

# Agenda

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## West Area Planning Committee

Date: **Tuesday 9 June 2015**

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Time: **6.30 pm**

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

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For any further information please contact:

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

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# West Area Planning Committee

## Membership

### Chair

### Vice-Chair

Councillor Oscar Van Nooijen	Hinksey Park;
Councillor Michael Gotch	Wolvercote;
Councillor Elise Benjamin	Iffley Fields;
Councillor Colin Cook	Jericho and Osney;
Councillor Andrew Gant	Summertown;
Councillor Alex Hollingsworth	Carfax;
Councillor Bob Price	Hinksey Park;
Councillor John Tanner	Littlemore;
Councillor Louise Upton	North;

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

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# AGENDA

## Pages

- 1 ELECTION OF CHAIR FOR COUNCIL YEAR 2015/16
- 2 ELECTION OF VICE CHAIR FOR COUNCIL YEAR 2015/16
- 3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS
- 4 DECLARATIONS OF INTEREST
- 5 CHRIST CHURCH MEADOW: 15/00760/FUL

11 - 26

**Site address:** Christ Church College, St Aldate's

**Proposal:** Change of use and extension of existing thatched barn to provide accommodation for a visitor shop and ticket office, a café, storage, staff accommodation, interpretation space. Demolition of existing buildings and erection of new works building and service yard including workshops, garages, storage, staff facilities and WCs, parking area and established landscaping.

**Officer recommendation:** to approve the application subject to the conditions and a legal agreement as set out below; and to authorise officers to issue the decision on completion of the legal agreement.

### Conditions

1. Development begun within time limit.
2. Development in accordance with approved plans.
3. Further construction and design details to be submitted.
4. Samples of materials.
5. Sample panels on site.
6. Archaeological investigation and mitigation.
7. Building recording and details of salvage/reuse of internal features of interest.
8. Tree protection and root protection zone mitigation measures.
9. Proposed landscaping and tree planting.
10. Landscaping scheme implementation.
11. Landscape management plan and implementation (including area outside ticket office and café).
12. Ecological mitigation measures.
13. Flood risk mitigation measures.
14. Cycle parking.
15. Informative: Considerate Contractors Scheme.

### Legal Agreement S106 Heads of Terms, County:

- to contribute £2,000 towards establishing a new scheduled coach set-down stop, to include the cost of a pole/flag/information case unit and appropriate road markings.
- The developer to provide some form of wayfinding within or outside the thatched barn.

**6 JACOB'S INN, 130 GODSTOW ROAD:15/00998/FUL**

27 - 36

**Site address:** Jacob's Inn (Former Red Lion PH), 130 Godstow Road.

**Proposal:** Erection of outbuildings and garden structures and formation of decking at rear (Retrospective) (Amended Plan).

**Officer recommendation:** to approve the application subject to the following conditions

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as approved.
4. Exclusion from approved plans.
5. Use of outside structures.

**7 14 POLSTEAD ROAD: 15/00035/FUL**

37 - 50

**Site address:** 14 Polstead Road, Oxford

**Proposal:** Conversion of existing flats into 1 x 4 bedroom and 1 x 6 bedroom dwelling houses (Use Class C3). Demolition of existing rear extension and erection of part single, part two storey rear extension and basement extension. Insertion of 5No rooflights in association with loft conversion. Erection of porch to side elevation. Formation of 1No front lightwell and 1No rear lightwell and installation of iron railings. Creation of 2 new on-site car parking spaces. (Amended plans) (Amended description).

**Officer recommendation:** to approve the application subject to the following conditions

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials in the conservation area.
4. Landscape carry out by completion.
5. Tree Protection Plan (TPP) 1.
6. Arboricultural Method Statement (AMS) 1.
7. Landscape hard surface design - tree roots.
8. Landscape underground services - tree roots
9. Boundary treatment.
10. Traffic Regulation Order.
11. Driveway construction.
12. Bin and cycle store details.

**8 75 HILL TOP ROAD: 15/00684/FUL**

51 - 64

**Site address:** Jack Howarth House 75 Hill Top Road.

**Proposal:** Demolition of existing building. Erection of 9 flats on 2 and 3 floors, (5 x 3-bed, 2 x 2-bed and 2 x 1-bed), together with 12 car parking spaces, 24 cycle spaces, recycling store and ancillary works.

**Officer recommendation:** to approve the application subject to the following conditions

1. Time – outline / reserved matters

2. Plans – in accordance with approved plans
3. Materials – samples agree prior to construction
4. Biodiversity – measures for wildlife
5. Construction Traffic Management Plan – details prior to construction
6. Cycle & bin storage – further details prior to substantial completion
7. further details of PV
8. SUDS – build in accordance with
9. Landscape plan – details required
10. Landscape – planting carry out after completion
11. Details of boundary treatment prior to occupation

**Community Infrastructure Levy (CIL)**

The development is liable for CIL.

**9 23 UPLAND ROAD: 15/00352/FUL**

65 - 72

**Site address:** 23 Upland Park Road.

**Proposal:** Erection of a part single, part two storey rear and side extension. Alterations to roof to form hip to gable, formation of rear roof extension and insertion of 2 no. front dormer windows and 1 no. rear dormer window in association with loft conversion. (Amended plans).

**Officer recommendation:** to approve the application subject to the following conditions

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as specified.
4. Large domestic extension/granny flat.
5. Amenity no additional windows.

**10 96-97 GLOUCESTER GREEN: 14/02663/FUL**

73 - 80

**Site address:** 96-97 Gloucester Green.

**Proposal:** Change of use from Use Class A1 (Retail) to Use Class A3 (Restaurant).

**Officer recommendation: to refuse the application for the following reason**

The proposed change of use from A1 to A3 at 96 and 97 Gloucester Green would presently result in a loss of A1 units within the Secondary shopping frontage of the City and is therefore contrary to policy RC.5 of the Oxford Local Plan 2001-2016.

**11 17 LATHBURY ROAD:15/00106/VAR**

81 - 92

**Site address:** 17 Lathbury Road.

**Proposal:** Variation of condition 4 (hours of use of garden) of planning permission 95/00761/VTH to allow the garden to be used by nursery children for a maximum of 4 hours per day.

**Officer recommendation:** to approve the application subject to the following

conditions

1. Personal permission/max 24 children.
2. Opening hours.
3. Use of garden.
4. Residential accommodation for applicant or staff only .

## 12 PLANNING APPEALS

93 - 102

Attached:

- Summary information on planning appeals received and determined to 30 April 2015.
- Summary information on planning appeals received and determined to 31 May 2015.

The Committee is asked to note this information.

## 13 MINUTES

103 - 106

Minutes from the meetings of 12 May 2015

**Recommendation:** That the minutes of the meeting held on 12 May 2015 are approved as a true and accurate record.

## 14 FORTHCOMING APPLICATIONS

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

- Former Wolvercote Paper Mill: Residential.
- New College: New music room.
- Fairfield, Banbury Road: Residential care home.
- University College, Staverton Road: Student accommodation.
- Westgate: Various conditions.
- St. John's Sportsground, Bainton Road: Nursery.
- Magdalen College School, Cowley Place: New Sixth Form building.
- Cutteslowe Park: 15/01197/FUL: Beach volleyball court.

## 15 DATE OF NEXT MEETING

The Committee will meet on the following dates:

16 June 2015  
7 July 2015  
11 August 2015  
8 September 2015  
13 October 2015  
10 November 2015  
1 December 2015  
5 January 2016

## **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.

### 4. Preparation of Planning Policy documents – Public Meetings

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.

### 5. Public requests to speak

Members of the public wishing to speak must notify the Democratic Services Officer before the meeting starts 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.

### 6. 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 by noon, two working days 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.

### 7. 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.



#### 8. 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](#)

#### 9. 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.

#### 10. 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; or
- (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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**West Area Planning Committee**

**9th June 2015**

**Application Number:** 15/00760/FUL

**Decision Due by:** 15th May 2015

**Proposal:** Change of use and extension of existing thatched barn to provide accommodation for a visitor shop and ticket office, a café, storage, staff accommodation, interpretation space. Demolition of existing buildings and erection of new works building and service yard including workshops, garages, storage, staff facilities and WCs, parking area and established landscaping.

**Site Address:** Christ Church College StAldate's Oxford Oxfordshire  
**(Appendix 1)**

**Ward:** Holywell Ward

**Agent:** Terry Gashe

**Applicant:** Mr James Lawrie

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**Recommendation:**

Resolve to approve subject to completion of a legal agreement. Delegate to officers to issue decision.

For the following reasons:

- 1 The proposals represent a sensitive and well-considered response to the issues of managing visitors to the site and propose opportunities to enhance the tourist attraction and experience. Whilst the proposed new buildings would be located within the Greenbelt, where national and local policies restrict new development to maintain its openness, the City Council considers that the very special circumstances of this proposal and the overall benefits that would flow from the development are sufficient for it to be considered an exception within the terms of the policy set out in the National Planning Policy Framework and thus it is considered that the proposal accords with the policies of the development plan. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 The City Council has given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building(s), conservation area and registered park. It is considered that the net effect of the proposals will not result in harm to the designated heritage assets or their settings and result in new buildings

and a use that will give greater opportunity for the public to access and enjoy the historic environment of Oxford.

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

- 1 Development begun within time limit
- 2 Development in accordance with approved plans
- 3 Further construction and design details to be submitted
- 4 Samples of materials
- 5 Sample panels on site
- 6 Archaeological investigation and mitigation
- 7 Building recording and details of salvage/reuse of internal features of interest
- 8 Tree protection and root protection zone mitigation measures
- 9 Proposed landscaping and tree planting
- 10 Landscaping scheme implementation
- 11 Landscape management plan and implementation (including area outside ticket office and café)
- 12 Ecological mitigation measures
- 13 Flood risk mitigation measures
- 14 Cycle parking
- 15 Informative: Considerate Contractors Scheme

**Legal Agreement** s106 Heads of Terms, County:

- to contribute £2,000 towards establishing a new scheduled coach set-down stop, to include the cost of a pole/flag/information case unit and appropriate road markings.
- The developer to provide some form of wayfinding within or outside the thatched barn

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP8** - Design Development to Relate to its Context

**CP9** - Creating Successful New Places

**CP11** - Landscape Design

**CP13** - Accessibility

**NE15** - Loss of Trees and Hedgerows

**NE16** - Protected Trees

**HE2** - Archaeology

**HE3** - Listed Buildings and Their Setting

**HE7** - Conservation Areas

**HE8** - Important Parks & Gardens

**TA3** - Tourist Information

**TR3** - Car Parking Standards

**TR2** - Travel Plans

**TR4** - Pedestrian & Cycle Facilities

## **Core Strategy**

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

**CS4\_** - Green Belt

**CS11\_** - Flooding

**CS12\_** - Biodiversity

**CS32\_** - Sustainable tourism

**CS20\_** - Cultural and community development

**CS29\_** - The universities

**CS21\_** - Green spaces, leisure and sport

**CS9\_** - Energy and natural resources

**CS13\_** - Supporting access to new development

**CS19\_** - Community safety

**CS20\_** - Cultural and community development

**CS27\_** - Sustainable economy

## **Other Material Considerations:**

National Planning Policy Framework

This application is in or affecting the Central Conservation Area. The development is affecting the setting of Grade I and Grade II Listed Building and a Grade I Registered Garden

Planning Practice Guidance

## **Relevant Site History:**

15/00227/ENT - Fell 1no. Leylandii and 1no. Alnus tree in the Central Conservation Area. RNO 26th January 2015.

15/00276/ENT - Fell 1no. PopulusBalsmaifera in the Central Conservation Area..PCO .

## **Representations Received:**

**Historic England:** Supports proposal, the harm that would result is outweighed by the public benefits that would flow from the development. Recommends careful attention to landscaping proposals

**Environment Agency:** no objection, recommends condition to deliver mitigation measures

**Highways Authority:** recommends additional cycle provision and a s106 agreement to secure improved bus stop provision and wayfinding.

**Oxford Civic Society:** supports

## **Statutory and Internal Consultees:**

Environment Agency Thames Region, Historic England Commission, Garden History Society, Internal - Conservation - Trees, Internal - Conservation - Archaeology, Oxford Civic Society,

## **Issues:**

Greenbelt

Heritage

## Flood Risk

### **Sustainability:**

The re-use of existing buildings  
Energy efficient new buildings  
Sustainable building materials

### **Officers Assessment:**

#### **Background**

- 1 The College first commissioned studies of visitor attraction and staff facilities for the Cathedral in 2009, followed up by wider studies of and a masterplan for the whole Christ Church site. The Cathedral attracts around 400,000 visitors each year and the Meadow attracts 1,000,000 visitors. The studies have highlighted particular issues of:
  - Congestion for visitors in peak months and poor visitor offer
  - Disturbance to the academic life of Christ Church
  - Inappropriate use of the Cathedral Chapter House as a shop and for Treasury displays
  - Inadequate public toilet facilities
  - Unsightly maintenance yard facilities and buildings
- 2 This application has been submitted as part of the College's implementation of its masterplan, to address these deficiencies with the conversion of the Meadow barn, its extension and a new thatched building to provide a new visitor centre with new maintenance and storage facilities to replace the existing substandard ones.
- 3 The College has already started to implement other elements of the masterplan; very relevant to this proposal are the landscaping proposals for the Meadow, including tree removals and replanting and realignment of the Meadow railings.

#### **The site and its history**

- 4 The thatched Meadow Barn is located in the north-west corner of the Meadow alongside the Trill Mill Stream. The Shire Ditch (the historic boundary between Oxfordshire and Berkshire until 1974) runs east west across the bottom of the application site. The barn, which is not listed, dates from 1851, subsequently extended later in the C19th/early C20th.
- 5 To the south of the thatched barn is a car park for staff and college members, a number of garages, a storage yard with steel containers and a timber store. The barn is also used for storage. To the north-west of the barn is a row of single storey buildings used by the Clerk of Works.
- 6 The Meadow has a long history dating back to its early creation by the

amalgamation of two separate water meadows around 1346 and the formation of a circular walk around the meadow in the 1570s. Though it has been subject to some alteration, extension and various regimes of avenue planting Broad Walk formed part of this original walk. New Walk was introduced later, in the 1860s at the same time as the Meadow Buildings were completed.

- 7 The layout of the meadow and the changes that have taken place are recorded in paintings, sketches and historic maps from the C16th. J.M.W. Turner for example records in one of his paintings (Christ Church c1794) stables on the site of the present barn and a variety of other service buildings. Early maps record the barn record the stables and a rick yard, and early Ordnance Survey maps show a track from the barn (which replaced the stables) leading out to the Meadow, all illustrating that this part of the meadow from the C18th served a functional purpose associated with the management of the meadow.
- 8 The introduction of the Memorial Garden in the early C20th (commemorating the lives of those associated with Christ Church lost during the Great War) introduced further changes to this part of the Meadow creating a new, prominent and now well used 'public' entrance.

### **The Proposals**

- 9 The application proposes the introduction of new visitor facilities and the reordering and improvement of maintenance facilities in a series of linked building that pursue a rural buildings typology – including the use of thatch, timber cladding and stone.
- 10 The Thatched barn will be restored and used as part of a new café and interpretation space, with a thatched extension on the east elevation. The new ticket office is proposed to the north of the barn, linked to it by a service range providing toilets, plant room, storage and service spaces for the café and ticket office.
- 11 A series of single storey works and ground staff/clerk of works buildings are proposed along the east boundary of the works compound, looking into the site with a 'Dutch barn' vehicle store on the southern edge of the compound. To the south of this on the other side of the Shire Ditch an existing composting area will be redesigned to better manage the decaying process of the green waste. The staff car park is proposed along the west boundary, where it currently is laid out to provide 36 parking spaces plus two disabled spaces.
- 12 The landscaping strategy for the proposed new buildings and uses is integrated with the wider landscape management strategy for the meadow and seeks to better integrate the immediate setting with the wider meadow, removing 'domestic' planting and introduces more appropriate tree species and planting to help assimilate the new buildings into the wider landscape.
- 13 The proposals have been subject to pre-applications discussions and engagement with local groups and key stakeholders and it is worth noting that the comments received from formal consultation have all been positive, with no objections received.

## **Policy Context**

- 14 The application site is located within the Greenbelt, within a Grade 1 Registered Garden, within the setting of the listed buildings of Christ Church, within an archaeologically sensitive area, in an area of local nature conservation interest and within Flood zones 2 and 3a. Policies that are relevant to this proposal are listed at the beginning of this report but the focus will be on those matters that require some explanation; officers having concluded that the development is in accordance with other relevant policies not explicitly discussed here.

## **Impact of the proposed development**

### **Greenbelt**

- 15 The fundamental aim of the greenbelt is to keep land permanently open and harm can be caused by development that reduces that openness. Paragraph 89 of the National Planning Policy Framework (NPPF) identifies those uses that would not be inappropriate, and includes facilities for outdoor recreation, extensions and alterations of a building provided that it does not result in disproportionate additions and partial or complete redevelopment of previously developed sites. Paragraph 87 of the NPPF states that inappropriate development should not be approved except in very special circumstances explaining in paragraph 88 that

*'Very special circumstances will not exist unless the potential harm to the Greenbelt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*

- 16 The applicant has erred on the side of caution concluding that the proposed development is inappropriate and has thus gone on to explain the very special circumstances of this case that justify supporting this proposal. The special circumstances have been explained in the supporting documents (Ferax Planning) and include:
- The harm being caused by the present arrangements – harm to the aesthetic and historic qualities of this part of the meadow, the inappropriate use of the Chapter House, the poor quality visitor offer;
  - The combination of circumstances – challenges and opportunities presented by the historic site and its context is unique to Christ Church;
  - The applicant has explored all other opportunities for addressing the existing deficiencies of the tourist offer and the impact on academic life in the College, concluding that this proposal is the most appropriate, with the least harm and most benefits.
  - The re-use of the barn helps to ensure its long term viability and sustain its heritage significance;
  - The relocation of the shop from the Chapter House will ensure that it can be put to more appropriate uses and that its architectural and historic qualities



can be better accessed, understood and enjoyed by the public.

