

# Agenda

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## East Area Planning Committee

Date: **Wednesday 1 July 2015**

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Time: **6.00 pm**

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

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For any further information please contact:

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# East Area Planning Committee

## Membership

<b>Chair</b>	Councillor Roy Darke	Headington Hill and Northway;
<b>Vice-Chair</b>	Councillor Van Coulter	Barton and Sandhills;
	Councillor Mohammed Altaf-Khan	Headington;
	Councillor Farida Anwar	Headington Hill and Northway;
	Councillor Ruthi Brandt	Carfax;
	Councillor Mary Clarkson	Marston;
	Councillor David Henwood	Cowley;
	Councillor Sian Taylor	Northfield Brook;
	Councillor Ruth Wilkinson	Headington;

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

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# AGENDA

## Pages

**1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

**2 DECLARATIONS OF INTEREST**

**3 CHENEY HALL: 15/01568/FUL**

11 - 30

**Site address:** Cheney Hall, Cheney Lane

**Proposal:** Change of use of existing storage area (Use Class B8) to student residential accommodation (Sui Generis) creating 20 additional bedrooms, associated living and kitchen space and a new junior common room. Erection of a new gardeners store and secure bicycle store.

**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.
4. Retention of tree.
5. Arboricultural Method Statement.
6. Students - no cars.
7. Term time use.
8. Management of student accommodation.
9. Cycle parking.

**4 FORMER NUFFIELD ARMS, LITTLEMORE ROAD, OX4 3SS:  
15/00775/FUL**

31 - 50

**Site address:** Former Nuffield Arms Littlemore Road (site plan: appendix 1)

**Proposal:** Part demolition of existing building. Erection of a single storey side extension fronting Bartholomew Road. Change of use from Use Class A4 (Public House) to Use Class A1 (Retail). Installation of a rooftop plant enclosure. Provision of 8 no. car parking spaces.

**Officer recommendation:** to approve planning permission subject to the following conditions

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Materials - matching
4. Opening Times - 07.00-22.00
5. Revised Noise Management Plan
6. Revised Service Management Plan
7. Revised Parking Layout
8. Ground resurfacing - SUDS compliant
9. Air conditioning plant

5	<p><b>238 HEADINGTON ROAD: 15/01082/FUL</b></p> <p><b>Site address:</b> 238 Headington Road Oxford OX3 7PR</p> <p><b>Proposal:</b> Erection of 1 x 3-bed dwellinghouse (Use Class C3). Provision of private amenity space, bin and cycle store.</p> <p><b>Officer recommendation:</b> to REFUSE the application for the following reason:</p>	51 - 70
	<p>The proposed dwelling, by reason of its overall height, bulk and massing and in particular that of the two storey side element, together with the extent of development including the number of bedrooms, provision of amenity space, parking and turning area, bins and cycle storage within a constrained plot size, would amount to overdevelopment of the site and result in a poor relationship to the existing property which is inappropriate to the site's context, it would appear cramped and overly dominant within the street scene, to the detriment of the character and appearance of the existing dwelling and street scene, and contrary to Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan, Policy HP9 and HP10 of the Sites and Housing Plan and CS18 of the Core Strategy.</p>	
6	<p><b>159 WINDMILL ROAD: 14/02182/FUL</b></p> <p><b>Site address:</b> 159 Windmill Road</p> <p><b>Proposal:</b> Erection of two storey side and rear extension (amended plans received 15/9/14).</p> <p><b>Officer recommendation:</b> to approve the application subject to the following conditions</p> <ol style="list-style-type: none"> <li>1. Development begun within time limit.</li> <li>2. Develop in accordance with approved plans.</li> <li>3. Materials.</li> <li>4. Parking.</li> <li>5. Side windows.</li> <li>6. Surface water.</li> <li>7. Balcony.</li> </ol>	71 - 80
7	<p><b>ROSE HILL SPORTS GROUND, ASHHURST WAY: 15/00178/ADV</b></p> <p><b>Site address:</b> Rose Hill Sports Ground, Ashhurst Way</p> <p><b>Proposal:</b> Display of 1 no. non-illuminated banner and 1 no. non-illuminated free standing sign (part retrospective).</p> <p><b>Officer recommendation:</b> to approve the application subject to conditions</p> <ol style="list-style-type: none"> <li>1. Five year time limit.</li> <li>2. Advert - Statutory conditions.</li> </ol>	81 - 88

<b>8</b>	<b>22 NORMANDY CRESCENT: 15/00304/CT3</b> <b>Site address:</b> 22 Normandy Crescent Oxford.  <b>Proposal:</b> Erection of single storey rear extension.  <b>Officer recommendation:</b> to approve to application, subject to and including the following conditions  <ol style="list-style-type: none"><li>1. Development begun within time limit.</li><li>2. Develop in accordance with approved plans.</li><li>3. Matching materials.</li></ol>	89 - 94
<b>9</b>	<b>COWLEY MARSH DEPOT: 15/01372/CT3</b> <b>Site address:</b> Oxford City Council Depot Marsh Road  <b>Proposal:</b> Installation of new roller shutter door.  <b>Officer recommendation:</b> to approve the application subject to the following conditions  Development begun within time limit. Develop in accordance with approved plans. Materials as specified.	95 - 100
<b>10</b>	<b>PLANNING APPEALS</b>  Summary information on planning appeals received and determined to 31 May 2015.  The Committee is asked to note this information.	101 - 106
<b>11</b>	<b>MINUTES</b>  Minutes from the meeting of 3 June 2015.  <b>Recommendation:</b> That the minutes of the meeting held on 3 June 2015 are approved as a true and accurate record.	107 - 112
<b>12</b>	<b>FORTHCOMING APPLICATIONS</b>  Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.  15/00210/FUL - Land adjacent to 147 Oxford Road, Old Marston Erection of 1 x 3 bedroom dwelling house (Use Class C3). Provision of private amenity space, car parking space and bin and cycle store.  15/00955/FUL - Ashlar House Adjacent 2 Glanville Road - Demolition of existing builder's yard. Erection of 3 x 3 bed dwellinghouse (Use Class C3) and 3 x4 bed dwellinghouse (Use Class C3). Provision of private amenity space, car parking, cycling and bins storage.  14/03049/FUL - 23 Spring Lane, Littlemore - Erection of 5 x 3 bed terraced dwelling houses (Use Class C3). Provision of private amenity space and car	

parking spaces. Demolition of existing garage to provide a new vehicle access from Spring Lane.

15/00192/FUL, 8 Jersey Road - Conversion of existing two storey side and single storey rear extension, to incorporate into the existing 4no. flats to create 2no. 1 bed flats and 2no. 2 bed flats. Provision of bin and cycle stores and additional landscaping (Retrospective).

15/00930/OUT – 474 Cowley Road - Demolition of existing buildings consisting of timber yard and 4 flats. Outline planning application (seeking details of access, appearance, layout and scale) for the erection of 60 bed residential care home on 3 floors, together with single house to Cowley Road frontage, 20 car parking spaces, 10 cycle parking spaces, garden, bin and recycling store and ancillary works.

15/00858/FUL - 36 38 40 London Road And 2 Latimer Road - Demolition of residential houses at 36, 38 and 40 London Road and 2 Latimer Road. Erection of 175 student study rooms and ancillary facilities on 4 and 5 levels plus basement, together with 2 x 2-bed and 2 x 3-bed maisonettes. Provision of 4 car parking spaces, 88 cycle parking spaces, landscaped areas and ancillary works.

15/01349/FUL – 70 Glebelands - Demolition of existing house. Erection of a detached house (1x3 bed) and erection of detached 2 storey building to provide 2 flats (1x2 bed and 1x1 bed) (use class C3) with car parking.

13/01555/CT3 - Land East Of Warren Crescent - (Deferred from EAPC meeting of 4<sup>th</sup> September 2013).

## **13 DATES OF FUTURE MEETINGS**

The Committee will meet on the following dates:

5 August 2015  
2 September 2015  
7 October 2015  
4 November 2015  
2 December 2015  
6 January 2016  
3 February 2016  
2 March 2016  
6 April 2016  
11 May 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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**East Area Planning Committee:**

1<sup>st</sup> July 2015

**Application Number:** 15/01568/FUL

**Decision Due by:** 16th July 2015

**Proposal:** Change of use of existing storage area (Use Class B8) to student residential accommodation (Sui Generis) creating 20 additional bedrooms, associated living and kitchen space and a new junior common room. Erection of a new gardeners store and secure bicycle store.

**Site Address:** Cheney Hall Cheney Lane (**site plan: appendix 1**)

**Ward:** Churchill Ward

**Agent:** Mr Philip Leighton

**Applicant:** Mr Brendan Farrelly

**Application Called in by** Councillors Brown, Fry, Taylor and Sinclair on ground of concerns about scale of proposals and consider it should be determined at committee to allow local residents to raise issues.

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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. The proposal would not have a detrimental impact on the character, appearance and special significance of the Headington Hill Conservation Area. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

## Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Retention of tree
- 5 Arboricultural Method Statement
- 6 Students - no cars
- 7 Term time use

- 8 Management of student accommodation
- 9 Cycle parking

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- HE7 - Conservation Areas
- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP21 - Noise

**Core Strategy**

- CS11\_ - Flooding
- CS12\_ - Biodiversity
- CS13\_ - Supporting access to new development
- CS18\_ - Urban design, town character, historic environment
- CS24\_ - Affordable housing

**Sites and Housing Plan**

- HP16\_ - Residential car parking
- MP1 - Model Policy
- HP5\_ - Location of Student Accommodation
- HP6\_ - Affordable Housing from Student Accommodation
- HP9\_ - Design, Character and Context
- HP15\_ - Residential cycle parking

**Other Material Considerations:**

National Planning Policy Framework  
This application is in or affecting the Headington Hill Conservation Area.  
Planning Practice Guidance

**Relevant Site History:**

98/01892/LH - Demolition of existing halls of residence (Amended plans) - PER

98/01893/NFH - Construction of 750 student study rooms and ancillary facilities in linked buildings on 4 storeys in phased redevelopment – PER

04/00829/FUL - Partial enclosure of existing bin store. - PER

**Representations Received:**

The report has been drafted before the end of the consultation period and therefore any further comments received will be verbally updated at the meeting.

Oxford Brooks University: Support proposal which meets the requirements of the University's strategic objectives

**Statutory Consultees:**

None

**Issues:**

- Principle of Development
- Design
- Affordable housing
- Impact on neighbouring amenity
- Access/Parking
- Flooding and Surface Water Drainage
- Trees
- Conservation Area

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

1. Cheney Hall is an existing development of fifteen four storey buildings used to provide 750 student bedrooms. The larger buildings are divided into two or more blocks, each block is referred to by a letter (from A-U). The site is situated near to the top of Headington Hill; Cheney Lane runs along the south side of the site and Headington Road to the north-west. To the north east of the site there is an access driveway from Cheney Lane which separates the site from the Centre for Sport Building. At the centre of the application site lie a large student accommodation building (containing blocks B and C), this building is referred to as the Gatehouse Building.
2. The site currently contains a number of areas of outdoor cycle parking as well as bin stores and amenity areas. The Gatehouse Building contains most of the communal site facilities including the main reception, vending machines, common room and launderettes. Large parts of the existing gatehouse building are used for storage associated with the management of the site.
3. In the southern corner of the site there is an existing block of covered cycle storage. This building lies between blocks J and K.
4. There is very limited car parking on the current site. This is a reflection of the conditions of the original planning approval and the management of the site which ensures that students do not bring cars to university.
5. The application site, which is referred to as the Cheney Student Village in the applicant's design and access statement is jointly funded by Oxford Brookes University and UPP (Oxford Brookes) Limited (UPP). UPP are the long-term leaseholders of the site and are therefore the applicants, they also deal with the day to day management of the site.
6. The access driveway running along the north-eastern boundary of the site terminate in a car park outside of the Gatehouse Building; the driveway continues as a paved footpath and passes over Headington Road as an attractive and ornate footbridge which is a Grade II Listed Building.

7. The application site slopes principally from the north east to the south west. The site incorporates many features relating to its layout that reflect this topography, particularly the use of courtyards and paths that link the different blocks at different levels throughout the site.
8. A strong feature of the application site is the presence of mature trees; this reflects the location of the application site which forms a continuation of the heavily wooded slopes of Headington Hill and the nearby South Park and Headington Hill Parks.
9. The entire site lies within the Headington Hill Conservation Area.

### **Proposed Development**

10. It is proposed to change the use of existing storage areas within the Gatehouse Building and convert these into twenty additional student bedrooms. It is also proposed to change the use of an existing ground floor storage area to create a new Junior Common Room (JCR). The proposed changes to the JCR and ground floor of the Gatehouse Building also include a proposed change to create a terrace along the southern edge of Block C and a covered link in front of the southern elevation of Block C. It is also proposed to enclose the existing covered ground floor area of the Gatehouse Building to provide a new room to house the vending machines.
11. It is important to note that some areas of the Gatehouse Building were originally proposed to be used for different purposes other than storage. Planning consent 98/01893/NFH permitted a number of uses within the building including a shop, office, storage, student TV room, bar games room, social area and wardens flat. Not all of the areas within the building were ever used for those proposed uses; specifically the student bar, games room, social area and student TV room. Instead, those parts of the building were used for storage and are now areas that are proposed to be modified and used as additional bedrooms and the JCR.
12. It was originally proposed to erect a gardeners store to the north of the Gatehouse Building on the footpath that is a continuation of the main driveway; the store was proposed to be located on the western side of the path and would be approximately 60m from the bridge over Headington Road. The store was omitted from a revised set of plans that were sought because of Officers concerns about the impact of the store on trees and specifically the loss of three trees adjacent to the path.
13. It is also proposed to convert the existing cycle store in the western corner of the site into dry storage. This would result in the loss of fifty-two cycle spaces.
14. Lastly, the proposals include a new covered and secure cycle store for sixty-two bikes. The proposed new cycle store would be situated in the western part of the site (adjacent to blocks J and K) and in an area which is currently open grass. The proposed store would be 12m in length and 5.5m in width with an overall height of 2.5m. Indicative plans have been provided relating to the building's

design which show that it would be constructed with timber cladding. A pathway is proposed to link the cycle shelter to the rest of the paved areas of the site; this would form a continuation of the main path from the centre of the site towards blocks J and K). The proposed store would therefore create a net gain of ten cycle spaces on the site.

