuilding; however this matter has already been resolved at appeal. He has also committed an offence by failing to comply with the enforcement notice already and there have been no indications that he is willing to comply with the notice. Officers consider that by taking firm and appropriate action the Council will be seen as maintaining confidence in and upholding the credibility of the planning system in Oxford.
23. Members are asked to give their support to the officers' intentions.

Background Papers:

13/00635/ENF
13/02792/CPU

Contact Officer: Robert Fowler
Extension: 2104
Date: 28th March 2013

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Appendix 1

12/00635/ENF - 73 Dene Road

www.oxford.gov.uk



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Ordnance Survey 100019348

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City Development
 Planning Control and Conservation

E: planning@oxford.gov.uk F: 01865 252144

St Aldate's Chambers
 109 – 113 St Aldate's
 Oxford OX1 1DS

Central Number 01865 249811

www.oxford.gov



Ref No: 12/00635/ENF

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

OXFORD CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE
(Operational Development)

ISSUED BY: OXFORD CITY COUNCIL

Re: 73 Dene Road Oxford Oxfordshire OX3 7EQ

1. **THIS NOTICE** is issued by the Council because it appears that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. It considers that it is expedient to issue this notice having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at 73 Dene Road Oxford Oxfordshire OX3 7EQ shown edged red on the attached plan.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

(i) Without planning permission the erection of a single storey outbuilding.

4. REASONS FOR ISSUING THIS NOTICE

(i) It appears to the Council that the above breach of planning control has occurred within the last four years.

(ii) Having regard to the size of the curtailage of the site, it is considered the proposal represents overdevelopment of that site that would not provide for a good standard of external environment for future occupiers, and as such is contrary to Policy CS18 of the adopted Core Strategy 2011 and HP14 of the Sites and Housing Plan (2013).



**INVESTORS
 IN PEOPLE**

- (iii) Having regard to the scale, location and proximity of the unauthorised outbuilding to neighboring properties, it is considered detrimental to the area, by reason of introducing a large outbuilding to an inappropriate backland location in a way which would be contrary to Policy CS18 of the adopted Core Strategy 2011, Policies CP1, CP6 and CP8 of the adopted Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan (2013).

NB. Copies of all of the policies listed above can be found in Appendix A.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Demolish the unauthorised outbuilding to the rear of 73 Dene Road.
(ii) Remove all materials, rubble and hardstanding from the site of the unauthorised outbuilding at the rear of Dene Road.

6. TIME FOR COMPLIANCE

- (i) Three months after this notice takes effect.
(ii) Four months after this notice takes effect

7. WHEN THE NOTICE TAKES EFFECT

The Notice takes effect on **1st March 2013** unless an appeal is made against it beforehand.

Dated: 30th January 2013

Signed:-



Michael Crofton – Briggs
Head of City Development
On behalf of OXFORD CITY COUNCIL
St Aldate's Chambers
109-113 St Aldate's
Oxford
OX1 1DS

ANNEX

YOUR RIGHT OF APPEAL

Town and Country Planning Act 1990 as amended.

Enforcement Notice relating to land at 73 Dene Road Oxford Oxfordshire OX3 7EQ

This local planning authority, Oxford City Council, has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on **1st March 2013** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the attached information sheet from The Planning Inspectorate, which tells you how to make an appeal.

Please note that a separate appeal form must be completed for each individual person or organisation.

If you decide to appeal you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days. You must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **1st March 2013**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

FEES

If a fee is payable in respect of an appeal lodged against this Enforcement Notice, the amount of the fee and the arrangements for its payment will be notified to you by the Planning Inspectorate.

PERSONS SERVED WITH THIS NOTICE

The persons served with this Notice are:-

Tarsem Singh Turna
73 Dene Road
Headington
Oxford
OX3 7EQ

The Occupiers
73 Dene Road
Headington
Oxford
OX3 7EQ

The Manager
Bank of Scotland PLC
The Mound
Edinburgh
EH1 1YZ



The Planning Inspectorate

CST Room 3/05	Direct Line	0117-372 6372
Temple Quay House		
2 The Square	Switchboard	0117-372 8000
Temple Quay	Fax No	0117-372 8782
Bristol BS1 6PN		

www.planning-inspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0117 372 6372 or by emailing us enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

APPENDIX A

POLICY CP.1 - DEVELOPMENT PROPOSALS

Planning permission will only be granted for development which:

- a. shows a high standard of design, including landscape treatment, that respects the character and appearance of the area; and
- b. uses materials of a quality appropriate to the nature of the development, the site and its surroundings; and
- c. is acceptable in respect of access, parking, highway safety, traffic generation, pedestrian and cycle movements including, where appropriate, links to adjoining land; and
- d. provides buildings and spaces with suitable access arrangements and facilities for use by all members of the community with special access needs.

Where relevant, development proposals must also:

- e. retain and protect important landscape and ecological features, and provide for further landscape treatment where appropriate to the nature of the area or to safeguard the local amenity; and
- f. retain important open spaces of recreational or amenity value or both; and
- g. preserve or enhance the special character and setting of listed buildings and conservation areas; and
- h. preserve the site and setting of Scheduled Ancient Monuments or sites of special local archaeological significance; and
- i. safeguard public rights of way and the amenities of adjoining land users and occupiers, including the provision of alternative rights of way of equal or enhanced quality.

POLICY CP.6 - EFFICIENT USE OF LAND & DENSITY

Planning permission will only be granted where development proposals make maximum and appropriate use of land.

Development proposals must make best use of site capacity, in a manner compatible with both the site itself and the surrounding area, as well as addressing the following criteria:

- a. the intensity of development must be appropriate for the use proposed;
- b. the scale of development, including building heights and massing, should be at least equivalent to the surrounding area, although larger-scale proposals will be encouraged in appropriate locations;
- c. opportunities for developing at the maximum appropriate density must be fully explored;
- d. built form and site layout must suit the site's capacity; and
- e. parking levels must be appropriate to the use proposed.