- Improvement to the appearance of the Meadow and enhancement of the setting it provides for the historic buildings that abut it;
- Enhanced experience for all visitors to the Meadow and Christ Church;
- Improvements in the tourist offer, supporting and adding to the local economy;
- In all other respects it is a sustainable development with economic social and environmental benefits being delivered simultaneously.

- 17 As discussed briefly below officers consider that the design and scale of the buildings are appropriate for the site – measured against other policies of the development plan, and involve in part the redevelopment of a previously developed site, the re-use of an existing building and the provision of facilities that in part will be used by people pursuing outdoor recreation in the Meadow. There will be an impact on the openness of the Greenbelt but officers consider that the benefits (the very special circumstances) outweigh the harm. It is worth noting that Historic England also recognises that the public benefits of the proposal would outweigh the harm to the Registered Garden.

### **Historic Environment**

- 18 The National Planning Policy Framework in Annex 2 defines heritage significance as:

*‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’*

and defines the setting of a heritage asset as:

*‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’*

- 19 Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. The National Planning Policy Framework explains that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.
- 20 The Government sets out a presumption in favour of sustainable development and explains that the purpose of the planning system is to contribute to the achievement of this. The NPPF sets out twelve core planning principles that should underpin decision making (paragraph 17.). Amongst those are:
- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;* □

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; □*
  - *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generation. □ □*
- 21 The historic environment policies of the NPPF are supported by Historic England’s Good Practice Advice Notes, which give more detailed advice about gathering the information on significance, assessing the impact and assessing harm with □an emphasis on the proactive management of heritage assets.
- 22 The application site is located with the Central (City and University) Conservation Area and within a registered garden and is thus part of a designated heritage asset. The NPPF and accompanying Practice Guide (NPPG) explain that greatweight should be given to the asset’s conservation and *‘the more important the asset, the greater the weight should be’*. Recent case law (Barnwell) has demonstrated that this responsibility, rooted in the legislative requirements of the Planning Acts, should be given special consideration when considering the balance between any harm and the planning merits of the proposal.
- 23 The application proposals are supported by a body of research and a historic landscape appraisal that sets out in detail the history of the development of the site and the Meadow, which also seeks to define the heritage significance of the site and the nature and extent of the heritage impacts that would result from this proposal.
- 24 Clearly the site as a whole has high heritage significance including:
- a very long history dating back to the Priory of St Frideswide, founded in the C9th and association with important people and events (Cardinal Wolsey, Henry VIII, Lewis Carroll, Joseph Addison and many others, Civil War etc.).
  - The buildings of Christ Church have high architectural significance and contribute to the iconic views of Oxford from the River Thames and from outside and across the city;
  - The picturesque rural character of the Meadow is heightened by its juxtaposition with the city and represents a well preserved water meadows planned and used for recreation (and agriculture) since the C16th
  - High communal value in the site’s association with artists, authors, scholars and many others;
  - Archaeological significance in the long history of use and defensive role during the Civil War.
- 25 The thatched barn is a relatively late arrival in the history of the Meadow, but provides evidence of the agricultural uses that took place and the associated

‘service’ role in managing the whole site. The evidence of change, including the introduction of the Memorial Garden is part of its history and part of the story.

- 26 It is this service role and the agricultural roots to the application site that have informed the design approach, a contemporary interpretation of traditional rural buildings. The disaggregation of the new floor space into various building blocks results in a collection of relatively small-scale buildings that would have a presence in the Meadow similar to those that once existed and the character of a small farmstead. The vernacular form of the buildings is accentuated by the architect’s choice of materials – timber and stone walls, natural slate and thatch (probably almost unique in modern history for a new thatched building to be proposed within a city centre).
- 27 The proposals have received positive responses from statutory and other consultees. Historic England comments that the limited degree of harm that would result to the Grade I Registered Garden would be outweighed by the public benefits of the scheme and gives its support to the scheme, with advice that the landscaping and management of the area around the ticket office should be kept simple to maintain the pastoral qualities of the area. Officers agree with this and recognise that it will be important to ensure that the commercial/retail activity associated with the café and ticket office will need to be carefully managed to ensure that it does not detract from the rural experience that draws people to the site in the first place. A landscape management and visitor management condition is proposed to give effect to this.
- 28 The application is also supported by a visual impact assessment and officers have tested the visibility of the site and the predicted impacts on various viewpoints around the Meadow.
- 29 From more distant points around the perimeter path (i.e. around the eastern and southern perimeter walks the site is seen against the backdrop of St Aldate’s, the views filtered by the planted avenues of trees (the view is more open now than shown in the application details because some trees have since been removed as a part of the delivery of the landscape strategy for the Meadow). The Meadow Building, Tom Tower and the Cathedral are prominent in these views, where the Meadow provides an important and picturesque foreground.
- 30 The view from the Memorial Garden gradually opens up as one progresses along the path and at the point near the existing steps a view of the Meadow opens up underneath the canopy of the trees. The proposed ticket office will foreshorten this view and this is where officers have concluded that the proposal could result in some harm. Changing the experience of a view need not necessarily be harmful, particularly if the ‘new’ viewing experience is an improvement on the existing one. The applicant has sought to mitigate the nature of the impact by designing a building and proposing materials that help to root it in a rural context. Given the existing conditions officers conclude that the nature of the approach to the Meadow through the Memorial Garden will be improved, with the new ticket office acting as a ‘frame’ to the view, rather than an obstruction.

## **Archaeology**

- 31 This application is of interest because the site is located close to the projected line of the Royalist Civil War defences, in the vicinity of an 18<sup>th</sup> century coach house and also on the projected route of a post-medieval water course. The application will also impact on a mid-19<sup>th</sup> century thatched barn that may have an early 19<sup>th</sup> century antecedent. The geophysical survey and a test pit to the north of the current barn have produced results suggesting the presence of archaeological features likely to be associated with the 18<sup>th</sup> century coach house. A full evaluation of the current proposal footprint was not possible because of the presence of mature trees over part of the proposed building footprint.
- 32 In this case, bearing in mind the small scale of the proposed works, no further predetermination evaluation is required, but a condition should be attached to any permission granted requiring the submission of details of further investigation and proposed mitigation with completion of a building record of the thatched barn prior to its conversion.

## **Trees**

- 33 As explained above the landscaping details for this site have been considered as a part of the wider landscape strategy for the Meadow and propose the removal of inappropriate tree species. The proposal will also involve the removals of those trees within the footprint of the proposed buildings. New tree planting is proposed to mitigate the impact of those losses and to help settle the new buildings in to the wider landscape. What is less clear from the submitted details is the nature of the impact on the retained trees and their root protection zones. The buildings have been designed and sited to take account of these constraints, but officers have requested additional information to ensure that the impacts can be managed. The committee will be updated at the meeting with the results of any findings. In any event conditions are proposed to ensure that the viability of retained trees will not be compromised by any aspect of the proposed development.

## **Ecology**

- 34 Key features of ecological interest within the site include: the stream corridor and scattered mature trees. Survey have been carried out which demonstrate that there are no bat roosts, badger setts, water voles or otters but possibly low numbers of relatively common and widespread reptile species such as Grass Snake and Slow Worm.
- 35 The Ecology report suggests various mitigation measures and practices during construction to avoid unnecessary disturbance to wildlife and the provision of water ways management, bat boxes and tree planting as a means to introduce reinforce existing and to introduce new habitats. Officers are satisfied that the ecological findings is accurate and will include a condition that will secure the mitigation measures proposed in the Ecology Report.

## Highways

- 36 The application site is a highly sustainable location and the Highways Authority welcome that the proposal is accompanied by a small reduction in the number of car parking spaces as well as the provision of 10 cycle parking spaces. It comments though that, given how well located the site is for cycling and walking, there would seem to be scope to provide more cycle parking spaces to encourage even more cycling by Christ Church staff to the site.
- 37 The proposed floor space is below the threshold to require the submission of a travel plan, but given the constrained nature of the site the Highways Authority encourage the applicant to prepare and agree a construction traffic management plan.
- 38 Given that the proposal focuses on the management of visitors to the site the Highways Authority has recommended a legal agreement to secure improvements to the bus stop provision and wayfinding in St Aldate's. This recommendation is embedded in the Officer recommendation. The Highways Authority is suggesting the provision of an additional bus stop and flag further down St Aldate's, closer to the entrance to the Meadow. This will have to be managed carefully, because although it may help secure more efficient working arrangements for the buses it could have an adverse effect on the quality of the public realm (St Aldate's) by extending the presence of buses further down the street and encouraging more tourist coaches to enter the city centre, rather than dropping off/picking up on the edges. Further discussions are being held with Highways Authority officers to ensure that there is a balanced and proportional response to addressing this issue and the Committee will be updated with any further advice that comes forward.

## 39 Flooding

- 40 The Environment Agency (EA) Flood Zone map shows the site lies mainly within Flood Zone 2 'Medium Probability' of the River Thames, defined as follows:

*Flood Zone 2 'Medium Probability' (between 1 in 100 (1%) and 1 in 1000 (0.1%) annual probability of river flooding)*

The south-eastern part of the site (i.e. the work compound area) currently lies within the 'High Probability' Flood Zone 3a (greater than 1 in 100 (1%) annual probability of river flooding).

- 41 The proposals are classed as 'Less Vulnerable' development ("*Buildings used for shops, financial, restaurants, cafes... general industry, storage and distribution...*"), which is considered acceptable in Flood Zones 2 and 3a without requiring the Exception Test.
- 42 The Flood risk assessment report explains the level of risk and the proposed mitigation measures stating

*The proposed ground floor level of the redeveloped thatched barn and extension is constrained by the existing building fabric but is still set at a*

*minimum of 56.50m AOD; 220mm above the modelled 1 in 100 (1%) annual probability plus allowance for climate change fluvial flood level.*

*The work compound units are set at a minimum of the reference flood level of 56.28m AOD due to the need to provide level access. These floor levels are considered acceptable given the 'less vulnerable' nature of the proposals.*

*Continuous safe access from the site is available at the 1 in 100 annual probability plus climate change flood level via the primary pedestrian route north out of the site.*

*The proposed development includes ground raising in the work compound area and the provision of compensatory floodplain storage as part of the ground remodelling around the composting area. This results in an increase in floodplain storage capacity, on a level-for-level basis up to the 1 in 100 annual probability plus climate change flood level.*

- 43 The Environment Agency has confirmed its agreement with the findings of the Flood Risk Assessment and does not object to the proposals, recommending the imposition of a condition to ensure that the mitigation measures proposed are delivered.

### **Sustainability**

- 44 The proposal fall below the threshold to require a Natural Resource Impact Assessment. However, as good practice the applicant has explored arange of energy efficiency measures and renewables. In order to ensure that the maximum reduction in energy usage is achieved the applicant has focused on insulation and airtightness. A Passivhaus level of detail is proposed to maximise this aspect. The applicant claims that this will ensure that the building has one of the lowest energy requirements for its type in Oxfordshire.
- 45 Due to the restriction of the site (tree cover and heritage interests) and the demand type all forms of renewable are unlikely to be significantly beneficial, though their viability has been explored.
- 46 The proposals involve the re-use of an existing building, which has the added benefit of capturing the embodied energy of that building.

### **Design details.**

- 47 There are a number of detailed design issues that are still subject to some discussion with officers or that have yet to be fully translated into construction drawings (for example the details for the ramped access next to the Memorial Garden/Broad Walk steps and the construction details for the barn and ticket office windows and doors). These are detailed matters that can be resolved by the imposition of a condition. The absence of any finally agreed details at this stage does not present an impediment to making a decision on the application.

## **Conclusion:**

This is a very sensitive and high profile site and context, which has recognised national and international importance for its history, architecture and landscape. This heritage significance attracts large numbers of visitors and the Meadow is used by residents and tourists alike. Its popularity is threatening to undermine the qualities that attract people in the first place and action is required to manage the flow of people and access arrangements, but also to improve the visitor experience. The proposals have been developed from a lengthy dialogue with key stakeholders and the detail informed by comprehensive studies of the history and landscape qualities of the place. The proposals offer the opportunity to add a new chapter in the history of the Meadow and Christ Church, which will bring important and sustainable benefits. Subject to the conditions imposed to secure appropriate design details and mitigation measures officers recommend approval.

## **Human Rights Act 1998**

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

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

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

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

## **Background Papers: None**

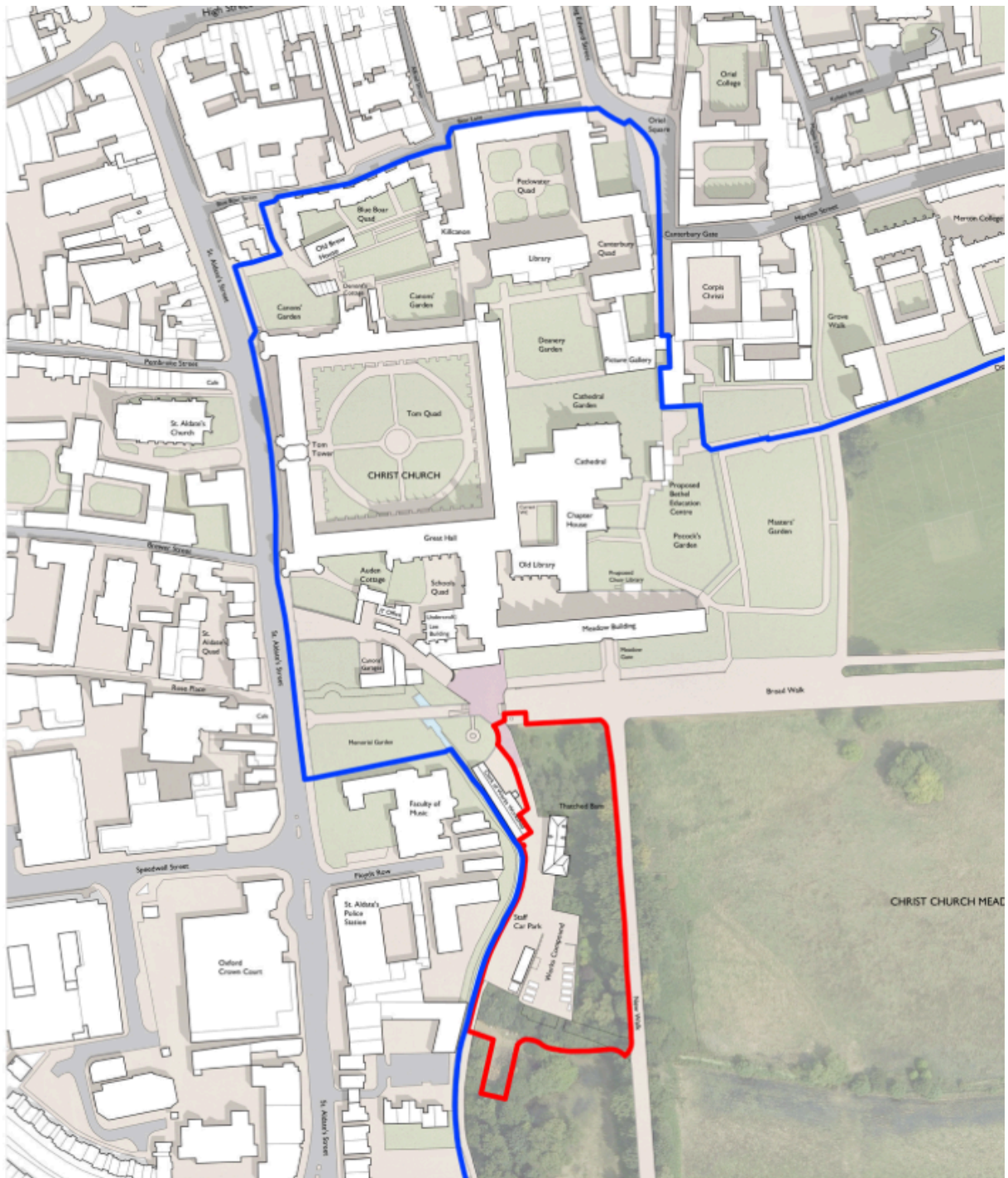
**Contact Officer:** Nick Worlledge

**Extension:** 2147

**Date:** 31st May 2015

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SITE LOCATION MAP: CHRIST CHURCH MEADOW BARN PROPOSED VISITOR CENTRE

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West Area Planning Committee

09 June 2015

**Application Number:** 15/00998/FUL

**Decision Due by:** 12th June 2015

**Proposal:** Erection of outbuildings and garden structures and formation of decking at rear (Retrospective) (Amended Plan)

**Site Address:** Jacob's Inn (Former Red Lion PH), 130 Godstow Road,  
**Appendix 1**

**Ward:** Wolvercote Ward

**Agent:** Mrs Katherine Lovsey-Barton      **Applicant:** Marston's PLC

**Application Called in –** by Councillors – Goodard, Fooks, Wade and Wilkinson.  
for the following reasons – worries about effect on neighbouring properties, character of the area and numerous other grounds.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

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

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as approved
- 4 Exclusion from approved plans
- 5 Use of outside structures

## **Main Planning Policies:**

### Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- HE3 - Listed Buildings and Their Setting
- HE7 - Conservation Areas
- RC12 - Food & Drinks Outlets
- RC18 - Public Houses

## **Core Strategy**

- CS18 - Urban design, town character, historic environment
- CS20\_ - Cultural and community development

## **Other Material Considerations:**

- National Planning Policy Framework
- This application site lies within the Wolvercote With Godstow Conservation Area.
- Planning Practice Guidance

## **Relevant Site History:**

- 96/00334/L - Listed Building Consent for demolition of single storey rear additions on north and west side. Alteration and extension to construct new conservatory lounge bar, cellar kitchen and lavatory facilities. Alteration and extension of car park.. PER 12th June 1996.
- 96/00335/NFH - Demolition of single storey rear additions on north and west side. Alteration and extension to construct new conservatory lounge bar, cellar, kitchen and lavatory facilities. Alteration and extension of car park. PER 12th June 1996.
- 96/01081/L - Externally letters on front & replacement pole sign; internally illuminated lantern sign above entrance; 2 non-illuminated wall mounted signs on & 1 at rear; Non-illuminated single sided free standing sign in garden. PER 24th September 1996.
- 96/01082/AH - Replacement externally illuminated pole sign; Externally illuminated letters on front; Internally illuminated lantern above entrance; 2 non-illuminated wall mounted signs on front; Non-illuminated single sided free standing sign in garden. PER 24th September 1996.
- 07/00137/FUL - Planning permission for free standing pergola at side and repositioning existing picket fence and lights. PER 5th March 2007.
- 07/00287/LBC - Listed Building Consent for internal alterations to the bar and adjacent area with cladding to the staircase to increase the size of the going .. PER 3rd April 2007.
- 15/00998/FUL - Erection of outbuildings and garden structures and formation of decking at rear (Retrospective) (Amended Plan). PDE .