### **Principle of Development**

15. The principle of the development is assessed in relation to Policy HP5 of the adopted Sites and Housing Plan (2013). The policy states that planning permission will only be granted for student accommodation in locations '*on or adjacent to an existing university or college academic site...*' On this basis the proposed development would be acceptable in principle as the application site is adjacent to the Headington Hill Campus. The proposal chiefly relates to the increased concentration of the existing accommodation on the site; there is a relatively small amount of new building proposed as part of the application. As a result, the proposed use of existing storage areas of the building as new student rooms and the relocation of those stores to purpose built structures would result in a more efficient use of the site which can be broadly supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016.

### **Affordable Housing**

16. The proposals have been assessed in relation to Policy HP6 of the Sites and Housing Plan (2013) which requires a financial contribution towards student accommodation where there are twenty or more bedrooms proposed. There are specific exceptions to the requirement to provide a financial contribution. The applicant's agent has provided a specific response relating to the policy and has suggested that a financial contribution would not be necessary as the exception (a) of the policy applies, this reads '*the proposal is within an existing university or college academic site or hospital and research site, as defined in the glossary;*'

17. The glossary referred to in the policy refers to university or college academic sites where teaching is the main use. It is not considered that the Cheney Student Village would be considered a site where teaching was the main use and on this basis Officers consider that exception (a) to Policy HP5 does not apply. However, Officers do consider that exception (c) of the policy applies and as a result there is no need for the proposals to provide a financial contribution towards affordable housing. Exception (c) reads: '*The proposal is for the redevelopment and/or intensification of a site, including proposals for the extension of a site on contiguous adjoining land, where the main existing use is student accommodation.*'

18. As the site involves the increased use of existing buildings and the intensification of the use of the Cheney Student Village site the exception (c) above is clearly applicable. As a result, no financial contribution towards affordable housing is required.

## **Design and Living Conditions**

19. It is considered that the proposed link and enclosure areas are acceptable in design terms. The proposed link area would be mainly glazed and would not have a substantial impact on the overall appearance of the building. The enclosing of the existing covered vending machine area would also be acceptable; this development would provide a better entrance area in the Gatehouse Building and mirror the design of the reception office at the adjacent part of the building.
20. The proposed cycle store would be acceptable in terms of its overall appearance; though the elevations and details of the store are only indicative at this stage the proposed use of timber means that the store would soften in terms of its appearance over time. The store would also be a fairly low building that would be sited amongst other buildings so it would not have a significant impact on the appearance of the area. The proposed development would result in a net gain of ten cycle spaces reflecting the additional requirement for cycle parking arising from the new student bedrooms; the proposals would therefore accord to the Council's adopted planning policy for cycle parking as set out in Policy HP15 of the Sites and Housing Plan (2013).
21. It is considered that all of the developments proposed are acceptable in the context of their impact on the character, appearance and special significance of the Headington Hill Conservation Area. The proposed development would be sited in amongst an existing built site and would therefore not be visible in the wider landscape. There are specific issues relating to trees which form an important consideration in terms of the Conservation Area, these matters are addressed later in the report.
22. The living conditions of the proposed student bedrooms are an important consideration for this application. Officers have assessed the proposed bedrooms and flats and consider that the quality of accommodation proposed would meet the requirements of Policy HP5 of the Sites and Housing Plan. One of the requirements of the policy is that some indoor and outdoor amenity spaces are provided; the proposed flats would have some communal living space in the kitchens provided. Outdoor amenity space is already available at the Student Village; there are large and pleasant outdoor spaces and terraces around the site which do appear to be used by student residents. Another requirement of Policy HP5 is the agreement of a management regime at the property; it is envisaged that the occupation of the student bedrooms would be on the same basis as the existing student accommodation on the site and this is required as part of Condition 9. The final requirement of Policy HP5 relates to parking which will be addressed later on in this report.
23. The proposed accommodation is referred to as a cheaper budget option for students that do not wish to pay for their own en-suite shower rooms; this has been justified by the applicant's agent in their Design and Access Statement as an opportunity to widen the budget options available to prospective students. Despite this lower specification of student rooms the overall quality of accommodation proposed would be acceptable and would meet the specifications of Oxford City Council's Amenities and Facilities for Houses in



Multiple Occupation good practice guide.

24. Some of the accommodation provided would meet the needs of disabled students and there are specific larger rooms shown on the plans that would provide adequate circulation space within the room for students with reduced mobility. The Design and Access Statement submitted with the application suggests that the provision of disabled rooms within the whole Student Village has exceeded the demand over the history of the site.
25. In addition to the above, the proposed communal areas incorporate features which ensure that they are accessible for disabled people.
26. The application includes information relating to waste management on the site. The Design and Access Statement submitted with the application states that waste and recycling are collected from outside student blocks with communal bins provided. As a result, the proposed development would appear to meet the requirements of waste and recycling management.

### **Impact on Neighbours**

27. The proposed development is not visible in the wider public realm and would not have an impact on the amenity of neighbouring residents. As a result, Officers consider that the development would comply with Policy HP14 of the Sites and Housing Plan.

### **Trees**

28. It has already been set out that the site lies in an area where there are a large number of mature trees and these contribute strongly to the overall appearance of the area. Mature trees are also a strong aspect of the special significance of the Headington Hill Conservation Area. As a result of the sensitivity of this element of the site the application includes significant detail relating to this issue. A detailed arboricultural report includes an arboricultural method statement and tree protection plan; the recommendations of these plans set out how the proposed development would impact upon trees and how existing trees on the site would be protected.
29. The proposed changes of use to the storage areas in the Gatehouse Building and erection of terrace and link areas would not have an impact on trees on the site.
30. The proposed cycle store would be in close proximity to a cluster of trees in the western corner of the site. Three particular trees would be in the vicinity of the path connecting the proposed store with the rest of the paved areas of the site (thereby providing access to the cycle shelter). The proposed cycle store and the path would lie within the root protection area of a mature oak tree. It is considered that the originally proposed cycle store would have had an adverse impact upon the oak tree. As a result, revisions were sought to the plans and a condition has been recommended that seeks an amended design for the cycle shelter in a similar location where the design of the structure will be lightweight and not affect any tree roots. In a similar way, the proposed path linking the shelter to the rest of

the paved areas of the site will be required to be lightweight and not intrusive to the underlying roots of nearby trees.

31. As already mentioned, a gardeners store was originally proposed to the north of the gatehouse building but this has been removed from the plans at the request of Officers following concerns about the proposed removal of three trees that would be required as part of that development.
32. On the basis of the above Officers consider that the development would not have a detrimental impact on trees in the application site. Any potential impacts on trees can be adequately mitigated against by the use of appropriate building techniques and precautions. Specific conditions have been recommended to deal with proposed development within the root protection areas of trees.

### **Flooding and Surface Water Drainage**

33. The application site does not lie in an area of high flood risk. Officers consider that the small scale of developments proposed on the site would not have an impact on surface water drainage on the site and would therefore comply with the requirements of Policy CS11 of the Core Strategy.

### **Access/parking**

34. The proposed development does not include any modifications to existing access arrangements on the site. The proposed cycle parking area would be connected to the network of paths around the Cheney Student Village as referred to previously.
35. Policy HP5 of the Sites and Housing Plan (2013) requires that new student accommodation must not result in more cars being brought into Oxford. This is also reflected in Policy CS25 of the Core Strategy (2011). The applicant's agent has provided details about the proposed measures that have already been adopted in terms of the management of the Cheney Student Village in relation to preventing students from bringing cars to university. An extract from the agreement signed by students on arrival at the hall of residence can be found in page 14 of the submitted design and access statement; this includes penalties for any student who is found to have brought a car to university.
36. Officers consider that adequate arrangements have been proposed in relation to access and parking at the site.

### **Biodiversity**

37. Officers have considered the impact of the proposed development on biodiversity. The majority of development proposed would be the conversion of existing buildings; where those buildings are already in use. The other developments proposed would be small scale and in amongst the built up areas of the site. As a result Officers consider that the development would not give rise to a detrimental impact in terms of biodiversity and the proposals meet the requirements of Policy CS12 of the Core Strategy.

## **Conclusion**

38. On the basis of the above, Officers recommend that the application be approved subject to the conditions referred to in the above report. In reaching this recommendation Officers have had regard to the consultation responses received in relation to the proposed development. Specific amendments have been sought to address some of the concerns raised in the first consultation.

### **Human Rights Act 1998**

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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 grant planning permission subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

14/02182/FUL

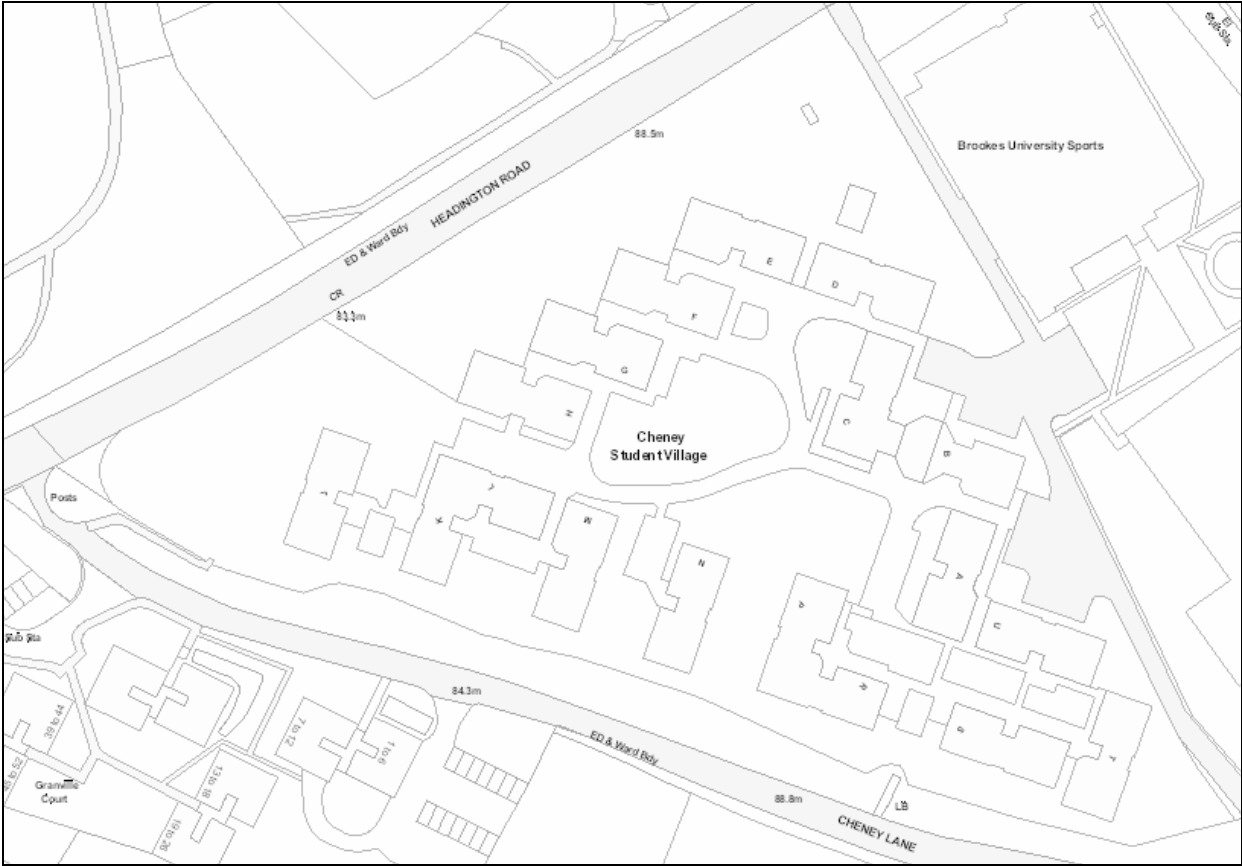
**Contact Officer:** Rob Fowler

**Extension:** 2104

**Date:** 18<sup>th</sup> June 2015

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**Appendix 1 – Site Plan – Cheney Hall**



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East Area Planning Committee

1<sup>st</sup> July 2015

**Application Number:** 15/00775/FUL

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

**Proposal:** Part demolition of existing building. Erection of a single storey side extension fronting Bartholomew Road. Change of use from Use Class A4 (Public House) to Use Class A1 (Retail). Installation of a rooftop plant enclosure. Provision of 8no. car parking spaces.

**Site Address:** Former Nuffield Arms Littlemore Road (**site plan: appendix 1**)

**Ward:** Littlemore Ward

**Agent:** Mr Jonathan Rainey

**Applicant:** The Co-Operative Group  
Food Ltd And Midland  
Assured Consulted Ltd

**Application Called-in** by Councillors Tanner, Turner, Van Nooijen and Paule on grounds that there are concerns about the proposal from local residents.

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## Recommendation:

The East Area Planning Committee is recommended to approve planning permission for the following reasons:

## Reasons for Approval

- 1 That notwithstanding the material fallback position that the use of the existing building could change from a public house (A4) to a retail (A1) store without planning permission, and subsequently extend the building once the retail (A1) use is implemented, the application has provided sufficient evidence to justify the change of use of the public house. The proposed extension would create an appropriate visual relationship with the built form of the existing building, and the subsequent conversion to a retail unit would maintain the external appearance of the existing building. The extension has been designed in a manner that would safeguard the residential amenities of the adjoining properties. The proposed change of use and the associated parking and servicing arrangements would be unlikely to give rise to significant residential amenity and highway safety issues subject to appropriate mitigation measures being secured by condition, which would otherwise not be achieved should the use commence within the building using the available permitted development

rights. As such the proposal would accord with current national planning policy guidance, and the relevant policies of the adopted Oxford Local Plan 2001-2016 and emerging Oxford Core Strategy 2026.

