

# Agenda

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## East Area Planning Committee

Date: **Wednesday 4 February 2015**

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Time: **6.00 pm**

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

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For any further information please contact:

**Jennifer Thompson, Committee and Member Services Officer**

Telephone: 01865 252275

Email: [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk)

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# East Area Planning Committee

## Membership

<b>Chair</b>	Councillor Roy Darke	Headington Hill and Northway;
<b>Vice-Chair</b>	Councillor Van Coulter	Barton and Sandhills;
	Councillor Mohammed Altaf-Khan	Headington;
	Councillor Farida Anwar	Headington Hill and Northway;
	Councillor Ruthi Brandt	Carfax;
	Councillor Mary Clarkson	Marston;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Michele Paule	Rose Hill and Iffley;
	Councillor Ruth Wilkinson	Headington;

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

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# AGENDA

	<b>Pages</b>
<b>1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS</b>	
<b>2 DECLARATIONS OF INTEREST</b>	
<b>3 FORMER DHL SITE, SANDY LANE WEST:14/02650/FUL</b>	<b>11 - 24</b>

**Site Address:** Former DHL Site, Sandy Lane West

**Proposal:** Erection of nine industrial units for Class B1 (C) (Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) use and including 70 car parking spaces and 20 covered cycle parking spaces. (Amended description)

**Officer recommendation:** to approve the application subject to the conditions listed but delegate to officers the issuing of the decision notice following the completion of a legal agreement that secures the necessary financial contribution towards off-site provision of affordable housing.

## **Conditions**

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as specified.
4. Travel Plan required.
5. Car parking to be laid out prior to development being brought into use.
6. Sustainable drainage scheme required to be incorporated.
7. Unexpected contamination.
8. Surface water scheme required.
9. Landscape plan required including the requirement for retention of the majority of existing eastern and southern boundary vegetation together with reinforcement through new appropriate planting.
10. Acoustic screen to be installed prior to development being brought into use.
11. Construction Management Plan required including details of construction traffic routing and parking, delivery times, construction noise, hours of working etc.
12. Boundary treatment details required to be submitted to and approved by the LPA prior to first occupation.
13. No permitted development rights to change to any other use outside Use Classes B1(c), B2 or B8.
14. Public Art scheme and timetable for its implementation to be submitted to and approved by the LPA.
15. No permitted development rights for extensions to any of the

buildings.

16. Noise limits imposed at different times throughout the day when measured from nearest dwelling:

7am – 7pm – 43dB LAeq 1hr

7pm – 11pm – 43db LAeq 15mins

11pm – 7am – 40db LAeq 15mins

17. No external operations (including servicing and deliveries) after 11pm and before 7am.

18. Tree Protection Plan required.

19. Approved landscaping be carried out prior to substantial completion.

20. Recommendations of the Geo-Environmental Assessment to be followed throughout construction.

21. Development to be carried out in accordance with the submitted NRA to achieve a minimum score of 10/11.

22. Prior to first occupation details shall be submitted of showering facilities to be provided within the development to encourage the use of cycles as a means of travelling to and from work.

23. Details of covered and secure cycle parking facilities to be submitted to and approved by the LPA prior to first occupation of the development.

**Legal Agreement:**

£89,356 offered as a financial contribution towards provision of off-site affordable housing. The development is liable for CIL to the value of £83,660.

**4 ABBEBURY ROAD (NO.1) TREE PRESERVATION ORDER, 2014**

25 - 36

**Order Name:** Oxford City Council – Abberbury Road (No.1) Tree Preservation Order, 2014

**Site Address:** Land at 10 and 18 Abberbury Road, Iffley, Oxford

**Officer recommendation:** To confirm the Oxford City Council – Abberbury Road (No.1) Tree Preservation Order, 2014 without modification.

**5 EASTERN HOUSE, EASTERN AVENUE: 13/01553/CT3**

37 - 52

**Site address:** Eastern House, Eastern Avenue

**Proposal:** 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.

**Officer recommendation:** to grant planning permission subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples of materials.
4. Details of affordable housing.
5. Means of enclosure.
6. Provision of refuse and cycle storage.
7. Landscape Plan.
8. Landscape carried out by completion.
9. Tree Protection Plan (TPP) 1.
10. Arboricultural Method Statement (AMS) 1.
11. Details of car parking layout and service road.
12. Sustainable Urban Drainage.
13. Design - no additions to dwelling.
14. Contaminated Land Risk Assessment.
15. Sustainability measures.
16. Biodiversity Enhancements.
17. Construction Traffic Management Plan.

## 6 PLANNING APPEALS

53 - 58

Summary information on planning appeals received and determined to 26 January 2015.

The Committee is asked to note this information.

## 7 MINUTES

59 - 62

Minutes from the previous meeting.

**Recommendation:** That the minutes of the meeting held on 7 January 2015 are approved as a true and accurate record.

## 8 FORTHCOMING APPLICATIONS

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

To be considered at the additional meeting on 11 February:

14/03201/RES - Land West Of Barton North Of A40 and South of Bayswater Brook Northern By-Pass Road - Details of reserved matters (layout, scale, appearance and landscaping) for a scheme of Enabling Infrastructure Works (such as utility services, earthworks, drainage/attenuation and roadworks), pursuant to conditions 3 and 4 of the outline planning permission for the mainly residential development of the site (13/01383/OUT). More specifically these works comprise:-

- a) the primary street, street furniture, on-street parking, street lighting, surface water drainage swales, associated landscaping and surface finishes;
- b) green infrastructure, the linear park, greenways, hard and soft landscaping, footpaths, cycle paths and ecological improvements;
- c) landscaping details for the approved A40 junction;

d) buried services and utilities, foul and surface water drainage, water channels, ponds, sustainable urban drainage systems and underground storage tanks.

This reserved matters application (14/03201/RES) is accompanied by the following additional submissions in relation to conditions and non-material amendments to the above mentioned outline permission:-

- i) condition 11 - tree protection (13/01383/CND2);
  - ii) conditions 24 - site-wide surface water drainage scheme (13/01383/CND3);
  - iii) condition 25 - enabling infrastructure phase surface water drainage system (13/01383/CND2);
  - iv) condition 26 - site-wide foul water drainage strategy (13/01383/CND3);
- and,
- v) non-material amendments to approved A40 junction e.g. omission of splitter island (13/01383/NMA).

To be considered at later meetings:

14/03204/OUT - Rivera House And Adams House Reliance Way  
14/03331/FUL - 228 London Road  
14/03540/FUL - The Triangle, University Of Oxford Old Road Campus, Roosevelt Drive  
14/03293/FUL – 5 Merewood Avenue  
14/03554/FUL – 15 Hollow Way  
14/03348/FUL – 112 London Road  
14/03049/FUL - 23 Spring Lane, Littlemore  
14/02850/FUL - 19 Between Towns Road  
14/02781/FUL – 5 & 7 Marshall Road  
14/02550/FUL – Beenhams Cottage, Railway Lane  
14/03385/FUL – 15 Boswell Road  
14/02182/FUL – 159 Windmill Road  
14/02093/FUL – 62 Dashwood Road  
14/02103/FUL – Ashlar House Adjacent 2 Glanville Road 14/01332/FUL – 51 Sandfield Road  
14/01770/FUL - Marywood House, Leiden Road  
13/03411/FUL – John Radcliffe Hospital, Headley Way  
14/02456/FUL - Land Within Former DHL Site, Sandy Lane West  
14/02940/OUT - Littlemore Park Armstrong Road  
13/01555/CT3 - Land East Of Warren Crescent

## **9 DATES OF FUTURE MEETINGS**

The Committee will meet on the following dates:

11 February  
4 March  
8 April  
6 May  
1 July

## **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.

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;
  - (d) 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;
  - (e) 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 Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### **4. Public requests to speak**

Members of the public wishing to speak must notify the Chair or the Democratic Services Officer before the beginning of the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

### **5. Written statements from the public**

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated up to 24 hours before the start of the meeting.

Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.

### **6. Exhibiting model and displays at the meeting**

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.



## 7. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

## 8. Meeting Etiquette

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.

9. Members should not:

- (a) rely on considerations which are not material planning considerations in law;
- (b) question the personal integrity or professionalism of officers in public;
- (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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## EAST AREA PLANNING COMMITTEE

4th February 2015

**Application Number:** 14/02650/FUL

**Decision Due by:** 1st January 2015

**Proposal:** Erection of nine industrial units for Class B1 (C) (Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) use and including 70 car parking spaces and 20 covered cycle parking spaces. (Amended description)

**Site Address:** Former DHL Site, Sandy Lane West – Appendix 1

**Ward:** Littlemore Ward

**Agent:** Mr Thaddaeus Jackson-Browne

**Applicant:** Mr David Rothwell

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### Recommendation:

That Committee resolves to approve the application subject to the conditions listed but delegate to officers the issuing of the decision notice following the completion of a legal agreement that secures the necessary financial contribution towards off-site provision of affordable housing.