Residential developments should generally be above 40 dwellings per hectare, with higher density development expected on appropriate sites.

POLICY CP.8 - DESIGNING DEVELOPMENT TO RELATE TO ITS CONTEXT

All new and extended buildings should relate to their setting to strengthen, enhance and protect local character. Planning permission will only be granted where:

- a. new development is well connected to, and integrated with, the wider area;
- b. the siting, massing and design of proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area;
- c. building design is specific to the site and its context and should respect, without necessarily replicating, local characteristics, and should not rule out innovative design; and
- d. proposed development on sites with a high public visibility enhances the style and perception of the area, particularly by retaining features which are important to, and remove features which detract from, the character of the local area.

In addition, in and adjacent to conservation areas, new development needs to have special regard for the character and appearance of the area.

Policy CS18

Urban design, townscape character and the historic environment

Planning permission will only be granted for development that demonstrates high-quality urban design through:

- responding appropriately to the site and its surroundings;
- creating a strong sense of place;
- being easy to understand and to move through;
- being adaptable, in terms of providing buildings and spaces that could have alternative uses in future;
- contributing to an attractive public realm;
- high quality architecture.

Development proposals should respect and draw inspiration from Oxford's unique historic environment, above and below ground, responding positively to the character and distinctiveness of the locale. Development must not result in loss or damage to important historic features, or their settings, particularly those of national importance and, where appropriate, should include proposals for enhancement of the historic environment, particularly where these address local issues identified in, for example, conservation area charts, or appraisal or management plans. Views of the skyline of the historic centre will be protected.

POLICY HP14 PRIVACY AND DAYLIGHT

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. The following factors will be considered:

- a. whether the degree of overlooking to and from neighbouring properties or gardens resulting from the development significantly compromises the privacy of either existing or new homes, and**
- b. the orientation of windows in both existing and new development, in respect of access to daylight, sunlight and solar gain (i.e. natural heating from direct sunlight), and**
- c. existing and proposed walls, hedges, trees and fences, in respect of protecting or creating privacy, and also in respect of their impact on overshadowing both existing and new development.**

Planning permission will not be granted for any development that has an overbearing effect on existing homes.

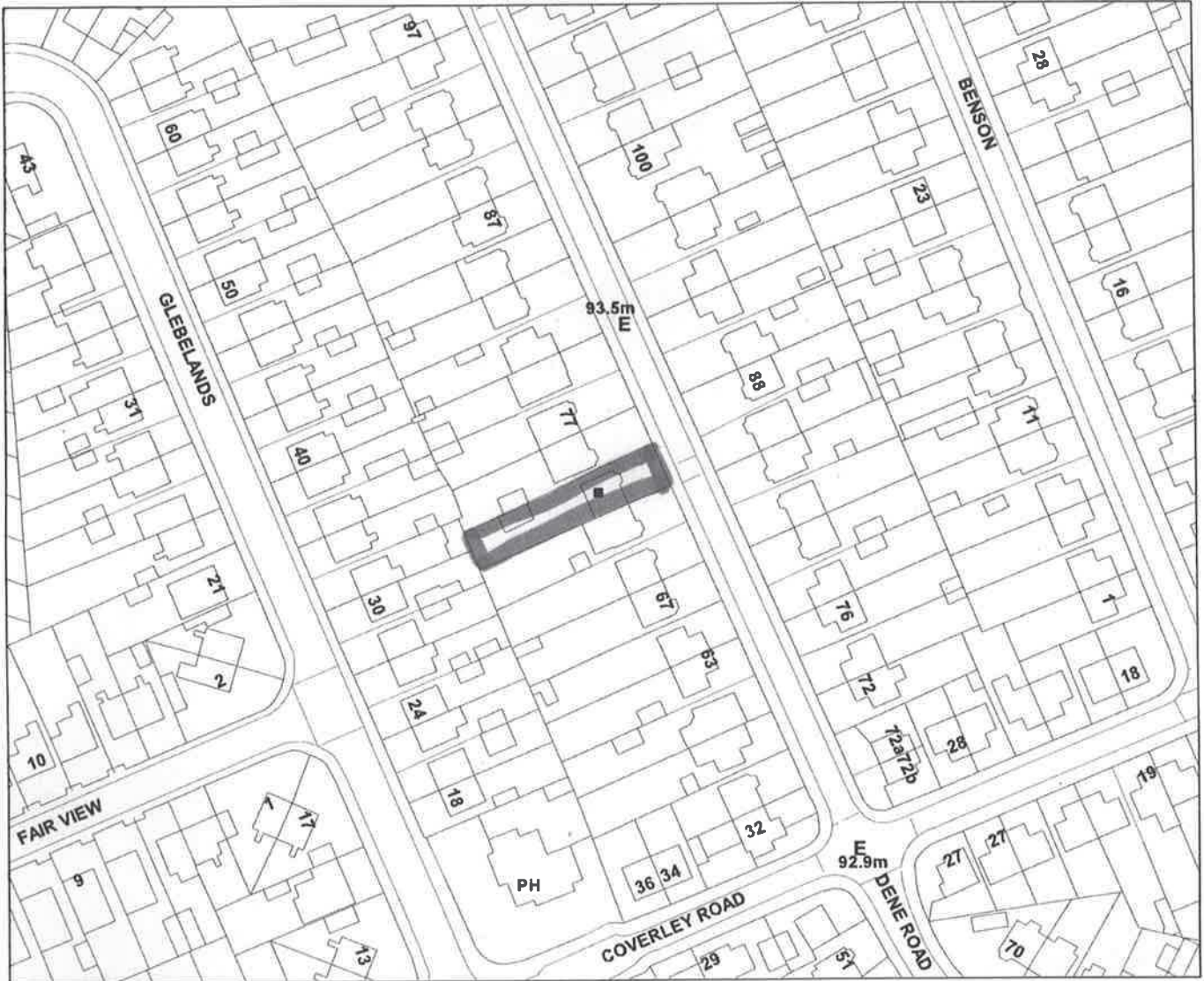
In respect of access to sunlight and daylight, the 45° guidelines will be used, as illustrated in Appendix 7, alongside other material factors.