**Representations Received:**

Highways – no objection

Wolvercote Commoners' Committee Wolvercote

- Concern about application paperwork
- Animal husbandry
- Impact of use of outdoor area on neighbours

11 neighbour objections (2 by same objector)

- Parking and traffic
- Smell/noise from animals & pig shelter
- Smell/noise from cooking/pub use
- Views, light
- Cool store
- Use of ancillary brick structure
- Drainage/waste disposal
- Extensive development/scale of operations
- Illuminated sign on shed

**Officers Assessment:****Site Description.**

1. The application site is the former Red Lion pub to the western end of the Wolvercote village green. The pub is a Grade II listed building within the Wolvercote with Godstow Conservation Area. The application site is at a prominent position and is bordering Mill Road to the north and Godstow Road to the south. The pub itself is located at the northern end of the large plot, with a car park at the entrance on the eastern site of the plot. The large garden space covers the rest of the plot.

**Proposals.**

2. This application seeks retrospective consent for a number of structures within the garden area of the Jacobs Inn public house. This includes a chicken coop, a large shed, a wood store, two pergolas, and a wooden structure housing an e-pizza oven and a polycarbonate roof and a raised timber deck. All these structures are located to the centre or eastern boundary of the site.
3. The text which follows considers the proposals under the following headings:
  - Principle of development
  - Heritage & design
  - Community concerns

**Principle of Development**

4. The application site is a well-established local pub that changed ownership and management in 2013. This village pub has been altered over the years and a number of ancillary structures have been established. This application now seeks to regularise a number of these structures in their present form. There are elements which are not included in this application, which will be addressed separately as further work needs to be undertaken. These relate to

the cool store container facing Mill Road as well as two sheds on the boundary wall with 1 Mill Road.

5. The application has come forth as a result of an enforcement investigation into the alterations and newly put up structures. The majority of structures are already in situ and have only been recently altered or expanded by the current occupants. Neither the current nor the previous structures have received planning permission, and the owners. During the course of the planning enforcement investigation into the site the owners were advised to seek planning permission for the developments.
6. Policy CS20 of the Core Strategy states that the Council: *“will seek to protect and enhance existing cultural or community facilities. Planning permission will not be granted for developments that results in the loss of such facilities”*. Officers consider that the pub constitutes a community facility in and that the application falls to be considered accordingly as the structures support the running and competitiveness of this local business.
7. Although the structures could be seen as unusual for a pub in an urban area, it remains important to consider the semi-rural location for this village pub. Some of the structures are not uncommon in a rural environment and therefore could be looked upon favourably in the context of the site.
8. The structures, though not essential or integral elements of the pub are associated with its business diversification. The structures add value, help run the business smoother as well as providing new opportunities and experiences for their customers. The buildings that have been constructed are also a reflection of traditional village life as they integrate an existing commercial enterprise with a subordinate element of a small holding.

### **Heritage & Design**

9. The public house is Grade II listed. The listing acknowledges many changes to the building over the years but emphasises its key position in Wolvercote: *“Very altered, but Grade II for its important position.”* The structures that form part of this application are detached and have arisen since the publication of the listing description.
10. Local Plan policies HE3 and HE7 indicate that that planning permission will only be granted where the proposal has regard to the setting of a listed building and does not substantially demolish a building or structure that contributes to the special interest of the conservation area. In this case the setting of the pub is very prominent on the junction of Mill Road with Godstow Road at the western end of the village green. The pub is fronted by a car park where some planting can be found as boundary treatment. The proposed structures are all located within the site, and are well shielded from the public realm for the most part. The plot with its large garden does not appear cluttered despite the number of changes to the built environment and the efforts of the owners to provide the atmosphere of a village pub.

11. In this context, and on balance, it is considered that the structures are acceptable in planning terms. Whilst there may be some harmful impact due to the number of structures and changes, the harm is outweighed by the wider contribution they make to the site. The site is seen and experienced in its entirety and is considered not to be impacted harmfully by the visual changes and developments proposed. Moreover the various structures are not substantial and are not fixed in perpetuity. To that extent their contribution is considered to be transient with regard to visual amenities.
12. The application is therefore considered to be acceptable in design and heritage terms and in accordance with policies HE3, HE7, and CP8 of the Oxford Local Plan and CS18 of the Core Strategy. In coming to this view officers would also comment on each of the individual elements as follows.
13. Chicken Coop. This structure is 2.5 metres high and 1.3 metres in width and length. It is located more than 2 metres away from the eastern boundary. Its design and appearance meet its functional needs and fit in well with the village location of the business premises. This structure is considered not be harmful to neighbour or visual amenities.
14. Shed. The shed measures 3.6 metres in length and is 2.5 metres deep at its base and 2.1 metres high. The structure is located adjacent the main pub building and is not visible from the public realm. The structure is considered acceptable and in accordance with local plan policies. There is some advertising atop the shed structure but is not harmful to neighbours or visual amenities due to its location in the middle of the site. The advert is illuminated by an external light source which is considered harmful, and a condition is suggested for its removal.
15. Wood Store. This open sided structure measures 1.9 in height and 2.4 metres in depth and length. Its location is hidden behind the main building, and is considered not harmful to neighbour and visual amenities.
16. 2 Pergolas. Planning history shows that in 2007 similar structures (or potentially the same structures) has received planning permission. The pergolas do not harm the visual amenities of the conservation area or listed building and are considered sympathetic to this community facility.
17. Polycarbonate Roof. This roof structure is considered inconspicuous and not harmful to the setting of the heritage asset, the conservation area or the neighbour amenities.
18. Timber Decking. Timber decking is only considered development if over 300 mm above ground level. This structure is 320 mm high. It covers approximately 100 square metres. The structures are located to the centre of the application site, just south of the pub building. The proposal for decking is considered acceptable, as the plot is very large and the decked area is minimal compared to the rest of the site. The decking is considered in keeping with the site's use and appearance and is not considered harmful to the listed building, the conservation area or neighbour amenities.

## **Response to Community Concerns.**

19. In view of the unusual nature of the planning application and the concerns which were expressed by local residents, this report also seeks to respond specifically to the comments raised.
20. Application Paperwork. The paperwork is considered to have been submitted accurately and with all relevant details required. The applications clearly outlined the proposals, and which site the proposals relate to. Amendments have been received that omitted some structures.
21. Animal Husbandry. This is not a material planning consideration and as such cannot be included in an assessment of the planning merits of the case. In any event the activities are considered to be on a small scale and ancillary to the use of the premises and not out of character for a village type location.
22. Use of Outdoor Areas. The outdoor area has been and will continue to be used as an area ancillary to the pub. The structures neither increase nor decrease the number of patrons at the public house.
23. Parking and Traffic. The application does not propose any changes to parking arrangements or access to the site, and as such is not part of the assessment. However the Highways Authority has been fully consulted on the application and in response to residents' concerns raises no objection on highway grounds.
24. Smell / Noise from Animals & Pig Shelter. The structures themselves do not cause the issues raised of course though the potential for nuisance may arise. The pig shelter is not considered development in any event due to its size, scale and lack of substantial nature and could be easily moved around. This is not a material planning consideration, but environmental health has been involved and investigates separately.
25. Smell / Noise from Cooking etc. The outside barbeque area has been converted to an electric pizza oven which is only used on the weekend. Inevitably there will be some noise from the pub garden but there is no change in circumstances in this regard. In any event there are reserve powers under Environmental Development regulations if a position is reached where a statutory nuisance is created.
26. Views & Loss of Light. The proposed structures do not impact on lighting conditions or obstruct views to a harmful degree on neighbouring properties. Two structures that potentially could have caused loss of light and views have been removed from this current application.
27. Cool Store. The cool store is housed in a shipping container which is not part of this application. This issue is being dealt with separately.
28. Use of Ancillary Brick Structure. The brick house facing Mill Road is ancillary in its use to the pub, and the change from store to food preparation is not considered material and does not require separate planning permission for that use.



29. Drainage / Waste Disposal. The disposal of cooking waste and clogged drains are an historic issue that has been brought up in a consultation. This would be an issue for environmental health.
30. Scale of Operations. This application is only assessing the impact of the existing structures with this retrospective application which in themselves do not necessarily imply an intensification of activity.
31. Illuminated Sign on Shed. The light source on the bar shed has been conditioned for removal, it is considered to be a harmful nuisance.

### **Conclusion.**

32. Whilst concerns expressed by local residents are fully acknowledged, the case has been assessed on the basis of established policies as well as national and local guidance. In any event some of the issues raised fall outside the planning system to control. On balance therefore the application is considered to be acceptable.

### **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: 15/00998/FUL**

**Contact Officer:** Tobias Fett

**Extension:** 2241

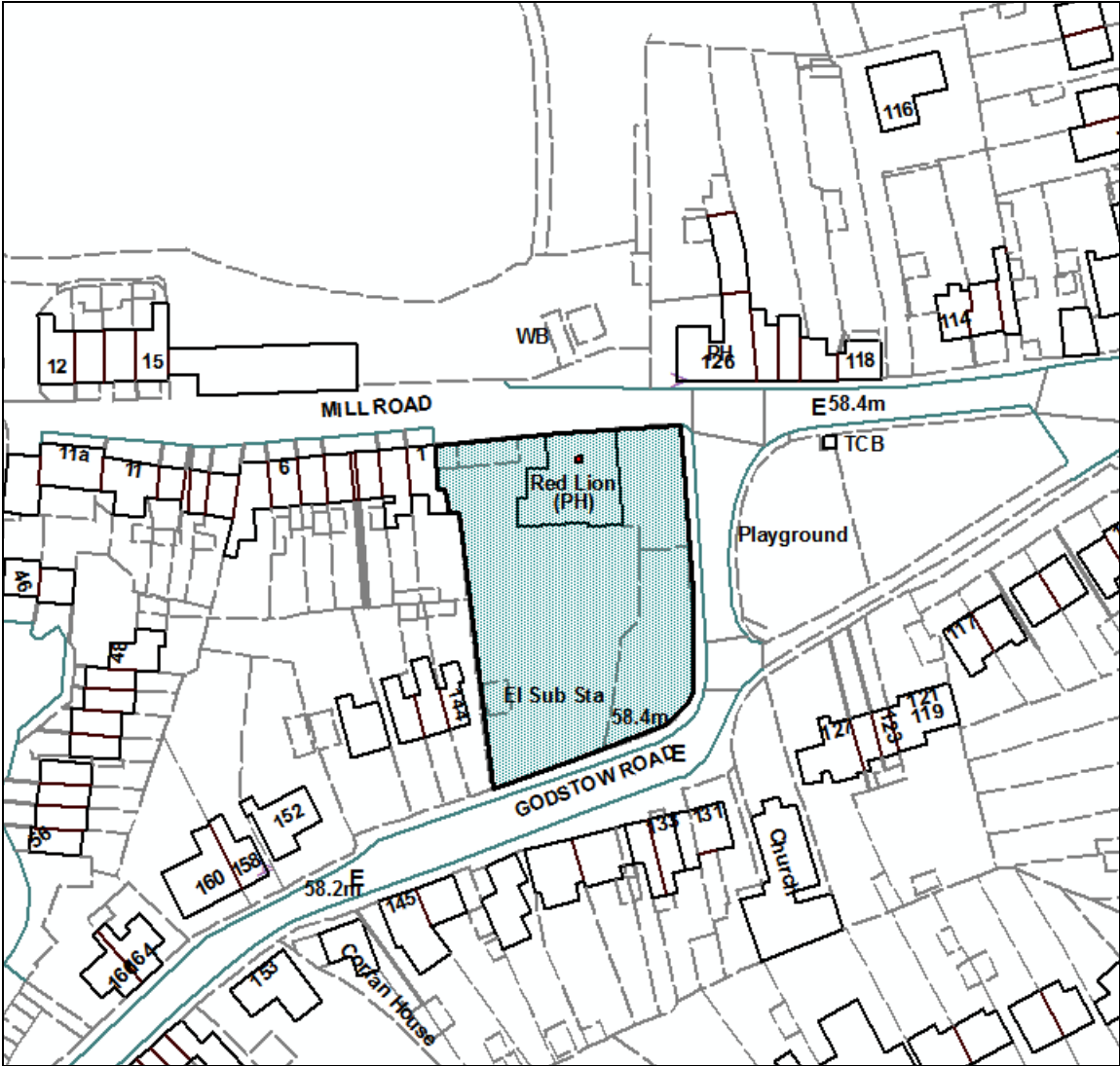
**Date:** 28th May 2015

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Appendix 1

Site Plan

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West Area Planning Committee

12 May 2015

**Application Number:** 15/00035/FUL

**Decision Due by:** 11th March 2015

**Proposal:** Conversion of existing flats into 1 x 4 bedroom and 1 x 6 bedroom dwelling houses (Use Class C3). Demolition of existing rear extension and erection of part single, part two storey rear extension and basement extension. Insertion of 5 No rooflights in association with loft conversion. Erection of porch to side elevation. Formation of 1 No front lightwell and 1 No rear lightwell and installation of iron railings. Creation of 2 new on-site car parking spaces. (Amended plans) (Amended description)

**Site Address:** 14 Polstead Road, **Appendix 1.**

**Ward:** St Margarets Ward

**Agent:** Riach Architects

**Applicant:** Polstead Road Limited

**Application Called in –** by Councillors – Wade, Goddard, Gotch and Wilkonson for the following reasons

1. Adverse impact to character and appearance of the dwelling and conservation area
2. Adverse impacts to amenity of no. 16 Polstead Road
3. On-street parking demand and loss of on-street parking spaces
4. Insufficient information regarding landscaping, maintenance of the dwelling, boundary wall and outbuilding
5. Concerns regarding choice of materials

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The development proposed is considered to form an appropriate visual relationship with surrounding development without giving rise to harm to neighbouring residential accommodation. The dwellings would provide good quality residential accommodation for future occupiers whilst improving the garden areas and not compromising the safety of users of the public highway. Whilst the amalgamation of three units into two dwellings would not ordinarily be supported as contrary to policy HP1 of the Sites and Housing Plan, in this case the balance of advantage is considered to lie with permitting the

development, improving the physical fabric of the buildings and increasing the local supply of houses suitable for family occupation. The development would in other terms comply with the provisions of the Oxford Local Plan, Sites and Housing Plan and Core Strategy.

- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials in the conservation area
- 4 Landscape carry out by completion
- 5 Tree Protection Plan (TPP) 1
- 6 Arboricultural Method Statement (AMS) 1
- 7 Landscape hard surface design - tree roots
- 8 Landscape underground services - tree roots
- 9 Boundary treatment
- 10 Traffic Regulation Order
- 11 Driveway construction
- 12 Bin and cycle store details

### **Community Infrastructure Levy.**

The proposed development would be liable for monetary contributions of £14,137.90 in accordance with the Community Infrastructure Levy.

### **Main Planning Policies.**

#### Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- HE7 - Conservation Areas
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees

#### Core Strategy

- CS18 - Urban design, town character, historic environment

#### Sites and Housing Plan

- MP1 - Model Policy
- HP1 - Change of use from existing homes
- HP2 - Accessible and Adaptable Homes

HP9 - Design, Character and Context  
HP11 - Low Carbon Homes  
HP12 - Indoor Space  
HP13 - Outdoor Space  
HP14 - Privacy and Daylight  
HP15 - Residential cycle parking  
HP16 - Residential car parking

**Other Material Considerations:**

- National Planning Policy Framework
- Planning Practice Guidance
- This application falls within the North Oxford Victorian Suburb Conservation Area
- Balance of Housing Supplementary Planning Document
- Planning (Listed Buildings and Conservation Areas) Act 1990

**Relevant Site History:**

There is no site history relevant to the subject application.

**Public Consultation.**

**Representations Received:**

14 representations were received following the initial round of consultation, raising the following concerns in objection to the proposed development:

- Character of the dwelling and conservation area
- Overdevelopment
- Potential loss of the summerhouse
- Height
- Materials
- Privacy
- Daylight access
- Noise
- Light
- Cooking odours
- Trees and landscaping
- On-street and off-street parking
- Highway safety
- Impacts during construction
- Insufficient information

Oxford Preservation Trust

- Demolition of original rear wing
- Materials
- Partial demolition of the wall
- New car space in garden

The Victorian Group of the Oxfordshire Architectural and Historical Society

- Loss of open amenity space on Polstead Road frontage
- Propose retention of wall and replacement railings.

### St Margaret's Area Society Committee

- Location of car space and partial demolition of the wall
- Protection of the summerhouse at the rear
- Insufficient information regarding bin/cycle storage
- Fenestration of extension

### Chalfont Road Resident's Association

- On-street parking provision

One representation was received in support of the proposed development subject to the use of appropriate and sympathetic materials

Four representations were received following the submission of amended plans and a subsequent period of community consultation. The representations raised similar concerns to those of previous submissions with respect to the amended plans.

### Statutory Consultees:

- Highways Authority: Parking: The development lies within a Controlled Parking Zone with a maximum of two permits per dwelling. The development proposes to provide parking spaces without identifying how many, for dwellings of 4+ bedrooms they ought to provide 2 spaces per dwelling. Access: The development proposes to provide 2 vehicular accesses from Chalfont Road. Conditions are recommended should the application be granted planning permission.
- Thames Water: Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

### **Determining Issues:**

- Principle of Conversion
- Design and conservation
- Landscaping
- Amenity
- Highways, parking and access

### **Officers Assessment:**

#### Site Description

1. No. 14 is a three storey semi-detached dwelling with basement located on the northwest corner of Polstead and Chalfont Roads. The Victorian building sits on a rectangular site with a verdant setting with one car space accessed from Chalfont Road. A Blue Cedar located on the southeast corner of the site is protected by a Tree Protection Order. A small outbuilding is located within the northwest corner of the plot.