### Reasons for Approval

- 1 The proposals are considered to make efficient use of an established employment site that would make a contribution towards improving the City's employment offer and, subject to conditions, would not give rise to significant harm to the living conditions experienced by occupiers of nearby dwellings. The development proposed is also of a satisfactory scale, form and layout such that it would be in keeping with its context whilst also being served by sufficient car parking and cycle parking provision. Subject to the associated legal agreement and its financial contribution towards affordable housing, the impact of the proposed development on the City's housing stock would be satisfactorily mitigated. Consequently the proposals are considered to accord with the requirements of all relevant policies of the 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.
- 3 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, the proposal accords with the policies of the

development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

## Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Travel Plan required
- 5 Car parking to be laid out prior to development being brought into use
- 6 Sustainable drainage scheme required to be incorporated
- 7 Unexpected contamination
- 8 Surface water scheme required
- 9 Landscape plan required including the requirement for retention of the majority of existing eastern and southern boundary vegetation together with reinforcement through new appropriate planting
- 10 Acoustic screen to be installed prior to development being brought into use
- 11 Construction Management Plan required including details of construction traffic routing and parking, delivery times, construction noise, hours of working etc
- 12 Boundary treatment details required to be submitted to and approved by the LPA prior to first occupation
- 13 No permitted development rights to change to any other use outside Use Classes B1(c), B2 or B8
- 14 Public Art scheme and timetable for its implementation to be submitted to and approved by the LPA
- 15 No permitted development rights for extensions to any of the buildings
- 16 Noise limits imposed at different times throughout the day when measured from nearest dwelling:  
7am – 7pm – 43dB LAeq 1hr  
7pm – 11pm – 43db LAeq 15mins  
11pm – 7am – 40db LAeq 15mins

- 17 No external operations (including servicing and deliveries) after 11pm and before 7am
- 18 Tree Protection Plan required
- 19 Approved landscaping be carried out prior to substantial completion
- 20 Recommendations of the Geo-Environmental Assessment to be followed throughout construction
- 21 Development to be carried out in accordance with the submitted NRIA to achieve a minimum score of 10/11
- 22 Prior to first occupation details shall be submitted of showering facilities to be provided within the development to encourage the use of cycles as a means of travelling to and from work
- 23 Details of covered and secure cycle parking facilities to be submitted to and approved by the LPA prior to first occupation of the development

**Legal Agreement:**

£89,356 offered as a financial contribution towards provision of off-site affordable housing. The development is liable for CIL to the value of £83,660.

**Principal Planning Policies:**

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP14** - Public Art
- CP17** - Recycled Materials
- CP18** - Natural Resource Impact Analysis
- CP10** - Siting Development to Meet Functional Needs
- CP21** - Noise
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE23** - Habitat Creation in New Developments

Core Strategy

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources

**CS10\_** - Waste and recycling  
**CS12\_** - Biodiversity  
**CS13\_** - Supporting access to new development  
**CS17\_** - Infrastructure and developer contributions  
**CS18\_** - Urban design, town character, historic environment  
**CS24\_** - Affordable housing  
**CS28\_** - Employment sites

#### Other Planning Documents

Affordable Housing and Planning Obligations SPD

Parking Standards, Transport Assessments and Travel Plans SPD

### **Public Consultation:**

#### Statutory Consultees:

Oxfordshire County Council (Highway Authority) – No objection subject to conditions requiring a construction traffic management plan to be submitted and approved as well as a travel plan and sustainable drainage system. Planning obligations are also required to be secured towards highway infrastructure works and monitoring of the travel plan to the value of £16,240.

Environment Agency – No objection subject to conditions including the requirement for details of a surface water drainage scheme and a condition setting out the required procedure in the event of unexpected contamination being found during construction.

Environmental Development (City Council) – No objection to the development subject to a condition being attached with the following noise limits in the interests of safeguarding neighbouring amenity: 43dB LAeq 1hr (7am – 7pm), 43db LAeq 15mins (7pm-11pm), 40dB LAeq (11pm-7am).

Thames Water – No objection

Natural England – No objection

#### Third Parties:

Two objections received from local residents raising the following concerns:

- The proposals would cause unacceptable environmental intrusion for neighbouring residential properties;
- If approved the development should be subject to noise limits and restricted to operating only between the hours of 0730 and 1700 on week days only together with an acoustic fence that should encircle the site not just border the parking area;
- If approved, the landscaping along the boundary with Spring Lane should be retained and all lights within the building required to be turned off during night time hours;
- The number and type of traffic movements to and from the site will have an adverse impact on the city's air quality.

## Relevant Planning History:

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

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

11/02492/VAR - Variation of condition 10 (Hours of deliveries and fork lift truck activity) of planning permission 11/01550/FUL to enable activity from 07:30hrs to 17:00hrs Monday-Friday and 08:00hrs to 12:00hrs on Saturdays. **Permitted 20th December 2011.**

12/01981/VAR - Variation of condition 4 of planning permission 07/02809/FUL to allow limited trade counter for unit 2 for the hire of construction tools and equipment. **Permitted 26th October 2012.**

13/01119/FUL - Erection of 3 units providing 3509sqm of accommodation for Class B1 (Business), Class B2 (General Industrial) or Class B8 (Storage or Distribution) use. Provision of 31 car parking spaces and 15 cycle parking spaces. **Permitted 18th October 2013.**

## Officers' Assessment:

### Application Site and Locality

1. The application site relates to what is now a vacant part of a wider employment site that was previously home to a DHL distribution centre. The previous DHL building on the site has now been demolished leaving an area of hardsurfacing which has, in part, been used for storage purposes in connection with the adjacent builders merchant. The site is accessed from Sandy Lane West through the main industrial estate though it borders onto Spring Lane to its eastern side. To the south and east of the site lie residential properties of Spring Lane from which the site is separated by thick boundary vegetation and an existing wooden fence. To its northern and western boundaries the site links in to the wider industrial estate.

2. The site can be seen within its context on the site location plan attached as Appendix 1.

### Description of Proposed Development

3. The application seeks consent for the erection of two buildings to provide nine industrial units within Class B1(c), B2 or B8 use. The proposals include provision of 70 car parking spaces and 20 cycle storage spaces in addition to associated landscaping works and the erection of an acoustic fence inside part of the site's

eastern boundary.

4. Officers' consider the following to be the key determining issues in this case:

- Principle;
- Design, Layout and Appearance;
- Affordable Housing;
- Impact on Neighbouring Properties;
- Parking and Highway Implications;
- Energy Efficiency.

#### Principle

5. The site has an existing lawful use for employment purposes having previously housed a large industrial building used as a distribution base by DHL. It also has an extant consent for new employment buildings that was granted in 2013. Policy CS28 of the Core Strategy resists the loss of existing employment sites except where they are shown to be either no longer necessary or having a significant adverse environmental impact on nearby dwellings. The policy does however support modernisation and more efficient use of existing sites where this does not have an adverse impact on employment opportunities within the city.

6. In comparison to its previous use as well as the development proposed in the extant consent from 2013, the current scheme proposes a greater level of employment generating development. This is not only as a result of the increased floor area of the buildings but also due to its provision of units for light and general industrial use which typically employ a greater number of people than warehouse uses such as when occupied previously by DHL. The proposals therefore make a more efficient use of this established employment site in a manner that is consistent with the requirements of policy CS28 and so, in principle, officers support the proposals.

#### Design, Layout and Appearance

7. Policies CP1 and CP8 of the Local Plan together with policy CS18 of the Core Strategy require high quality urban design that forms an appropriate visual relationship with the surrounding area in terms of scale, form, layout and design detailing. Policies CP11 and NE15 of the Local Plan require soft landscaping to be successfully incorporated into new development and existing features of importance to be retained. These development plan policies are considered to be consistent with national policy in the NPPF which emphasises the importance of good quality design in achieving sustainable development.

8. The development essentially proposes two single storey buildings that are internally divided into nine commercial units each of similar rectangular footprints. The nature of the type of operations that could take place in the buildings means that they need to be relatively high which gives them shallow pitched roofs and a corresponding wide roof span. The eaves heights are shown to be approximately 8m with the roof rising to 10m at its ridge. Such a form and scale of building is however entirely consistent with the types of industrial buildings found elsewhere within the employment site and similar in size to the previous DHL building. The proposed buildings have a fairly typical industrial appearance with horizontal green coloured metal cladding to its external walls with aluminium framed



fenestration and roller shutter doors to their front elevations facing into the site. Given the similarities in the building's appearance when compared against other existing buildings within the industrial estate and the development previously approved in 2013, officers raise no objection to the design and appearance of the new buildings.

9. The two buildings are orientated perpendicularly to each other but separated by car parking and servicing areas. Both have elevations in close proximity to Spring Lane. However, there is significant boundary vegetation that screens the site from the residential properties of Spring Lane and much of this is proposed to be retained and reinforced. A replacement wooden fence is also proposed though this should be set behind the vegetation so that it does not detract from the Spring Lane streetscene. A condition is recommended to be imposed in this respect. A condition requiring the approval of a landscape plan is also recommended to be imposed and, whilst the proposals do appear to represent quite an intensive development of the site with little opportunity for meaningful soft landscaping, this is a similar arrangement to that approved on the site in 2013 so officers do not raise an objection to it.

10. Consequently officers are satisfied that the design and layout of the two buildings is in keeping with the site's industrial context as well as the Spring Lane streetscene. In this respect the proposals are therefore found to be in accordance with the requirements of all relevant development plan policies as well as national policy.

#### Affordable Housing

11. Policy CS24 of the Core Strategy requires affordable housing from both new residential and commercial developments where these are over specified thresholds. Such affordable housing is necessary to mitigate the impact of development on housing need within the city. The level of contribution required is based on criteria set out in the Council's Affordable Housing and Planning Obligations SPD. The current development triggers a requirement for a financial contribution towards off-site provision of affordable housing to the value of £89,356. The applicant has offered to make this contribution and a draft legal agreement has been submitted to deliver this, however, at the time of writing this report, the legal agreement has yet to be finalised. Subject to the satisfactory completion of a legal agreement to deliver the affordable housing contribution officers have no objection to the scheme in this respect. The officers' recommendation reflects the current status of the legal agreement and, as such, it recommends that the Committee delegate the final issuing of planning permission to officers to allow the legal agreement to be completed and relevant financial contributions paid in advance of granting planning permission.

#### Impact on Neighbouring Properties

12. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard neighbouring amenity. Policies CP19 and CP21 state that development proposals that would give rise to unacceptable nuisance and noise will be refused where such impacts cannot be adequately controlled through the use of planning conditions.

13. Whilst the proposed buildings would be relatively large, as stated above, they are typical of that found in industrial developments. They are separated from the existing houses to the eastern side of Spring Lane by the road and, as such, are at least 15m away from any of these dwellings. This separation distance ensures that neither building would have an overbearing or overshadowing effect on any of the houses to the eastern side of Spring Lane. Moreover, neither of the two buildings includes any windows facing eastwards towards the Spring Lane houses such that privacy and perception of privacy would not be affected for occupiers of these dwellings. However, in the interests of preventing an excessively urbanised outlook from the residential properties of Spring Lane, a condition is recommended to be attached requiring a landscape plan to be submitted to and approved by the Council which would need to include the retention and reinforcement of existing vegetation along both the site's eastern and southern boundaries.