73 Dene Road

Not Set



GIS by ESRI (UK)



Legend



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	30 January 2013
SLA Number	Not Set



Appeal Decision

Site visit made on 29 July 2013

by K Nield BSc(Econ) DipTP CDipAF MRTPI

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

Decision date: 23 August 2013

Appeal Ref: APP/G3110/C/13/2193371

73 Dene Road, Oxford, Oxfordshire, OX3 7EQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr K Singh against an enforcement notice issued by Oxford City Council.
- The Council's reference is 12/00635/ENF.
- The notice was issued on 30 January 2013.
- The breach of planning control as alleged in the notice is without planning permission the erection of a single storey outbuilding.
- The requirements of the notice are:
 - (i) Demolish the unauthorised outbuilding to the rear of 73 Dene Road; and
 - (ii) Remove all materials, rubble and hardstanding from the site of the unauthorised outbuilding at the rear of 73 Dene Road.
- The periods for compliance with the requirements are three months for step (i) and four months for step (ii) above.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld with correction as set out in the Formal Decision.

The enforcement notice

1. There are some minor typographical errors in the notice. I can make appropriate corrections to the notice in those regards without injustice to the parties.

The appeal on ground (a)

Main issues

2. I consider that the main issues are:
 - (i) the effect on the character and appearance of the locality, and
 - (ii) the effect on the living conditions of present and future occupants of the host dwelling through loss of rear amenity space and aspect and of occupants of nearby dwellings through dominance, actual and perceived overlooking and noise and disturbance.

Reasons

Character and appearance

3. The locality of the appeal site is of a suburban residential character comprising mainly pairs of semi-detached dwellings in generally deep but narrow plots. The appeal dwelling is the right hand dwelling of a pair fronting Dene Road.
4. A substantial single-storey outbuilding with a shallow pitched roof and which extends across almost the full width of the plot has been constructed towards the end of the rear garden of the host dwelling. The outbuilding has a footprint similar to that of the dwelling and occupies about 25% of the original rear garden.
5. I noted at my visit that a number of properties in the locality have outbuildings in their gardens but they are mainly small and utilitarian in form and appearance and functional in nature in contrast to the more obvious domestic form and design of the appeal scheme which has a patio door in its front elevation.
6. Two windows have been inserted in the rear elevation of the outbuilding. One faces, with a separation distance of about 0.8m, a block wall which, I am informed, has recently been constructed to the boundary with 30 Glebelands. The actual position of that wall in relation to various land ownerships is disputed by the parties. However, that is not a matter for me to determine in this appeal. The wall is not targeted by this enforcement notice and notwithstanding the Council's concerns regarding the position and longevity of the wall I have taken account of it as existing in my decision. I noted that the second window faces the rear elevation of a shed in the rear garden of 32 Glebelands.
7. The construction of the outbuilding was challenged by the Council at an early stage of its construction although at the time of my visit I noted that it was substantially completed and utilised. I observed that it has been finished internally to a high domestic standard. Internally it comprises three main parts. At the front, facing the rear of the host dwelling is a room containing a number of items of gym equipment and a table tennis table. There is a smaller room leading from that containing a shower, toilet and hand-wash basin. The rear room spans the full width of the building and contains a substantial amount of furniture including a desk, cupboard, TV and other electrical equipment and upholstered seating of the type more often found in a domestic lounge or living room.
8. The Council and an interested party indicate that ground levels in the vicinity of the building were raised as part of the development scheme, although the extent to which that occurred within the rear garden as a whole is disputed. Nevertheless, there is no dispute that the building is some 2.5m in height to the roof ridge from the current ground level although from the ground level of the neighbouring dwelling (71 Dene Road) it is nearer 3m in height. The Council informs me that it is a similar height above the level of the rear gardens of both 30 and 32 Glebelands although I was not able to confirm that at my visit.

9. CS¹ policy CS18 and LP² policies CP.1, CP.6 and CP.8 are all concerned with the design of development. Amongst other matters they require development to have a high quality of design and to relate to the context of its setting in order to form an appropriate visual relationship with the surrounding area.
10. Fences and shrubs along the plot boundaries provide some visual screening of the outbuilding from the public domain of Dene Road. In addition, due to the position of the outbuilding within the plot only the upper part is likely to be seen from the rear gardens of nearby dwellings above intervening boundary fences and shrubs.
11. Notwithstanding that, due to its substantial scale, size, footprint and siting in close proximity to the rear and side plot boundaries, the outbuilding appears as a dominant and incongruous feature within the rear garden of the host dwelling. It is significantly larger in scale and size and footprint than others I noted in the locality which do not dominate the rear garden and the rear aspect of their respective host dwellings in the way that this building does.
12. Taking all the above factors into account I conclude on this issue that the appeal scheme is materially harmful to the character and appearance of the locality and as such it does not accord with the aims of CS policy CS18 and LP policies CP.1, CP.6 and CP.8.