2. Currently the building is subdivided with one x three bedroom dwelling on the ground floor (and basement) and two x two bedroom dwellings on the first and second floor respectively. The flats have access to communal garden space to the rear but do not possess individual gardens.
3. The surrounding area is characterised by residential development of a similar physical form and style. No. 16 Polstead Road adjoining the application site to the west is occupied by a French school. The application site is located within the North Oxford Victorian Suburb Conservation Area.

### Proposed Development

4. Planning permission is sought for the amalgamation of three flats into two dwellings, a part single part two storey wing extension to the rear, basement extension, roof lights, new porch, minor internal and external alterations, new vehicular access, car parking space from Chalfont Road and landscaping.
5. The proposed two storey extension would replace an existing single storey outrigger to accommodate a kitchen/diner at ground floor and bedroom at first floor. The extension would be between 6.6 metres and 6.8 metres deep x 5 metres wide at ground floor and 5.7 metres deep x 4 metres wide at first floor level. The extension would be 6.8 metres high with a hip roof and setback 6 metres from Chalfont Road, and 5 metres from no. 16 Polstead Road at ground level and 6 metres at first floor level. The extension would generally be built in materials matching the existing dwelling with the exception of glazed bi-fold doors on the ground floor west and north elevations which would utilise aluminium frames.
6. The existing basement would be extended in line with the original footprint of the building to accommodate living areas for each dwelling. The basement extension would adjoin the property boundary with no. 16 Polstead Road.
7. The amalgamation of the dwellings would result in one x 4 bedroom family home and 1 x 6 bedroom family home, a net-loss of one self-contained dwelling. Each dwelling would have separate ground floor access, private amenity space and benefit from one car space with a second vehicular access provided from Chalfont Road.
8. Roof lights are proposed on the front and rear roof elevations to facilitate the loft conversion and a new light-well would be constructed to provide light to the basement. The existing boundary wall to Chalfont Road would be partially demolished to provide vehicular access with the wall reinstated and restored in other sections on Chalfont and Polstead Roads.
9. As the planning application has evolved amended plans were received on 25<sup>th</sup> March 2015 reducing the height of the proposed two storey extension and relocating the proposed car space to Polstead Road. Further amended plans were submitted on 21<sup>st</sup> April 2015 returning the proposed car space to Chalfont Road, providing pedestrian access from Polstead Road and reinstating traditional

railings.

### Principle of Conversion

10. Policy HP1 of the Sites and Housing Plan seeks to oppose the net loss of residential accommodation. The amalgamation of three units into two would therefore result in the net-loss of one dwelling contrary to policy.
11. A primary aim of policy HP1 is to protect the number of houses within the City and not undermine the 5-year supply of housing; to provide an adequate level of internal and external amenity to occupants; and to protect the amenity of surrounding land uses. The policy reinforces the provisions of chapter 6 of the National Planning Policy Framework.
12. Notwithstanding the objectives and provisions of policy HP1, internal alterations with the effect of amalgamating dwellings would not ordinarily be subject to a planning application as the impacts to the surrounding area would be negligible. In any event in this case the existing building, consistent with the surrounding area, historically served as a single family home before being converted into self-contained units. Currently two flats not suitable for family accommodation exist on the site together with a further 3 bed flat. None of the flats have individual gardens, and only one car parking space is present. In the proposed development two large family homes would be created, each with its own private amenity space, one car parking space each and cycle storage. Officers regard this as an improvement in the provision of amenities compared current arrangements. The development would also restore the facade of the building, the boundary wall and be supported by landscaping works, enhancing the character and appearance of the conservation area.
13. Moreover the Balance of Housing SPD identifies the St Margaret's Neighbourhood area as requiring the protection of family homes to maintain an appropriate mix of dwellings within the area. The proposed development would result in the net gain of one family dwelling and is consistent with that aim.
14. In summary therefore, as the development would result in the provision of 2 good quality family homes in an area identified for their provision; would restore the fabric of the currently unkempt and run down buildings and garden; and would not be detrimental to the character and appearance of the conservation area, then on balance officers are prepared to accept the loss of a single residential unit on this occasion and would not regard the proposal as undermining the provisions of policy HP1 of the Sites and Housing Plan.

### Design and Conservation

15. The North Oxford Victorian Suburb conservation area is characterised by wide roads, large red and yellow brick villas in a verdant setting. Polstead and Chalfont Roads are consistent with this Victorian era development, with a characteristic scale and appearance that typifies the neo-gothic style of the time.
16. Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation) Act

1990 require local authorities to have special regard to the desirability to preserve and enhance listed buildings, conservation areas and their settings, which means that considerable weight and importance should be given to the desirability of preserving designated heritage assets and their settings.

17. A key message in the NPPF is also that the historic environment is a finite and irreplaceable resource and the conservation of heritage assets should be a high priority. Development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm. The NPPF states therefore that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'*.
18. The policies of the local plan and core strategy support this approach seeking to ensure development is managed effectively to ensure it will be sustainable.
19. The application site is located a prominent corner position but is currently unkempt with overgrown landscaping, with the property appearing to be unmaintained. The proposed works would seek to refurbish and extend the dwelling, retain the outbuilding to the rear and rehabilitate the landscaping, enhancing its contribution to the character and appearance of the conservation area.
20. The text which follows considers the various built elements of the development individually.
21. The demolition of the single storey outrigger and the proposed two storey extension would result in a significant alteration to the north and east elevations of the dwelling and its relationship with the street scene. However, the scale and form of the extension would generally be subservient to the main structures and in keeping with that of the existing dwelling.
22. The hip roof would also be an appropriate form to limit the bulk of the proposed extension and would not detract from the predominant gable roof form of the dwelling and the surrounding area. The materials, fenestration and architectural detailing, such as the finials on the roof and consistent pattern and form of the windows, would be welcome sympathetic features of the extension and would be consistent with the character and appearance of the conservation area. The ridge line and eaves have been reduced in height in response to concerns raised in submissions without resulting in a squat form.
23. The expansive contemporary glazing on the north and west elevation of the ground floor would be obscured from public view by its orientation and the boundary wall to Chalfont Road. The glazing is not so prominent as to detract from the building and its setting in the conservation area. A condition could be required for materials to be submitted to and approved by the Local Planning Authority prior to the commencement of works.

24. The form and scale of the proposed porch would be in keeping with the existing dwelling and would delineate between the entrances of the two dwellings. Adjacent to the pedestrian entrances to the dwellings would be the bin and cycle storage areas. While no architectural details have been provided with the application, a condition could be recommended requiring this information to be submitted to and approved by the Local Planning Authority prior to the commencement of works.
25. The basement would be enlarged to occupy an area similar to the existing footprint of the dwelling, approximately doubling its size. The basement would therefore align with the property boundary with no. 16 Polstead Road. The proposed basement would not be so large as to detract from the character of the dwelling and would not constitute overdevelopment. It would provide an extension to the living areas of the proposed dwellings and would require minimal loss of garden areas to accommodate light wells. As such the proposal would not adversely impact the character and appearance of the host dwelling and conservation area.
26. The plot would comfortably accommodate the proposed rear extension, with sufficient setbacks to plot boundaries so as to provide adequate curtilage for landscaping. The proposed extension would therefore not result in an overbearing relationship with no. 16 Polstead Road and the public domain on Chalfont Road.
27. Loft conversions and roof lights are a minor form of development that are an efficient way to maximise floor space and are evident within the street scene, including at no. 16 Polstead Road. The scale of the existing building and the dispersion of the proposed roof lights would result in minimal adverse impact to the roof scape.
28. The existing low wall and opening fronting Polstead Road would be renovated and on the south - east elevation to Chalfont Road the wall partially reinstated. Traditional railings reflecting the trellis design that is most common in North Oxford and of the appropriate era would be reinstated in accordance with the North Oxford Railings Guide to enhance the contribution of the site to the character and appearance of the conservation area. The opening to the boundary wall and provision of a gate near to no. 1 Chalfont Road to provide vehicular access would not compromise the character and appearance of the site and its setting within the conservation area.
29. Overall considerable weight has been given to the desirability of preserving or enhancing the site and its setting within the conservation area. It is concluded that there would be no harm to heritage assets or their settings. The proposed development is of an appropriate form and scale, consistent with the provisions of the NPPF, policies CP1, CP8, CP10 and HE7 of the Oxford Local Plan 2001-2016, CS18 of the Oxford Core Strategy 2026 and HP9 of the Sites and Housing Plan 2011-2026 and is supported accordingly.

## Landscaping

30. A landscape plan was submitted with the application identifying new hedges adjoining the boundary and the removal of nine trees (T4, T5, T6, T7, T11, T13 and T16-18). The nine trees scheduled for removal are not considered to contribute to the amenity of the conservation area and as such their removal would be acceptable. Further the site is currently overburdened with trees and as such their removal will improve the health and visual amenity of those remaining. The Blue Cedar located on the southeast corner of the site would be retained and with the exception of works to the boundary wall would not be adversely affected by the proposed work. Nevertheless a condition could be recommended requiring details of its protection during construction.
31. The works to the boundary walls and rehabilitating the landscape would enhance the contribution of the site to the character and appearance of the conservation area and is supported. The proposed development would therefore comply with the provisions the NPPF and policies NE15 and NE16 of the Oxford Local Plan 2001-2016.

## Amenity

32. The proposed dwellings provide generous indoor floor space for good quality family homes in accordance with policy HP12 of the Sites and Housing Plan. Sufficient outdoor space equivalent to the internal living areas would be provided for each dwelling to satisfy policies CP10 of the Local Plan and HP13 of the Sites and Housing Plan: the four bedroom dwelling would be provided amenity space to the front and side of the building and the six bedroom dwelling provided the amenity space to the rear of the dwelling. The living areas would benefit from good daylight access and cross ventilation. Windows and doors are sited to ensure adequate privacy for occupants in compliance with policy HP14 of the Sites and Housing Plan. Sufficient areas for bin stores are identified on the proposed plans.
33. A statement with regard to compliance with policy HP2 – Accessible and Adaptable Homes of the Sites and Housing Plan was submitted on 24<sup>th</sup> April 2015. The statement demonstrates that the proposed dwellings would generally comply with the requirements of the policy and that the dwellings could be adapted for accessibility purposes.
34. As a result of its scale and siting, the proposed extension would not adversely impact daylight access, outlook or acoustic privacy of neighbouring properties. Neighbouring properties could expect some amount of noise and cooking odours as in any residential environment.
35. In terms of relationships with neighbouring properties, views from first floor windows of no. 16 Polstead Road to the side facing ground floor windows of the extension would be oblique and therefore reasonable. Views to other surrounding properties would be an acceptable distance to maintain privacy. The depth of the extensions would not intrude within a 45-degree horizontal and 25-degree vertical line of visibility from the existing rear facing ground floor windows of no. 16

Polstead Road. The proposed development would therefore comply with the provisions of policy HP14 and by extension appendix 7 of the Sites and Housing Plan.

#### Highways, Parking and Access.

36. The site currently accommodates one off-street parking spot accessed from Chalfont Road. The site is located within a Controlled Parking Zone and in accordance with the parking permit restrictions applying in the area each dwelling would be eligible for two on-street parking permits for use in the surrounding.
37. The existing vehicle cross over from Chalfont Road would be deleted and two driveways created further along Chalfont Road. The proposal would result in the net-loss of one on-street parking space, and net-gain one off-street parking space. The net-loss of one on-street parking space would therefore be outweighed by the net-loss in demand for on-street parking.
38. The Highways Authority has recommended that the dwellings each be provided two car spaces on site in accordance with the maximum provisions of policy HP16 and by extension appendix 8 of the Sites and Housing Plan. Variations to the maximum parking provisions are acceptable where the site is within a Controlled Parking Zone with good transport links and facilities nearby. As the provision of up to four parking spaces would detract from the verdant character and appearance of the site in any event, then officers are prepared to accept one parking space only per dwelling in this case.
39. The proposed cycle stores would be of sufficient size, accommodating two cycles, and siting to meet the needs of occupants. A condition could be recommended to require details of the cycle storage to be submitted to and approved by the Local Planning Authority prior to the commencement of works. As such the proposal would be consistent with the requirements of policy HP15 of the Sites and Housing Plan.

#### Conclusion

40. The application entails renovating this unkempt and down at heakl property and bringing forward two good quality residential properties suitable for family occupation. The application is supported accordingly.

#### 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.

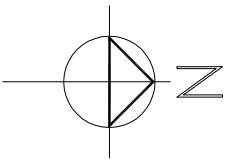
**Contact Officer:** David Zabell

**Extension:** 2160

**Date:** 06th May 2015

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# Appendix 1 - site plan 14 Polstead Road



Do not scale from this drawing. All dimensions are approximate and should be checked on site prior to construction. All discrepancies must be reported to the Architect for verification prior to commencement of the affected works.

This drawing is Copyright protected and must not to be reproduced or used without prior written permission

Notes:

# RIACH architects

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Client

Mr J Sandelson

Project

14 Polstead Road

Drawing title

Location Plan

Date

24.10.14

Scale

1:1250 @ A4

Stage

Planning

Drawn By

RK

Checked By

DS

Drawing Number

1362\_100

Revision

-

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West Area Planning Committee

9<sup>th</sup> June 2015

**Application Number:** 15/00684/FUL

**Decision Due by:** 13th May 2015

**Proposal:** .Demolition of existing building. Erection of 9 flats on 2 and 3 floors, (5 x 3-bed, 2 x 2-bed and 2 x 1-bed), together with 12 car parking spaces, 24 cycle spaces, recycling store and ancillary works.

**Site Address:** Jack Howarth House 75 Hill Top Road, **Appendix 1.**

**Ward:** St Clement's Ward

**Agent:** Mr Paul Southouse

**Applicant:** Mr Ian Ashcroft

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**Recommendation:** West Area Planning Committee is recommended to approve the application for the reasons below and subject to and including conditions listed in the report.

For the following reasons:

1. It is considered that the development would make best and most efficient use of land, providing a good mix of much needed residential accommodation in a sustainable location. Whilst the flats would be taller than existing, it is considered that the proposal would be of good quality contemporary design that is not inappropriate to its context and would not have a detrimental impact on views from Warneford Meadow or Southfield Golf Course. Suitable car parking is proposed and traffic generation would not have a detrimental impact the road network. It provides adequate indoor and outdoor residential amenity space and the amenities of neighbouring properties are not significantly harmed. On balance therefore the proposal is considered to accord with the requirements of relevant policies in the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the NPPF.
2. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

Subject to and including the following conditions:

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans
3. Materials – samples agree prior to construction
4. Biodiversity – measures for wildlife
5. Construction Traffic Management Plan – details prior to construction

6. Cycle & bin storage – further details prior to substantial completion
7. further details of PV
8. SUDS – build in accordance with
9. Landscape plan – details required
10. Landscape – planting carry out after completion
11. Details of boundary treatment prior to occupation

### **Community Infrastructure Levy (CIL)**

The development is liable for CIL.

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016 (OLP)

- 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
- CP22 - Contaminated Land
- TR1 - Transport Assessment
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR12 - Private Non-Residential Parking
- TR13 - Controlled Parking Zones
- TR14 - Servicing Arrangements
- NE14 – Water and sewerage infrastructure
- NE15 – Loss of trees and hedgerows
- NE16 – Protected trees
- NE21 - Species Protection
- NE23 - Habitat Creation in New Developments
- HE10 - View Cones of Oxford

#### Core Strategy (CS)

- CS1 – Hierarchy of Centres
- CS2 - Previous developed land & greenfield land
- CS9 - Energy & natural resources
- CS10 - Waste & recycling
- CS12 - Biodiversity
- CS13 - Supporting access to new development
- CS17- Infrastructure & Developer contributions
- CS18 – Urban Design, townscape character and historic environment
- CS19 - Community safety
- CS22 -Level of housing growth
- CS24 - Affordable housing
- CS23 - Mix of housing

### Sites and Housing Plan

HP2\_ - Accessible and Adaptable Homes  
HP3\_ - Affordable Homes from Large 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

Supplementary Planning Documents:

- National Planning Policy Framework
- Balance of Dwellings SPD
- Natural Resource Impact Analysis SPD
- Parking Standards, Transport Assessment and Travel Plans SPD

### **Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

### **Relevant Site History:**

70/22818/A\_H - Erection of family help unit for adult spastics. PER 26th May 1970.

92/01004/NF - Alterations to front elevation removal of garage doors and replacement with window and brickwork infill.. PER 9th December 1992.

93/01004/NF - Retention of use as car park and change of use of land from garden area to overflow car park (max. of 16 vehicles on both sites). REF 10th November 1993.

93/01097/NF - Single storey extension to provide dayroom in residential care home (amended plans). PER 29th November 1993.

### **Representations Received:**

Comments from residents can be summarised as follows:

- General support for the demolition of the existing building and redevelopment for housing;
- Proposed architectural design inappropriate and out of keeping;
- Flat roof inappropriate, pitched roof relate to neighbours;
- Too high, prominent, unrelieved roofline;
- Overdevelopment;
- Concern regarding use as HMO's in future;
- Materials should reflect rural setting when viewed from meadow; e.g. wood cladding
- Concern regarding additional traffic generation; leading to congestion on Divinity Road and Hill Top Road, Southfield Roads at peak times;

- traffic counts submitted are inaccurate
- Parking pressure, even though there is a CPZ in place
- The site is outside the CPZ
- 12 car parking spaces inadequate
- Lead to indiscriminate parking opposite, on footpath, outside Golf Club etc. where not in CPZ; measures to control?
- Restrict one car per household;
- Turning space limited in part;
- Light pollution to Warneford Meadow; impact on bats and star gazing;
- Overlooking would provide better surveillance for users of Meadow;
- Limited screening shown along footpath to bins and cycle stores;
- Generally looks well designed and impression of good quality;

**Statutory and Internal Consultees:**

Highways Authority: See main report below:

Environmental Development, Contamination:

The application has been considered with respect to contaminated land and sensitive development (residential), and the contamination questionnaire submitted with the application. The questionnaire does not reveal any potentially contaminative former land use or use of the site that raises any issues. The development involves the creation of new residential dwellings which are considered to be sensitive uses. It is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore, it is recommended that an informative is placed on any permission regarding unexpected contamination.