- 2 In considering the application, officers have had specific regard to all the comments of third parties and statutory bodies in relation to the application however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and that any harm identified by the proposal could be successfully mitigated by appropriately worded conditions.
- 3 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

#### **Conditions:**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Opening Times - 07.00-22.00
- 5 Revised Noise Management Plan
- 6 Revised Service Management Plan
- 7 Revised Parking Layout
- 8 Ground resurfacing - SUDS compliant
- 9 Air conditioning plant

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

##### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- CP19** - Nuisance
- CP21** - Noise
- RC18** - Public Houses
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR14** - Servicing Arrangements

##### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS18\_** - Urban design, town character, historic environment

##### **Sites and Housing Plan**

- Policy SP10 – Cowley Centre



**Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance  
Technical Advice Note 4: Community Public Houses

**Relevant Site History:**

None

**Representations Received:**

Letters of comment have been received from the following addresses.

- 1, 2a Bartholomew Road; 21 Littlemore Road

Their comments are summarised as follows

- The Public House is located on a busy corner with parking close to the corners of Bartholomew Road and Littlemore Road.
- The use of the parking area will be dangerous to vehicles turning into Bartholomew Road which is also a bus route.
- There is an access road to the rear of the site which leads to 2a Bartholomew Road and a number of garages. This access should not be disturbed by deliveries or customers
- Littlemore Road and Bartholomew Road is extremely busy from 07.00 to 09.30 and late afternoon. It can be difficult to move through this road and junction at these times without the proposed retail traffic.
- On road parking has also become a serious problem which could add to problems at the shop.
- The noise from the air conditioning and refrigeration plan will have an impact upon the adjacent Bartholomew Road properties
- The plant is to be located on the flat roof and the noise assessment does not sufficiently deal with the impact of noise
- There have been noise problems with the public house in the past.
- The flat face of the public house amplifies the noise
- The application does not provide any details of the external lighting and impact of this upon adjoining properties.
- Consideration should be given to deliveries. There should be no deliveries between 08.00-09.15hours and 14.45-15.45 hours during school terms.
- The fridges, radios and engines are switched off whilst unloading and loading

**Statutory Consultees:**

Oxford Civic Society: In principle the Society welcomes this application which retains most of the character of the original building. We would strongly urge that a better solution is designed for the elevation to the extension at the right of the main northern elevation, when building a new back-up area to the store. The existing public house has a poorly designed extension at this point, which is out of keeping with the original building.

The current proposal essentially repeats the same design and dimensions. We strongly urge that, before granting planning approval, the developers and the Council officers find a solution which will improve the whole of the north elevation

Oxfordshire County Council Highways Authority: No objection subject to conditions requiring the public highway to be altered to the county's standards; the surfacing and parking area should be permeable paving; no surface water should be discharged onto the highway; cycle and refuse storage should be provided to standards; and an amended Service Management Plan provided.

### **Officers Assessment:**

1. The site is a prominent corner plot that is situated on the eastern side of Littlemore Road at the junction with Bartholomew Road. The site is bordered by 29 Littlemore Road to the south and to the east a service road that leads to 2a Bartholomew Road with 2 Bartholomew Road opposite the service road (**appendix 1**)
2. The site comprises the former Nuffield Arms Public House, which is 2.5 storey purpose built building which faces onto both Littlemore Road and Bartholomew Road. There is a small pub garden to the rear, and the building has already had a small single storey extension added to it. There is an open forecourt on both road frontages which provided parking for patrons.
3. The Nuffield Arms is currently vacant having ceased trading in September 2014

### **Proposal**

4. Planning permission is sought for the partial demolition of the existing building within the rear service yard and the erection of a single storey extension in the rear service yard to facilitate the change of use of the building from Public House (Class A4) to retail (Class A1).
5. The retail unit would be a 'local' convenience store (292m<sup>2</sup>) operated by The Co-Operative Group Food Ltd.
6. The scheme would also include the installation of a rooftop plant enclosure and the provision of 8 car parking spaces on the Bartholomew Road frontage.
7. Officers consider that the main determining issues in this case to be
  - principle of development;
  - loss of the public house
  - site layout and built forms;
  - impact on adjoining properties;
  - noise and disturbance;
  - transport

## **Principle of Development**

8. The proposal is seeking permission for a number of works to the existing building to facilitate the change of use of the vacant premises from a drinking establishment (Class A4) use to a retail (Class A1) use.
9. The Town and Country Planning (General Permitted Development) Order 2015 states that planning permission is not required for the change of use of a building falling within the Class A4 use to Class A1 use. The order also allows for retail (Class A1) uses to extend their buildings under certain requirements.
10. The applicant considers that the change of use of the building should not form part of the consideration in this application because a retail (Class A1) use could be implemented within the building without planning permission and so the applicant could occupy the building without permission or restriction if they so wished. Moreover, an extension of almost identical size to that proposed could be provided without planning permission once the retail use had been implemented. It is the applicant's position that this constitutes a material fall-back position in the determination of this application should the change of use of the building be considered.
11. In terms of the fallback position as a material consideration, the courts have held that there has to be more than a theoretical prospect (i.e. a real prospect) of this occurring. In this regard the applicant has indicated that should planning permission not be forthcoming for the proposed development, then the Co-op would occupy the building and provide an extension using the permitted development rights.
12. Having regard to these points, officers acknowledge that it is necessary to take into account the available permitted development rights for the change of use and extension of the building. However, the weight to be attached to this fallback position is a matter for the Council to consider. In this regard officers consider that the proposed development would result in the overall change of use of the building because the extension would facilitate the change of use from a public house to retail food store. The applicant has only provided anecdotal evidence that the co-op would occupy the premises regardless, and although this would not demonstrate beyond reasonable doubt that there would be more than a theoretical prospect of this use commencing, the statement needs to be taken on face value. The use of the building for a retail use and its resultant extension under permitted development rights would be unrestricted which could give rise to material harm that could be worse than the current proposal where the Council would have control. Therefore officers would attach some weight to the consideration of the fall-back position when considering the change of use of the building. This will be discussed in more detail below.

## **Loss of Public House**

13. The National Planning Policy Framework identifies public houses as community facilities which enhance the sustainability of communities.

14. Oxford Local Plan Policy RC18 deals specifically with the loss of public houses and identifies public houses as having two distinct roles, firstly as a community facility in residential areas and secondly as part of the historic legacy of Oxford. The policy supports their loss where it can be demonstrated that no other potential occupiers can be found; or that evidence of non-viability is provided; or there are suitable alternatives in the local area. The method for assessing a proposal against these criteria is set out within the Community Public House Technical Advice Note.
15. Notwithstanding the applicant's position that the change of use of the building should not form part of this application, they have provided an assessment of the proposal in the context of Policy RC18.
16. Marketing: The public house was marketed by Savills from November 2013 for a period of 12 months. The majority of interest from prospective purchasers was to develop the site for residential use with interest in a continued pub/restaurant negligible. There were three offers at the guide price (£425,000) which then went beyond this price. All three of these were for alternative uses of the building.
17. Viability: The applicant has provided limited information on viability. Punch Taverns have indicated that the operation was considered 'marginal' with overheads at approximately the same level as takings. The pub needed significant investment (approx. £50k) to bring it up to modern standards but this needed to be set against the marginal trading. In addition it was considered that the building was not suitable to change the business model towards a more destination led food operation.
18. Alternative Public Houses: There is not an abundance of other public houses within the immediate vicinity of the site, but there are approximately 4 within an 800m radius. These are the William Morris, The Golden Ball, The Jolly Postboys and The Original Swan. In addition to this there is also the Cowley Workers Social Club.
19. Having reviewed the submitted information, officers would consider that the marketing was undertaken for a reasonable period of time. It was advertised in the most relevant places for a commercial property of this type and through the licensed trade and had a realistic guide price. It is recognised that market conditions in recent times have been difficult, although the number of pub closures has been less than during the recession according to CAMRA. There has been limited information provided on viability, and it would have been useful to understand whether the previous occupiers considered this a determining factor in them leaving. There would be a number of public houses in reasonable proximity to the site, and it is noted that there have been no objections to the loss of the public house during the public consultation. Therefore officers consider that the proposed change of use would have satisfied at least two of the determining criteria of Policy RC18 that deal with marketing (part a) and alternative provision (part c) irrespective of any material fall-back position regarding the permitted change of use of the building to retail use. Therefore officers consider that there would be no material grounds to object to the loss of the public house.

## **Site Layout and Built Form**

20. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design responding appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the sites capacity and surrounding area. This is supported through Policy CP8, which states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
21. The proposed development would involve the demolition of the existing additions to the rear of the existing building, and the erection of a single storey extension increase the overall floor area by approximately 90m<sup>2</sup>. The extension would measure 10.4m – 7.4m in length from the existing building to the south and north respectively, 11.1m wide, and 3.7m – 4m in height to the south and north respectively.
22. The extension would be of a simple form and appearance mirroring the existing extension to the rear (or side) of the existing building. The extension would be subservient to the main building and would appear as an ancillary element to the main façade which would retain the appearance as the primary face of the building onto Bartholomew Road. The simple form of the extension would also sit more comfortably alongside the existing building than the current extension and boundary wall of the pub service yard / garden. As such officers consider that the overall size, scale, and design of the proposed extension would be appropriate in design terms and therefore accord with the overall aims of the above-mentioned policies.

## **Impact on adjoining properties**

23. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of both existing and new homes. This is supported by Policy CP10 of the Oxford Local Plan 2001-2016 which require development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties.
24. The property that would stand to be most affected by the proposal would be 29 Littlemore Road. The Public House forms the northern boundary of this adjoining property with the pub and its rear garden. The existing public house would already create a significant sense of enclosure on the boundary with this property. The proposed extension would effectively fill in the existing pub garden and service area, and would be sited approximately 2m from the boundary with 29 Littlemore Road. Although the level of built form would be increased alongside this boundary, the 2m set back would reduce the visual impact of the extension and officers are mindful that an extension of similar size could be built

in this position using permitted development rights. The property at 29 Littlemore Road lies to the south of the application site and therefore the proposed extension will not reduce the amount of light received in the garden, while the increased sense of enclosure would likely outweigh any impact from the use of this area as a pub garden and service area. As such officers consider that the proposed extension would not have a significant impact upon the amenities of this adjoining property to warrant refusing the application on this basis.

25. The proposed extension to the building would not have a material impact in terms of loss of light, privacy, or overbearing impact upon the other surrounding properties such as 2 Bartholomew Road which lies to the east and has its side gable facing the public house which is also separated by an access road. Similarly the properties on the northern side of Bartholomew Road would also be unaffected in this regard.

### **Noise and Disturbance**

26. Oxford Local Plan Policy CP21 states that permission will not be granted for development that causes unacceptable noise, with particular attention paid to noise levels close to noise-sensitive developments; and public and private amenity space, both indoor and outdoor. It goes on to state that the Council will impose enforceable conditions to minimise any adverse impacts as a result of noise and transmission.

27. A Noise Impact Assessment has been submitted to consider the noise impact associated with the proposed food store. The assessment assesses the current background noise levels for the site and the noise levels from the operation of the food store through its use, servicing, and plant and machinery. This is then compared to the likely noise levels that would be derived from the fall-back positions of the store opening and extending under the permitted development rights that allow the change of use without permission. The assessment makes clear that the proposal will create a level of noise impact no greater than the British Standard low adverse impact level. The noise from delivery operations and car park activities will be audible externally but will be mitigated through a Noise Management Plan that has been prepared. The Noise Management Plan has been provided in **Appendix 2** of this report and includes such measures as restricting the delivery times; ensuring that all delivery vehicle engines, radios, and refrigerators are shutdown whilst on site; care is taken with cage trolleys to avoid additional and unnecessary noise; no raised voices in spoken communication between staff; and that all staff are made aware of the policy.

28. The assessment states that this Noise Management Plan could be secured by use of a planning condition. It also infers that two fall-back positions would be unrestricted in planning terms and would cause significant adverse impact in noise impact terms. This is largely due to the fact that there will be no control over the use in these circumstances and by definition the implementation of the noise management plan. Officers consider that the mitigation measures within the Noise Management Plan (**appendix 2**) are simple common sense measures that could be imposed by the store irrespective of whether they are secured by a planning condition. Moreover the failure to do so would be unneighbourly and as

such the two fall-back positions would have little weight in this regard.

29. Environmental Health Officers accept that the proposed change of use within the proposed trading hours (07.00-23.00 hours) will increase the local ambient noise level in what is predominately a residential area. In particular 3 Bartholomew Road which will be directly adjacent to the proposed extension/ delivery area may at times be subjected to high peak levels of noise even with a stringent Service Management Plan for delivering in place. However the noise levels are not likely to be in excess of similar retail operations of this type, and as such an enforceable Noise Management Plan could be secured by condition to mitigate against this harm. Therefore the potential noise impact of the proposal upon the surrounding properties would not be so significant to warrant refusal because appropriate mitigation measures could be secured by condition.
30. The Noise Impact Assessment makes clear that the application does not include refrigeration or air conditioning plant for the building which will be subject to a separate application. Officers consider that the impact of such plant is likely to be significant and therefore any proposed air conditioning, mechanical ventilation or associated plant, should be designed to ensure that existing noise level is not increased when measured one metre from the nearest noise sensitive elevation. The plant should be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'. This should be included as an informative on the application.
31. Policy CP19 also states that permission will be refused for development that causes unacceptable nuisance, but where such nuisance is controllable, appropriate planning conditions will be imposed.
32. The application states that the opening hours for store would be 07.00 – 23.00 hours Monday to Sundays. This is considered excessive for a retail store that is located within a predominately residential area and not within a district centre. Officers consider that it would be more reasonable to restrict the opening times to 07.00-22.00 hours (Monday – Sunday) in order to reduce the potential noise and nuisance disturbance for local residents. This should be secured by condition.