Living conditions

13. The outbuilding has a separation distance of about 17m from the rear of the host dwelling which, in my view, retains an adequate rear amenity space³ and aspect for present and future occupants of the host dwelling. In addition the building has reasonable separation from the windows at the rear elevation of 71 and 75 Dene Road and it is not an overbearing structure viewed from those.
14. Concerns are raised by the occupant of 30 Glebelands and the Lye Valley Residents Association, regarding the effect of the scheme on the rear garden area of that dwelling through overlooking. I have noted above that the outbuilding contains two windows in its rear elevation one of which faces the rear garden of 30 Glebelands and the other towards the rear of 32 Glebelands.
15. The block wall to the rear of part of the appeal building (referred to above) and a shed at the rear of 32 Glebelands are both of a height that restrict views from the clear glazed windows that have been installed in the outbuilding. However, the upper parts of those windows are likely to be seen from the rear of both 30 and 32 Glebelands above the present boundary treatments. Consequently, there is likely to be perceived, if not actual, overlooking of the rear elevations of 30 and 32 Glebelands and their respective rear gardens making them less pleasant to use by occupants of those dwellings.
16. The Council has raised concerns regarding potential noise and disturbance from the use of the building. However, on the basis of the indicated use of the building as being incidental to the enjoyment of the dwellinghouse I do not consider that such use would be materially harmful to the living conditions of nearby occupants of dwellings.

¹ Oxford Core Strategy 2026 Adopted March 2011 (CS)

² Oxford Local Plan 2001-2016 Adopted 11 November 2005 (LP)

³ Indicated by the Appellant to be in the order of 157m²

17. I conclude on this issue that notwithstanding my comments regarding the effect of the scheme on the living conditions of present or future occupants of the host dwelling through loss of rear amenity space and aspect or that of occupants of nearby dwellings through noise and disturbance there would be material harm to occupants of 30 and 32 Glebelands from perceived overlooking in conflict with SHP⁴ policy HP14 or CS policy CP.1, both of which require the amenities of adjoining land users to be safeguarded.

Other matters

18. I have considered whether conditions attached to a planning permission would reduce the harm I have identified such that the scheme would be acceptable. However, conditions to require a reduction in the height of the building or to remove part of the building (both matters suggested by the Appellant) would materially alter the design and appearance of the building without a detailed scheme being before me to assess.

19. I have also considered whether the harm to the living conditions of the occupants of 30 and 32 Glebelands from actual and perceived overlooking could be reduced to acceptable levels through the replacement of clear glazing with obscured glazing and the windows be made non-opening. Following consultation with the parties, I am of the view that whilst the possibility of actual overlooking would be reduced, if not removed, if those measures were implemented there would still be harm to occupants of both 30 and 32 Glebelands from perceived overlooking from the windows in close proximity to their rear gardens.

20. I have considered the potential fallback position contended by the Appellant that under Class E, Part 1, Schedule 2 of the GPDO⁵ a similar building could be erected within the plot which could, potentially, have a greater impact. However, no details of the type of building that might be constructed are provided for me to consider the effect such a scheme would have both to enable comparison with the appeal building as constructed and to enable me to assess whether it would be less desirable than that for which planning permission is sought. In addition, without further details it is not possible to assess the likelihood as to whether or not such a scheme would be implemented. Consequently, I attach little weight to the Appellant's suggestion in that regard.

21. The Council and some interested parties raise concerns regarding the potential use of the outbuilding, indicating that it would be used as primary living accommodation. However, I have dealt with the ground (a) appeal scheme on the basis put forward by the Appellant that its future use would be incidental to the residential use of the host dwelling as such. In any event, the use of the outbuilding could be controlled by a planning condition (as suggested by the Council) if all other matters were acceptable.

22. None of the other matters raised outweighs my conclusions on the main issues on which this appeal turns.

Conclusion on the ground (a) appeal

⁴ Oxford City Council: Sites and Housing Plan 2011-2026 Adopted February 2013

⁵ Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO)

23. I found that the disputed outbuilding would not be harmful to the living conditions of present or future occupants of the host dwelling through loss of rear amenity space and aspect or those of occupants of nearby dwellings through dominance, or noise and disturbance. However, those matters are outweighed by the material harm to the character and appearance of the locality and to the living conditions of occupants of 30 and 32 Glebelands from perceived overlooking.
24. I conclude that for the reasons given above and having regard to all other matters raised the appeal under ground (a) should not succeed.

The appeal on ground (f)

25. The Appellant argues that the requirements of the notice exceed what is necessary to remedy the breach of planning control in that modifications could be made that would reduce the harm.
26. The notice does not specify on its face whether its purpose is to remedy the breach (under s173(4)(a) of the Act) or to remedy any injury to amenity (under s173(4)(b) of the Act) although the purpose is clear from the way the requirements of the notice are expressed that it is to remedy the breach of planning control.
27. I considered in the ground (a) appeal whether suggested alterations to the disputed building to reduce its height or to remove part would make the scheme acceptable such that planning permission could be granted. The Appellant indicates that the height could be reduced "by approximately 0.25m to reduce its prominence" and part of the building could be removed. However no clear and specific details or drawings of the suggested alterations are before me for consideration. In addition, it is likely that such modifications would materially alter the design and appearance of the building. Consequently, I have not attached significant weight to those suggestions.
28. The requirements of the notice are not excessive as they are what are necessary to remedy the breach of planning control that has occurred and no lesser steps than the complete removal of the development targeted by the notice would achieve that purpose.
29. Notwithstanding the above the Council has power under s173A(1)(b) to waive or relax any requirement of the notice. The appeal under ground (f) fails.

The appeal on ground (g)

30. The appeal under ground (g), simply put, is that the period allowed for compliance with the notice is too short. No specified time is provided by the Appellant.
31. The Appellant argues that an extended period for compliance is required as he would undertake the works himself as he could not afford to employ a third party to do so. In addition, his job requires him to work long hours. I appreciate that the required works will take some time to organise and implement if he is to undertake them himself. Nevertheless, in the public interest, the unauthorized building should be removed within a reasonable period to overcome the harm identified by the Council in its reasons for issuing the notice.