**Site Description:**

The site lies at the far eastern end of Hill Top Road, accessed via a private lane, which also serves the neighbouring property No.73 Hill Top Road. To the northern boundary is the footpath to Warneford Meadow which lies to the north and northeast of the site. To the southwest round to the southeast is Southfield Golf Course with its Golf Club building situated close by to the far west of the site and outbuilding to the south. Adjoining the western boundary is No. 73 Hill Top road.

The existing buildings are two storeys 1970's flat roof construction and formerly used as a residential home for 6 disabled persons. The buildings became vacant last year.

**Proposal:**

It is proposed to demolish the existing buildings and erect a new residential development consisting of nine 1, 2 flats and 3 bed maisonettes in a contemporary architectural form and design, with ancillary car & cycle parking, bin storage and communal garden space.

**Officer's Assessment:**

Officers consider the main issues in determining this application are:

- Principle of Residential Development
- Affordable Housing
- Balance of Dwellings
- Layout, Design and Views
- Amenities
- Impact on Neighbours
- Traffic, Car & Cycle Parking
- Landscaping
- Biodiversity

#### Principle of Residential Development:

1. Policy CS2 of the adopted Core Strategy aims to focus development on previously developed land, and in recognition of the housing needs of the City Policy CS22, CS23 and CS24 of the adopted Core Strategy set the strategy for the amount and mix of housing to be achieved on appropriate sites and how affordable housing is to be secured. These policies are further detailed in the Balance of Dwellings Supplementary Planning Document and the Affordable Housing and Planning Obligations Supplementary Planning Document.
2. The site already provided a form of residential use, albeit C3 use (residential institutions). Unfortunately the previous occupiers were struggling to recruit and therefore provide the service they aspired to. The 6 disabled persons accommodated here, together with their social workers have since been moved to new homes with support that better suits their needs.
3. The redevelopment aims to make best use of the land by creating additional units and recognises one of the aims of sustainable development in that it will create additional accommodation on a brownfield site within an existing residential area. As the existing use has ceased and the occupants suitably re-housed the redevelopment for further residential dwellings is therefore acceptable in principle in accordance with policies CP1 and CP6 of the OLP and CS22 and CS23 of the CS.

#### Affordable Housing:

4. Policy CS24 of the adopted Core Strategy states that planning permission will only be granted for residential development that provides generally 50% of the proposed dwellings as affordable housing. Lower percentages may be justified by open-book viability appraisals; and in appropriate cases an off-site financial contribution may be acceptable. The policy also states that developers may not circumvent the requirement by artificially subdividing the site.
5. Policy HP4 of the adopted Sites and Housing Plan (SHP) states that on sites with a capacity for 4 to 9 dwellings the contribution will be 15% of the total sale value of the development, and again that subject to an open-book viability appraisal it may be possible to justify a lower contribution.

6. However, on 28th November 2014 the Government issued revised policy guidance regarding affordable housing contributions on schemes of 10 or less units. Local planning authorities are now advised not to seek these contributions unless the total floor space is 1000sqm or more. In response the City Council has resolved to accept the guidance in determining relevant cases.
7. The total floor space of the nine units falls below the 10 unit and 1000sqm threshold and an affordable housing contribution is not therefore required in respect of this development. Moreover as the development is already at a relatively high density in its context, then it is not felt to be appropriate to seek additional units on the site.

#### Balance of Dwellings:

8. CS23 of the CS requires an appropriate mix of residential dwellings and is supported by the BODs SPD. The site lies within a neighbourhood area highlighted as 'red' in the BODs SPD requiring developments of 4 to 9 units to provide a mix of sized units including family units of 3 or more beds. The required mix is 0-30% one bed, 0-50% 2 beds and 0-50% 3 beds, which equates to 5 x 3 beds, 2 x 2 beds and 2 x 1beds. The proposed mix entirely accords with the SPD and therefore CS23 of the CS.

#### Layout, Design & Views:

9. The existing building was constructed in the 1970's and is single and two storeys in height (approx. 6m max) and is very much of its time in architectural appearance. There are few trees on the site and the building can be seen from nearby Warneford Meadow and Southfield Golf Course. Other buildings nearby have pitched roofs and are on the whole two storey. The new flats would be two and three storeys in height (9m approx. max) and laid out in an L-shape, roughly following the existing footprint in part, with windows and balconies orientated to make best opportunity of the views across the verdant Meadow and Golf Course.
10. The proposed building is taller than that existing and is a contemporary interpretation of classic modern architecture of the mid 20th Century. It is well articulated; the top floor is setback from the northeast and southerly aspects and the use of enclosed terraces within the structure and a good ratio of glass to solid adds interest and balance. The use of flat roof reflects the existing situation and helps to minimise height. The ground floor 3 bed flats have their own front doors and are on two floors (maisonettes) whilst the other flats are accessed via a communal entrance. It is considered that the proposed building is well designed and the architectural style is acceptable in this location. It is also considered that the height, scale and layout of the building is acceptable and appropriate to the site and its context.
11. In terms of views, the new building would be visible from the public open spaces adjacent as is the current building. However views from the meadow and elsewhere are dynamic where the experience of the viewer changes



according to the viewpoint and as the viewer proceeds. It should be noted too that Warneford Meadow, whilst benefiting from Town Green status is not a conservation area or SSSI, and has no other protection (European, national or Local). On the opposite side of the Meadow and Golf Course are the extensive hospital buildings of the Churchill Hospital complex, which dominate views to the east of the site. To the south are large outbuildings belonging to the Golf Club, which would partially shield views of the development from certain angles. The low boundary wall and limited existing trees or potential for tree planting on the site means that the new building would be also be visible, though softened by some trees and shrubs in the surrounding Meadow and Golf Course. Overall it is concluded that a building of this height, scale and visibility is not inappropriate in this location and would not have a detrimental impact on views from the Meadow or Gold Course such as to warrant opposing the development for this reason.. The use of red brick, glass and lightweight balcony construction means that whilst visible it would not appear unduly prominent or overdominant, particularly when balanced against the very large hospital and residential development on the other side of the Meadow and Golf Course opposite. The materials proposed could be secured by condition to ensure colour and texture.

12. The plans indicate a 90cm retaining wall and 2m railings along the boundary with the Golf Course and Meadow. Whilst wall and railings are considered acceptable and the aim to secure the development understood, it is considered that overall the new boundary enclosure is too high and the ratio between wall and railings unbalanced. Again further details could be secured by condition to redress this issue.
13. Officers therefore consider that the height, scale, layout and contemporary architectural design is acceptable in this site, making efficient and best use of land. It is considered that whilst visible to the Warneford Meadow and Golf Course that this would not have a detrimental impact. The proposal accords with Policies CP1, CP6, CP8, CP9 and CP10 of the OLP, CS18 of the CS, and HP9 of the SHP.

#### Amenities:

14. The flats are of the required floor area set out in HP12 of the SHP and one unit is wheelchair accessible. All are to Lifetimes Homes standard in accordance with HP2 of the SHP. All the flats have private balconies/ patio areas and access to a communal garden. Most balconies and terraces are to minimum standards but the smaller upper floor balconies fall just below. However, bearing in mind the communal area and the large expanse of Warneford Meadow adjacent, it is considered that the amount of outdoor amenity space can be accepted in this case in accordance with Policy HP13 of the SHP.
15. Bin storage is provided to the front of the site, details of which can be secured by condition.

### Impact on Neighbours:

16. The neighbour potentially most affected by the development is No.73 Hill Top Road, which shares the private road access. Currently the existing buildings are close up to the joint southwest boundary, which is formed by low fencing and a very high leylandii hedge. The proposed development would move the building away from the joint boundary by over 11m which is a significant improvement and it is considered that the development would not appear overbearing. Due to orientation and distance it is considered that the development would not be overshadowing or cause loss of day or sunlight.
17. In terms of overlooking and privacy, the plans show three windows in the southwest elevation which are secondary windows into dining and bedrooms at first and second floors. There is also a roof terrace at second floor, accessed from the bedroom. The windows facing in No.73 are to non-habitable bathrooms and hallway and to front entrance to the house. Whilst the current hedge provides good screening it cannot be relied upon in perpetuity. Nevertheless the good distance between properties, together with the fact that the windows are to non-habitable areas/ rooms, means that the development would not give rise to unacceptable loss of privacy due to direct overlooking.
18. The proposed car parking area would be adjacent to the joint boundary plus part of No.73's garden that extends round to the south and west of the house. The existing car parking/ forecourt and garages currently form part of this area. Again, as the adjacent area of No.73 is the entrance and non-habitable areas and the house still has a large part of its garden secluded in other areas, it is considered that on balance there would be no significant impact from additional noise and disturbance from the adjacent car parking area.
19. Officers therefore conclude that the proposal accords with policies CP1, CP and CP10 of the OLP and HP14 of the SHP.

### Traffic, Car & Cycle Parking:

20. The site lies outside the Residents Controlled Parking Zone and therefore new residents would not be eligible for parking permits within it. Rather the development would need to be self-contained in terms of its parking needs. The building currently has a C2 use (residential institution) and as such could be used as a residential institute, for example student accommodation, without the need for permission. Currently the site has parking space for 7 cars on the forecourt and garage space for up to 4 cars. In the past some cars were parked on the land opposite, but planning permission was never granted for this. It is understood that it may now form part of the Town Green.
21. HP16 of the SHP sets out the requirements for larger housing developments outside the Transport Area where a new parking court is created and in this case this would equate to a minimum of 11 car parking spaces and a maximum of 17 spaces. A total of 12 spaces are shown which falls within these ranges.

22. The Highway Authority has raised no objection to the proposal either in terms of the level of car parking or of traffic generation. In response to consultation it commented as follows:
- *“The proposed development is well located for sustainable transport links,*
  - *The proposed car park and cycle parking appear suitable, given the sites location.*
  - *It is noted that the access and parking on Hill Top Rd is constrained, but the proposed additional trip generation is not considered to have a severe effect.*
  - *The trip generation presented in the Transport Statement, estimates the difference in trips generated by the proposed residential development and those generated by a Care Home (previous use) using the TRICS database. The site is not currently operating as a care home, but it is understood that the current class use could operate as a residential institute without requiring planning permission. With this in mind, the methodology of estimating trip generation is considered reasonable, and the resulting increase in vehicle trips is minimal.*
  - *The visibility splays at the proposed access are constrained in the south east direction, but given the low traffic flows and vehicles speeds, the existing layout remains suitable”.*
23. Residents have commented that the amount of car parking is insufficient, that it will generate more significantly traffic movements than existing and that this will lead to indiscriminate parking in the area immediately adjacent outside the CPZ, and further congestion on Hill Top Road and others in the vicinity.
24. The existing premises could be reused as a residential institution accommodation (students) for example without needing permission and therefore a worst case scenario is not an unreasonable position to take in considering trip generation. The existing building could potentially generate 12.88 traffic movements per day whilst the proposed use would generate approximately 23 movements per day, which equates to on average just over 10 extra trips at one extra vehicle per hour. The HA has accepted this position. The site is within a reasonable walking distance (425m or 5 minutes) of the public transport into the city and within walking and cycling distance of the Cowley Road District Centre. It is therefore considered to be a sustainable location. In view of the HA’s comments and that they have raised no objection in terms of traffic generation, and that car parking proposed falls within the minima and maxima parking levels, then on balance it is considered that there would not be a harmful impact on road capacity as a result of additional traffic. Similarly the amount of car parking proposed is acceptable in accordance with HP16.
25. In response to comments regarding indiscriminate parking along the access drive to Warneford Meadow and in form of the Golf Course, these areas are private accesses and roads and not the responsibility of the Highway Authority. The residents of the new development would not be eligible of course for permits to parking in the nearby CPZ.
26. In respect of cycle parking again the plans indicate parking for 24 bicycles to

the front of the site in accordance with HP15 of the SHP, details of which can be secured by condition to ensure they are covered and secure.

#### Landscaping:

27. There are no significant trees on this site and the existing tree stock is very poor. The site can effectively be considered as a blank canvas therefore. The trees along the boundary with the footpath to Warneford Meadow lie just outside the site boundary, but in any event these are of low quality (or dead in one case).
28. The proposed footprint of the building means that on site tree planting is limited but some new landscaping can be provided and secured by condition.

#### Biodiversity:

29. A Phase 1 Habitat Survey and Bat Survey Report from the ecological consultant, Eco Consult was submitted with the planning application. It concludes that there would be no likely impacts on statutory or non-statutory nature conservation sites, habitats within the site have low conservation value, the existing buildings and trees do not provide suitable bats roosting habitats but may provide bird nesting habitats. Officers agree with the findings of the report and the survey mitigation and enhancement measures contained therein. A condition is recommended in accordance with the conclusions and recommendations including native planting, external lighting directed away from Warneford Meadow, and the provision of bat and birds boxes in accordance with policy CS12 of the CS and the NPPF.

#### **Conclusion:**

30. It is considered that the development would make best and most efficient use of land, providing a good mix of much needed residential accommodation in a sustainable location. Whilst the flats would be taller than existing, it is considered that the proposal would be of good quality contemporary design that is not inappropriate to its context and would not have a detrimental impact on views from Warneford Meadow or Southfield Golf Course. Suitable car parking if proposed and traffic generation would not have an adverse impact the road network. Officers therefore recommend that Committee approve the application, subject to conditions.

#### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 15/00684/FUL

**Contact Officer:** Felicity Byrne

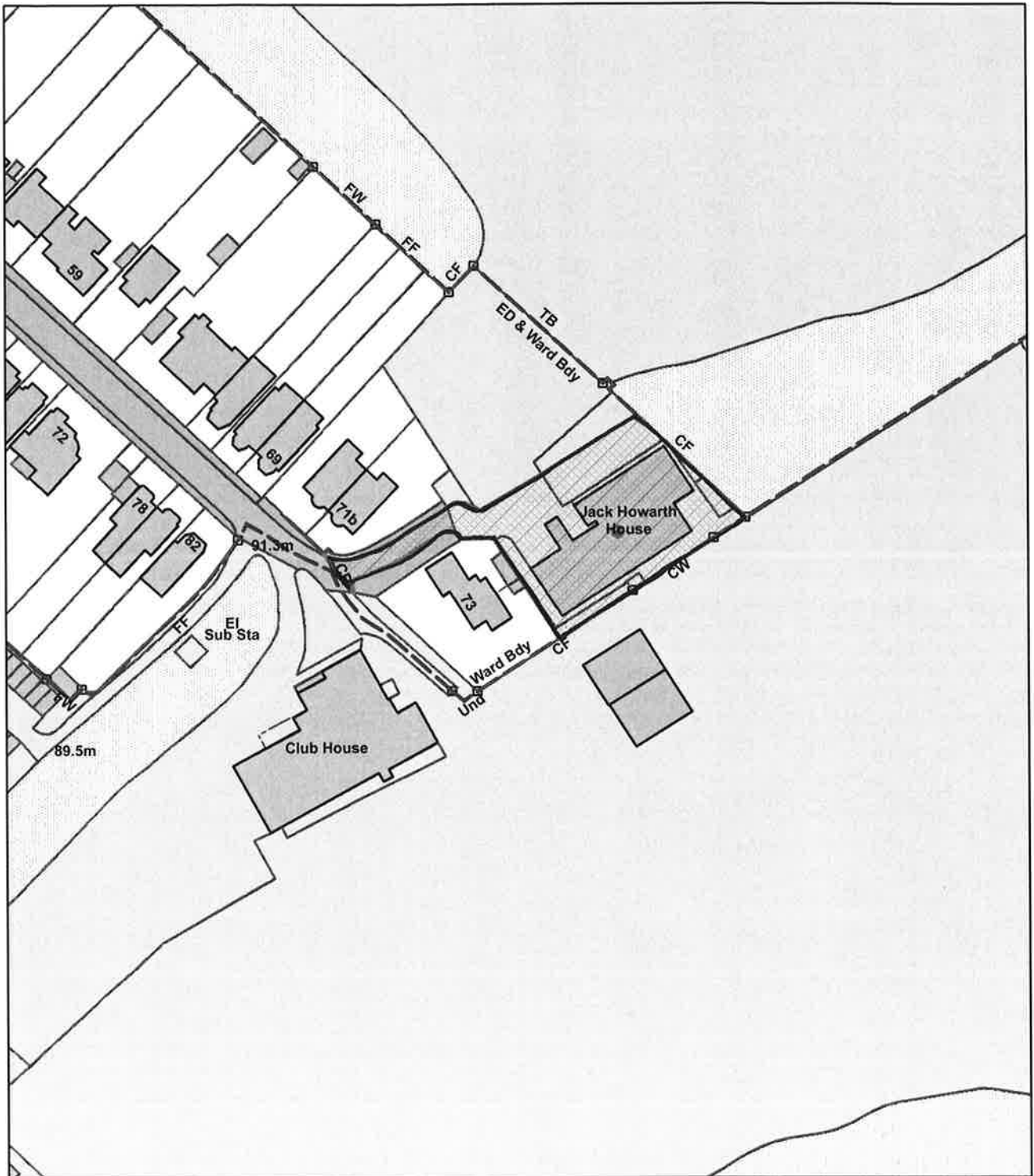
**Extension:** 2159

**Date:** 29th May 2015

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# Appendix 1

Jack Howarth House, 75 Hill Top Road



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Oxford City Council

City Development

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## West Area Planning Committee – 9<sup>th</sup> June 2015

**Application Number:** 15/00352/FUL

**Decision Due by:** 31st March 2015

**Proposal:** Erection of a part single, part two storey rear and side extension. Alterations to roof to form hip to gable, formation of rear roof extension and insertion of 2 no. front dormer windows and 1 no. rear dormer window in association with loft conversion. (Amended plans)

**Site Address:** 23 Upland Park Road. **Appendix 1**

**Ward:** Summertown Ward

**Agent:** Mr Peter Pritchard

**Applicant:** Mr & Mrs J & P Shingleton

**Application Called in –** by Cllr Fooks, supported by Cllrs Wade, Goddard and Royce.  
for the following reasons – Overly large and impact on light to the neighbouring property.