14. To the south of the site lies the residential property of No. 34 Spring Lane. This is currently separated from the site by a palisade boundary fence and overgrown vegetation so that it is therefore well screened from the site. One of the two new buildings is proposed to be positioned approximately 5m inside the site's southern boundary which, given its significant height and width, is likely to mean that the building would have something of an adverse impact on the outlook from the house and its rear garden. However, this relationship has previously been accepted by the Council on the site in the past having approved similar developments in 2008 and 2013. Despite this, to ensure that the impact would not be significant a condition is recommended to be imposed requiring the retention of the existing southern boundary vegetation and its reinforcement with additional planting to be agreed through details to be approved in a landscape plan. Whilst outlook from this neighbouring house would be affected to some degree, the proposed building would not have a material impact on the level of daylight that No. 34 Spring Lane receives given that the new building is shown to comfortably accord with the Council's daylight assessment criteria set out in Appendix 7 of the SHP. Furthermore, given the proposed building's orientation to the north of the existing dwelling it would not have any notable effect on sunlight levels as it would not intrude on the sun's trajectory with respect to No.34. The proposed building would also not have an effect on the privacy enjoyed by occupiers of No. 34 Spring Lane given that there are no windows in its southern elevation that could give rise to actual or perceived overlooking.

15. The development proposes commercial units that could be operated for industrial or warehouse purposes. The specific occupiers are unknown at this stage as the units proposed are speculative. As such the impacts of the development could vary depending on the nature and type of the occupiers of the new units and it is therefore important that the potential 'worst-case' effects on neighbouring properties are assessed. Whilst unlikely this would probably involve all of the proposed units being in industrial use with the consequent potential to cause significant noise disturbance and nuisance for occupiers of nearby dwellings.

16. It is important however to recognise the context of the site. It was previously in use as a warehouse and distribution centre for DHL which likely caused

significant traffic movements and occasional disturbance for local residents that the Council, as local planning authority, would not have been able to control. Noise and general nuisance could therefore have occurred throughout the day and night in a manner that was beyond planning control. Given the relatively close proximity of the nearby houses to this existing industrial site it is not reasonable, in officers' view, to expect a completely tranquil environment at all times and neighbouring occupiers will have been accustomed to some occasional disturbance over time.

17. Notwithstanding that, it is important that use of the proposed development would not have an unacceptable impact on enjoyment of neighbouring residential properties to accord with adopted planning policy. It is probable that, irrespective of any planning controls, most of the units would only operate during normal working hours. However, given the nearby dwellings, officers consider it important to be prudent and so recommend imposing restrictions. Following an assessment by Environmental Health officers, a condition is recommended applying noise limits to the development as measured from the nearest residential dwelling. These noise limits would be staggered to reflect the different times of the day and consequently the times where noise might have the greatest impact. Condition 16 recommends setting out three different noise limits between the following hours: 7am – 7pm, 7pm – 11pm and 11pm – 7am. The condition would also impose different limits on Sundays and Bank Holidays where any noisier activity would be prevented until at least 8:30am. In essence, the noise limit proposed to be applied during the night time hours (40db LAeq 15 mins between 11pm-7am) is no higher than the existing measured background level such that it would not allow almost any additional noise disturbance for occupiers of neighbouring dwellings. This would in effect prevent any servicing and deliveries to the units during these times however, for the purposes of completeness, officers have also recommended another condition (No. 17) that restricts all such external activities during night time hours. The limit recommended during the evening hours of 7pm-11pm (43dB LAeq 15mins) reflects the quieter period reasonably expected by residents at this time of the day and the specific requirements set out in the condition mean that only very limited occasional noise could occur during these hours from the site. A slightly more relaxed approach is proposed to be applied during daytime hours (43dB LAeq 1hr) though it would still ensure that neighbours would not be subject to any prolonged noisy activity. A 3m high acoustic fence is proposed along the eastern boundary of the vehicle parking and manoeuvring area which should also help to reduce noise and a condition is recommended that requires the fence to be in place prior to the development being brought into use.

18. Consequently, subject to the conditions suggested above, officers are satisfied that the proposals would not have a significant adverse effect on the living conditions of neighbouring residents and in this respect find that the proposals accord with the requirements of all relevant development plan policies.

#### Parking and Highway Implications

19. Policy CP1 of the Local Plan requires development to be, inter alia, acceptable with respect to traffic movements, highway safety, car and cycle parking. Policies TR3 and TR4 of the Local Plan set out maximum car parking

standards by various development types. In terms of traffic movements, all vehicles would access the site via the main entrance to the industrial estate and any increase in vehicle movements would be modest if not negligible in comparison to the site's previous use as a DHL warehouse. The number of car parking spaces proposed is more than adequate to serve the new units when considered against the standards set out in policy TR3 and its supporting appendix in the Local Plan. This view is supported by the Highway Authority which does not raise any concerns about the scheme's car parking provision. Cycle storage facilities are also shown to be provided in accordance with the requirements of policy TR4 of the Local Plan though a condition is recommended to be imposed to require details to be provided to ensure that it is both appropriately covered and secure. A condition is also recommended requiring details to be provided of showering facilities within the proposed development which would help to ensure that future employees are not dissuaded from cycling to and from work.

20. The representation from Highway Authority is noted in which they seek financial contributions towards a nearby bus shelter, provision of on-street parking controls in the locality and monitoring of the travel plan. However, officers do not consider it reasonable or necessary to seek these contributions. First, financial contributions towards general highway improvements are now collected through CIL and it is not appropriate to 'double-dip' by attempting to claim funding towards highway improvements through both mechanisms. In line with the Council's Affordable Housing and Planning Obligations SPD, general highway infrastructure contributions can now only be collected through CIL to which this development is liable to the value of £83,660. Second, it is not considered to be reasonable for the Highway Authority to require a financial contribution towards the laying out of on-street parking controls and payment of the cost to amend the traffic regulation order to achieve this. As officers have also stated above, there is more than adequate parking provision within the site to serve the likely needs of the proposed new development. The Highway Authority has endorsed this view within its consultation response. This being so, in officers' view it cannot be reasonable or necessary for the developer to have to fund parking controls outside the site when the development is very unlikely to give rise to any additional on-street parking. Third, the proposed development is in a relatively sustainable location with adequate car and cycle parking provision as well as access via some bus routes. Whilst the submission of a travel plan is considered to be reasonable to require in the interests of encouraging sustainable travel, it is not appropriate for the developer to have to fund its monitoring particularly where the strict enforcement of a stringent travel plan is not fundamental to the acceptability of the scheme.

21. Consequently, with respect to parking and accessibility, officers are satisfied that the proposals accord with the requirements of development plan subject to the imposition of conditions in line with those that have been recommended.

#### Energy Efficiency

22. Policy CS9 of the Core Strategy requires all new development to minimise carbon emissions and demonstrate how sustainable design and construction methods would be utilised. Policy CP18 of the Local Plan requires developments

of this size to be accompanied by a Natural Resources Impact Analysis (NRIA) that needs to demonstrate how the development has taken the opportunities available to reduce energy use, generate energy from renewable sources, use renewable resources and use locally sourced recycled or reclaimed materials in construction. The Council's NRIA SPD includes a checklist based approach to assist in the assessment of schemes against a number of sustainability criteria. The development has achieved a score of 10/11 when assessed against the SPD's checklist and this is welcome. A significant proportion of the likely energy use from the buildings are shown to be generated by a large solar array with use of locally sourced materials and high levels of thermal and water efficiency also making contributions towards the high score. Officers are therefore satisfied that the proposals demonstrate a sufficient level of energy efficiency to accord with the requirements of development plan policy and a condition is recommended to be imposed requiring the development to be carried out in accordance with the submitted NRIA.

### **Conclusion:**

23. Subject to the conditions listed, officers' consider the proposals to accord with the requirements of all relevant policies of the development plan in addition to national policy set out in the National Planning Policy Framework. Members are therefore recommended to resolve to grant planning permission though delegate to officers the issuing of the decision notice to allow satisfactory completion of a legal agreement that secures the required financial contribution towards off-site affordable housing.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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