## **Transport**

33. A Transport Assessment has been submitted with the application. The site is located at the junction of Littlemore Road and Bartholomew Road. The existing public house has two forecourts on both frontages that provided ad-hoc parking for patrons.
34. The proposal would provide 8 designated off-street parking spaces (including a parent/child and disabled space) along with a service area that would be accessed from Bartholomew Road.
35. Traffic Generation: The site is in a Transport District Area which is considered to be easily accessible by non-car modes of transport and provides access to a good range of public transport, shops and services. The Transport Assessment

acknowledges the fact that the site is well served by non-car travel modes and that the store intends to cater for a mainly walk-in catchment. The Transport Statement also acknowledges that the building was formally in commercial use and would therefore generate a level of traffic. The proposed store would not generate significant levels of traffic when compared to the fallback scenarios of the building being used for a retail store, and then subsequently extended without planning permission. The Local Highways Authority has raised no objection to the proposal in terms of traffic generation or impact upon the existing junction.

36. Car Parking: There would be 8 off-street parking spaces accessed from Bartholomew Road. The proposed level of off-street parking would exceed the maximum parking standard for a retail store of 1 space per 50m<sup>2</sup> by approximately 2 spaces. The site is in a sustainable location and the store would seek to serve a mainly walk-in catchment for the surrounding area which would support a level of parking below the maximum standard. That said officers are mindful of the fact that the fallback scenario of the use commencing within the building would mean that 8 spaces could be marked out on the existing frontage without planning permission. As such it may not be reasonable to object to the proposed level of parking in this instance.
37. The Transport Assessment also states that the parking standards would be laid out to the following dimensions 2.4m x 4.8m. The Local Highways Authority would normally require a parking space to measure 2.5m x 5m. Therefore officers would recommend a condition be imposed which requires a revised parking plan that ensures the spaces are laid out to standard.
38. Servicing: A Service Management Plan has been provided which sets out how the unit will be serviced (**appendix 3**). The plan makes clear that the site will be serviced in a manner which minimises the impact on residential amenity.
39. The site will be serviced between the hours of 07.00-20.00 hours (Monday-Saturdays) with newspapers possibly delivered before 7am. On Sundays all deliveries apart from newspapers will be after 09.00hours. In terms of frequency it is anticipated that there will be 6 fresh and frozen deliveries, and 3 ambient deliveries per week. With additional deliveries of bread, newspapers, and sandwiches per day. Overall there will be a maximum of 5 deliveries per day.
40. The Service Management Plan identifies that these deliveries could be scheduled outside of the 'school run hours'. This would be acceptable given the location of Church Cowley St James CofE Primary School further eastwards along Bartholomew Road. The applicant has amended the Service Management Plan to reflect this.
41. The deliveries will typically be made using a 10m rigid lorry, with bread deliveries using a 6m rigid vehicle and transit van for newspapers and sandwiches. The plan states that all vehicles will be fitted with reversing alarms although they will not be used before 09.00 and 07.00 hours. The plan also provides details on reducing noise levels which have already been discussed above.



42. A Swept Path Diagram has also been provided to demonstrate that delivery vehicles can enter the site in a forward gear and reverse towards the servicing bay to enable the easy loading and unloading of goods. The plan allows for the vehicles to then leave in a forward gear. The 10m delivery vehicle will require parking spaces 6-8 to be kept clear to allow vehicles to manoeuvre into the service bay. Officers had raised concerns about how these spaces would be managed to ensure that the servicing arrangements were practicable. The applicant has confirmed that delivery drivers will be provided with risk assessments that highlight delivery arrangements before leaving the depot. The co-op uses specific software to programme deliveries to avoid specific times of the day and provide delivery slots to stores. The store managers will be made aware of the slots so that they can manage the use of the parking spaces. The spaces will be managed using demountable posts which will be pulled up to keep the spaces clear prior to delivery, with staff waiting for customers to depart any occupied space before pulling up the posts to ensure that they are not in use prior to any delivery. This could be secured through the condition for the revised parking plan, and also to be made clear within the Service Management Plan to ensure that such a scheme can be practically enforced. This method of managing parking spaces has been used on other similar types of retail scheme across the city.

43. The Transport Assessment has made clear that the ability to obtain a service management plan through this planning application would have highway safety and operational benefits for the proposed store when compared to the fallback scenarios of an unrestricted retail use operating within the building. Officers would agree with this assessment and consider that the proposed store could be serviced in such a manner that would minimise the impact upon highway safety and would recommend a condition requiring an amended service management plan to be submitted which sets out how the parking spaces will be controlled to allow access for delivery vehicles and to confirm that no deliveries will take place during school run hours. The Local Highways Authority has raised no objection to the proposal subject to an amended Service Management Plan being secured and implemented by condition.

### **Conclusion:**

44. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016 and therefore East Area Planning Committee is recommended to approve the application.

### Human Rights Act 1998

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

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the

rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

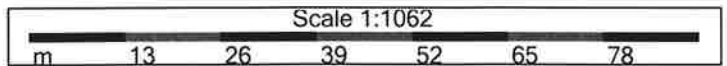
**Date:** 12th May 2015

# Appendix 1

## Nuffield Arms (15/00775/FUL)



1:1062



<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	22 June 2015
<b>SLA Number</b>	100019348

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## APPENDIX D – LITTLEMORE ROAD, COWLEY STORE NOISE MANAGEMENT POLICY

### Objective

This noise management policy has been written to inform Co-operative Food employees and supplier delivery employees who deliver to the site of their obligations to this site.

The Co-operative is a responsible retailer and as such we respect and value the considerations of our neighbours.

All deliveries are to be made with the least noise possible and delivery drivers should be mindful of our neighbours at all times.

Any staff or supplier delivery driver found not to be adhering to this policy will be subject to disciplinary action.

### Vehicle Movements

- No delivery vehicles to be allowed on site outside of the proposed delivery times, as follows:
  - 07:00- 20:00 hours (on any day of the week);
- Staff vehicles to reverse into their parking positions as expediently as (safely) possible;
- Delivery vehicle radios to be switched off before arriving on site;
- Vehicle horns only to be sounded if required in safety-critical situations;
- Engines and HGV refrigeration units to be shutdown when vehicles are stationary.

### Cage Trolleys

- Care to be taken with cage trolleys to avoid additional, unnecessary noise, taking care to avoid sudden movements and impacts etc.

### Communication

- Spoken communication between staff/ vehicle delivery to be undertaken at normal vocal effort. Shouting or raised voices are not permitted at any time (unless to warn of a safety-critical situation).

### Staff Awareness

- All Co-operative staff at the Littlemore Road, Cowley store to made aware of this policy and the nature of the site as a noise-sensitive site;
- Awareness of the policy to form part of the induction for new starts;
- All Co-operative and supplier delivery drivers to be made aware of this policy via their own company procedures;
- Signs will be erected within the unloading/delivery areas, to remind all staff of the requirement to adhere to this policy.

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**CO-OPERATIVE CONVENIENCE STORE****Former Nuffield Arms Public House, Littlemore Road, Oxford****SERVICE MANAGEMENT PLAN (SMP)****DATE: 19.06.15 (rev 3)****1.0 Purpose of Management Plan**

- 1.01 This document has been prepared to illustrate the manner in which the site will be managed to facilitate deliveries to the convenience store and the associated safety measures to be applied.
- 1.02 The plan also seeks to ensure that the site will be serviced in a manner which minimises any impact on residential amenity.
- 1.03 The plan also explains how the site will be managed in terms of the proposed Co-op operation and consolidated car sales/servicing operation.

**2.0 The Co-operative Store Development**

- 2.01 The proposal is to create a new Co-op convenience store utilising the existing public house building (and an extension), to provide an improved local convenience offer for local residents.
- 2.02 Specific details relating to how the proposed Co-op store will operate are discussed further below.

**3.0 Delivery Management Objective**

- 3.01 The objective will be to ensure that deliveries are received, and that waste is collected, keeping noise disturbance and local traffic disruption to a minimum by effective and efficient use of the premises.

**4.0 Deliveries & Collections**

- 4.01 Co-Operative stores in the Oxford area are serviced by on a 'round robin' route with different assignments delivered to different stores by the same vehicle. The delivery logistics are therefore fairly complicated and the requirement for the delivery of goods is managed by a computer system and delivered when stock levels are low (apart from fresh produce which requires regular deliveries). However, through careful management, it is intended to reduce the number of deliveries as far as possible.

i. Delivery Hours

- 4.02 All deliveries are proposed to be made to the store after 7am or before 8pm (Mondays to Saturdays) with the exception of newspapers, which may be delivered before 7am in a van.

- 4.03 On Sundays, all deliveries other than newspapers will be after 9am.

ii. Delivery Frequency

- 4.04 It is currently planned that 6 fresh and frozen deliveries will be made per week (on the same vehicle); and 3 ambient deliveries per week from the nearest Co-op depot (at Andover).

## CO-OPERATIVE CONVENIENCE STORE

Former Nuffield Arms Public House, Littlemore Road, Oxford

### SERVICE MANAGEMENT PLAN (SMP)

**DATE: 19.06.15 (rev 3)**

- 4.05 Additional deliveries to the store will take the form of the following:
- Bread from suppliers 6-7 times per week;
  - Newspapers and magazines from suppliers Daily;
  - Sandwiches from suppliers 6-7 times per week.
- 4.06 As a result there will be a maximum of 5 deliveries per day.
- 4.07 Deliveries can be specified as part of any planning permission to occur outside of the 'school run hours'.
- 4.08 Delivery targets are set to minimise the time taken for vehicle turnaround on site (up to a maximum of 30 minutes), thus reducing the potential for congestion during deliveries and minimising impact on amenity.
- 4.09 The Co-Op store management will monitor deliveries and collections to ensure that deliveries are made as efficiently as possible, in an attempt to reduce the need for the number of deliveries (thereby results in improvements to amenity, pollution and cost efficiency). This is, for example, reducing the number of ambient and freezer deliveries per week if possible.
- 4.10 Regional and distribution management will carry out periodic checks to ensure modifications are put in place, as necessary, to resolve any problems.
- iii. Delivery Vehicles
- 4.11 Deliveries from the Co-op depot will typically be made using a 10m rigid lorry.
- 4.12 Bread deliveries are typically from a 6m rigid vehicle with sandwiches and newspapers both being delivered using a transit style van.
- 4.13 All delivery vehicles are fitted with 'white noise reversing alarms'. These alarms emit sound over a wide range of frequencies and can be directed towards the area where staff and the public may be at risk, thus reducing noise nuisance for local residents, as far as possible.
- 4.14 The site has been designed so that vehicles can enter the site in a forward gear from Bartholomew Road, reverse towards the servicing bay, and back up directly into this area to allow the easy loading/unloading of goods. Vehicles can then exit the site in a forward gear also using Bartholomew Road. Easy site management through design ultimately reduces the potential for impact on residential amenity by reducing the distance that goods need to be moved over the site.
- 4.15 When a 10m delivery vehicle enters and exits the site, car parking spaces 6-8 will need to be coned off to allow the vehicle to manoeuvre.



**DATE: 19.06.15 (rev 3)**

iv. Waiting Strategy

4.16 Deliveries will be co-ordinated so that delivery vehicles will not be delivering at the same time. When parked, all vehicles will have their engines and refrigeration units switched off.

v. General Requirements for Deliveries

- No use of audible reversing equipment before 9.00am and after 7.00pm.
- Noise levels to be kept at a minimum.
- Vehicle refrigeration units and radios to be turned off.
- Mechanical noise generation from vehicles manoeuvring into unloading positions to be kept to a minimum. Drivers should seek to-
  - Engage gears with a minimum of noise
  - Keep engine revs to a minimum
  - Apply brakes gently
  - Close doors with minimal noise

vi. Unloading / re-loading

- Ensure engine and refrigeration units are switched off once the vehicle is stationary and in the unloading position.
- All loading and unloading of goods to take place within the agreed locations whenever possible.
- Drivers should seek to-
  - Lower loading plates into the correct position with minimal noise
  - Avoid making contact with trailer walls, lift guardrails or other obstructions
  - Maintain conversation to a minimum
- Movement of goods to and from the store and delivery vehicles will be via trolleys/cages or by hand into the dedicated service area.
- Additional mitigation is proposed including the laying of heavy rubber matting between the back of the delivery vehicle and the delivery door to prevent cages moving on concrete and the associated noise.
- All deliveries will be under the supervision of the Store Manager, or Duty Manager, who will be responsible for ensuring that the procedures contained in this SMP are adhered to at all times.

vii. The return journey

- All vehicle doors should be closed with minimal noise.
- Where possible, drivers should refrain from starting vehicle refrigeration units until the vehicle is away from the site.
- Drivers should seek to-
  - Engage gears with minimal noise
  - Keep engine revs to a minimum
  - Apply brakes gently
  - Accelerate gently until the vehicle is a reasonable distance from the store.

**DATE: 19.06.15 (rev 3)**

## **5.0 Hours of Operation and Staffing**

6.01 The proposed hours of operation of the store are 7am to 11pm seven days a week.

6.02 Staff are not allowed on the premises 30 minutes before opening and must be off the premises 30 minutes after closing.

## **6.0 Refuse Collection & Storage**

6.01 There will be no separate collections for waste and recycling. This will be collected and taken away from the site by one of the delivery vehicles which is scheduled to visit the site. This is referred to as 'back hauling'.

## **7.0 Training and Ongoing Management**

7.01 The following training and management measures will be implemented throughout a 12 month trial period

7.02 Regular training will be undertaken by the Co-op management to drivers to ensure that this Management Plan will be adhered to.

7.03 Local Coop store management will undertake a minimum of weekly checks to ensure that this plan is adhered to

7.04 The Coop regional management will undertake unannounced checks (in conjunction with their existing schedule of unannounced checks) to ensure that this Management Plan is being adhered to

7.05 A 24hour/7 day a week Customer Careline number will be displayed at the front of the store, should any customers or members of the public have any concerns they wish to report and discuss.