---

### **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extension and alterations are acceptable in design terms and would not cause unacceptable levels of harm to the amenities of the neighbouring properties. The proposal therefore accords with policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.
- 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 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Large domestic extension/granny flat
- 5 Amenity no additional windows

### **Main Planning Policies:**

#### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

**CP8** - Design Development to Relate to its Context

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

#### Core Strategy

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

#### Sites and Housing Plan

**HP9\_** - Design, Character and Context

**HP14\_** - Privacy and Daylight

**MP1** - Model Policy

### **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

### **Relevant Site History:**

61/11541/A\_H - Extension of existing garage for private car. PER 12th December 1961.

65/16826/A\_H - Alterations to form additional room in roof space. PER 14th September 1965.

72/25721/A\_H - Extension to kitchen. PDV 11th April 1972.

07/02350/FUL - Increase height of existing roof of single storey rear extension. PER 7th December 2007.

### **Representations Received:**

11no. public comments received – objections relate to loss of light, clarity of drawings, loss of privacy, loss of trees which are not shown on the plan, overbearing impact, larger than other developments in the street, loss of parking, impact on variation of roof character in the street, impact on Davenant Road, impact on wildlife and use of the proposed annex.

### **Statutory Consultees:**

Thames Water Utilities Limited – no objection.

Cunliffe Close Residents' Association – no comments received.

North Oxford Association – no comments received.

### **Determining Issues:**

- Design
- Residential Amenity
- Parking

### **Officers Assessment:**

Site:

1. 23 Upland Park Road is an early 20<sup>th</sup> Century detached dwelling set in a cul-de-sac off the Banbury Road in North Oxford. The area is characterised by detached dwellings set on large plots which vary in appearance with the use of brick and render widely used. The roofs include a mixture of hipped and gable ends. Many of the properties in the street have been subject to various extensions and alterations over the years, including the host property. This application relates to the erection of a part single, part two storey rear and side extension, alterations to roof to form hip to gable enlargements, formation of rear roof extension and insertion of 2 no. front dormer windows and 1 no. rear dormer window in association with loft conversion.

Design:

2. Whilst hip to gable enlargements can significantly change the character and appearance of a property, in this case it would not be to the detriment of the surrounding area. The area is characterised by both hipped and gable end roofs and the application property would therefore form an appropriate visual relationship with the surrounding area. A mixture of roof slopes would also still be retained. It is also acknowledged that hip to gable enlargements can be carried out under permitted development rights in any event.
3. The proposed dormers to the front roof slope replace an existing flat roof dormer. The new additions are smaller, more discrete and sit more comfortably on the roof slope, retaining the essential symmetry of the front elevation to the property. It is concluded that the dormers do not detract from either the property or streetscape, but enhance them.
4. Whilst the extensions at the rear of the property are large additions, they again retain the character and features of the rear of the dwelling. The existing gable end projection is to be extended with a two storey rear extension. However, in the amended proposals now received part of the

two storey side extension has been moved further away from no. 21 by 0.9m. This serves to break up the massing of the extension and reduce the width of a flat roof area to the extension. The flat roof section is not widely visible in the surrounding area and is not opposed by officers in this instance. Overall although the extensions extend further into the garden than extensions at neighbouring properties, they are assessed as reasonable and not out of keeping with the property or the area in which it is located.

5. Although the proposed alterations and extension of the existing garage structure project further into the garden and has been increased in height, the proposals improve its appearance and make use of an unused structure, whilst linking to the main house. The ability to use the structure as a garage is limited in any event due to the narrow side access. It is concluded that the extension and conversion of the structure does not significantly impact on the massing of the host structure or the built form of the area, whilst ample car parking space is retained to the frontage of the property.
6. In terms of detailing, the materials and windows proposed respond well to the local context as they are similar or matching in appearance to those already used in the existing dwelling house.

#### Residential Amenity:

7. A number of objections have been received in relation to impact of the two storey rear extension and the hip to gable enlargement in respect of lighting conditions to the west facing windows and outlook of 21 Upland Park Road. When a 45 degree angle is taken from the cill of the side facing kitchen window of that property in line with Local Plan guidelines, the line drawn is not compromised by the proposed extension and alterations, indicating that lighting conditions would not be adversely affected such as to warrant refusal of planning permission. The affected room also benefits from a large rear facing window providing light and outlook from a second source. Unlike other properties in the street, No. 21 also has a bedroom window where the sole light source is a west facing window. Again the hip to gable enlargement does not compromise a 45 degree angle from this window, though there would be some change in the outlook at oblique angles. Accordingly the amended proposals pull back the side of the two storey rear extension by 0.9m to reduce any impact on No.21. It is concluded that the direct outlook from this window will not be significantly altered by the new extensions.
8. On other features, the increase in height to the existing garage and small increase in depth in the form of a small porch extension to the front and small extension to the rear would not significantly impact on No. 21 in terms of loss of light as the eaves would remain the same height, and the roof the same pitch.
9. In relation to the neighbour to the west side at no. 25, the proposed

extensions and alterations are not considered to have a detrimental impact on windows to that property. Whilst no. 25 does benefit from an east facing side window, it is not the main light source to the room involved and would not be significantly compromised by a hip to gable enlargement. The properties to the rear in Davenant Road are set at a distance of over 40 metres from the proposed extensions and are not considered to be affected by the proposals.

10. Finally, the proposed windows in the development are not considered to increase the potential for overlooking of neighbouring properties. Proposed side facing rooflights are positioned at 1.7 metres from internal floor levels and the proposed side facing first floor window to a bathroom is to be obscurely glazed. A condition is recommended to ensure that permitted development rights are removed for further side facing windows at ground and first floor level.

**Parking:**

11. Although the proposal results in the loss of the garage, it is recognised the existing access to the garage and the garage itself do not meet current space standards for car parking spaces in a garage. The submitted plans demonstrate that two parking spaces can be achieved to the front of the dwelling in line with maximum standards. The property also lies within a controlled parking zone which already restricts on street parking spaces available.

**Other Matters:**

12. Officers consider the proposal is unlikely to have a detrimental impact on wildlife, whilst the small shrub/tree shown to the rear of the garage to be lost as a result of the proposals is not considered to constitute any significant loss of a tree contributing positively to the wider area. The application site falls outside of a Conservation Area and the shrub/tree could be removed without consent.
13. The use of the annex to the rear is not shown to be a self-contained unit on plan. A condition is recommended to ensure that the use of the annex is retained as incidental accommodation to the main house and is not separated or let separately.

**Conclusion:**

Officers recommend approval subject to conditions.

**Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers

of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

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

Section 17 of the Crime and Disorder Act 1998

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

**Background Papers:**

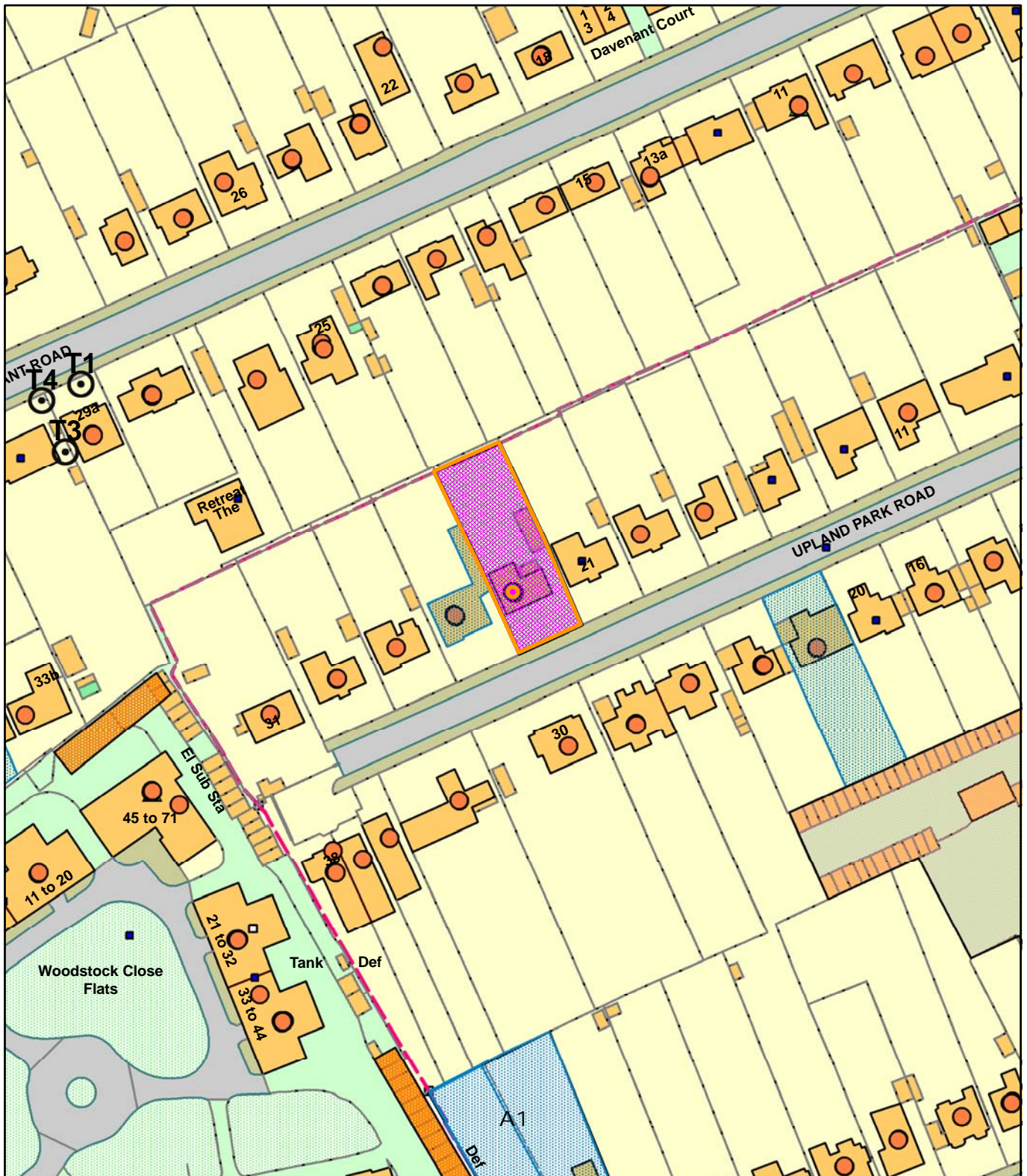
15/00352/FUL

**Contact Officer:** Sarah Orchard

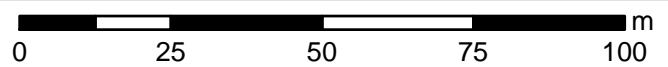
**Date:** 21st May 2015

# Appendix 1

## 23 Upland Park Road



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## WEST AREA PLANNING COMMITTEE

9<sup>th</sup> June 2015

**Application Number:** 14/02663/FUL

**Decision Due by:** 14th November 2014

**Proposal:** Change of use from Use Class A1 (Retail) to Use Class A3 (Restaurant)

**Site Address:** 96-97 Gloucester Green, **Appendix 1.**

**Ward:** Carfax Ward

**Agent:** Mr Nick Diment

**Applicant:** New River Retail Property Unit Trust No. 3

**Application Called in** – by Councillors – Hollingsworth , Fry, Pressel and Coulter  
**For the following reasons** – the application raises significant issues regarding the application of local plan policies in relation to secondary retail frontages in the city centre, and as such is something that needs to be discussed and decided in public by the relevant Planning Committee.

---

**Recommendation:** West Area Planning Committee are recommended to refuse the application for the following reasons:

- 1 The proposed change of use from A1 to A3 at 96 and 97 Gloucester Green would presently result in a loss of A1 units within the Secondary shopping frontage of the City and is therefore contrary to policy RC.5 of the Oxford Local Plan 2001-2016.

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

#### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP9** - Creating Successful New Places

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

**RC5** - Secondary Shopping Frontage

**RC13** - Shop Fronts

**RC14** - Advertisements

**RC15** - Shutters & Canopies

#### Core Strategy

**CS1\_** - Hierarchy of centres

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

**CS31\_** - Retail

## West End Area Action Plan

**WE10** - Historic Environment

**WE23** - Retail

### **Other Material Considerations:**

- National Planning Policy Framework
- This application is located in the Central Conservation Area.
- Planning Practice Guidance

### **Relevant Site History:**

- 02/01062/ADV - Internally illuminated fascia signs. PER 8th August 2002.
- 79/00941/A H - Redevelopment to provide public squares linked by arcade, shops, theatre, cinemas, public house (the Gloucester Arms retained), open air amphitheatre, bus/coach station, roof top parking, bicycle park, WCs, & related road improvement - Outline application. REF 5th March 1979.
- 82/00666/L - Land at Gloucester Green - Listed Building Consent for demolition of unlisted buildings in a Conservation Area including former Municipal Restaurant building fronting Worcester Street.. PER 31st January 1983.
- 82/00667/NOH - Outline application for new shops, flats, offices, extension to Arts Centre, bus station and change of use of car park to Public Open Space, including Open Market. Change of use of former Boys Central School to either public house, restaurant, offices or community/social use. Consequential modification of roads and footpaths within application site, including part of Gloucester Street.. PER 18th March 1983.
- 84/00281/NFH - Construct new bus station, market square, offices, flats, shops and cafes, new entrance to George Street Arts Centre, public conveniences, bus station and market traders offices, bus station covered waiting area, underground car park with access to Gloucester Street and City Engineer's facility. New pedestrian and vehicular access and alterations to existing. PER 19th June 1984.
- 84/00282/LH - Land at Gloucester Green - Listed building consent for demolition of unlisted buildings in a Conservation Area including Greyhound P.H., left luggage office and adjoining temporary buildings, cafe, WCs, former Municipal restaurant & kiosk (fronting Gloucester Green). PER 19th June 1984.

### **Representations Received:**

St Johns Residents Association- raise the following objections which represent the views of residents in the area between George Street and Little Clarendon Street.

- The application breaches Local Plan policy RC12 as it would give rise to unacceptable environmental problems. There is no evidence that this site has the external space for the storage of waste. Extraction would be necessary and would have to be placed on the rear wall under the flats above which would have a serious impact upon the amenity of residents above. Noise disturbance from users of the restaurant leaving late and night.

- It breaches policy RC5 and no adequate justification is provided for such a breach.
- No decisions should be made on such changes until the applicants have provided evidence of their long term intentions for Gloucester Green.

Oxford Civic Society- Comment that the application should be refused for the following reasons:

- It is contrary to City Council policy on the percentage of retail premises in the area. Gloucester Green and its immediate surrounds are already heavily serviced by restaurants and the protection of retail outlets afforded by the policy is essential to prevent the remaining outlets from withering away.
- The application is also contrary to Local Plan Policy RC 12, which is designed to prevent environmental problems, including excessive noise, smell or undesirable visual impact. Residents of the Square would be adversely affected by a further addition of a food and drink outlet on the ground floor of their building. They will suffer noise and smells for up to 16 hours a day or even more.
- No plans provided so there can be no clarity about the location of waste storage externally. Those facilities could not be at the rear of the premises because the road entrance to the Gloucester Green car park occupies all the space immediately behind these premises.

Ten letters of representation have been received from the occupiers of 1,10, 21, 23, 26 and 42 The Chilterns, 6 Court Farm ( x 2 ) , 23 Chalfont Road and the local Ward Councillor raising the following objections and comments:

- Saturation of restaurants and food outlets in Gloucester Green area changing significantly the character of the space.
- Recent closure of restaurants where there are no other alternative retail outlets e.g. prison/castle square.
- No space for waste bins or food storage areas and refrigeration plant.
- Noise and fumes from fans, too close to residential flats.
- Restricted access for deliveries and collections.
- Loss of A1 units
- The character of Gloucester Green would be threatened by a further increase in the number of restaurants and food outlets here. This particular property has access limitations which make it unsuitable for use as a restaurant.
- The resultant late night activity, noise and litter are real concerns for residents whose experiences of such issues increasingly goes beyond the normal expectations of City Centre living.
- 96 & 97 Gloucester Green have a reduced area at the rear of the units for waste disposal which is already a problem at Gloucester Green with multiple "trade waste" bins located in a very visible location by the bus station - not a good first impression for Oxford visitors.
- We trust that the concerns of residents living in close proximity to this proposed change of use will be taken into consideration.

Councillor Ruth Brand- The development would be contrary to Local Plan Policy RC.5 which would take the percentage of A1 units down to 50% which is the very

minimum of A1 units our planning policy allows. However, Michael Crofton-Briggs's original response, dated August 8, states that the area would reach 50% A1 units *without* taking into account the former Jessops unit, and that taking this current application and the change of use for the former Jessops unit, will bring the A1 percentage to 49% - below the acceptable threshold. These discrepancies show that the area is so close to the allowed threshold that for all practical reasons it can be considered to have reached that threshold already. Moreover, even if this change in usage will not tip the balance below the acceptable 50%, that would be so only due to the fact that for historical reasons the kiosks on the cinema side of Gloucester Green are not part of that calculation. It is my understanding that there is no practical reason for this exclusion, and therefore in a case such as this, which is so close to the balance, the existence of these units should be taken into account.

The last three eating establishments to have opened in Gloucester Green and its vicinity have all closed within three months. Surely that is a strong indicator that this area has reached saturation in terms of such establishments. With regard to Local Plan Policy RC.12, the location of the shop in question is such that a Class A3 establishment there is bound to have some unacceptable environmental problems. One of the main concerns is the issue of waste disposal, or rather that of waste storage: there is no external space for waste bins. The front area is on the public square, with no area where bins can be kept discreetly, and the back faces the ramp leading to the underground car park, and there is no space there for any commercial-sized bins. Another big concern is the issue of extraction: with flats directly above the shop, it means that the extraction units will have a direct – and adverse – impact on the residents.