32. In my view, the periods for compliance stated in the notice strike the appropriate balance between these conflicting interests so that there would not be a disproportionate burden placed on the Appellant. The appeal on ground (g) fails.

Formal decision

33. I direct that the enforcement notice be corrected by the following:

- (1) the substitution from paragraph 4(ii) of the word "curtailage" and the substitution therefor of the word "curtilage"
- (2) the deletion from paragraph 4(iii) of the word "neighboring" and the substitution therefor of the word "neighbouring"

Subject to the above corrections the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Kevin Nield

INSPECTOR

Appendix 4

NOT FOR PUBLICATION by virtue of Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972

Financial Implications

Officers have sought initial estimates of the costs involved for the works in the event that the owner does not comply with the requirements by the end of the compliance period. The initial estimate of the total of these costs is in the order of £7,200 depending on the method of demolition. It will be necessary to obtain two full quotes prior to entering into a contract with a contractor, but the above figure is considered to be a reasonable indicator of the likely costs.

There are a number of ways in which the resultant costs can be recovered, though the most applicable is by placing a charge on the land and then enforcing the charge by way of an Order of Sale of the property in the Courts. The costs associated with the direct action would therefore be recoverable costs. The intention is to pursue the legal remedy that gives us the greatest certainty of getting our money back.

Environmental Health has a budget for dealing specifically with unlawful dwellings. The budget has recently been increased for the financial year 2013/2014 with a grant from DCLG for £60,000. Therefore until costs are recovered there is a budget for doing the work.

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Appendix 5

NOT FOR PUBLICATION by virtue of Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972

No	Risk description, link to corporate objective	Gross Risk		Cause of risk	Mitigation	Current Risk		Residual risk		Further management of risk: Transfer/Accept/Reduce/Avoid	Monitoring Effectiveness				Current Risk		
		I	P			I	P	I	P		Q 1	Q 2	Q 3	Q 4	I	P	
1	Ombudsman complaint by local residents	3	4	Failure of the Council to pursue and effect all necessary enforcement action	Report case to East Area Planning Committee for decision whether to support officer delegated decision to take direct action. Ensure	2	1	2	2	Action: Report to EAPC Action owner: RF Mitigating Control: Address ombudsman investigation issues Control Owner: MN	Outcome required: Cost recovery: Milestone date:						
2	Harm to Council's reputation	3	3	Site owner asserting his case through local/national press and media.	Transparent approach. Invite owner to address committee (EAPC). Provide final warning prior to direct action.	2	2	2	2	Action: Publicity at time of direct action; ensure Council's case is justified in media. Action owner: RF Mitigating Control: Mitigating Control Owner: NG	Outcome required: Cost recovery: Milestone date:						

3	CMT and/or Committee backing	3	2	CMT/Members unwilling to support direct action	Report to CMT and EAPC for decision. Prior clearance by officers and information EAPC Member Briefing	3	1	3	1	Action: Action owner: RF Mitigating Control Control Owner: MCB	Outcome required: Cost recovery: Milestone date:						
4	Budget – Cost of action born by the Council	3	3	Site owner not complying with and Council having to carry out direct action at a cost, which site owner refuses to pay.	Ball park quote obtained, quotes being sought. Costs to be met from existing budgets. Legal advice sought on cost recovery mechanisms.	3	3	3	3	Action: Publicity Action owner: RF Mitigating Control Control Owner: NG	Outcome required: Cost recovery: Milestone date:						
5	Delays due to outbuilding being occupied	3	3	If building is occupied it could delay action.	Check if outbuilding is occupied and establish use of outbuilding prior action being taken.	3	2	3	3	Action: Check outbuilding (site visit) Action owner: RF Mitigating Control Control Owner: NG	Outcome required: Cost recovery: Milestone date:						
6	Delays due to services still being 'live'	3	3	If services are live it could delay action	Speak to demolition contractors about cutting off utilities and safety	3	2	3	3	Action: Ensure contractors have clear direction of action to take and get advice from utility companies. Action owner: RF	Outcome required: Cost recovery:						

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					measures. Get advice from utility companies.					Mitigating Control: Control Owner: NG	Milestone date:						
7	Obstruction/violence	5	5	Action by site owner to resist direct action by the Council	Engage security firm and also notify police.	5	5	5	5	Action: Ensure contractors are aware of possible dangers and risks of work. Engage security firm and notify police. Action owner: RF Mitigating Control: Control Owner: NG							
8	Delays/Council action stopped by Courts 75	4	5	High Court injunction and similar action by site owner	Not disclosing date of action. Giving ample opportunity and notice to site owner to comply with the enforcement notice. Setting out proportionately case to Members.	3	4	3	3	Action: Write to owners to provide them one final opportunity to comply with enforcement notice. Take report to EAPC. Action owner: RF Mitigating Control: Control Owner: NG							
9	Appeal against refusal of Lawful Development Certificate is allowed (which would theoretically	5	2	Lawful development certificate could make outbuilding partially lawful. However the enforcement notice still takes	Writing a robust appeal statement and taking a firm and decisive line in relation to the outbuilding.	5	3	4	4	Action: Write robust appeal statement. Action owner: RF Mitigating control: Control Owner: NG							

	enable partial retention of outbuilding)			precedence and the Council should therefore be satisfied that it is not acting prematurely. Also the appeal has little chance of success.													
10	Escalation of costs	4	3	Actual cost estimates rise beyond those identified by initial quotes	Unlawful dwellings budget has a significant reserves that can be used temporarily until money is recouped from owner.	4	3	3	3	Action: Ensure the full extent of work is understood prior to carrying out the demolition. Action owner: RF Mitigating control: Control Owner: NG							

Agenda Item 8

Monthly Planning Appeals Performance Update – December 2013

Contact: Head of Service City Development: Michael Crofton-Briggs

Tel 01865 252360

1. The purpose of this report is two-fold:
 - i. To provide an update on the Council's planning appeal performance; and
 - ii. To list those appeal cases that were decided and also those received during the specified month.

Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 31 December 2013, while Table B does the same for the current business plan year, ie. 1 April 2013 to 31 December 2013.

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	18	30%	6 (55%)	11 (23%)
Dismissed	43	70%	5 (45%)	37 (77%)
Total BV204 appeals	61	100%	11 (100%)	48 (100%)

Table A. BV204 Rolling annual performance to 31 December 2013

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	9	23%	3 (43%)	5 (16%)
Dismissed	31	77%	4 (57%)	26 (84%)
Total BV204 appeals	40	100%	7 (100%)	31 (100%)

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

All Appeal Types

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.

	Appeals	Percentage performance
Allowed	21	(30%)
Dismissed	49	70%
All appeals decided	70	
Withdrawn	0	

Table C. All planning appeals (not just BV204 appeals): Rolling year to 31 December 2013

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during December 2013.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during December 2013. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.

Table D

Appeals Decided Between 01/12/2013 And 31/12/2013

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

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
13/01544/FUL	13/00058/REFUSE	DEL	REF	DIS	02/12/2013	LYEVAL	103 Fern Hill Road Oxford Oxfordshire OX4 2JR	Installation of dormer window to the side elevation.
12/03195/FUL	13/00036/REFUSE	DEL	REF	DIS	05/12/2013	STCLEM	Land Adjacent 30A Union Street Oxford Oxfordshire	Erection of a two storey extension to 30A Union Street to create a semi detached dwelling (class C3)
13/00640/FUL	13/00059/REFUSE	DEL	SPL	DIS	05/12/2013	NORTH	38 St Bernard's Road Oxford Oxfordshire OX2 6EH	Rear dormer window
13/01208/FUL	13/00064/REFUSE	DEL	SPL	ALC	05/12/2013	RHIFF	5 Iffley Turn Oxford OX4 4DU	Erection of single and two storey rear and side extension. Alterations to roof including insertion of dormer window and rooflight to rear to provide Erection of single and two storey rear and side extension. Alterations to roof including insertion of dormer window and rooflight to rear to provide additional loft room floorspace.
13/00603/FUL	13/00029/REFUSE	DEL	REF	DIS	06/12/2013	COWLYM	160 Cricket Road Oxford Oxfordshire OX4 3DN	Erection of 2 x 2 bed dwelling houses (Class C3) to rear of existing dwelling. Provision of amenity space, vehicle and cycle parking and bin store. Provision of new vehicle access from Cricket Road.
12/02505/FUL	13/00028/REFUSE	DEL	REF	DIS	09/12/2013	STCLEM	10 and 10A Bartlemas Road Oxford OX4 1XX	Conversion of existing 2 bedroom dwelling at No.10 into 2 x 1-bedroom dwellings (use class C3). Conversion of existing 1-bedroom flat at No.10A into 2 x 1-bedroom dwellings (use class C3) including two storey side extension and removal of workshop in rear garden. (Amended plans) (Amended description)
13/02084/FUL	13/00065/REFUSE	DELCOM	REF	DIS	09/12/2013	HINKPK	81 Wytham Street Oxford Oxfordshire OX1 4TN	Erection of a single storey side and rear extension.

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
13/01660/FUL	13/00068/REFUSE	DEL	REF	ALW	11/12/2013	COWLEY	5 Lockheart Crescent Oxford OX4 3RN	Single storey rear extension.
13/00950/FUL	13/00032/REFUSE	DEL	REF	DIS	12/12/2013	BARTSD	6 Bursill Close Headington Oxford OX3 8EW	Erection of a single storey extension along with internal alterations to create an additional 1 x 1 bedroom dwelling (Use Class C3) (amended)
13/00546/FUL	13/00027/REFUSE	DEL	REF	ALW	13/12/2013	STMARY	13 Stanley Road Oxford Oxfordshire OX4 1QY	Change of use of first floor and part of second floor from residential to day nursery (Class D1).
13/01001/FUL	13/00033/REFUSE	DEL	REF	DIS	16/12/2013	LITTM	Land To The Rear Of 1 And 2 Longwall Oxford Oxfordshire OX4 4PG	Erection of 2 x single storey storage buildings, fencing and gates and change of use to storage (Class B8). Provision of vehicle parking.
13/01289/FUL	13/00038/REFUSE	DEL	REF	DIS	17/12/2013	COWLYM	24 Milton Road Oxford Oxfordshire OX4 3EF	Erection of part single storey, part two storey, side extension to create 1 x 2-bed dwellinghouse (use class C3). Provision of private amenity space, car parking spaces and bin and cycle store.
12/02083/FUL	13/00043/REFUSE	DEL	REF	DIS	18/12/2013	SUMMTN	339 Banbury Road Oxford OX2 7PL	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)
13/00656/VAR	13/00051/COND	DEL	REF	DIS	18/12/2013	HEAD	10 Stephen Road Oxford Oxfordshire OX3 9AY	Variation of condition 10 of planning permission 08/01961/FUL to allow for a single parking permit to be provided to the 2 bed flat identified on the plan
13/00404/FUL	13/00048/REFUSE	DEL	REF	DIS	31/12/2013	JEROSN	102, 102A And 102B Bridge Street Oxford OX2 0BD	Installation of replacement windows to front elevation.