7.06 Co-op management will liaise, as necessary, with the relevant Council Officers to ensure the Service Management Plan operates in the most effective manner possible.

## **8.0 Noise from Plant**

8.01 Plant shall be regularly maintained and serviced to ensure it is operating at its full efficiency.

8.02 Noise from plant and machinery at the site shall not exceed the following noise limits as set down in the Noise Assessment by 24Acoustics (Ref: R5418-1 Rev 2):

- Daytime (07:00 – 23:00) 39dB LAeq, 1 hr
- Night time (23:00 – 07:00) 23dB LAeq, 15 min.

East Area Planning Committee

1<sup>st</sup> July 2015

**Application Number:** 15/01082/FUL

**Decision Due by:** 9th June 2015

**Proposal:** Erection of 1 x 3-bed dwellinghouse (Use Class C3).  
Provision of private amenity space, bin and cycle store.

**Site Address:** 238 Headington Road Oxford, Site Plan **Appendix 1**

**Ward:** Churchill Ward

**Agent:** Mr David Padmore

**Applicant:** Ms Shirley Gleeson

**Call in:** The application has been called in to committee by Councillors Brown, Price, Fry and Lygo because the applicant wants the application to be determined by Committee.

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**Recommendation:** East Area Planning Committee is recommended to refuse the application for the following reason:

- 1 The proposed dwelling, by reason of its overall height, bulk and massing and in particular that of the two storey side element, together with the extent of development including the number of bedrooms, provision of amenity space, parking and turning area, bins and cycle storage within a constrained plot size, would amount to overdevelopment of the site and result in a poor relationship to the existing property which is inappropriate to the site's context, it would appear cramped and overly dominant within the street scene, to the detriment of the character and appearance of the existing dwelling and street scene, and contrary to Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan, Policy HP9 and HP10 of the Sites and Housing Plan and CS18 of the Core Strategy.

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

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

**CP9** - Creating Successful New Places

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

### **Core Strategy**

**CS2** - Previously developed and greenfield land

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

**CS19** - Community safety

**CS23** - Mix of housing

## **Sites and Housing Plan**

**MP1** - Model Policy

**HP2**\_ - Accessible and Adaptable Homes

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

**HP10**\_ - Developing on residential gardens

**HP11**\_ - Low Carbon Homes

**HP12**\_ - Indoor Space

**HP13**\_ - Outdoor Space

**HP14**\_ - Privacy and Daylight

**HP15**\_ - Residential cycle parking

**HP16**\_ - Residential car parking

## **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

## **Relevant Site History:**

89/00064/NF - Two storey side and single storey front and rear extensions (Amended Plans). PER 4th April 1989.

91/00574/NF - Detached garage. PER 27th November 1991.

14/00190/FUL - Erection of 1 x 3-bed dwelling (Use Class C3). Provision of cycle parking, bin storage and amenity space.. PER 2nd June 2014.

14/00190/VAR - Variation of condition 6 (Tree Protection Plan) of planning permission 14/00190/FUL (1x 3 bed dwelling and cycle parking, bin and amenity provision) to allow removal of tree T4 and replacment with alternative tree.. PER 14th November 2014.

14/00190/NMA - Non-material amendment to planning permission 14/00190/FUL to allow insertion of 2 no. windows to ground and first floor south-east elevation. PER 16th October 2014.

14/00190/CND - Details submitted in compliance with conditions 3 (windows), 4 (samples), 5 (arboricultural method statement), 6 (tree protection plan), 7 (landscape plan), 9 (landscape hard surface design), 10 (cycle parking), 11 (bin storage), 12 (SUD's), 16 (boundary details) of planning permission 14/00190/FUL. PER 9th December 2014.

14/03416/FUL - Erection of 1 x 3-bed dwelling (Use Class C3). Provision of cycle parking, bin storage and amenity space.. REF 10th February 2015.

## **Representations Received:**

Comments can be summarised as:

- Design of the house acceptable;
- In keeping with the area;
- Another family home;
- Screened by hedge;

- Window at first floor in west elevation would allow surveillance onto car parking area;
- Adequate amenity space for bins, bicycles, parking, with good sized private garden and larger side garden; not cramped;
- This new application remains for the most part unchanged from the application that was refused;
- Despite changes to the roof profile it still has no single story elements, and a large bulky double story bedroom extension;
- Still constitute an overdevelopment of a small compact plot with a bulky imposing result;
- It would impact on the street view and be contrary to the general positioning of nearby properties being well set back from their boundaries;
- The original application 14/00190/FUL approved with single story elements would have a lesser impact on the surrounding properties and be less overwhelming within this small plot, this would indicate that it is more appropriate for this site;
- Neighbour led to believe that the dwelling was never intended to be on a larger scale but as retirement accommodation for the existing owner and not an extension of the bed and breakfast business that currently operates from 238 Headington Road.

#### **Statutory and Internal Consultees:**

Highways Authority: After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to conditions excluding eligibility for residents parking permits, SUDs, no surface water to be discharged onto the highway and vision splays required.

Environmental Development: The application has been reviewed in respect of contaminated land and the sensitive development. 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 a new residential dwelling. Residential dwellings are considered to be sensitive uses. Land use maps do not show any sources of contamination on the site and the risk of any significant contamination being present on the site is low. However, 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 planning permission regarding unexpected contamination.

#### **Officers Assessment:**

#### **Site Description, Background and Proposal:**

1. No.238 Headington Road lies on the corner of Headington Road and Brookside, directly on the junction with Headley Way and the London Road and is one of a pair of semi-detached houses facing onto Headington Road. It also has a rear access onto Valencia Road to the rear. It is highly visible from the Headington/ London Road and partially visible from Valencia Road in between the garages and houses on that street. The area is mainly characterised by residential properties, set back from the road frontage with car parking and rear private

gardens. Opposite on Headington/ London Road is the White Horse Pub and Headington Girls School. It is not within the Conservation Area.

2. This is the fourth application for a new dwelling on the side garden of this house submitted by this applicant. The first application (14/00190/FUL) was granted permission for a two storey gable fronted house with single storey side element, after a considerable negotiation process during the application process to remove the first floor of the two storey side element as submitted. The Officers delegated report stated as follows:

*On initial assessment of the proposed plans it was considered that the new dwelling represented overdevelopment of the site due to the size and shape of the dwelling, taking into account the site constraints and need to provide adequate private amenity space both in and outdoors. The plans have subsequently been revised to show a reduced massing with a single storey side element. It is considered that the proposal, whilst still large, has a better relationship to No.238 Headington Road and views within the street scene. The proportion of built to open space within the plot is on balance acceptable and the building respects the building line as it turns the corner onto Brookside.*

3. In November 2014 this permission was varied under the second application 14/00190/VAR to vary the tree condition to allow one tree to be removed. All the relevant conditions to this permission have been complied with and therefore this development could commence.
4. The third application (14/03416/FUL refers) was refused for a two storey gable fronted dwelling with a two storey side element (outrigger), the Officer's delegated report is attached at **Appendix 2**. The difference between the approved schemes above and this application was the lowering of the eaves and ridge height and addition of the first floor above the single storey side element, making it a two storey outrigger and thus the increase in the size and extent of development from a 2 bed unit to a 3 bed unit.
5. Unsurprisingly, given the Officers comments above and negotiation on the first application 14/00190/FUL, it was considered that the overall size of the dwelling (height, bulk and massing) and in particular that of the additional first floor above the approved single storey side element of this proposal would make the new dwelling appear large and cramped in the street scene within its limited plot. Furthermore the increase in the scale of development with the additional bedroom would turn a modest proposal into overdevelopment. It was therefore refused for the following reason:

*The proposed dwelling, by reason of its overall height, bulk and massing and in particular that of the two storey side element, together with the extent of development including the provision of amenity space, parking and turning area, bins and cycle storage within a constrained plot size, would amount to overdevelopment of the site and result in a poor relationship to the existing property which is inappropriate to the site's context, it would appear cramped and overly dominant within the street scene, to the detriment of the character*

*and appearance of the existing dwelling and street scene, and contrary to Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan, Policy HP9 and HP10 of the Sites and Housing Plan and CS18 of the Core Strategy.*

6. In this current application the Applicant has sort to address the above reason for refusal by altering the roofscape of the main part of the dwelling from a gable at the front and rear to hipped roofs. The overall ridge height again is lower than approved under 14/00190/FUL (approx. 55cm) but in fact slightly higher than the previous refusal by 8cm. It is still a two storey house with a two storey sided outrigger, garden, car parking, bins and cycle storage and would involve the demolition of the existing garage.
7. The Officer's previous delegated report (**appendix 2**) still stands and to avoid repetition it is therefore only proposed to assess the changes in respect of the refused scheme.

**Issues:**

8. Officers consider the main issues in determining this application are:
  - Design and appearance
  - Overdevelopment
  - Residential Amenities
  - Impact on Neighbours
  - Parking
  - Trees

**Design and Appearance:**

9. The National Planning Policy Framework (NPPF) seeks to ensure all development is sustainable (economically, socially and environmentally) and that there is a presumption in favour of sustainable development if it is in accordance with the development plan, unless material considerations dictate otherwise. It encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
10. Policy HP10 of the Site and Housing Plan (SHP) states that permission will be granted where new dwellings on residential gardens provided that they respond to the character and appearance of the area, taking into account the views from streets, footpaths and the wider residential and public environment; the size of plot to be developed is of an appropriate size and shape to accommodate the proposal, taking into account the scale, layout and spacing of existing and surrounding buildings, and the minimum requirements for living conditions set out in Policies HP12 (indoor space), HP13 (outdoor space) and HP14 (impact on neighbours); and any loss of biodiversity must be mitigated.
11. Policy CS18 of the Core Strategy (CS) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in saved policies CP1 and CP8 of the Oxford Local Plan (OLP) and SHP policy HP9. Policies CP1, CP8 and CP10 of the OLP states that planning permission will only be granted for development that respects the character and

appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policies CP6, CP8 and CP10 seek and to ensure development makes best and efficient use of land whilst relating it appropriately to its siting and context. This is taken forward by Policy HP9 of the Site and Housing Plan 2013 (SHP) which ensures that residential development responds to the overall character of the area; including its built and natural form. CP10 of the OLP also seeks to ensure new development provides adequate garden, parking, bins storage whilst also protective neighbouring amenities.

12. The change of the roofscape to hipped roofs would in some ways improve the appearance in that the dwelling so that it would appear more proportionate and reflect the architectural roof style of other houses along that edge of the Headington Road. However, it is considered that this does not overcome the key issue in terms of overall height, bulk and massing of the dwelling as a whole and appearance in the street scene. It is important to note that the main view of the dwelling would be from Headington Road onto the west side elevation and the two storey side outrigger as the plot turns the corner into Brookside.
13. It is still considered that given the openness of views into the site and the siting of the dwelling, that the two storey side element would visually close the gap at first floor between the existing house and the approved house. Whilst the change in the roofscape would improve the architectural relationship to the existing building and reduce size of the roof, it is still considered that dwelling would appear overlarge with in its awkward and restricted plot. The two storey side element would be most prominent in public views due to siting and plot orientation and serve to make the new dwelling appear overlarge and cramped when viewed in the street scene, to the detriment of the character and appearance of the area.
14. The proposed development is therefore considered contrary to Policies CP1, CP8, CP10 of the OLP, CS18 of the CS and HP9 of the SHP.

#### **Overdevelopment:**

15. The NPPF and the local development Framework seek to make best use of land and Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. HP10 of the OLP is specific to developing on residential gardens and states that the size of plot to be developed must be of an appropriate size and shape to accommodate the proposal, taking into account the scale, layout and spacing of existing and surrounding buildings. CP10 requires development to meet its functional needs as set out above without harming the street scene.
16. Of relevance also is SHP policy HP13 which states that new houses of 2 or more bedrooms must provide a private garden, of adequate size and proportions for the size of house proposed, with adequate space for children to play in, and for family activities.



17. The plot is an awkward shape and the proposal has limited amenity space, much taken up by car parking and turning area; the rear garden area is wide and narrow in depth across the back of the house. The additional first floor of the side element would turn a modest two bedroom house into a larger 3 bed family house with in a constrained plot. It is considered that the size and shape of the plot is not appropriate to accommodate this size of dwelling taking into account the relevant car parking and turning area, bins, cycle storage and adequate amenity area required for children to play, family activities and associated paraphernalia (tables/ chairs/ clothes drying/ sheds etc). As such the proposal is not appropriate to its site and context and amounts to overdevelopment of the site contrary to Policies CP1, CP6 and CP10 of the OLP and HP10 and HP13 of the SHP.

#### **Residential Amenities, Impact on Neighbours, Parking & Trees:**

18. Please see Officers' delegated report in **appendix 2**. However, with regard to the condition required by the Highways Authority for vision spays for the access. This is an existing access onto a very quiet side Road and it is considered therefore, if approval were recommended, unreasonable to require new vision spays in this case.

#### **Conclusion:**

19. The proposed development would appear out of scale within its plot size and have a poor relationship to the existing dwelling. It would appear visually dominant by virtue of the side element of the development from open views into the site and cramped in the street scene. As such it would amount to overdevelopment of the site which is inappropriate to the site's context, to the detriment of the character and appearance of the existing dwelling and street scene and contrary to the development plan. East Area Planning Committee is recommended to refuse the application.