#### **Site Description:**

1. The application site comprises two units, (96 and 97) situated in the far corner of Gloucester Green adjacent to the entrance to the bus station. It was formerly occupied by Animal Clothing which was classed as an A1 unit and provides approximately 200m<sup>2</sup> of floorspace.

#### **Proposed Development:**

2. The application proposes the change of use of the existing A1 unit to an A3 unit (Café/restaurant). No other changes are proposed to the unit as it is proposed that these would be dealt with by any future occupier should the application receive planning permission.

#### **Determining Issues:**

- Principle of Change of Use
- Impact upon the amenity of the area.

#### **Officers Assessment:**

3. Policy RC5 of the Oxford Local Plan states that within the secondary shopping frontage, planning permission will only be granted for a) Class A1 (shop) uses, b) other Class A uses only where the proportion of units at ground floor level in A1 use does not fall below 50% of the total units. These percentages are

worked out on the basis of the percentage of units within the total Secondary Shopping Frontage that are within each use class.

4. The latest retail shopping frontage survey was undertaken in January 2015 . This survey indicated that within the Secondary Shopping Frontage covered by Policy RC.5, the current figure for A1 uses was 50%. Therefore any further loss of existing A1 units would bring the proportion down below 50%.
5. It is worth noting that since 15<sup>th</sup> April 2015, there is now a prior approval process relating to the change of use of A1 units to A3 units. This is only available to units that don't exceed 150 square metres, and is subject to certain criteria. At present the joint units would not meet this criteria, unless they were split into two.
6. There is also provision in the General Permitted Development Order for temporary changes of use of A1 units of up to 150 square metres to A3 use for a period of up to two years, after which they would have to revert to their lawful use. Again, the application site would exceed the size threshold unless it reverted to two separate units.
7. In summary therefore, it is recommended that the application be refused because the proposal would be contrary to current policy RC.5 of the Oxford Local Plan.

#### Environmental Health Matters.

8. Concern has been expressed by local residents regarding the proposed bin storage for the new A3 unit. Whilst no details have been specified in the application (as the new occupier is not yet known), current arrangements for bin storage are at the rear of the unit adjacent to the car park where neighbouring commercial units also store their waste. It is anticipated that any new occupier would have the same arrangements, and these details could be agreed by a planning condition should planning permission be granted.
9. The City Councils Environmental Health Team have not raised any objections to the proposal subject to the imposition of a condition which requires details of an extraction system to remove cooking odours and measures to address noise from associated mechanical plant to be submitted to and approved by the Local Planning Authority. They also suggest that an informative should be added to any decision which requires the applicant to comply with 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust systems'.

#### **Conclusion:**

The January 2015 shopping survey indicated that the existing proportion of A1 units within the Secondary shopping frontage is 50% therefore any further loss of existing A1 units would bring the proportion down below 50% therefore the proposal is contrary to the requirements of policy RC5 of the Oxford Local Plan 2001-2016.

### Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant 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 refuse this application, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

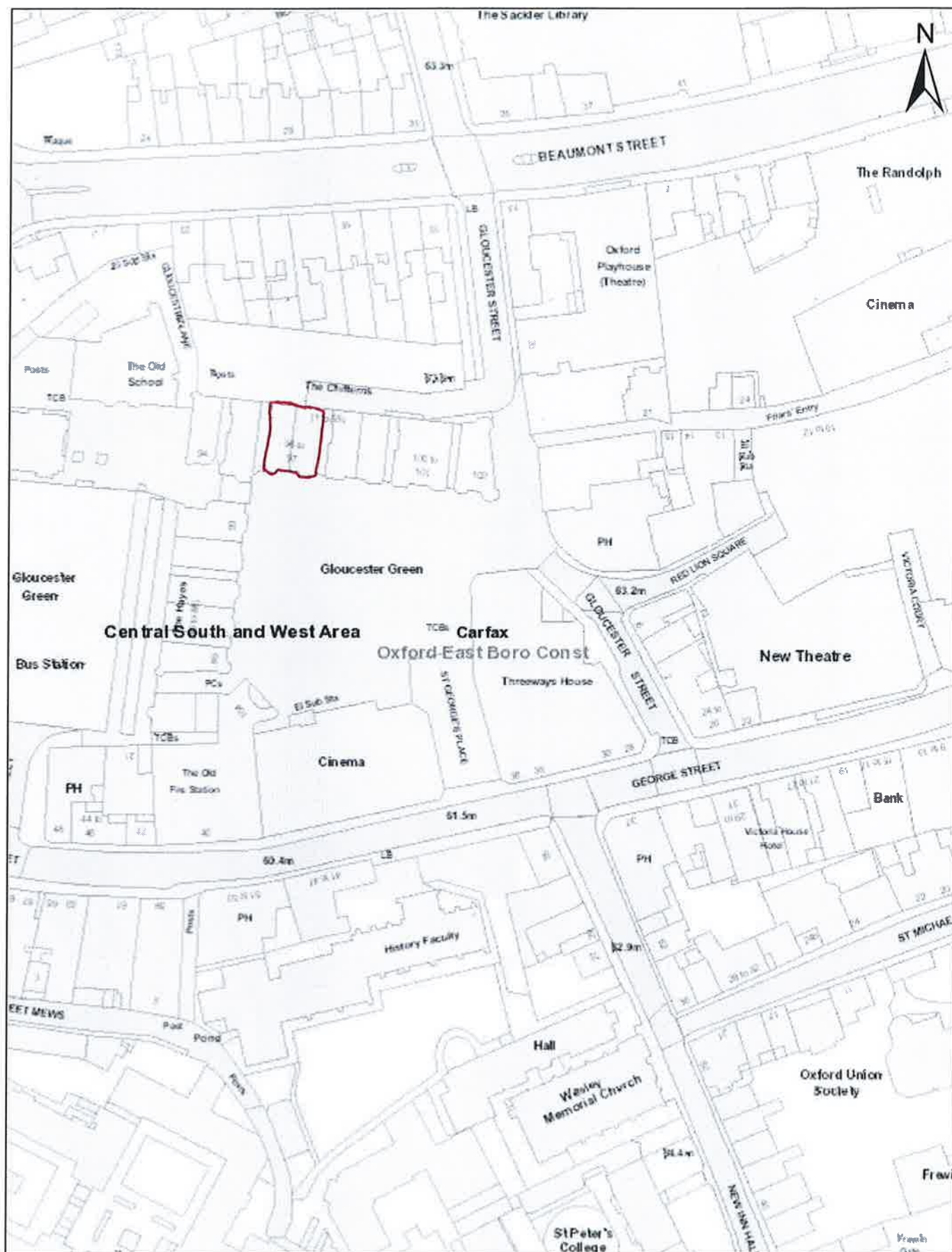
**Background Papers:** 14/02663/FUL

**Contact Officer:** Amanda Rendell

**Extension:** 2477

**Date:** 28<sup>th</sup> May 2015.

# Appendix 1



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96-97 Gloucester Green 14/02663/FUL

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West Area Planning Committee

9<sup>th</sup> June 2015

**Application Number:** 15/00106/VAR

**Decision Due by:** 10th March 2015

**Proposal:** Variation of condition 4 (hours of use of garden) of planning permission 95/00761/VTH to allow the garden to be used by nursery children for a maximum of 4 hours per day.

**Site Address:** 17 Lathbury Road, **Appendix 1**

**Ward:** St Margarets Ward

**Agent:** Mr Simon Handy

**Applicant:** Mrs Louise Brooks

**Application Called in –** by Councillors –Royce, Wilkinson, Fooks and Gotch for the following reasons – effect on adjoining properties, privacy, noise and disturbance

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

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

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

- 1 Personal permission/max 24 children
- 2 Opening hours
- 3 Use of garden
- 4 Residential accommodation for applicant or staff only

**Main Planning Policies:**

## Oxford Local Plan 2001-2016

CP1 - Development Proposals  
CP10 - Siting Development to Meet Functional Needs  
CP19 - Nuisance  
CP21 - Noise  
HE7 - Conservation Areas  
ED2 - Nursery Ed & Childcare Facilities in Res Dwellings

### **Other Material Considerations:**

- National Planning Policy Framework
- Application site lies within the North Oxford Victorian Suburb Conservation Area.
- Planning Practice Guidance

### **Relevant Site History:**

- 58/06820/A H - Conversion of single dwelling house into self contained maisonettes. PER 8th April 1958.
- 91/00717/NFH - Change of use of ground floor from residential to day nursery. REF 15th October 1991.
- 91/01287/NFH - Change of use of ground floor flat from residential to day nursery. PER 25th February 1992.
- 94/00331/VFH - Variation of condition 3 of planning approval NFH/1287/91 to allow continued use as day nursery by proprietor under her married name and to allow increase in number of children from 15 to 24. SPL 25th May 1994.
- 95/00761/VTH - Retention of use of ground floor as day nursery. Variation of condition 3 of VHF/331/94 to allow increase in number of children from 15 to 24. Allowed on appeal 21st November 1995.
- 12/00633/FUL - Erection of timber canopy to rear. PER 22nd May 2012.
- 13/01313/VAR - Application to vary condition 4 (garden use) of planning permission 95/00761/VTH to allow removal of restrictions on time limit for use of garden. REF 5th July 2013.

### **Representations Received:**

19, 23, 6, 18, 11, 1, 19, 21, 24 Lathbury Road, 24 Merrivale Square, 16, 14, Staverton Road, 126 Woodstock Road and Lathbury Road Residents' Association:

### **Summary of Comments:**

- Noise from 24 children playing can be very intrusive and screaming and shouting are not discouraged.

- Find proposal totally unacceptable.
- Would be an intolerable intrusion and the quality of lives would be adversely affected.
- The daily noise that comes from the Nursery during the morning and afternoon breaks causes substantial disruption already as it is impossible to ignore.
- the extension of play time from 45 minutes to four hours will further damage the ecology of what should be a peaceful residential area.
- The present outdoor playtimes at The Nursery cause an unacceptable level of noise and inconvenience to neighbours.
- Would be made worse if the times were increased.
- Nothing has changed since the 2013 application to justify removal or relief of the restriction, which is itself already perfectly reasonable for a nursery school.
- suggest that the school can take the children to local parks and play areas where the noise would not disturb residents and make their life unbearable.
- We all like to enjoy peace in our own homes and gardens.
- Much in favour of outdoor activity for children, but am also aware of the need to take neighbours' wellbeing into account.
- The noise emitted from a nursery playground in premises where the building is semi-detached and attached to a dwelling-house, also sited in a largely residential street of semi-detached houses, would constitute a statutory nuisance under section 79(1)(g) of the Environmental Protection Act if the noise was not restricted by time to the presently allowed 90 minutes per day
- Vary Condition 4 so that the times when the garden may be used are restricted to specific periods i.e. between 11:00am and 11:45am and between 3:00pm and 3:45pm.

#### **Statutory Consultees:**

No comments received.

#### **Issues:**

- Potential for noise and disturbance
- Residential Amenity

#### **Officers Assessment:**

#### **Background**

1. The nursery has a history of planning applications and consent was granted(after an initial refusal) for the change of use from residential use to a day nursery in 1991. That consent was restricted by conditions, one of those being that the maximum number of children should be limited to 15 in order to limit the impact of the use onthe surrounding area.
2. An application to increase the numbers of children from 15 to 24 maximum was refused in 1994, but was allowed on appeal. A factor that the Inspector took into account when allowing the appeal was that the garden use was restricted by a condition.The inspector stated:

*“Noise arising from children playing in a garden is often irregular in character and this can cause annoyance to people living nearby. Although the maximum noise level may not increase, I consider that there is likely to be a greater number of peaks with a further 9 children using the garden. I was, however, told that the children only played in the garden for up to 45 minutes in the morning and a similar period in the afternoon and that these sessions were closely supervised by members of staff. The impact of the proposal would therefore be limited to a relatively short period during the day.*

*Taking account of these circumstances, I am satisfied that noise from within the garden would not be unduly harmful to adjoining residential occupiers.”*

3. A condition was added by the Inspector to restrict the use of the garden to 90 minutes each day (condition 4). The full text of the appeal decision is attached as **Appendix 2** to this report.
4. A subsequent application was submitted in 2013 (13/01213/VAR) to remove this condition to allow unrestricted use of the garden. This was refused for the following reason:

*“The proposed removal of the restrictive condition on the time limit for use of the garden is considered to exacerbate the existing problem of noise and would create a significant adverse impact by way of unacceptable noise levels from the children playing in the garden for unlimited periods to the detriment of residential amenity of the adjoining neighbouring properties. The proposal is contrary to policies CP1, CP10, CP19, CP21 and ED2 of the Oxford Local Plan 2001-2016”.*

## **Site Description**

5. The application site comprises a three storey (third storey in the roof) semi-detached dwelling located on the southern side on Lathbury Road. The dwelling is currently used as a Nursery and has been since 1992.

## **Proposal**

6. The application is seeking permission to vary condition 4 of appeal ref.: T/APP/G3110/A/96/267013/P7 (LPA ref: 95/00761/VTH refused and allowed on appeal) to allow the use of the garden by children attending the nursery to be restricted to a maximum of 4 hours each day. Condition 4 currently restricts the use of the garden to a maximum of 90 minutes each day.

## **Assessment**

7. As the existing use as a nursery has existed for many years, then some noise from that use will have been experienced during those years as part of the local noise environment. As such the determining issue in this regard is the potential impact of increasing the times when the garden could be used and any resultant impact on the residential amenity of the neighbouring

properties in terms of noise disturbance.

8. The nursery has opening hours of 0800 to 1730 Monday to Friday with the children arriving from 0830 onwards. It is not open during the evenings and at weekends which the Inspector described as "*the times when residents may reasonably expect a quieter environment*". The number of children attending the nursery will not be increased as a result of this application.
9. Within this context the establishment of what constitutes a reasonable level of noise from the nursery, and for what numbers of hours is a matter of judgement. However the applicant has indicated a willingness to restrict the number of hours when the outdoor accommodation may be used for children's activities in order to address concerns and in the interests of neighbourliness.
10. Local residents who have raised concerns appear to be reasonably accepting of the current arrangements but feel an extension from 90 minutes to 4 hours each day would not be acceptable. However since the nursery started operating the Council has received one complaint only regarding noise. Environmental Development officers who have visited the site whilst garden areas are in use confirm that levels of noise could at times be irritating, but that it would not constitute a "statutory nuisance" and are not suggesting refusal of planning permission on those grounds.
13. Currently the children play in the garden for 45 minutes in the morning and 45 minutes in the afternoon. This is on an informal basis as the planning condition does not specify the subdivision of the 90 minutes in this way, only that it be restricted to a maximum of 90 minutes each day. Following a dialogue with the applicant, it was suggested that if permission were granted for longer hours, that these should be specified so that neighbours are aware of those times when the garden was in use. The applicant/agent has suggested the times are as follows:
  - 09:00 am – 10:00 am
  - 11:00 am – 12:00 noon
  - 13:30 pm – 15:30 pm
14. This does not necessarily mean that these hours would always be used to the maximum permitted each day however, as clearly during cold or poor weather for example it is unlikely to be appropriate. Also, the applicant feels that a continuous two hour slot in the morning would be impractical in any event and that it would be preferable to break the teaching and play sessions up as suggested instead. On balance the time periods suggested are considered reasonable and can be enforced via an appropriately worded condition.

### **Conclusion:**

15. Whilst the concerns of neighbours are noted, it is also noted that there has been only one complaint received by the Council to the existing nursery use. Officers feel it is reasonable therefore to extend the total number of hours, but to specify them so that all parties are aware of the arrangements. Committee is recommended to support the proposals subject to the conditions indicated.

## **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 15/00106/VAR

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 28th May 2015

# Appendix 1

15/00106/VAR - 17 Lathbury Road



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# Appendix 2

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## The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

*Allowed*

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117-987-8927  
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Fax No 0117-987-8769  
GTN 1374-

Mr P Dickinson  
Paul Dickinson & Associates  
St Ann's House  
St Ann's Road  
CHERTSEY  
Surrey  
KT16 9EH

Your Ref:  
94 036  
Our Ref:  
T/APP/G3110/A/96/267013/P7

Date: 12 FEB 1997

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MISS L CHENERY  
APPLICATION NO: 95/00761/VTH

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Oxford City Council to refuse planning permission on an application to vary Condition No 2 to planning permission 94/00331/VFH to increase the number of children from 15 to 24 maximum at The Nursery, 17 Lathbury Road, Oxford. I held a local inquiry into the appeal on 8 and 9 January 1997. At the inquiry, an application was made by Miss Chenery for an award of costs against the Oxford City Council. This is the subject of a separate letter.

2. The planning application also sought to vary Condition No 3 to the planning permission which only permitted the use to operate for a temporary period. The Council issued a split decision whereby this element of the proposal was granted. I shall therefore only consider Condition No 2 which states:

"this permission is personal to Mrs L Gerrard for the use as day nursery as set out in the applicant's supporting statement dated December, 1991 and shall care for a maximum of 15 children".

The reason for the condition is:

"the Local Planning Authority is only prepared to grant permission for a nursery on the basis proposed by the applicant, in order to limit the impact of the use on the surrounding area".

3. From the representations made at the inquiry and in writing and from my visit to the site and the surrounding area, I consider that the main issue is whether the increase in the number of children proposed would cause undue noise or disturbance to adjoining residential occupiers.



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CYCLED PAPER

4. The development plan is the Oxfordshire County Structure Plan Alteration No 4 which was approved in 1992. I was not, however, directed to any of its policies which might be of relevance to this appeal. The Oxford Local Plan Review has reached deposit stage and adoption is anticipated later in 1997. The parties agreed that the two most relevant policies in the emerging plan are Policy CS 13 and Policy EN 106. I understand that neither of these policies are likely to change prior to adoption of the Plan and so I shall afford them considerable weight in accordance with Paragraph 32 of Planning Policy Guidance Note 1 (PPG 1).

5. Policy CS 13 permits the partial loss of residential floorspace to childcare use, subject to a number of provisions including considerations of scale and the proximity and relationship to dwellings. Policy EN 106 states that development resulting in noise problems will normally only be permitted where appropriate remedial measures can be applied. These policies accord with the general principles of good neighbourliness expounded in PPG 1.