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

**Background Papers:**

07/02809/FUL

11/01550/FUL

11/02492/VAR

12/01981/VAR

13/01119/FUL

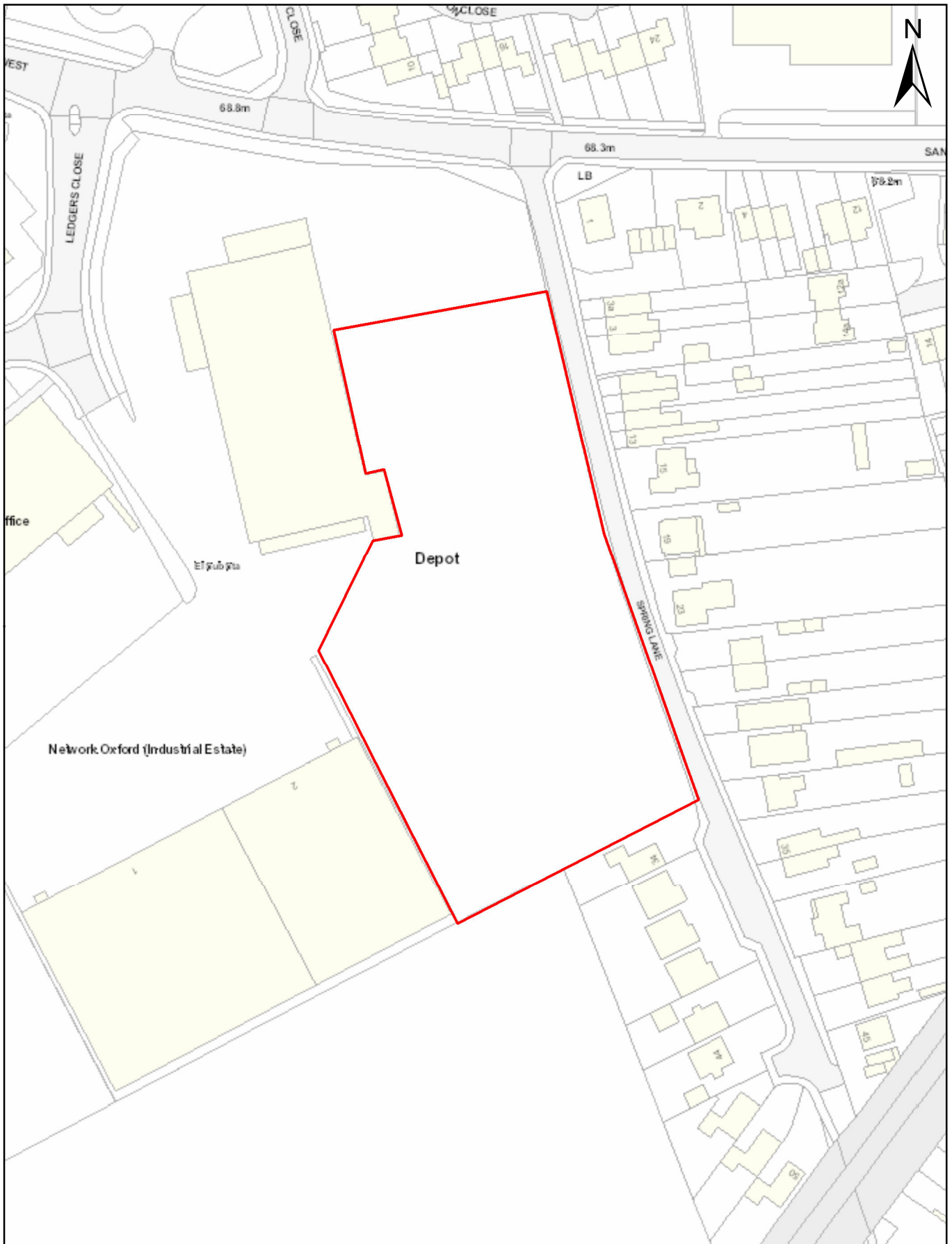
14/02650/FUL

**Contact Officer:** Matthew Parry

**Extension:** 2160

**Date:** 23rd January 2015

# Appendix 1



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14/02650/FUL

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## COMMITTEE REPORT

**EAST AREA PLANNING COMMITTEE**

**4 February 2015**

**Order Name:** Oxford City Council – Abberbury Road (No.1) Tree Preservation Order, 2014

**Decision Due by:** 30<sup>th</sup> April 2014

**Site Address:** Land at 10 and 18 Abberbury Road, Iffley, Oxford

**Ward:** Rose Hill and Iffley

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### **Recommendation:**

To confirm the Oxford City Council – Abberbury Road (No.1) Tree Preservation Order, 2014 without modification.

### **Background:**

The Oxford City Council – Abberbury Road (No.1) Tree Preservation Order, 2014 was made on 11<sup>th</sup> September 2014. It is an 'Area' designation Order, which includes and protects all trees at 10-18 Abberbury Road situated within the dotted line marked on the Tree Preservation Order (TPO) plan.

The TPO was made in response to officers' concerns regarding the possible development intentions of parties with an interest in the land; concern related to the risk of pre-emptive site clearance and removal of trees prior to any planning application.

### **Reasons for making order:**

1. To protect in the interest of amenity, trees that make a significant contribution to amenity in public views gained from Abberbury Road.
2. In order to provide interim legal protection to important amenity trees that are considered to be under threat from removal; to ensure tree issues are not circumvented in the planning process.

### **Relevant Site History:**

There had been no recent planning history on the site since 1957.

### **Representations Received:**

One representation in objection to the TPO, and one making critical comments about the form of the TPO have been received. The objection is from a party with an ownership interest in the land, Sarah Schwab of Clauchendolly, Borgue, Kirkcudbright, Dumfries and Galloway, Scotland. The letter of critical comment is from S.J. Stephens, an arboricultural consultant, acting for Carter Jonas LLP; their client is not disclosed.

## **COMMITTEE REPORT**

### **Officers Assessment:**

#### **Site:**

The site stands on the eastern fringe of Iffley village outside of the boundary of the Conservation Area (see Appendix 1). The site comprises the gardens of No.s 10 Abberbury Road (built in 1957) and 18 Abberbury Road (built in 1927). The whole site once formed the grounds of the older house, but the land was subsequently sub-divided with the formation of the new property. Abberbury Road is an attractive residential area, where the properties benefit from a tree lined street and large private gardens both front and rear. No. 18 Abberbury Road is unique in the road by having a particularly expansive garden.

#### **Trees and their amenity:**

In public visual amenity terms the most significant trees are those that contribute to the street scene along Abberbury Road. This includes some large trees set back from the road, which contribute to the skyline (see Appendix 5). The tree cover comprises a mixture of native and exotic species, both deciduous and coniferous, including birch, a copper beech, Lawson cypress, spruce and fir. The site includes some trees that are not in very good condition, or of any particular individual merit, as well as some fine specimens; collectively, the tree cover contributes positively to the attractive sylvan character of the area.

#### **Public Comments: S. J. Stephens Associates**

Mr Stephens, an arboricultural consultant acting for Carter Jonas LLP asserts the opinion that an 'Area' designation TPO is inappropriate because it includes a large number of trees of poor quality, and that the Area Order creates a disincentive to good management of the trees. He suggests that it would be better practice to have a TPO that included only individual trees of high merit instead. He identifies two trees that in his opinion definitely warrant TPO protection and a further 11 trees that are in reasonable condition and which might justify inclusion in the TPO. Mr Stephens' letter is reproduced at Appendix 2.

#### **Officer's response to comments:**

Officers broadly agree with Mr Stephens' quality categorisation assessments of the site's tree stock. In principal officers also agree that a TPO drafted in an individual Order designation format would be preferable as a long term measure; however, officers contend that there are justifiable reasons for the initial making of the existing provisional TPO as an Area Order, and for confirming it in that form.

The 'Area' designation was employed because in the context of possible development of the site, the Area TPO is non-specific as a design constraint, whilst preventing any preemptive tree removals prior to planning permission being gained. Government guidance (currently contained within Planning Practice Guidance- Tree Preservation Orders and trees in conservation areas) (relevant extract reproduced at Appendix 3) affirms that use of Area designations are appropriate for such circumstances, ideally as a temporary measure. The Area TPO could be replaced by an Individual designation TPO once a specific development proposal has a planning consent if this occurs.

## **COMMITTEE REPORT**

In regard to Mr Stephens concern that an Area TPO would be a disincentive to good arboricultural management of the site, officers assert that the TPO simply creates a planning control, which requires that anyone wishing to carry out any works to the trees must obtain the written consent of the Council as Local Planning Authority. Essentially the TPO enables the Council to prevent the removal of the trees, or any other forms of works that would be harmful to public visual amenity, without there being good reason. Each TPO application is judged on its individual merits, taking into account the impact of the proposal balanced against reasons provided in justification of the works. Applications under the TPO are free and can be made at any time. A refused application, or conditions imposed on a consent which the applicant considers to be adverse, can be appealed to the Planning Inspectorate. In determining TPO applications the Council follows relevant aspects of the aforementioned Government guidance on TPOs.

### **Public Comments: Sarah Schwab**

Sarah Schwab has an ownership interest in the site; she is understood to be one of a number of beneficiaries of an estate that includes No.s 10 and 18 Abberbury Road. Ms Schwab's objection is reproduced in full at Appendix 4, and the main points are summarised as follows;

1. The site is outside the Iffley village conservation area.
2. Many trees, especially cypresses, have become over large and unattractive.
3. The TPO hinders appropriate development of the site into three additional units.
4. The site was planted-up in the 1930's and many of the trees are not native.
5. Some trees are in poor condition and require management/removal.
6. The trees make the area unwelcoming and vulnerable to crime.

### **Officer's response to Comments:**

1. The site is indeed outside of the conservation area. This means that trees on the site only enjoy legal protection by virtue of the provisional TPO; officers contend that this point supports the confirmation of the TPO.
2. Officers disagree that trees have become unattractive as a result of growing old; rather that the amenity of the area benefits significantly from their size and maturity.
3. The TPO does not hinder appropriate development of the site; in respect of a full planning permission a TPO does not apply; trees may be removed as necessary to implement an approved development.
4. The date of garden establishment, or the native/exotic status of the trees, are not relevant considerations in terms of assessing the public visual amenity contribution made to the street scene.
5. Some trees are in a poor condition. However the provisions of the TPO allow for works necessary to remove imminent hazards to be carried out without a TPO application. Other works can be done with TPO consent; only works causing a significant adverse impact to amenity without good reason would be refused.
6. Officers disagree that the trees make the area unwelcoming and vulnerable to crime; no evidence is produced in support of this contention. Furthermore the TPO is not intended to prevent site management or landscape improvements.

## **COMMITTEE REPORT**

### **Conclusion:**

The trees covered by the TPO collectively make a significant positive contribution to the public street scene along Abberbury Road. The TPO does not hinder appropriate development of the site. Trees are a material consideration in the planning process whether they are legally protected or not. The TPO simply prevents their preemptive removal as a constraint.

### **Recommendation:**

Taking into account the objections that have been received to the order, officers recommend that the Oxford City Council – Abberbury Road (No.1) Tree Preservation Order, 2014 be confirmed without modification.