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

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

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

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

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a

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

**Background Papers:** 15/1082/FUL, 14/00190/FUL, 14/00190/VAR 14/03416/FUL

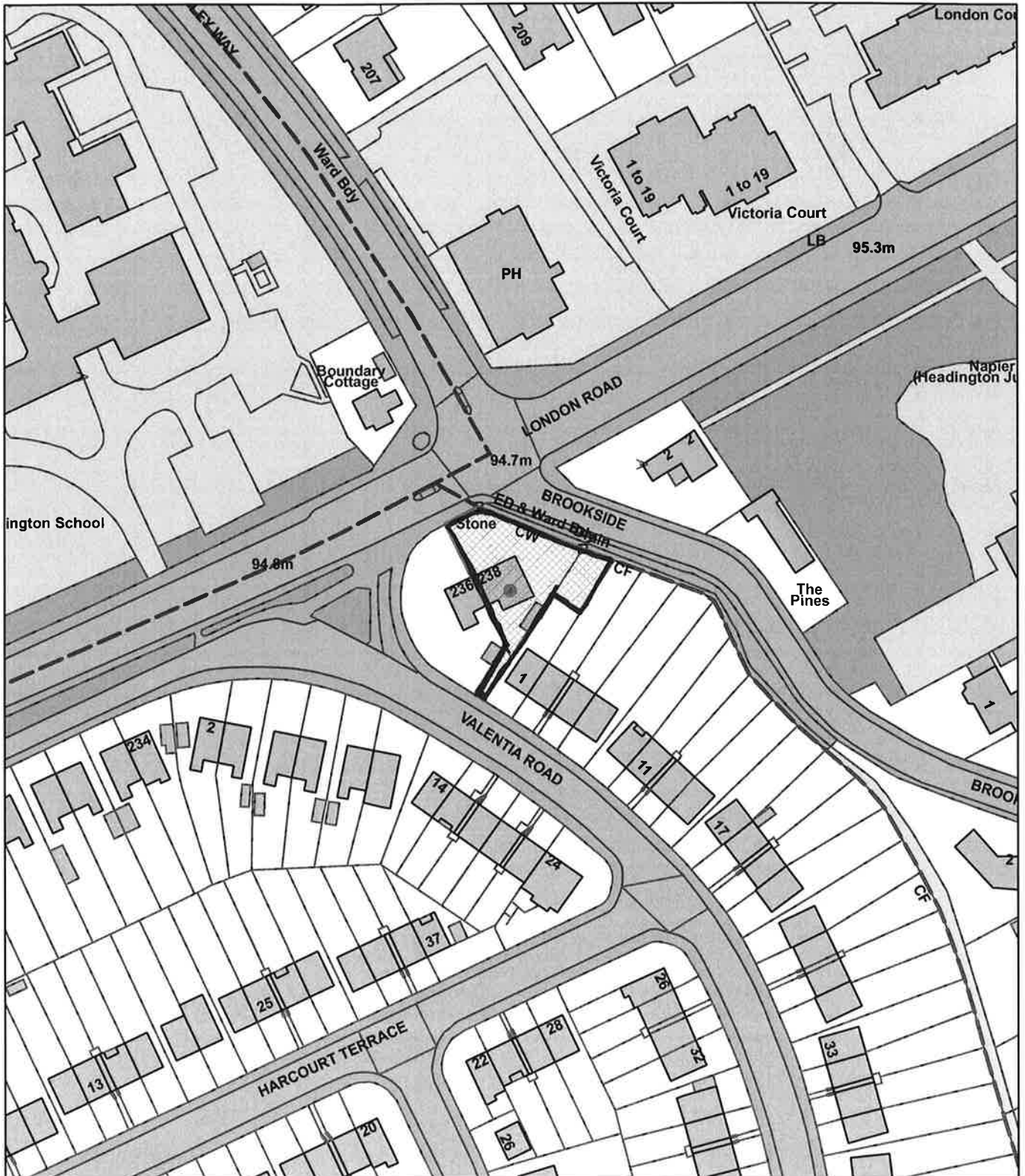
**Contact Officer:** Felicity Byrne

**Extension:** 2159

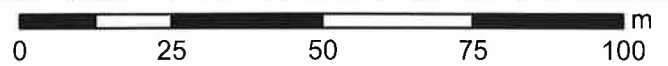
**Date:** 15th June 2015

# Appendix 1

## 238 Headington Road



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Ordnance Survey 100019348.



Oxford City Council

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City Development

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**Application Number:** 14/03416/FUL

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

**Proposal:** Erection of 1 x 3-bed dwelling (Use Class C3). Provision of cycle parking, bin storage and amenity space.

**Site Address:** 238 Headington Road Oxford Oxfordshire OX3 7PR

**Ward:** Churchill Ward

**Agent:** Home Design Studios

**Applicant:** Ms Shirley Gleeson

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**Recommendation:**

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The proposed dwelling, by reason of its overall height, bulk and massing and in particular that of the two storey side element, together with the extent of development including the provision of amenity space, parking and turning area, bins and cycle storage within a constrained plot size, would amount to overdevelopment of the site and result in a poor relationship to the existing property which is inappropriate to the site's context, it would appear cramped and overly dominant within the street scene, to the detriment of the character and appearance of the existing dwelling and street scene, and contrary to Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan, Policy HP9 and HP10 of the Sites and Housing Plan and CS18 of the Core Strategy.

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

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

**CP9** - Creating Successful New Places

**CP10** - Siting Developmnt to Meet Functionl Needs

**Core Strategy**

**CS2\_** - Previously developed and greenfield land

**CS18\_** - Urb design, town character, historic env

**CS19\_** - Community safety

**CS23\_** - Mix of housing

## **Sites and Housing Plan**

**MP1** - Model Policy

**HP2** - Accessible and Adaptable Homes

**HP9** - Design, Character and Context

**HP10** - Developing on residential gardens

**HP11** - Low Carbon Homes

**HP12** - Indoor Space

**HP13** - Outdoor Space

**HP14** - Privacy and Daylight

**HP15** - Residential cycle parking

**HP16** - Residential car parking

## **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

## **Relevant Site History:**

14/00190/FUL: Erection of 1 x 3-bed dwelling (Use Class C3). Provision of cycle parking, bin storage and amenity space (amended plans) approved 02.06.2014

14/00190/VAR: Variation of condition 6 (Tree Protection Plan) of planning permission 14/00190/FUL (1x 3 bed dwelling and cycle parking, bin and amenity provision) to allow removal of tree T4 and replacement with alternative tree. Approved 14.11.2014

14/00190/NMA: Non-material amendment to planning permission 14/00190/FUL to allow insertion of 2 no. windows to ground and first floor south-east elevation. Approved 16.10.2014

## **Representations Received:**

None

## **Statutory and Internal Consultees:**

Natural England: no objection. This application is in close proximity to the New Marston Meadows, Magdalen Quarry and Rock Edge Sites of Special Scientific Interest (SSSI's). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application. We have not assessed this application and associated documents for impacts on protected species. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes which could be secured by condition.

## **Issues:**

- Design and Appearance
- Residential Amenities
- Impact on Neighbours
- Parking

- Trees

## Officers Assessment:

### Background:

In 2013 the Applicant submitted a pre-application in sketch form for demolition of the garage and erection of a 3bed house on the site. The Officers advised as follows:

*“I note that you have previously requested our opinion on a similar development for a 3 bed house back in 2010. My colleague Lisa Green advised you that the principle of a dwelling in this location was acceptable. Since this time Planning Policy Statement 3 Housing has been replaced by the National Planning Policy Framework (NPPF). This seeks to ensure all development is sustainable (economically, socially and environmentally) and that there is a presumption in favour of sustainable development if it is in accordance with the development plan, unless material considerations dictate otherwise. Our development plan that is relevant to this proposal currently consists of the Oxford Local Plan (saved policies), the newly adopted Sites and Housing Plan 2013 and the Core Strategy. The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*

*Whilst our development plan has changed with the adoption of the Site and Housing Plan (SHP), I am of the opinion that the principle of development of the garden area for a house still stands”. ...*

*“Notwithstanding it being acceptable in principle, I do have concerns about the layout and proposed design and appearance, which I mentioned at our meeting on site”. ...*

*“As I said on site, I do not think that the layout in the current form is acceptable. The house is pushed back into the site, with little rear private garden space and is surrounded by car parking. We would expect new development to turn the corner round onto Brookside from Headington Road, following through the building line. Whilst the shape of the plot is awkward, nonetheless the private garden area would be to the rear and I do not consider that new occupiers would use the front garden area, due to its proximity to the busy London Road, Headington Road, Headley way and Brookside. Lisa Green also gave you this advice and despite the policy changing I am still of the opinion that the proposed garden is inadequate for a 3 bed family dwelling.*

*I also consider the footprint of the building unacceptable. The overall size in relation to car parking area and garden is too large and convoluted in shape, which would lead to an awkward design. It also has a poor relationship to the existing dwelling and the grain of the area, which has a*

*strong building line with front car parking areas and rear gardens. I also consider that*

*In terms of actual design, I appreciate that the visualization sketch is only indicative of what the applicant would like. I have no objection to the style of the building; pitched roofs, chimneys, dormers, and whilst we are supportive of interesting and innovative design, I do not consider that the appearance would be acceptable, which is a direct result of the proposed footprint. It may be that the proposed ridge and eaves height would be acceptable, but further consideration would need to be given once a worked up design is submitted.*

*In conclusion therefore I advise you that the requirements to provide a form of development that responds to the surrounding built form with adequate garden, parking etc means that proposal is unacceptable and a 3 bed house too large for this site, and ultimately overdevelopment in its current form”.*

In early 2014 the Applicant submitted an application for demolition of the garage and erection of a 3 bed house in the garden which comprised a house with a 2 storey side element with gable end to the side. During the process of that application Officers advised the Applicant that the proposed development was unacceptable due to the overall size and massing of the dwelling, and in particular the two storey element, both in relation to the impact on the existing house No.238 Headington Road and the street scene, the plot lying on a prominent corner which is highly visible from Headington Road. The Officers delegated report states as follows:

*“On initial assessment of the proposed plans it was considered that the new dwelling represented overdevelopment of the site due to the size and shape of the dwelling, taking into account the site constraints and need to provide adequate private amenity space both in and outdoors. The plans have subsequently been revised to show a reduced massing with a single storey side element. It is considered that the proposal, whilst still large, has a better relationship to No.238 Headington Road and views within the street scene. The proportion of built to open space within the plot is on balance acceptable and the building respects the building line as it turns the corner onto Brookside. “*

Removing the first floor element and therefore the third bedroom, resulted in a building of smaller height, bulk and massing and reduced the house to a two bed which was considered more appropriate to the site’s context and visually less intrusive. As a result the application was recommended approval and granted planning permission. It should be noted that the description was unfortunately not amended to reflect the amended plans i.e. as two bed house.

### **Proposed Development:**

It is proposed to demolish the garage and erect a 3 bed house on the same foot print as previously approved, but with the full two storey side element (as submitted



originally under 14/00190/FUL).

### **Design and Appearance:**

The National Planning Policy Framework (NPPF) seeks to ensure all development is sustainable (economically, socially and environmentally) and that there is a presumption in favour of sustainable development if it is in accordance with the development plan, unless material considerations dictate otherwise. It encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The NPPF states that whilst development should be looked upon favourably, development of poor design that fails to improve the character and quality of an area should be refused.

Policy HP10 of the Site and Housing Plan (SHP) states that permission will be granted for new dwellings on residential land provided that they respond to the character and appearance of the area, do not amount to overdevelopment of the plot and any loss of biodiversity must be mitigated.

Policy CS18 of the Core Strategy (CS) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in saved policies CP1 and CP8 of the Oxford Local Plan (OLP) and SHP policy HP9. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policies CP6 and CP8 seek to ensure development makes best and efficient use of land whilst relating it appropriately to its siting and context. This is taken forward by Policy HP9 of the Site and Housing Plan 2013 (SHP) which ensures that residential development responds to the overall character of the area; including its built and natural form.

It is considered that the main difference between the approved house (and as amended under the NMA approval) is the first floor part of the two storey side element of the new house that provides the additional bedroom, and thus the overall increase in extent of development, i.e. a 2 bed unit to a 3 bed unit. It is noted that the scheme as proposed now has a slightly lower ridge height and eaves height than previously originally submitted under 14/00190/FUL, a difference of 47.8cm at ridge height and approximately 70cm lower at eaves.

The plot itself is an awkward corner of the existing corner plot on the junction of Headington Road and Brookside Road. It sits on the major junction of the Headington/ London Road and Headley Way and is therefore open to views from Headley Way and is very visible from all aspects of this large junction.

The two storey side element would visually close the gap at first floor between the existing house and the approved house. The steeper pitch of the roof and use of gable ends is at odds with the existing house which has a less steep and hipped-back roof which serves to emphasise the bulk and massing of the new house. As it the proposed building sits on the corner as the site turns into Brookside, the two storey side element would be most prominent in public views. This was

demonstrated in the submitted 3D street scene drawings under 14/00190/FUL but those drawings were not submitted under this application.

It is considered that, notwithstanding the slight amendment made to the height of the ridge and eaves of the two storey side element of the new house, the proposed development would appear as a large house within a small constrained plot. As such it would have a poor relationship to the existing house and the overall extent of development proposed i.e. a 3 bed dwelling, with a small garden and together with the provision of parking and cycle, bin storage required within a limited plot size, is overdevelopment and does not respect the sites context. It would appear not only cramped in relation to the existing house but also in the street scene. The plot is easily viewed from the main London Road and Brookside Road and as such the bulk and massing and height would be dominant and considered to be visually intrusive. It would therefore have a detrimental impact on the character and appearance of the existing dwelling and the street scene.

It should be noted that the extract in the Design and Access Statements of pre-app advice given by the Council on 2010 relates to a 3 bed house in a different location than proposed; as a side extension to the existing dwelling No.238 Headington Road. It was also given under different Local Development Framework and in any event superseded by the advice given in 2013 as set above.

It is considered that the large 3 bed house within the limited plot size on this prominent corner is contrary to Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan, Policy HP9 and HP10 of the Sites and Housing Plan and CS18 of the Core Strategy.

### **Residential Amenities:**

The building has been designed to Lifetime Homes Standards in accordance with Policy HP2 of the SHP.

SHP policy HP13 states that new houses of 2 or more bedrooms must provide a private garden, of adequate size and proportions for the size of house proposed, for exclusive use by occupants of that house. This is further expanded upon in the supporting text which states that the Council expects an area of private garden for each family house (2 beds or more) which is at least equivalent to the original building footprint. In assessing the outdoor area location and context, orientation, degree of enclosure, overlooking and overall shape, access to and usability are also material considerations. SHP Policy HP12 seeks to ensure that adequate good quality indoor and outdoor space is provided.