Total Decided: 15

Enforcement Appeals Decided Between 1/12/2013 And 31/12/2013

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//0035/2/ENF Headington Oxford CHURCH OX3 7JY	13/00030/ENFORC	DIS	18/12/2013	11 Old Road Oxfordshire conversion without planning permission		

Total Decided: 1

Table E

Appeals Received Between 01/12/2013 And 31/12/2013

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
06/01796/CND3	13/00075/REFUSE	DELCOM	REF	W	Lady Margaret Hall Norham Gardens Oxford Oxfordshire OX2	NORTH	Details submitted in accordance with condition 10 (landscaping) of planning permission 06/01796/FUL.
13/02303/FUL	13/00074/REFUSE	DEL	REF	W	9 Green Street Oxford Oxfordshire OX4 1YB	STMARY	Demolition of existing buildings and erection of 3 x 4-bedroom dwellings (Use Class C3) with associated car parking, cycle parking and bin storage.

Total Received: 2

Monthly Planning Appeals Performance Update – January 2014

Contact: Head of Service City Development: Michael Crofton-Briggs

Tel 01865 252360

1. The purpose of this report is two-fold:
 - i. To provide an update on the Council's planning appeal performance; and
 - ii. To list those appeal cases that were decided and also those received during the specified month.

Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 31 December 2014, while Table B does the same for the current business plan year, ie. 1 April 2013 to 31 January 2014.

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	3	38%	0	3 (38%)
Dismissed	5	62%	0	5 (62%)
Total BV204 appeals	8	100%	0	8 (100%)

Table A. BV204 Rolling annual performance to 31 January 2014

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	12	25%	3 (43%)	9 (22%)
Dismissed	36	75%	4 (57%)	32 (78%)
Total BV204 appeals	48	100%	7 (100%)	41 (100%)

Table B. BV204: Current business plan year performance (1 April 2013 to 31 January 2014)

All Appeal Types

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.

	Appeals	Percentage performance
Allowed	3	38%
Dismissed	5	62%
All appeals decided	8	100%
Withdrawn		

Table C. All planning appeals (not just BV204 appeals): Rolling year to 31 January 2014

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during January 2014.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during January 2014. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
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Table D

Appeals Decided Between 1/01/2014 And 31/01/2014

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

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
13/01428/FUL	13/00070/REFUSE	DEL	REF	ALC	06/01/2014	RHIFF	8 Mill Lane Iffley Oxford OX4 4EJ	Erection of two storey extension to side and addition of new first floor and room in the roof and changes to the fenestration
13/01015/VAR	13/00042/COND	DEL	SPL	ALC	15/01/2014	COWLYM	387 Cowley Road Oxford Oxfordshire OX4 2BS	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.
13/01202/FUL	13/00050/REFUSE	DEL	REF	DIS	15/01/2014	QUARIS	Land To The Rear Of 34 And 36 York Road Headington Oxford OX3 8NW	Erection of 1 x 2 bed single storey dwelling in the rear gardens of 34 and 36 York Road. (Amended information)
13/01928/FUL	13/00055/REFUSE	DEL	REF	ALC	21/01/2014	LYEVAL	68 Hollow Way Oxford Oxfordshire OX4 2NH	Change of use from Sui Generis Use Class (tattoo parlour) to Use Class A5 with a provision for the consumption of food and drink on the premises (retrospective).
13/00906/FUL	13/00049/REFUSE	DEL	REF	DIS	28/01/2014	CHURCH	184 And 186 Headington Road Oxford Oxfordshire OX3 0BS	Change of use from HMO properties (use class C4) into 2 x 3 bed maisonettes (use class C3) with provision for 1 x parking space each and private amenity space and 2 x 1 bed apartments (use class C3) with provision of cycle storage and a communal garden area.
13/02219/FUL	13/00073/REFUSE	DEL	REF	DIS	28/01/2014	BARTSD	279 London Road Headington Oxford Oxfordshire OX3 9EH	Erection single storey building to form 1-bed bungalow (use class C3) with associated car parking, bin and cycle storage and private amenity space.
13/01948/FUL	13/00061/REFUSE	DEL	REF	DIS	29/01/2014	WOLVER	14 Blandford Avenue Oxford OX2 8DY	Demolition of existing dwelling. Erection of 2 x 4-bed dwellings (use class C3).

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
12/03053/OUT	13/00039/REFUSE	DEL	REF	DIS	31/01/2014	QUARIS	Garages To The Rear Of 1 3 5 7 And 9 Coppock Close Oxford Oxfordshire	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 storage.

Total Decided: 8

Enforcement Appeals Decided Between 01/01/2014 And 31/01/2014

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

EN CASE No.	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD	DESCRIPTION
13/00461/ENF	13/00056/ENFORC	DIS	21/01/2014	68 Hollow Way Oxford, OX4 2NH	LYEVAL	Alleged unauthorised change of use from tattoo parlour (sui generis) to hot food take away (A5)
13/00031/ENF	13/00047/ENFORC	DIS	31/01/2014	1 Valentia Road Oxford, OX3 7PN	CHURCH	Unauthorised Outbuilding