### **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.

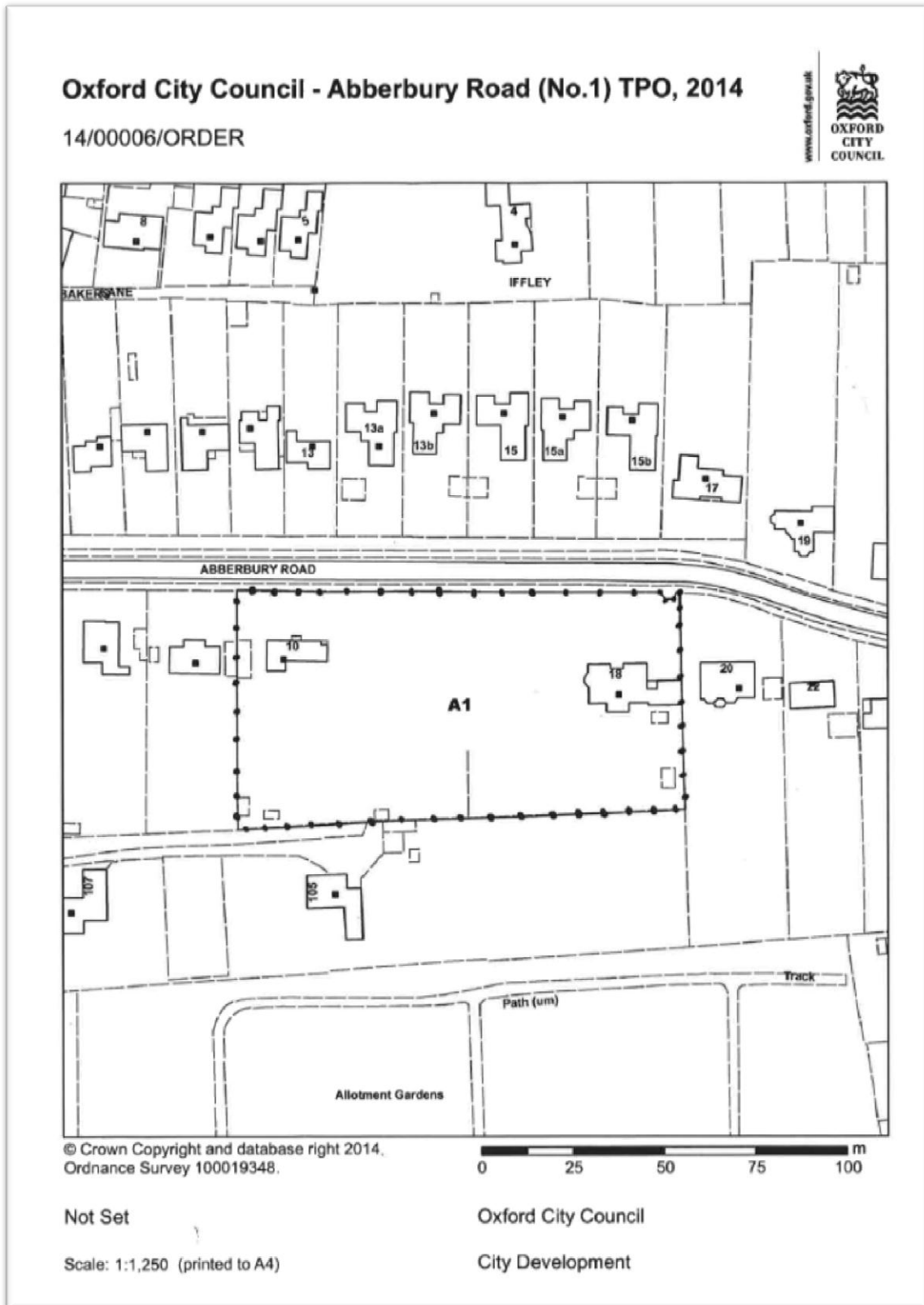
### **Background Papers:**

1. Oxford City Council – Abberbury Road (No.1) Tree Preservation Order, 2014.
2. Sarah Schwab; Letter of objection to TPO.
3. S.J. Stephens Associates; Arboricultural Consultant. Tree condition survey and cover letter including comments TPO.

**Contact Officer:** Chris Leyland

**Extension:** 2149

**Date:** 6th January 2015



Oxford City Council – Abberbury Road (No.1) Tree Preservation Order, 2014- Map

Public Comments: S. J. Stephens Associates



**SJ Stephens Associates**

ARBORICULTURAL, LANDSCAPE & MANAGEMENT CONSULTANTS

Michael Crofton-Briggs  
Business Manager  
City Development – Planning Control and Conservation  
Oxford City Council  
St Aldate's Chambers  
109 – 113 St Aldate's  
Oxford OX1 1DS

Your ref: 14/00006/ORDER

8<sup>th</sup> October 2014

Dear Sir,

**Ref: Placing of a Provisional Tree Preservation Order on land between and including nos 10 and 18 Abbebury Road**

Carter Jonas LLP have asked me to assess trees on the site and to consider whether the placing of an Area Tree Preservation Order is justified.

I have therefore surveyed trees on the site and attach a plan and tree schedule showing my findings.

The majority of trees have reached maturity and are in various states of decline. Photos are attached showing windblown and fallen conifers. The predominant species are lawson cypress, douglas fir and the purple plum, *Prunus pissardii*. Very little management appears to have been undertaken over the last 10 years and the gardens are in need of complete renovation, clearing poor quality trees, which are providing negligible amenity value, to make way for new planting.

There are very few trees that are of sufficient quality to justify a Tree Preservation Order. The principal exceptions are T30, a cedar and T50, a copper beech, which are both fine, mature trees which certainly warrant protection.

In addition, there are eleven other trees (T4, T8, T13, T14, T34, T40, T41, T42, T54, T55 and T70), which are of reasonable quality. These include:-

- two mature Douglas fir (T8 and T13), which although having a limited life expectancy, can be seen from surrounding gardens.
- two early mature Birch (T34 and T70), which are attractive trees.
- a mature Lawson cypress (T54), which although not an attractive tree, provides screening along the frontage with Abbebury Road.
- various semi mature trees of no more than 12m in height (T4, T14, T40, T41, T42 and T55), which although providing little visual amenity value at present, have the potential to grow on.

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Savernake, Barn, Stokke Common, Great Bedwyn, Marlborough, Wiltshire SN8 3LL Tel: 01672 871 862  
SJ Stephens Associates Ltd. Registered Office: The Pines, Boars Head, Crowborough, East Sussex TN6 3HD. Company No 5240258 VAT No 850 9220 36

## COMMITTEE REPORT



### SJ Stephens Associates

ARBORICULTURAL, LANDSCAPE & MANAGEMENT CONSULTANTS

Although the justification of protecting these eleven trees is debatable, they are shown shaded green, along with T30 and T50, on both the plan and tree schedule attached as possible candidates for inclusion as individual trees in a Tree Preservation Order.

In my view, an Area order protecting such a large number of poor quality trees, whose retention is clearly not "in the interests of amenity", is unnecessary and will be a disincentive to good arboricultural management, which is needed if there is to be good quality tree cover in the area in the future.

Rather than an Area order, I consider it would be better practice for any Tree Preservation Order to specify only the individual trees that warrant protection.

If you require any further information, please do get in touch.

Yours sincerely,

**Simon Stephens**  
Arboricultural Association Registered Consultant  
MA Oxon, Dip Arb(RFS), MArborA, CEnv, MICF

www.sjstephens.co.uk email: info@sjstephens.co.uk  
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**Government Planning Practice Guidance (extract)  
Tree Preservation Orders and trees in conservation areas**

## When should the area category be used?

The area category is one way of protecting individual trees dispersed over an area. Authorities may either protect all trees within an area defined on the Order's map or only those species which it is expedient to protect in the interests of amenity.

The area category is intended for short-term protection in an emergency and may not be capable of providing appropriate long-term protection. The Order will protect only those trees standing at the time it was made, so it may over time become difficult to be certain which trees are protected. Authorities are advised to only use this category as a temporary measure until they can fully assess and reclassify the trees in the area. In addition, authorities are encouraged to resurvey existing Orders which include the area category.



Public Comments: Sarah Schwab

For the attention of Chris Leyland  
Tree Officer  
Oxford City Council  
St Aldate's Chambers  
109-113 St Aldate's  
Oxford OX1 1DS

3<sup>rd</sup> October, 2014

**Objection to provisional blanket TPO order placed on 10 & 18  
Abberbury Road Iffley Oxford** Your ref: 14/00006/ORDER<sup>30</sup>

Dear Mr Leyland

I wish to raise an objection to the Provisional Tree Preservation Order that has been applied to all of the land surrounding 18 and 10 Abberbury Road for the following reasons:

1. It is unreasonable and is unjustified. The site is well outwith the Iffley Conservation area.
2. There is no other constraint that affects this site.
3. The garden and site area between the two properties has been left wild and the trees unmaintained for years. Many of these trees are actually too large and dominate the site with their overbearing height near the road. The huge cypress trees have become unattractive due to their size and scale as they were planted in the 1930's.
4. I have received no explanation as to whom has instructed this order and I have been told Chris Leyland is away on holiday until 11<sup>th</sup> October (after the deadline of 9<sup>th</sup> October for responses) Without this knowledge it is difficult to ascertain why this action has occurred. I understand it is only a provisional order simply to prevent unnecessary cutting of trees by any developer.
5. I am a one third owner of this site. I have submitted an application to the Oxford Planning Authority after consultation

## COMMITTEE REPORT

with Niko Grigoropoulos, for a small development of three(3) dwellinghouses, numbers 12, 14 and 16 Abberbury Road that was laid out by the Oxford City Council 90 years ago. This TPO was placed without my knowledge on the land and I was informed of this by a third party. Any trees that might need to be removed would be for safety reasons or for the purpose of building these houses.

6. This area of garden has always been planned to contain three additional properties according to the numbering of the houses in the original street design and urban landscape.

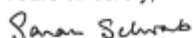
I believe a small development of three houses would be a significant benefit to the Amenity value of Abberbury Road, as no longer would this land/road frontage look derelict and overgrown, but it would actually enhance the road and be a more pleasant and safe pavement to walk up and down especially at night in the winter when it is dark and spooky. The overgrown trees could be thinned out so the significant species had a chance to grow naturally and not compete.

7. Previously, in 2008, the Tree Officer was unconcerned about any of the trees on the site that I wished to remove and told me there was no Tree Protection Order on any of the Trees, as the area of the site was well outside the Iffley Conservation Area, and there were no other constraints on the site.
8. All the trees were planted in the 1930's, and many are cypress or tuja trees, that have actually become too large. The site was historically a livestock field but also linked to a quarry, so none of these species of trees were natural to the area.
9. Some of these large trees have become damaged and will need to be removed for safety reasons
10. The trees along the road that border the pedestrian footpath are predominantly Silver Birch trees that have reached the end of their lifetime, some cypress trees that are overgrown now, and one mature copper beech tree. They are in need of thinning out, as pedestrians walking up that road, certainly

feel unsafe at night, especially for women and children who might walk home alone at night; most people walk the other side of the road, because of this. It is a bit creepy.