The proposed house has a ground floor area of approximately 64sqm. The proposed plans do not show any delineation of garden area or alternative surfacing treatment for the car parking. However, the previous application showed a rear private garden area of approximately 75sqm. It is therefore considered that an adequate garden equating to more than the ground floor footprint is achievable, although relatively small and awkward in shape for a house of this size, and therefore in accordance with Policy HP13.

## **Impact on Neighbours:**

Policy HP14 of the SHP sets out guidelines for assessing development in terms of whether it will be of an overbearing nature, create a sense of enclosure, result in overlooking or overshadowing, or allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings.

In terms of overlooking and overbearing, normally a distance of approximately 20m back to back is needed to ensure no loss of privacy and overbearing effects are avoided. There are first floor windows in the rear elevation to the landing and bedroom 2 (which is now a high level window) and a roof light facing No.1 Valentia Road. No.1 has recently had a large garden building to the rear demolished following enforcement action. The distance between the two dwellings is approximately 17.3m. Whilst this is closer than the recommended guidance it is considered that the new dwelling would not be overbearing to the house or garden. The windows would not result in overlooking and loss of privacy. The garden to the rear of the proposed house is south facing and therefore there would be little impact of overshadowing to No.1 Valentia Road either.

In respect of the existing house No.238 Headington Road, the new dwelling would not appear overbearing or result in a loss of sun light/ day light. An adequate rear garden space is retained.

In respect of the adjoining house No.3 Valentia Road, the new dwelling would not appear overbearing or result in a loss of sun light/ day light to their rear garden. The bathroom window could be obscure glazing to prevent overlooking and the bedroom window is highlevel.

## **Trees:**

There are existing trees along the front boundary and next door property, some of which are protected under a Tree Protection Order (T1, T2 and T3). Planning permission will not be granted for any proposal that destroys or involves major surgery to protected trees, or that results in a significant adverse effect upon public amenity. Any protected tree that is destroyed must be replaced by a tree, or trees, suitable for the location, as set out in OLP Policies CP1, CP11, NE15 and NE16. Furthermore, any development that does not show a high standard of design, including landscape treatment that respects the character and appearance of the area will be refused.

The protected trees are not impacted upon by the development. However, the storage of materials during construction should be avoided within the root protection zone. No Arboricultural Report was submitted with this application, however, the Arboricultural Report submitted with the previous application 14/00190/FUL identified two trees (T4 & T5) that front Brookside for removal. They were classed as category C trees of low quality and value but that could have another 10 to 20 years life expectancy. The Tree Officer has raised no objection to this application but recommends a Tree Protection Plan condition on any consent to protect the field maple which is 4m from the proposed building (T5).

It is considered that these trees are important within the street scene providing public amenity, even if of relatively low value. They could also live longer than 20 years and would also help the new dwelling integrate into the street scene. However T4 is wrapped around the electricity pole and its removal has subsequently been agreed by variation of the original approval (14/00190/VAR refers). The removal of T5 does not appear to be necessary or crucial to the construction of the dwelling and therefore given its public amenity benefit its removal was previously not accepted. The cycle parking is acceptable in the proposed location and careful protection and construction of it and the driveway and any revised hard landscaping in that area would enable their retention. No objection is raised under CP1 and NE15, NE16 of the OLP.

### **Car and Cycle Parking:**

Car parking requirements for residential development are now set out in SHP Policy HP16, which for this small infill development would be will be considered on its merits. The amount and design of parking should respond to the character of the area, by reflecting the way in which residential parking is provided for existing neighbouring homes. Two car parking spaces is appropriate for a 2-3 bedroomed house in this location in accordance with the Policy. The Highways Authority has not commented on this application but raised no objection in relation to the previous applications 14/00190/FUL or VAR) but recommended the dwellings be excluded from the Controlled Parking Zone (CPZ). The parking provision in this sustainable location is considered satisfactory in accordance with HP16 of the SHP.

Cycle parking in the form of a cycle store is indicated on the plans beneath the existing field maple tree, T5. Tree spaces are required in accordance with Policy HP15. It should also be sheltered and secure. It may be possible to accommodate 3 cycles in this location in accordance with Policy HP15 of the SHP.

**Conclusion:** The proposed development would amount to overdevelopment of the site and result in a poor relationship to the existing property which is inappropriate to the site's context, it would appear cramped and overly dominant within the street scene, to the detriment of the character and appearance of the existing dwelling and street scene. It is thus considered contrary to the development plan and refusal is recommended.

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

**Background Papers: 14/03416/FUL, 14/00190/FUL, 14/00190/VAR & 14/00190/NMA**

**Contact Officer:** Felicity Byrne

**Extension:** 2159

**Date:** 5th February 2015

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East Area Planning Committee:

1<sup>st</sup> July 2015

**Application Number:** 14/02182/FUL

**Decision Due by:** 23rd September 2014

**Proposal:** Erection of two storey side and rear extension (amended plans received 15/9/14)

**Site Address:** 159 Windmill Road Oxford (**site plan: appendix 1**)

**Ward:** Headington Ward

**Agent:** Mrs Christine Smith

**Applicant:** Mr Aman Alvi

**Application Called in by** Councillor Wilkinson, Councillor Wade, Councillor Fooks and Councillor Gotch.

**For the following reasons** – Out of keeping, impact on privacy, concerns about highway safety, and potential overdevelopment of the site

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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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Parking
- 5 Side windows

- 6 Surface water
- 7 Balcony

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs

**Core Strategy**

- CS11\_ - Flooding
- CS12\_ - Biodiversity
- CS18\_ - Urban design, town character, historic environment

**Sites and Housing Plan**

- HP14\_ - Privacy and Daylight
- HP15\_ - Residential cycle parking
- HP13\_ - Outdoor Space
- HP16\_ - Residential car parking
- HP9\_ - Design, Character and Context

**Other Material Considerations:**

- National Planning Policy Framework
- Planning Practice Guidance

**Relevant Site History:**

None

**Representations Received:**

Objections: Mr Downes (6 Rock Edge) (further objections received in relation to amended plans), Mrs Aistrop (7 St Annes Road)

- Amount of development
- Impact on character and appearance of the area
- Impact on privacy
- Impact on light
- Concerns about the proposal in relation to the presence (or lack of presence) of sufficient vegetation to screen the development.

**NB.** An additional consultation was carried out from 12<sup>th</sup> June 2015 until 26<sup>th</sup> June 2015 on the basis of amended plans that had been submitted to overcome some of the concerns raised in relation to the proposals. All responses received in relation to this second consultation up until 18<sup>th</sup> June 2015 are referred to above. Any further responses submitted between 18<sup>th</sup> June 2015 and 26<sup>th</sup> June 2015 will be provided as verbal updates to the East Area Planning Committee on 1<sup>st</sup> July 2015.

**Statutory Consultees:**

Oxfordshire County Council Highways Authority: No objections, but suggest



conditions to ensure that the development is built in accordance with Oxfordshire County Council Highways standards and surface water does not enter the highway.

Natural England: No objections

Oxfordshire County Council Drainage Authority: Development should be SUDs compliant

**Issues:**

Design

Impact on Neighbours

Access/Parking

Flooding and Surface Water Drainage

**Officers Assessment:**

**Site Description**

1. 159 Windmill Road is a 1930s semi-detached house in the Headington area. The property lies opposite the Nuffield Hospital. To the north west of the application site is a block of flats (157a and 157b Windmill Road). To the immediate south east of the application site is the adjoining semi-detached house at 161 Windmill Road. To the rear of the application site there are residential properties in Rock Edge with a similar overall size, appearance and character to the houses on Windmill Road (**appendix 1**)
2. 159 Windmill Road forms part of a row of similar properties which have a plain white render and integrate some brick detailing which introduces visual interest. The overriding character of the area is a pleasant suburban residential street.
3. The application property itself is a large dwelling which has recently been extended at the rear with the addition of a single storey extension with a flat roof. The extension has provided an enhanced ground floor living space with an open plan family room. A loft conversion has also been carried out at the property which includes both a box type dormer and a three rooflights on the front elevation. It is important to point out that planning permission is not sought for any of these elements as part of this application; it is understood that these extensions have been carried out on the basis of permitted development (as set out in Part 1, Classes A, B and C of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO).
4. 159 Windmill Road has a long rear garden of approximately 19m, in length. The property also benefits from a front garden which is currently in use as a parking area. The layout of 159 Windmill Road means that it was constructed with the benefit of a side access. Plans of the property have indicated the presence of an outbuilding on the site but that is proposed to be demolished as part of the extensions sought in the application.
5. Existing boundary treatments between 159 Windmill Road and its neighbours include 1.8m high close boarded timber fencing. There is also an existing area of

shrubs and small trees at the rear of the garden at 159 Windmill Road.

6. It should be noted that this part of Windmill Road is fairly busy with traffic as a result of traffic queuing at the nearby junctions of Windmill Road with Old Road and The Slade. The road is also wider outside of 159 Windmill Road as the highway incorporates a right turning lane for vehicles entering the Nuffield Hospital.

### **Proposed Development**

7. It is proposed to erect a two storey side and rear extension and modify access and parking arrangements at the front of the house. The proposed side extension would extend approximately 2.3m towards the boundary with 157a and 157b Windmill Road and would be set back slightly from the front of the house. At the rear, the proposed side extension would extend beyond the original rear wall of the house by approximately 3m and would therefore be in line with the existing recently constructed rear extension at the property.
8. The proposed extensions would create a larger ground floor kitchen and utility room area and a small study at the ground floor front part of the dwelling. At the first floor level the proposed extension would provide a new bedroom and ensuite at the rear and at the front it would create an extended bedroom with an ensuite.
9. The proposed extension includes a hipped roof at the rear and a sloping roof along the rear two thirds of the extension; the roof pitch sloping down to the boundary with No. 157a and 157b Windmill Road. The front third of the proposed two storey side extension would have a gable facing the boundary with 157a and 157b Windmill Road so that the front roofslope would match the front of the existing dwelling. It should be noted that the proposed overall ridge height of the proposed extension would be set below and further back than the existing dwelling.
10. The proposed extension includes a large first floor rear juliet balcony, in combination with the proposed patio doors at the ground floor rear elevation the rear aspect of the proposed development would include substantial glazing. There are three small windows proposed on the side elevation of the proposed development.
11. The application includes proposals to create an enhanced front parking area, with space provided for the parking of three vehicles. It is also proposed to create a new and wider access from the parking area at the front onto Windmill Road. The proposed site plans are annotated to suggest that the access and parking area will be built in compliance with Oxfordshire County Council highways standards.
12. The proposed extensions would be constructed of brick and render to match the existing house. Plain tiles to match the house are proposed for all the new roof elements of the development and the proposed driveway is proposed to be constructed of shingle.

13. It should be noted that the proposed development as described above and as featured on the proposed plans was not the originally submitted scheme that was put forward with the application. Following concerns raised by Officers the applicant has submitted amended plans for a smaller extension.

### **Principle of Development**

14. The proposed development is acceptable in principle as an extension to an existing dwellinghouse. The increased residential accommodation at the property that is proposed as part of the scheme would make a more efficient use of land that is broadly supported by Policy CP6 of the Oxford Local Plan 2001-2016.

### **Design**

15. Officers consider that the proposed extension would be acceptable in terms of its impact on character and appearance of the streetscene. As a result of being set below the height of the existing property and set back from the front of the house the proposed extension would appear visually subservient and provide a visual break between No.s 159 Windmill Road and 157a and 157b Windmill Road.

16. It is the recommendation of Officers that the use of materials to match the existing house and the similar scale and overall appearance of the proposed extensions would allow the development to harmonise with the existing built environment.

17. Officers have had regard to the design of the proposed extension in relation to its impact on the overall appearance of the property as one half of a pair of semi-detached houses. It is considered that despite the overall size of the proposals, the large extension would not be disproportional or overbalance the house relative to its adjoining neighbour.

18. On the basis of the above it is the view of Officers that the proposed development would be acceptable in terms of its design.

### **Impact on Neighbours**

19. It is considered that the proposed development would not have an overbearing or obtrusive impact on neighbouring residential properties. The use of hipped roofs combined with a low profile to the overall development mean that the development would not be overly visible to the detriment of nearby residential occupiers. In reaching this view Officers have been mindful of the separation between properties and the fact that 159 Windmill Road is situated within a generous plot and already incorporates a fairly large family dwelling; the extensions proposed are proportional to this overall scale of development.

20. The impact of the proposed development on the privacy of neighbouring residential occupiers has also been considered. It is the view of Officers that the development would not give rise to a materially harmful impact on nearby residential properties or their private amenity spaces. The proposed extension does incorporate side windows on the elevation facing 157a and 157b Windmill

Road but these are proposed to serve a hallway and ensuite. It is recommended that a condition be included that ensures that these windows are obscure glazed to prevent overlooking.

21. There are no proposals for balconies as part of the application; however as previously described the proposed first floor rear of the extension would incorporate a large Juliette balcony. The proposed balcony would be directed with the main view over the host property and it is considered that this would not give rise to an unacceptable level of overlooking. Officers have also been mindful of the potential for overlooking from the Juliette balcony (and all windows at the rear of the proposed development) into the gardens of properties in Rock Edge; the long rear garden of the property ensure that the privacy of those residential occupiers would be preserved.
22. Following on from the above Officers have considered the potential for the use of the existing single storey rear extension as a balcony. This is not proposed as part of the application but given the overall concerns that have been raised in relation to the potential impact on privacy it is recommended that a condition be included that ensures that the flat roof cannot be used as a balcony and accesses onto this part of the property cannot be created in the future.
23. Officers have considered the impact of the proposed development on the light conditions for nearby residential occupiers. Particular regard has been had on the impact of the development on windows at 161 Windmill Road, 157a and 157b Windmill Road. It is considered that the proposed development would not have an adverse impact on any nearby residential property as a result of loss of light. A specific assessment has been made in relation to the 25/45 degree code as set out in Policy HP14 of the Sites and Housing Plan.
24. Therefore in relation to the impact of the proposed development it is the view of Officers that it would not have a materially detrimental impact on amenity of neighbouring residential occupiers.