Total Decided: 2

Table E

Appeals Received Between 01/01/2014 And 31/01/2014

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
13/00302/FUL	14/00007/NONDET	COMM	REF	P	Oxford Stadium Sandy Lane Oxford Oxfordshire OX4 6LJ	BBLEYS	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.
13/00528/CND	14/00006/NONDET			P	Oxford Stadium Sandy Lane Oxford Oxfordshire OX4 6LJ	BBLEYS	Details submitted in compliance with the request for a demolition statement to accompany the prior approval for demolition application 13/00528/DEM
13/01872/FUL	14/00003/REFUSE	DEL	REF	W	Castle Mill House Rooftop Juxon Street Oxford OX2 6DR	JEROSN	Erection of single storey roof top extensions to provide 1 x 2 bed and 2 x 1 bed flats (use class C3) (Amended Description)
13/02078/FUL	14/00005/REFUSE	DEL	SPL	H	127 Rose Hill Oxford OX4 4HT	RHIFF	Erection of ground floor and first floor rear extensions. (Amended plans)
13/02182/FUL	14/00001/REFUSE	DEL	REF	W	Wolvercote Cemetery Lodge 447 Banbury Road Oxford Oxfordshire OX2 8EE	WOLVE	Creation of new vehicular access on to Banbury Road.
13/02792/CPU	14/00002/REFUSE	DEL	REF	W	73 Dene Road Oxford Oxfordshire OX3 7EQ	LYEVAL	Application to certify that proposed erection of gym and study room is lawful. (Amended Plans)
13/02945/VAR	14/00004/REFUSE	DEL	REF	H	23 Walton Street Oxford Oxfordshire OX1 2HQ	JEROSN	Variation of condition 5 (Details excluded submit revised plans) of planning permission 13/01265/FUL (Erection of rear extension, two storey outbuilding and associated alterations) to allow discharge of condition 5 post commencement of development.

Total Received: 7

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EAST AREA PLANNING COMMITTEE

Wednesday 8 January 2014

COUNCILLORS PRESENT: Councillors Darke (Chair), Altaf-Khan, Clarkson, Coulter, Hollick, Lloyd-Shogbesan, O'Hara, Paule and Wilkinson.

110. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from the Vice-Chair (Councillor Rundle). Councillor Wilkinson attended as a substitute for Councillor Rundle.

111. DECLARATIONS OF INTEREST

Councillors Clarkson and Hollick reported as follows:-

- Councillor Clarkson – two of her children were currently attending Headington School. However, she would judge the planning application on the agenda relating to the school with an open mind.
- Councillor Hollick – he had attended a public exhibition relating to the planning application. However, he would judge the planning application on the agenda relating to the school with an open mind..

112. OXFORD STADIUM, SANDY LANE : 13/00302/FUL

The Head of City Development submitted a report (previously circulated now appended). The planning officer reported that since the report had been finalised a considerable number of further representations had been received, both for and against the application. He further said during his presentation that the noise and vibration surveys needed to be conducted again, both because the equipment had not been placed in correct positions best to assess noise and vibration impact and because, as said in paragraph 113 of the report, no freight trains had been running from/to the BMW Plant when the surveys had been conducted.

In accordance with the criteria for public speaking, the Committee heard representations from the following people:-

- Ian Sawyer representing the Save Oxford Stadium Campaign
- Sam Clifton representing dance interests at the site
- William Rodwell representing motorcycle training interests at the site
- Andrew Cooper representing Oxford Go Karting
- Gavin Beckley representing the Oxford Speedway Supporters Club
- Mr Sharp who spoke against the planning application
- Philip Brown, representing the applicant's agent

In the course of his presentation Mr Brown said that the applicant would be willing to contribute £800,000 for a dance / martial arts / ancillary pursuits facility adjacent to the Blackbird Leys Leisure Centre, and £500,000 towards the cost of

a footbridge across the railway line between the development site and Cowley Retail Park.

The Committee resolved:-

- (1) To REFUSE the planning application for reasons 1 – 7 set out in the report of the Head of City Development and to authorise the Head of City Development to issue the notice of refusal;
- (2) To authorise the Head of City Development to include a further reason for refusal if the results of the further noise and vibration surveys gave grounds for refusal.

113. HEADINGTON SCHOOL, HEADINGTON ROAD: 13/02697/FUL

The Head of City Development submitted a report (previously circulated now appended).

The Committee resolved:-

- (1) to APPROVE the planning application subject to conditions 1 – 16 headlined in the report of the Head of City Development and to authorise the Head of City Development to issue the notice of permission;
- (2) That details of the construction traffic management plan be sent to the City councillors for Headington Hill and Northway and Headington Wards.

114. BMW UK MANUFACTURING LTD, GARSINGTON ROAD: 13/02607/FUL

The Head of City Development submitted a report (previously circulated now appended).

The Committee resolved to APPROVE the planning application subject to conditions 1 – 5 headlined in the report of the Head of City Development and to authorise the Head of City Development to issue the notice of permission.

115. 9 KNIGHTS ROAD: 13/02946/CT3

The Head of City Development submitted a report (previously circulated now appended).

The Committee resolved to **APPROVE** the planning application subject to the development beginning within the time limit for commencement after planning application approvals and to authorise the Head of City Development to issue the notice of permission.

116. PLANNING APPEALS

The Committee resolved to NOTE the report on planning appeals received and determined during November 2013.

117. MINUTES

The Committee resolved to APPROVE the minutes of the meeting held on 4th December 2013 as an accurate record.

118. FORTHCOMING APPLICATIONS

The Committee resolved to NOTE the list of forthcoming applications as follows:-

13/01553/CT3: Eastern House, Eastern Avenue
13/01555/CT3: Land East of Warren Crescent
13/02410/FUL: 7 Sheepway Court.
13/02638/FUL: BP Garage, 281 Abingdon Road
13/3192/CT3: Blackbird Leys Leisure Centre
13/03221/VAR: 35 Barton Road
13/03117/FUL: 291 Cowley Road
13/02866/VAR: Site of 21 and 23 Temple Road
13/02818/FUL: 11 Crescent Road

119. DATES OF FUTURE MEETINGS

The Committee noted that it would meet as follows during the remainder of the current Council Year:-

Wednesday 5th February
Wednesday 5th March
Wednesday 2nd April
Thursday 8th May

The meeting started at 6.00 pm and ended at 7.44 pm

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