11. Furthermore, the garden sheds of both properties have been broken into. At least four times our properties have been burgled or vandalized, and not seen because of the overgrown garden and dense trees.
12. The three houses have been planned for 90 years and as few trees as possible will be removed for these houses to be built.

Yours sincerely,



Sarah Schwab  
Clauchendolly  
Borgue, Kirkcudbright DG6 4TW



Photo 1: View of TPO site and No.10 Abberbury Road: right hand side (View looking east).



Photo 2: View of TPO site (centre and copper beech): left hand side (View looking west).

**COMMITTEE REPORT**



Photo 3: View of TPO site and No.18 Abberbury Road: left hand side (View looking west).

**East Area Planning Committee**

4<sup>th</sup> February 2015

**Application Number:** 13/01553/CT3

**Decision Due by:** 19th August 2013

**Proposal:** 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.

**Site Address:** Eastern House Eastern Avenue (**site plan: appendix 1**)

**Ward:** Littlemore Ward

**Agent:** Turley Associates

**Applicant:** Oxford City Council

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## **Recommendation:**

- 1 The proposal would make an efficient use of previously developed land and deliver much needed affordable housing for the city within an existing residential area. The overall layout, size, scale and design of the proposed dwellings would be sympathetic to the site and its surroundings while also safeguarding the residential amenities of the adjoining properties. Although the development will result in the loss of a mature cherry tree, it is considered that this loss could be mitigated through more appropriate replacement planting to the front of the site. The proposed dwellings would provide good quality housing for the future occupants, and be acceptable in highway terms and energy efficiency. The development would not create any adverse biodiversity, or flooding impacts. The application would therefore accord with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and the Sites and Housing Plan 2011-2026.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give

rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Details of affordable housing
- 5 Means of enclosure
- 6 Provision of refuse and cycle storage
- 7 Landscape Plan
- 8 Landscape carried out by completion
- 9 Tree Protection Plan (TPP) 1
- 10 Arboricultural Method Statement (AMS) 1
- 11 Details of car parking layout and service road
- 12 Sustainable Urban Drainage
- 13 Design - no additions to dwelling
- 14 Contaminated Land Risk Assessment
- 15 Sustainability measures
- 16 Biodiversity Enhancements
- 17 Construction Traffic Management Plan

**Principal Planning Policies:**

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- NE15** - Loss of Trees and Hedgerows
- HE2** - Archaeology

Core Strategy

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS12\_** - Biodiversity
- CS18\_** - Urban design, town character, historic environment
- CS22\_** - Level of housing growth
- CS23\_** - Mix of housing
- CS24\_** - Affordable housing

Sites and Housing Plan

- HP2\_** - Accessible and Adaptable Homes
- HP4\_** - Homes from Small Housing Sites
- HP9\_** - Design, Character and Context
- HP11\_** - Low Carbon Homes
- HP12\_** - Indoor Space
- HP13\_** - Outdoor Space

- HP14\_** - Privacy and Daylight
- HP15\_** - Residential cycle parking
- HP16\_** - Residential car parking

**Other Planning Documents:**

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Parking Standards Supplementary Planning Document

**Relevant Site History:**

63/00017/M\_H - Two three-bedroomed houses with garages, 14 old people's flats with warden's flat: Approved

63/00106/M\_H - Two three-bedroomed houses with garages, 14 old people's flats with warden's flat: Approved

**Representations Received:**

Letters have been received from the following addresses, whose comments are summarised below.

- 103 Cowley Road; 4, 6, 7, 8, 10, 11, 14, 12, 20, 21, 41 Eastern Avenue; Flat 3, Eastern House; 20, 21 Newman Road

**Objection (5)**

- There are already privacy issues with the building overlooking the rear gardens of the Cowley Road properties with little screening or privacy.
- The housing will make the overlooking of the Cowley Road properties much worse
- The building works will create noise and disturbance for all the surrounding streets
- The building will take away from the sunlight into the garden of the Cowley Road properties
- The buildings are too close to existing properties adjoining the site (Newman Road, Cowley Road) which will directly affect people's privacy
- There are disabled residents in the adjoining properties that will be affected.
- Eastern Avenue is a no through road. The plans underestimate parking provision with only 1 space per dwelling and no visitor parking. The access road is only 3m wide and does not allow for on-street parking. This will place parking pressure on Eastern Avenue which is already heavily parked on especially in the evening
- The Council are well known for their encouragement of green policy and use of public transport, but it is not reasonable to assume that the majority of multiple bed homes will only have one vehicle or will not receive visitors.
- The site should be developed with less housing and more parking allowing easier access for Eastern House residents while considering existing residents
- The proposal will generate a significant level of traffic down Eastern Avenue which is a quiet cul-de-sac. There are already a large number of vehicles that

drive down the road for turning purposes at high speed, which is dangerous for young children

#### Support (11)

- The scheme will make a vital contribution to delivering affordable housing in the city
- The development will make a visual improvement to the street especially when compared to the existing building
- The existing Eastern House is dated and of a poor standard. Its replacement will provide high quality family housing

A further consultation period was conducted with respect to the amended plans. The following letter was received from 43 Eastern Avenue in response this consultation and their comments are summarised below.

#### Support

- The proposal would represent a vast improvement to Eastern Avenue
- Eastern House is in desperate need of updating and in doing so will be a positive action for the area in all aspects.

#### **Statutory Consultees:**

Thames Water Utilities Limited: No objection

Littlemore Parish Council: No objection

#### Oxfordshire County Council Highways Authority:

The Highways Authority had a holding objection to the original submission as they wanted more clarification on the parking arrangements for the proposed development, and access arrangements to the scheme for service vehicles.

The amended plans have sought to address these comments, and the Local Highways Authority have now confirmed that they have no objection to the proposal subject to conditions requiring details of the surface water drainage for parking areas, and refuse and cycle storage.

#### **Officers Assessment:**

#### **Site Location and Description:**

1. The site is located at the eastern end of Eastern Avenue, and is bordered by residential properties of Cowley Road to the north and east, Newman Road to the south, and Eastern Avenue to the west (**appendix 1**)
2. The site comprises Eastern House which is a large two-storey L shaped block that is owned by Oxford City Council and is currently used to provide accommodation for homeless people.
3. The plot itself is a narrow site, with the main building covering a significant portion of the plot and facing onto Eastern Avenue with a parking forecourt to the



frontage. There is open space to the north and south, with a large Cherry Tree in the southern space.

## Proposal

4. The proposal is seeking permission for the demolition of Eastern House and the erection of 9 dwellings (7x3 and 2x2 beds). The dwellings would all be detached with the three bedroom houses being two-storey, and the two bedroom houses being fully wheelchair accessible bungalows.
5. The proposal originally formed part of the Oxford City Council Affordable Housing Programme 2011-2015, which delivered 112 new affordable homes across the city. The development is still intended to provide 100% on-site affordable housing as part of the next phase of the Affordable Housing Programme and would be owned and operated by Oxford City Council.
6. The dwellings would have their own private gardens that are accessible by a side gate and include a refuse storage area. They would also have a single car parking space, and two cycle stores. The dwellings are designed to comply with Code for Sustainable Homes Level 4, Secured by Design, Lifetime Homes and the Housing Quality Indicators.
7. The development has been amended since it was originally submitted in June 2013. The amendments to the proposal are as follows:
  - The bungalows have been reduced in size in order to create more distance to the southern boundary with Newman Road
  - Minor amendments to the elevations of the bungalows
  - Alterations to the level changes between the site and the southern boundary with the Newman Road properties
  - The retention of the Silver Birch in the southern most corner of the site
  - Further details on the extent and type of the proposed boundary enclosures
  - Alterations to the road layout to provide a turning head at each end of the site; a service strip in the carriageway; and the provision of two parking spaces per dwelling
8. Officers consider the principal determining issues to be:
  - Principle of Development
  - Affordable Housing
  - Balance of Dwellings
  - Residential Uses
  - Form and Appearance
  - Impact upon Adjoining Properties
  - Highway Matters
  - Landscaping / Trees
  - Biodiversity
  - Sustainability
  - Sustainable Urban Drainage
  - Contaminated Land
  - Community Infrastructure Levy

## **Principle of Development**

9. The National Planning Policy Framework encourages the effective use of previously developed land, provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy.
10. The site would constitute previously developed land as defined by the National Planning Policy Framework and is within an existing residential suburb. Therefore the principle of redeveloping the site for a residential use would accord with the aims of the above-mentioned policies.

## **Affordable Housing**

11. The application originally formed part of the Oxford City Council Affordable Homes Programme 2011-2015. This programme had secured funding from the Homes & Communities Agency to provide 112 new build affordable homes of mixed social and affordable rented tenure by March 2015.
12. The scheme is still proposed to provide 100% affordable homes and will form part of the second phase of the Council's affordable housing programme.
13. The Oxford Core Strategy 2026 recognises that the provision of affordable homes is a key priority for the Council in order to deliver a wide choice of quality homes to address the needs of local people and to create sustainable, inclusive mixed use communities. Sites and Housing Plan Policy HP4 states that for sites with a capacity for 4-9 units, there will be a requirement to provide 50% affordable housing within the site, where it is agreed that on-site provision is appropriate.
14. The proposal is going to provide 100% affordable social rented homes. The on-site provision would clearly exceed the requirements for on-site affordable housing provision within Policy HP4 and help deliver a much needed increase in the supply of affordable homes.

## **Balance of Dwellings**

15. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need. The Balance of Dwellings Supplementary Planning Document sets out the appropriate housing mix for each Neighbourhood Area within the City.
16. The site is located within the Littlemore Neighbourhood Area, where a reasonable proportion of family dwellings are required within any residential development. The proposed mix of 9 dwellings (7x3 and 2x2 bed units) would accord with the prescribed mix set out within the BoDSPD for a development of this size in this neighbourhood area and therefore would be considered acceptable.
17. The existing building provides sheltered accommodation for the homeless and comprises 15 units (9 bedsits and 6x1 bed flats). The proposed redevelopment would result in the net loss of 6 small units of accommodation, however the existing accommodation falls below current standards for sheltered

accommodation and local need is being met through the nearby Cardinal House, which was redeveloped to provide 50 flats in 2010/2011 under the Homes and Communities Agency's Local Authority New Build Programme. There is an identified need to increase both the provision of affordable housing and proportion of family housing in Oxford. Therefore whilst the proposal may result in the loss of a small number of units it will deliver a qualitative improvement to housing provision by replacing the existing out-dated, single bed units, with good quality affordable family housing.