6. The appeal premises is a three storey, semi-detached property located within a residential street where I was told that a number of the houses have been converted to flats and student accommodation. The day nursery, which was established in 1992, is on the ground floor and there is a flat above which is occupied by your client. The other half of the pair, No 19, is a single family dwelling house and I consider that it is this property which is most affected by the activities at the nursery.

7. Objections were raised by the occupiers of No 19 to the transmission of noise inside the building. I was invited to listen to the nursery activities from within the living room which adjoins the party wall. I could hear very little sound coming from the nursery and in my judgement the existing situation could not be considered detrimental or intrusive. You have assessed the effects of an increase of 9 children by using extrapolation techniques. You said that the proposal would add a further 2 decibels and that Planning Policy Guidance Note 24 indicated that this would represent an imperceptible increase in sound level. Your findings were not challenged at the inquiry and in the circumstances I consider that there would not be an unacceptable increase in the level of noise transmitted between the two properties.

8. To the rear of the appeal premises is a small garden which is enclosed by a wooden fence between 1.8 and 2.0 metres in height. At the visit I saw that it contained a swing, a climbing frame and a trampoline. There is also a patio area which adjoins the back of the building on which there were a number of wheeled toys. The garden of No 19 adjoins to the west and is attractive, well tended, and clearly valued as an important amenity by its occupiers. In addition, I heard that in warmer weather the patio doors to the rear living room are frequently open. I was told that noise from such sources as children shouting or crying and the sound of wheeled toys on the hard surface of the nursery's patio materially reduced the enjoyment of these facilities.

9. It is important to bear in mind that the nursery is a permitted use which is part of the existing noise environment. The relevant issue therefore concerns the effect of a further 9 children on this present situation. There is no specific guidance which relates to the effect of noise emitted by children from gardens. The Council referred to BS 4142 but I did not find this particularly helpful as it is intended to assess the effects of noise from industrial development. Sound from children playing is altogether different and is, to some extent, an accepted element in a residential area. Your assessment was based on extrapolation techniques which assumed an average noise level and did not take account of the frequency

of peaks caused by individual noise events. Noise arising from children playing in a garden is often irregular in character and this can cause annoyance to people living nearby. Although the maximum noise level may not increase, I consider that there is likely to be a greater number of peaks with a further 9 children using the garden.

10. I was, however, told that the children only played in the garden for up to 45 minutes in the morning and a similar period during the afternoon and that these sessions were closely supervised by members of staff. The impact of the proposal would therefore be limited to a relatively short period during the day. In addition, the nursery is only open during the working day and is closed at weekends which are the times when residents may reasonably expect a quieter environment. Taking account of these circumstances, I am satisfied that noise from within the garden would not be unduly harmful to adjoining residential occupiers.

11. Concern has been expressed that the increase in the number of children would cause additional disturbance through traffic movements to and from the premises. You explained that arrival and departure times were staggered and that a number of children travelled by bicycle or on foot. This is a fairly busy, closely parked street which runs between two main roads leading into the centre of Oxford. There are also a number of educational establishments in the vicinity. I would therefore expect existing activity in the area to be fairly high. In the circumstances I do not consider that the additional level of traffic movements associated with the proposal would materially affect existing background noise levels.

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young  
to do  
this?

12. I conclude that the proposed increase in the number of children attending the day nursery would not cause undue noise and disturbance to adjoining residential occupiers. It hence accords with Policies CS 13 and EN 106 in the emerging Oxford Local Plan Review.

13. The site is within the North Oxford Victorian Suburb Conservation Area and I must therefore consider the proposal in terms of the desirability of preserving or enhancing its character or appearance as required by S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This part of the conservation area is characterised by fairly large, detached and semi-detached Victorian town houses set back from the road and with private garden areas to the rear. I have also noted that some houses are used as flats and student accommodation and that the day nursery is already an established part of the locality. I do not consider that the proposal would materially change the nature of the use and I am therefore satisfied that it would preserve the character of this Conservation Area.

14. I turn now to consider the matter of conditions. In view of my findings, I consider it reasonable to limit the number of children to a maximum of 24. The nursery has been run by your client since it opened. My conclusions are to some extent based on the way that she runs the operation and in this case I consider that the personal condition is warranted. I understand that your client has reverted back to her maiden name and I shall therefore vary the condition to cover these matters.

15. I have also considered the other conditions attached to the 1994 planning permission. The original application specified that the nursery would only open on weekdays and would close at 1630. I understand that in practice it closes an hour later. This corresponds with the normal working day and I shall therefore vary the condition to take this into account. The Council has suggested a further temporary planning permission. However, the nursery has been operating since 1992 and in view of my conclusions regarding the main issue, I do

not consider that it would be reasonable to apply a condition to this effect. The existing condition requiring the residential accommodation on the upper floors to be occupied by your client or a member of staff is reasonable as it is not a self contained unit. These provisions will therefore be restated.

16. The Council has proposed a condition to limit the noise emission to adjoining rooms at 19 Lathbury Road. I have found that internal noise is unlikely to be a material problem and I do not therefore consider that such a condition is necessary. I am also concerned about enforceability as the condition relies on noise readings taken from inside the adjoining private property and relates to a noise source which is by nature variable in its intensity. In the circumstances I do not consider that such a condition would meet the tests in Circular 11/95.

17. My conclusions rely in part on the limited use of the garden for childrens' play. I shall therefore impose a condition restricting the use of the garden to 90 minutes per day. The parties suggested that the number of children using the garden at any one time could be restricted to 15. In view of my findings I do not consider that such a limitation is either necessary or reasonable. In any event, as outside play takes place in the enclosed rear garden it would be very difficult to adequately enforce. I do not therefore consider that such a condition would comply with the requirements of Circular 11/95.

18. I have taken account of all other matters that have been raised at the inquiry and in writing, including the concerns of local people about highway safety. However, I have found nothing to outweigh the considerations that have led me to my decision.

19. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the variation of Condition No 2 of planning permission 94/00331/VFH to increase the number of children from 15 to 24 maximum at The Nursery, 17 Lathbury Road, Oxford in accordance with the application No 95/00761/VTH made on the 30 May 1995, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. this permission is personal to Miss L Chenery for the use as a day nursery and shall care for a maximum of 24 children;
3. the nursery shall only operate between the hours of 0800 and 1730, Monday to Friday;
4. the use of the garden by children attending the nursery shall be restricted to a maximum of 90 minutes each day;
5. the residential accommodation on the upper floors shall be occupied by the applicant or a member of staff working in the nursery.

20. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

## Monthly Planning Appeals Performance Update – April 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 30 April 2015, while Table B does the same for the current business plan year, ie. 1 April 2015 to 30 April 2015.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	14	31.1%	7	7
Dismissed	31	68.9%	7	24
Total BV204 appeals	45	100.0	14	31

**Table A. BV204 Rolling annual performance  
(1 May 2014 to 30 April 2015)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	0			
Dismissed	0			
Total BV204 appeals	0			

**Table B. BV204: Current business plan year performance  
(1 April 2015 to 30 April 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	19	34.5%
Dismissed	36	65.5%
All appeals decided	55	100.0%
Withdrawn	3	

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 May 2014 to 30 April 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 April 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 April 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 1/04/15 And 30/04/15**

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
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Total Decided: 0

**Enforcement Appeals Decided Between 1/04/2015 And 30/04/2015**

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
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Total Decided: 0

## Table E

### Appeals Received Between 1/04/15 And 30/04/15

**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
14/03029/FUL	15/00013/COND	DEL	PER	W	168 Divinity Road Oxford OX4 1LR	STCLEM	Demolition of external stores and canopy. Erection of single storey rear extension and formation of courtyard area. Change of use from 2 x flats to House in Multiple Occupation (Use Class C4) (amended plans)
14/03214/FUL	15/00014/REFUSE	DEL	REF	W	55 Blandford Avenue Oxford OX2 8EB	WOLVE	Demolition of existing dwellinghouse. Erection of 2 x 4-bedroom dwellings (Use Class C3). Provision of private amenity space, car parking and refuse stores. Provision of 2No new vehicle accesses from Blandford Avenue.
14/03485/FUL	15/00016/REFUSE	DEL	REF	W	128 & 130 Oxford Road Cowley Oxford OX4 2DU	COWLYM	Change of use of the first floor from Use Class A2 (Financial and Professional Services) to Use Class C1 (Guesthouse) to provide 6no. guest bedrooms. Change of Use of ground floor of 130 Oxford Road to Use Class A1 (Retail). Installation of new shop front and front door to first floor accommodation.

**Total Received: 3**



## Monthly Planning Appeals Performance Update – May 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 31 May 2015, while Table B does the same for the current business plan year, ie. 1 April 2015 to 31 May 2015.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	12	27.3%	4	8
Dismissed	32	72.7%	7	25
Total BV204 appeals	44			

**Table A. BV204 Rolling annual performance  
(1 June 2014 to 31 May 2015)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	0	0		
Dismissed	2	100	1	1
Total BV204 appeals	2			

**Table B. BV204: Current business plan year performance  
(1 April 2015 to 31 May 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	18	31.6%
Dismissed	39	68.4%
All appeals decided	57	
Withdrawn	2	

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 June 2014 to 31 May 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 **May 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 **May 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 1/05/15 And 31/05/15

**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
14/02713/FUL	15/00008/REFUSE	DEL	REF	DIS	01/05/2015	STCLEM	14 Parsons Place Oxford OX4 1NL	Erection of roof and partially enclosed rear porch over existing patio (retrospective)
14/01670/OUT	15/00004/REFUSE	COMM	REF	DIS	20/05/2015	COWLYM	Parking Area William Morris Close Oxford Oxfordshire OX4 2SF	Outline application (seeking approval of access, appearance, layout and scale) for the erection of new buildings consisting of 2 x 2 bed flats (Use Class C3), 1 x 3 bed flat (Use Class C3), 2 x 3 bed house (Use Class C3) and 2 x 4 bed house (Use Class C3).

**Total Decided: 2**

## Enforcement Appeals Decided Between 1/05/2015 And 31/05/2015

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//0017/7/ENF	14/00050/ENFORC	ALC	06/05/2015	87 Oliver Road Oxford Oxfordshire OX4 2JH	LYEVAL	Alleged unauthorised outbuilding
14//0016/7/ENF	14/00065/ENFORC	ALLOW	12/05/2015	8 Harefields Oxford Oxfordshire OX2 8NS	WOLVER	Appeal against enforcement notice of unauthorised change of use (from C3 to C4 HMO)
13//0060/6/ENF	14/00041/ENFORC	DISMIS	18/05/2015	396A Woodstock Road Oxford Oxfordshire OX2 8JW	WOLVER	Appeal against enforcement notice for unauthorised use of outbuilding as a dwelling

## Table E

### Appeals Received Between 1/05/15 And 31/05/15

**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
14/02117/FUL	15/00017/REFUSE	DELCOM	REF	W	15 Kestrel Crescent Oxford Oxfordshire OX4 6DY	NORBRK	Erection of two storey side extension to create 1 x 1 bed dwellinghouse (Use Class C3). Provision of car parking, cycle and bin storage.
14/02445/FUL	15/00018/REFUSE	DEL	REF	W	13 Rectory Road Oxford OX4 1BU	STCLEM	Subdivision of existing House of Multiple Occupation (sui generis) to create 3 self-contained units including retention of existing HMO, 1x3 bed house and 1 x 1 bed basement flat (Use Class C3). Erection of two storey side extension (including basement level) and formation of 1 x dormer window in association with loft conversion. Insertion of 2 x rooflights to front roofslope, 1 x rooflight to rear roofslope, Creation of front lightwell for basement flat. Provision of amenity space, refuse and cycle parking (amended plans)
14/02925/FUL	15/00021/REFUSE	COMM	PER	H	30 Harpes Road Oxford Oxfordshire OX2 7QL	SUMMT	Erection of garden outbuilding.

**Total Received: 3**

### Enforcement Appeals Received Between 01/05/2015 And 01/06/2015

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

EN CASE	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
14/00542/ENF	15/00020/ENFORC	W	1 Frederick Road Oxford Oxfordshire OX4 3HL	COWLEY	Appeal against possible unauthorised outbuilding
14/00558/ENF	15/00019/ENFORC	W	82 Cricket Road Oxford Oxfordshire OX4 3DH	COWLYM	Appeal against the construction of a single storey outbuilding without planning permission.

**Total Received: 2**

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## WEST AREA PLANNING COMMITTEE

**Tuesday 12 May 2015**

**COUNCILLORS PRESENT:** Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Benjamin, Clack, Clarkson, Cook, Coulter, Gant and Hollingsworth.

**OFFICERS PRESENT:** Fiona Bartholomew (City Development), Michael Crofton-Briggs (Head of City Development), Murray Hancock (City Development), Michael Morgan (Law and Governance) and Jennifer Thompson (Law and Governance)

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

Apologies for absence were received from Councillor Price (substitute Councillor Coulter) and Councillor Tanner (substitute Councillor Clarkson).

### **148. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **149. OXFORD RAILWAY STATION: 15/00096/PA11**

The Head of City Development submitted a report detailing an application for prior approval for development comprising an extension to the length of the existing north bay platforms, replacement platform canopies, new re-locatable rail staff accommodation building and reconfiguration of short stay and staff car parking under Part 11 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 at Oxford Railway Station.

Sushila Dhall, a local resident, spoke about the impact the development would have on residents of Stable Close.

Lisa Bullock, representing Network Rail, spoke in support of the application.

The Committee asked questions of the officers and the speakers. Members were concerned that the location of the two-storey building caused a significant loss of amenity to the residents of Stable Close over the lifetime of the building. They noted this could be well in excess of three years if this was required to allow completion of the masterplan. They were of the view that the rationale for the proposed location of building was not fully explained and that therefore, given their concerns, they were not able to determine the application on the information before them.

The Chair asked the applicant to provide the committee with full details of Network Rail's analysis of the options and the rationale for the proposed location and design.

The Committee resolved to:

**defer** a decision on the application to allow the applicant and officers to consider other feasible options for siting and design which mitigate the impact on local resident.

#### **150. CEDAR COTTAGE, WATER EATON ROAD: 15/00417/FUL**

The Head of City Development submitted a report detailing an application for the demolition of the existing bungalow and erection of two five- bedroom semi-detached dwellings (Use Class C3) with provision of parking for four vehicles, formation of rear decking and associated landscaping at Cedar Cottage, Water Eaton Road.

The planning officer reported receipt of additional comments. He recommended an additional condition to locate the bin and cycle store at the front of the properties.

Neil Perry, the architect, spoke in support of the application and confirmed the proposed additional condition was acceptable.

The Committee resolved to approve application 15/00417/FUL for planning permission at Cedar Cottage, Water Eaton Road subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples.
4. Variation of Road Traffic Order - Water Eaton Road.
5. Vision Splays.
6. Flood risk assessment.
7. SUDS/Surface Water.
8. Larger cycle store.
9. Bats.
10. Design - no additions to dwelling.
11. Bin and cycle store location at front of properties to be agreed.

#### **151. 7 MIDDLE WAY: 15/00710/FUL**

The Head of City Development submitted a report detailing an application for the demolition of a lock up garage and erection of one one-bedroom dwelling house (Use Class C3), with erection of an outbuilding and provision of private amenity space, at 7 Middle Way.

Members of the Committee asked questions of the officer about the application. The Committee agreed to add a condition to control the siting and design of the proposed lattice fence to the 11 conditions listed in the report.

The Committee resolved to approve application 15/00710/FUL for planning permission at 7 Middle Way subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples of materials.
4. Removal of Part 1 PD rights.
5. Removal of part 2 PD rights.
6. Exclusion from CPZ.
7. Garden building incidental.
8. Boundary treatment.



9. Bin and cycle parking details required.
10. Phased contamination.
11. Energy efficiency.
12. Design and siting of lattice fence to be agreed.

#### **152. 16 COMPLINS CLOSE: 15/00539/FUL**

The Head of City Development submitted a report detailing an application for the erection of a single storey rear extension and insertion of three side windows, and formation of a rear dormer window in association with loft conversion at 16 Complins Close.

Miles Thompson, on behalf of a number of local residents, spoke objecting to the application.

Members of the Committee asked questions of the officer about the proposal and its impact.

The Committee resolved to approve application 15/00539/FUL for planning permission at 16 Complins Close subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials matching.

#### **153. 20 MERE ROAD: 15/00612/FUL**

The Head of City Development submitted a report detailing an application for demolition of the existing conservatory and erection of a single storey rear extension and first floor side extension above the re-instated garage.

The Committee resolved to approve application 15/00612/FUL for planning permission at 20 Mere Road subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials.

#### **154. CUTTESLOWE PARK: 15/00853/CT3**

The Head of City Development submitted a report detailing an application for the replacement of the existing roof and cladding; erection of new external canopy, paving and ramp to north elevation; and formation of raised decked viewing platform with steel balustrade to the east elevation of Bottom Pavilion, Cutteslowe Park, Harbord Road.

The Committee resolved to approve application 15/00853/CT3 for planning permission at Bottom Pavilion, Cutteslowe Park subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.

## **155. PLANNING SERVICES IMPROVEMENT ACTION PLAN PURSUANT TO THE ROGER DUDMAN WAY REVIEW**

The Head of City Development submitted a report setting out the work carried out by the planning service to implement the planning services action plan pursuant to the Roger Dudman Way review.

The Committee resolved to:

1. Recognise, and thank officers for, the substantial work undertaken by those in the Planning Service.
2. Note that improvement work is ongoing.
3. Agree that the Steering Group should continue to review progress of this improvement work.
4. Ask officers to report to Committee in a year's time on such improvements.
5. Thank Vincent Goodstadt for his continuing support and feedback on the Action Plan work.

## **156. MINUTES**

The Committee resolved to approve the minutes of the meeting held on 14 April 2015 as a true and accurate record.

## **157. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications.

## **158. DATE OF NEXT MEETING**

The Committee noted that the next meeting would be held on 9 June 2015.

The Committee thanked Michael Crofton-Briggs for his support and service to the Council as Head of City Development over the last fourteen years.

**The meeting started at 6.30 pm and ended at 8.10 pm**