## **Residential Use**

18. The proposed dwellings would be self-contained and have internal layouts that comfortably exceed the requirements of Sites and Housing Plan Policy HP12 which sets the minimum floor sizes and general living accommodation standards expected from residential development.
19. The dwellings have been designed to comply with Lifetime Homes Standards, and the two-bed bungalows in particular have been designed to be fully wheelchair accessible in accordance with Sites and Housing Plan Policy HP2.
20. In terms of outdoor space, Sites and Housing Plan Policy HP13 states that new dwellings should have direct and convenient access to an area of private open space. It recognises that family homes will require additional space, and this means that they should be provided with a private garden of adequate size and proportions for the size of house proposed, for exclusive use by occupants of that house. The preamble to the policy suggests that a private garden for each family house should be at least equivalent to the original building footprint.
21. The dwellings will have each access to a private rear garden. The gardens for each unit would not equate to the footprint of the dwellings they serve or the gardens of the surrounding properties which are overly large in comparison to the dwellings they serve. However, the narrow and elongated nature of the site places significant constraints on the ability to provide larger and deeper gardens for the properties. While the gardens would not be particularly deep (5m), they would be wide (10m for the 3 beds and 11.5m and 13m for the 2 beds) and each would be accessed via a side passageway which provides direct access from the front to the rear. Therefore given the constraints of the site and the fact that the proposal is seeking to make an efficient use of land in order to deliver much needed affordable housing, officers would raise no objections to the size of the gardens under Policy HP13.
22. The dwellings would each be provided with cycle and refuse storage within the rear gardens that are accessible via the side passageway in accordance with Policy HP13 of the Sites and Housing Plan.

## **Form and Appearance**

23. Sites and Housing Plan Policy HP9 states that residential developments should respond to the overall character of the area, including its built and natural features; the form, layout and density of the scheme should make an efficient use

of land whilst respecting the site context; make a positive contribution to local character and distinctiveness; and ensure that landscaping and boundary treatments integrate the development into the street scene in a way that defines public and private space and maintains natural surveillance of the public realm. This is supported by Oxford Core Strategy Policy CS18, and Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan.

24. Eastern Avenue and the wider area is characterised by modest two-storey semi-detached dwellinghouses that have a homogenous style and appearance which are set within large plots and separated from the street by small walled front gardens with private gardens to the rear. Eastern House sits at the end of the cul-de-sac and is a large two-storey block of bedsits and flats which covers a large proportion of the elongated plot and is an obvious feature at the end of the street. The building itself has little architectural merit and does not make a positive contribution to the Eastern Avenue street scene. There would be no reason to object to the buildings removal.
25. The layout of the development largely follows the footprint of Eastern House, and introduces a mixture of two-storey detached houses and single storey bungalows which would better reflect the residential scale of the adjoining properties improving the visual appearance of the end of the cul-de-sac. The dwellings would have a relatively contemporary appearance, certainly when viewed against the other properties in the street. However they would be of a modest scale and the use of traditional detailing such as the pitched roof form and gaps between dwellings would help integrate the buildings into the street scene. The dwellings would maintain the clear public / private realm relationship that exists throughout the street. In terms of materials it is intended to use similar materials to the surrounding area. A condition should be attached which requests approval of the materials.
26. Overall officers consider that the form and appearance of the proposed development would respect the prominent nature of the site at the end of the cul-de-sac and sit comfortably within the Eastern Avenue street scene in accordance with the above-mentioned policies.

### **Impact upon Adjoining Properties**

27. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of both existing and new homes.
28. The properties that would stand to be affected by the proposal would be the adjoining dwellings in Eastern Avenue (nos.44 and 45); Newman Road (20 to 22); and Cowley Road (95 to 119). The relative impacts upon these dwellings need to be considered.
29. At the outset it is important to recognise that Eastern House is a large two-storey building which covers a significant amount of the plot. It faces onto Eastern Avenue and in particular the adjoining Eastern Avenue properties (44 and 45) which run parallel to the site and has first floor windows and balconies facing

these properties. The building is sited only 4m away from the rear boundary of 103-113 Cowley Road and has first floor windows in the elevation facing these properties. To this extent Eastern House is already a dominant feature to the rear of these adjoining properties which establishes a sense of enclosure and level of overlooking between the properties. The open space on the plot to the north and south of Eastern House does create a sense of space between the site and the rear gardens of 117-121 Cowley Road and also 20-22 Newman Road. However the building is still apparent from these properties and the degree to which there is an impact differs to the north and south due to the distance and also the fact that the land slopes from north to south.

30. The proposal would replace the existing building with 9 dwellings across the plot. Although the built form would be extended the full width of the plot in order to make an efficient use of the land, it would be broken up at first floor level as there would be large gaps between each dwelling in comparison to the singular built form that the current Eastern House provides. The rear building line of the proposed dwellings would be sited further away (approx 1m) from the rear boundaries to the Cowley Road properties. The two northernmost units (plots 1 and 2) would introduce built form into the existing open space that lies alongside 117-119 Cowley Road. The southern units (plots 8 and 9) would also introduce built form into the open space alongside 97-99 Cowley Road and 20-22 Newman Road but these would be single storey structures. Having regards to the existing situation, officers consider that although the proposed development would increase the built form across the whole plot the general impact in terms of the sense of enclosure created to the adjoining Eastern Avenue, Cowley Road, and Newman Road properties would be lessened by the separation distance between plots which would be increased in respect of the rear gardens of the Cowley Road properties and that gaps at first floor level between the proposed plots which would break up the built form and increase the sense of space and outlook between all properties. The single storey nature of the bungalows to the south and the separation distance between these buildings and the Newman Road properties which the amended plan has increased would ensure that the buildings did not create any adverse impact in terms of sense of enclosure despite the small change in land level that also exists between plots.

31. In terms of loss of privacy the existing building has habitable room windows and balconies in the front and sides facing towards the 44 and 45 Eastern Avenue and also 121 Cowley Road. The proposal would orientate the buildings towards Eastern Avenue in order to better define the sense of public and private space with the primary habitable rooms at ground floor level and only bedrooms at first floor which are less well used rooms. To the rear the existing building has first floor windows serving habitable rooms and the stairwells facing onto the Cowley Road properties. The proposed layout would reduce the number of windows at first floor level with only bedroom windows facing onto the rear of the Cowley Road properties. As such officers consider that the proposal would not significantly increase the sense of mutual overlooking that already exists between Eastern House and the adjoining Eastern Avenue and Cowley Road properties, and could be perceived to improve the privacy between these sites given the balconies that face onto Eastern Avenue would be removed and the number of windows to the rear of the building reduced. The single storey nature of the

bungalows would not give rise to any material overlooking of the adjoining properties in Cowley Road and Newman Road given the boundary enclosures that would be maintained and improved.

### **Highway Matters**

32. Policies HP15 and HP16 of the Sites and Housing Plan deal with the provision of residential car and cycle parking within schemes and therefore any application will need to demonstrate how the proposal accords with these policies. Further guidance on the application of the standards are contained within Appendix 8 of the Sites and Housing Plan.
33. A Transport Statement has been submitted with the application. The statement concludes that the proposal will not generate significant levels of traffic, with only 9 additional two-way trips over the day.
34. The proposal would provide 2 off-street parking spaces per dwelling according to the proposed site plan. This level of parking would accord with Policy HP16 given the site is in a relatively sustainable location with good access to public transport links, and also nearby shops and services.
35. The scheme would provide 3 cycle parking spaces in the rear gardens of each dwelling, which would also meet the standards set out in Policy HP15.
36. A condition should be attached which requires details of the access road and the parking areas, including the method of construction and means of disposal of surface water to be agreed and laid out before occupation.

### **Landscaping / Trees**

37. A Tree Survey has been submitted with the application, which confirms that the site contains a large flowering cherry tree, a small birch tree, and other small trees and shrubs of lower value.
38. The proposed development will require the removal of the cherry tree and other small shrubs and trees. Officers consider that the mature cherry tree is the most significant tree within the site, but its contribution towards public amenity is low because public views of the tree are limited to partial glimpses of its crown between properties from Cowley Road, Eastern Avenue and Newman Road and also the alley which links Newman Road and Eastern Avenue. The effect on public amenity of removing the tree would be mitigated by new planting within the scheme. The tree is more significant in private views from neighbouring properties; however, the public benefit from the provision of affordable housing would outweigh the benefit that the tree has on private views throughout the area.
39. The amended plans have reduced the footprint of the bungalow in plot 9 which would enable the silver birch in the south-west corner of the site to be retained and helps to soften views of the site.

40. Overall officers consider that the proposal is acceptable in arboricultural terms in accordance with Oxford Local Plan Policy NE15 subject to appropriate conditions relating to tree management and protection.

### **Biodiversity**

41. An Ecological Desk Study and Phase 1 Habitat Survey have been submitted with the application. Having reviewed this document, officers consider that there is not a reasonable likelihood of protected species being present and impacted by the demolition of the building.

42. In line with recognised good practice and governmental policy on biodiversity and sustainability (National Planning Policy Framework 2012 & NERC 2006), all practical opportunities should be taken to harmonise the built development with the needs of wildlife. The NPPF seeks to provide a net enhancement to biodiversity through sustainable development, and policy CS12 of the Oxford Core Strategy 2026 states: Opportunities will be taken (including through planning conditions or obligations to): ensure the inclusion of features beneficial to biodiversity within new developments throughout Oxford.

43. In this instance it is appropriate for provisions for wildlife to be built into the development. Certain bird species are urban biodiversity priority species. Swifts are a particular urban priority species for Oxford and entirely dependent on human habitation for nesting. An appropriate provision for this development would be for 1 integrated Swift box to be built into the brickwork of each house. These should be positioned as close to the gable apex as possible on the north western aspect.

### **Sustainability**

44. Sites and Housing Plan Policy HP11 states that residential development should include an element of on-site renewable or low carbon technologies where practicable. It goes on to state that for qualifying developments (i.e. 10 or more dwellings) proposals should include at least 20% of their energy needs from on-site renewables or low carbon technologies, unless it can be robustly demonstrated that such provision is either not feasible or it makes the development unviable.

45. An NRIA has been submitted with the application which reflects the need to achieve 20% of the development's regulated and unregulated energy requirements from renewable sources and is therefore considered to be acceptable. The NRIA scores 6/11 which meets the minimum score required to comply with the policy. The proposed scheme is designed to achieve the Code for Sustainable Homes Level 4 which exceeds the minimum requirement of Level 3 for open market homes. The buildings will use solar photovoltaic tiles, high energy boilers, energy efficient and acoustic glazing, and be built to Building Regulations 2010 standards. Officers would recommend a condition requiring the details of the NRIA to be implemented.

## **Sustainable Urban Drainage**

46. A Flood Risk Assessment has been submitted which identifies that the site is located within Flood Zone 1, which is assessed as having a 1 in 100 annual probability of flooding. In order to address residual or surface water flood risk, the assessment recommends that the finished floor levels will be set above the final external development levels and that a sustainable urban drainage system will be used to control surface water. A condition should be attached which secures these measures.

## **Community Infrastructure Levy**

47. The proposal will be liable for a CIL payment of £20,940. The applicant has indicated that they would be exempt from such a payment because Affordable Housing is one of the forms of development which could apply for an exemption from CIL charges. The decision on any exemption for such a payment would be taken when the charge becomes liable.

## **Contaminated Land**

48. The application has not included a ground investigation survey. Although the site is not known to be contaminated, the creation of new residential use with landscaping would constitute a sensitive use. It is therefore for the applicant to demonstrate that the site is suitable for use. As a minimum, a desk study and documented site walkover is required to ensure that there are no sources of contamination on or near to the site and the site is suitable for use. This should be secured by condition.

## **Conclusion:**

49. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and the Sites and Housing Plan 2011-2026 and therefore officer's recommendation is to approve the development.

## **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.



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

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

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 27<sup>th</sup> January 2015

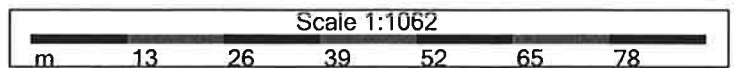
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# Appendix 1

## Eastern House (13/01553/CT3)



1:1062



<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	21 January 2015
<b>SLA Number</b>	100019348

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## Monthly Planning Appeals Performance Update – January 2015

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 26<sup>th</sup> January 2015, while Table B does the same for the current business plan year, ie. 1 April 2014 to 26 January 2015.

<b>Table A</b>	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	18	37.5%	9	9
Dismissed	30	62.5%	8	22
<b>Total BV204 appeals</b>	<b>48</b>	<b>100%</b>	<b>17</b>	<b>31</b>

**Table A. BV204 Rolling annual performance  
(1 February 2014 to 26 January 2015)**

<b>Table B</b>	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	17	41.5%	9	8
Dismissed	24	58.5%	7	17
<b>Total BV204 appeals</b>	<b>41</b>		<b>16</b>	<b>15</b>

**Table B. BV204: Current business plan year performance  
(1 April 2014 to 26 January 2015)**

## 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.

<b>Table C</b>	<b>Appeals</b>	<b>Performance</b>
Allowed	20	42.6%
Dismissed	27	57.4%
All appeals decided	47	
Withdrawn	4	

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 February 2014 to 26 January 2015**

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 2015
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 2015. 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 18/12/14 And 26/01/15

**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
14/01322/FUL	14/00052/REFUSE	DEL	REF	DIS	19/12/2014	RHIFF	35 Courtland Road Oxford OX4 4HZ	Demolition of existing garage. Erection of 2 x 1-bed dwellings (Use Class C3). Provision of private amenity space, car parking and bin and cycle storage.
14/00396/VAR	14/00054/PRIOR	DEL	REF	ALW	19/12/2014	MARST	139 Oxford Road Old Marston Oxford Oxfordshire OX3 0RB	Removal of condition 11 (removal of PD rights) of planning permission 09/01428/FUL.
14/01578/FUL	14/00063/REFUSE	DEL	REF	DIS	24/12/2014	SUMMTN	12 Middle Way Oxford OX2 7LH	Erection of a two storey side and rear extension and formation of vehicular access and parking.

**Total Decided: 3**

## Enforcement Appeals Decided Between 18/12/14 And 26/01/15

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
14//0013/7/ENF	14/00061/ENFORC	WITHDR	19/01/2015	43 Magdalen Road	STMARY	Unauthorised change of use of land to form extension of curtilage

**Total Decided: 1**



# Table E

## Appeals Received Between 18/12/14 And 26/01/15

**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
14/02701/FUL	15/00001/REFUSE	DEL	REF	H	195 Howard Street Oxford Oxfordshire OX4 3BB	IFFLDS	Erection of single storey side and rear extension
14/02942/H42	14/00068/PRIOR	DEL	7PA	H	61 Green Road Oxford Oxfordshire OX3 8LD	QUARIS	Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, for which the maximum height would be 2.80m, and for which the height of the eaves would be 2.60m.

**Total Received: 2**

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## EAST AREA PLANNING COMMITTEE

**Wednesday 7 January 2015**

**COUNCILLORS PRESENT:** Councillors Darke (Chair), Coulter (Vice-Chair), Anwar, Clarkson, Gant, Lloyd-Shogbesan, Paule, Wade and Wolff.

**OFFICERS PRESENT:** Martin Armstrong (City Development), Michael Morgan (Law and Governance), Jennifer Thompson (Law and Governance) and Nick Worledge (City Development)

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

Apologies for absence were received from Councillors Altaf-Khan (substitute Councillor Wade), Brandt (substitute Councillor Wolff), and Wilkinson (substitute Councillor Gant).

### **75. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **76. BLACKBIRD LEYS LEISURE CENTRE: 14/02951/ADV**

The Head of City Development submitted a report which detailed an application for advertising consent for the display of an externally-illuminated fascia sign; two non-illuminated monolith signs; 15 non-illuminated plate fixed parking signs; three lamp banner parking signs and three post mounted parking signs; two non-illuminated building banners; five non-illuminated lamp banners; two non-illuminated wall signs; 10 non-illuminated art panels; and two non-illuminated manifestations.

The Committee resolved to grant advertising consent for application 14/02951/ADV, at Blackbird Leys Leisure Centre, Pegasus Road, subject to the following conditions:

1. Five year time limit.
2. Advert - Statutory conditions.
3. Fascia Sign Illumination Levels.
4. Illumination only during opening hours.

### **77. BLACKBIRD LEYS LEISURE CENTRE: 14/03177/CT3**

The Head of City Development submitted a report which detailed a retrospective application for planning permission for the installation of photovoltaic panels to the lower half of the roof to the rear of Blackbird Leys Leisure Centre.

The Committee resolved to grant planning permission for application 14/03177/CT3, at Blackbird Leys Leisure Centre, Pegasus Road, subject to one condition: to develop in accordance with approved plans.

## **78. 64-106 PEGASUS ROAD: 14/03089/CT3**

The Head of City Development submitted a report which detailed an application for planning permission for the provision of 23 residents' parking spaces on existing grass verges at 64 to 106 Pegasus Road, Blackbird Leys.

The development control team leader reported that the local highways authority had telephoned to make a holding objection and explain their concerns, but had not sent these in writing. Their concerns did not change the recommendation. He advised that the details of condition 7 could be discussed with the highways authority.

The Committee resolved to grant planning permission for application 14/03089/CT3, at 64 to 106 Pegasus Road, subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Ground resurfacing to be SUDS compliant.
4. Development to be carried out in accordance with the submitted Tree Protection Plan.
5. The development to be carried out in accordance with the construction measures set out in the submitted Arboricultural Method Statement.
6. Prior to the car parking areas being brought into use, a landscaping scheme is required to be submitted to and approved in writing by the local planning authority.
7. Management plan required to restrict parking to local residents only.
8. Petrol/oil filters to be installed.

## **79. 3 ANNE GREENWOOD CLOSE: 14/02524/FUL**

The Head of City Development submitted a report which detailed an application for planning permission for a single storey rear extension at 3 Anne Greenwood Close, Oxford. This application was previously considered by the Committee on 3 December but re-referred to allow third parties unaware the application would be heard on 3 December an opportunity to address the Committee before a decision was reached.

As before, the development control team leader recommended replacing the final condition (tree protection plan) with a condition requiring agreement of a construction management plan, and the Committee supported this.

Caroline Shackleton, a local resident, spoke against the application.

Simon Sharp, on behalf of the applicant, spoke in support of the application.

The Committee resolved to grant planning permission for application 14/02524/FUL, at 3 Anne Greenwood Close, Oxford, OX4 4DN, subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Amenity - No windows to side.
5. Sustainable drainage.
6. Construction management plan to be agreed before work commences.

## **80. VIEW CONES**

The Head of City Development submitted a report presenting the completed study of the 10 protected view cones and seeking the Committees' comments and endorsement of the findings of the study.

The planning officer introduced the report and answered questions from the committee.

The Committee resolved to:

1. support the conclusions of the study and agrees with the assessments of each of the views;
2. agree the actions and suggested changes in the consultation report, which reflect consultation responses;
3. endorse the view cones assessment, which will be used as background evidence and will be a material consideration in the determination of relevant applications; and
4. join West Area Planning Committee in thanking all the officers, the Oxford Preservation Trust, and other consultees for their work on this report for the future benefit of the city.

## **81. PLANNING APPEALS**

The Committee noted the report.

## **82. MINUTES**

The Committee resolved to approve the minutes of the meeting held on 3 December 2014 as a true and accurate record.

## **83. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications.

## **84. DATES OF FUTURE MEETINGS**

The Committee noted that an additional meeting would be held on 11 February to consider application 14/03201/RES - Land West of Barton North of A40 and South of Bayswater Brook Northern By-Pass Road.

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

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