### **Access/Parking**

25. The proposed development incorporates proposals to alter the existing access arrangements and to provide an enhanced area of parking. It is the view of Officers that the proposed parking and associated access improvements should be welcomed in the context of the increased capacity for on-site parking that would result from their provision. The proposed car parking for three cars would mean that sufficient car parking would be provided to the standards required by Policy HP16 of the Sites and Housing Plan. Officers recommend that a condition be included that ensures that the parking improvements are carried out as shown on the proposed plans so that adequate arrangements are provided at the property.
26. With specific regard to the proposed access improvements it is considered that the development would be acceptable and there have not been any objections received from Oxfordshire County Council Highways department. It is noted that vehicles may be required to reverse into the highway from the proposed

development but it is considered that this is likely to be acceptable in this location as a result of the good overall levels of visibility. It is also considered that vehicle speeds within the immediate vicinity of the site would be fairly low such that cars entering the highway from the application site would be visible to motorists.

### **Flooding and Surface Water Drainage**

27. The application site does not lie in an area of high flood risk. It is the view of Officers that the proposed development makes adequate arrangements for managing surface water drainage. The application form states that the proposed parking area at the front of the property would be composed of shingle; a condition is recommended that seeks to ensure that a permeable material is used as specified.

### **Biodiversity**

28. Officers have considered the impact of the proposed development on biodiversity. Particular regard has been had in relation to the impact of the proposed development on the nearby nature reserve and SSSI at Rock Edge. It is considered that the proposed development would not have an adverse impact on that area and no objections have been received from Natural England.

### **Conclusion**

29. On the basis of the above, Officers recommend that the application be approved subject to the conditions referred to in the above report. In reaching this recommendation Officers have had regard to the consultation responses received in relation to the proposed development. Specific amendments have been sought to address some of the concerns raised in the first consultation.

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

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

#### **Background Papers:**

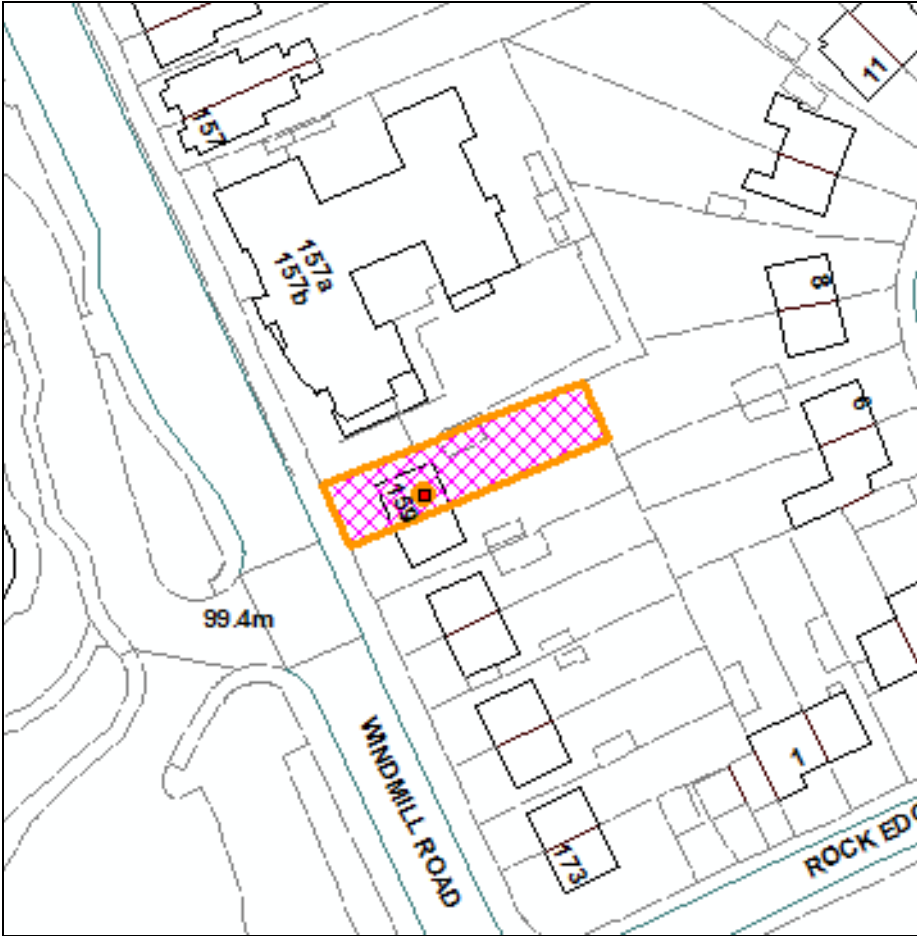
14/02182/FUL

**Contact Officer:** Rob Fowler **Extension:** 2104

**Date:** 12<sup>th</sup> June 2015

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Appendix 1 – Site Plan – 159 Windmill Road



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East Area Planning Committee:

1<sup>st</sup> July 2015

**Application Number:** 15/00178/ADV

**Decision Due by:** 13<sup>th</sup> April 2015

**Proposal:** Display of 1 no. non-illuminated banner and 1 no. non-illuminated free standing sign (part retrospective)

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

**Ward:** Rose Hill and Iffley Ward

**Agent:** N/A

**Applicant:** Oxford City Council

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## Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The application is considered acceptable in terms of scale, design, appearance and materials and would not cause any unacceptable levels of harm to residential amenity or to highway safety. The proposal accords with policies CP1, CP8 and RC14 of the Oxford Local Plan 2001-2016 and policy CS18 of the Core Strategy 2026.

Conditions:

- 1 Five year time limit
- 2 Advert - Statutory conditions

## Main Local Plan Policies:

### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

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

**RC14** - Advertisements

### Core Strategy

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

**Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

**Relevant Site History:**

13/01940/CT3 - Demolition of existing sports pavilion. Erection of 2 storey community centre involving replacement sports pavilion, car and cycle parking, entrance square, multi-use games area and children's play area. – Approved

**Representations Received:**

None

**Statutory Consultees:**

None

**Issues:**

Design  
Impact on highway safety

**Officers Assessment:****Site Description and Proposal**

1. The application site relates to the development site of the new Rose Hill Community Centre and the main access leading the site from Ashhurst Way (**appendix 1**).
2. The Community Centre is currently under construction and the immediate surroundings of the application site include an advice centre, nursery, scout hut and primary school as well as a number of residential properties.
3. This application seeks advertisement consent for a free standing sign board of approximately 4.4m in height positioned near to the access drive to the new Community Centre. This advertisement is already in place and promotes the development of the new Community Centre; providing local residents with relevant links and information about the development and facilities at the site.
4. In addition to the above, the application also proposes an 11m long banner to be fastened to an existing fence on the access driveway to the Community Centre. The proposed banner would be sited opposite the nursery. The proposed signage would promote the Rose Hill Community Centre Art Project and includes artwork designed by children from the local primary school.
5. All of the proposed advertisements relate to projects being promoted by the City Council; the City Council are the applicants of this application.

## **Design**

6. The proposed signage is acceptable in terms of its design. The proposed signage clearly relates closely to the land on which it is sited and would not be visually obtrusive. None of the proposed signage is illuminated.

## **Highway Safety**

7. The freestanding sign would be visible from the road but it is considered that the signage would not be a distraction or hazard to passing motorists. The proposed banner sign would be situated on the access driveway where it would only be visible to those entering the Community Centre site. On this basis none of the proposed advertisements would have a detrimental impact on highway safety.

## **Conclusion**

8. Officers recommend that the application for advertisement consent can be approved subject to the standard conditions.

### **Human Rights Act 1998**

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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 grant advertisement consent, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

15/00178/ADV

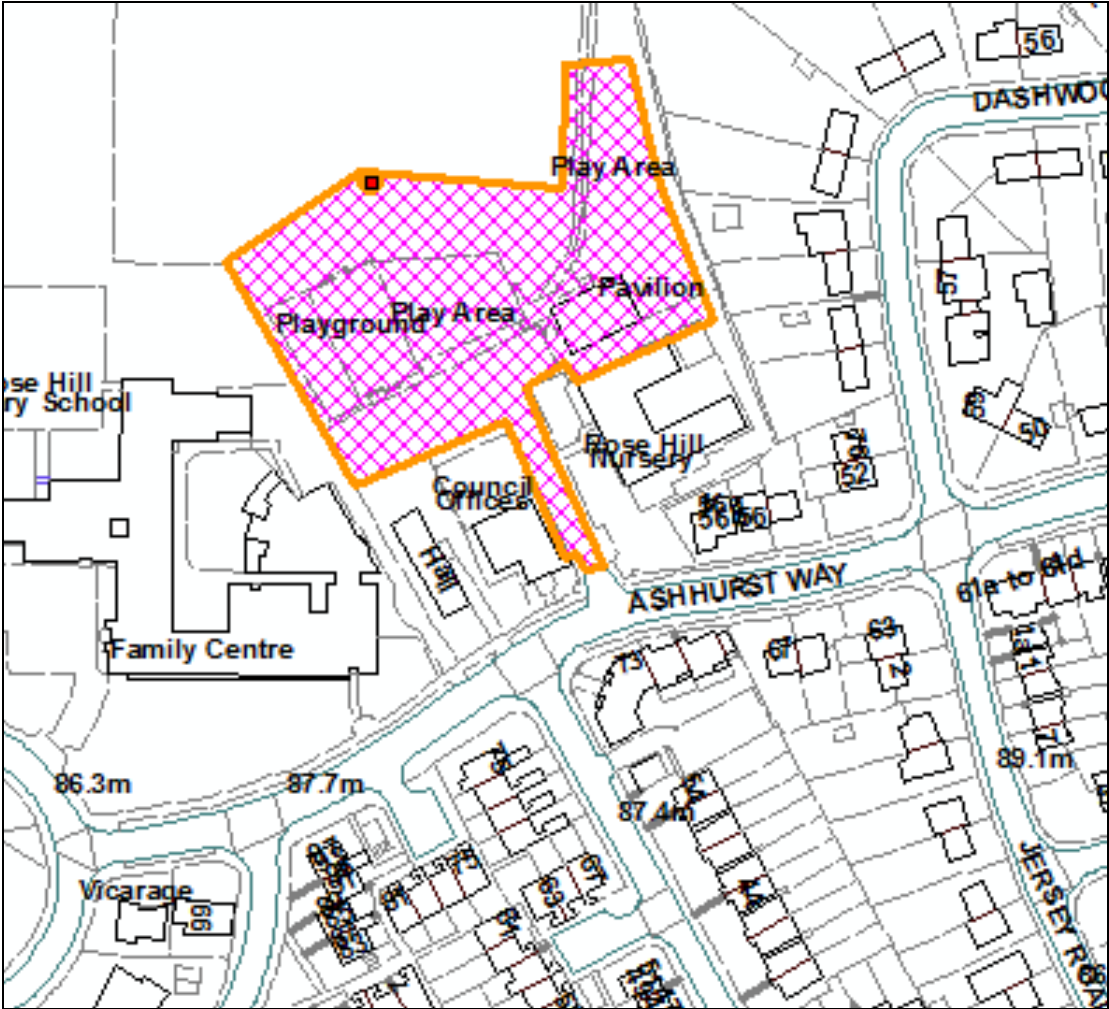
**Contact Officer:** Rob Fowler

**Extension:** 2104

**Date:** 11<sup>th</sup> June 2015

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Appendix 1 – Site Plan – Rose Hill Sports Ground



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East Area Planning Committee

1st July 2015

**Application Number:** 15/00304/CT3

**Decision Due by:** 27th March 2015

**Proposal:** Erection of single storey rear extension.

**Site Address:** 22 Normandy Crescent Oxford. Site Plan in **Appendix 1**

**Ward:** Lye Valley Ward

**Agent:** N/A

**Applicant:** Oxford City Council

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**Recommendation:** East Area Planning Committee is recommended to approve to application, subject to and including the conditions listed below.

For the following reasons:

- 1 The proposed single storey rear extension is considered acceptable in design terms. The development will not give rise to an adverse impact on the amenity of neighbouring residential occupiers. It is considered that the materials and appearance of the development will be acceptable in terms of the character and appearance of the streetscene. In this way the development is acceptable in the context of Policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policies CS18 of the Core Strategy (2011) and Policies HP9 and HP14 of the Sites and Housing Plan (2013).
- 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Matching materials

**Main Local Plan Policies:**

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

**CP1** - Development Proposals

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

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

**CP10** - Siting Developmnt to Meet Functionl Needs

## **Core Strategy (CS)**

**CS18\_** - Urb design, town character, historic env

## **Sites and Housing Plan (SHP)**

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

**HP14\_** - Privacy and Daylight

## **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

## **Relevant Site History:**

56/05215/A\_H - 16 one bedroomed flats, 72 2-bedroomed flats, 188 three bedroomed houses and 8 four-bedroomed houses.. PER 24th April 1956.

15/00304/CT3 - Erection of single storey rear extension.. PCO .

## **Representations Received:**

None

## **Statutory and Internal Consultees:**

Bullington Community Association – No comment

Natural England – No Objection

## **Issues:**

Officers consider the main issues in determining the application are:

- Design
- Residential Amenity

## **Officers Assessment:**

### Site Description

1. The application site comprises of an end of terrace property within the Lye Valley Ward. The property is on the southern side of the road and sits on an



east-west axis. The property has a row of garages and an electricity sub-station to the rear. The property enjoys a front and rear garden with parking for one car to the side of the property. It is finished in brick to the front and rear and render to the side.

### Proposal

2. It is proposed to erect a single storey extension to the rear of the property measuring approximately 6.9m wide x 4.275m deep x 2.605m high. It would have a flat roof, two windows on the rear elevation and would be finished in brick and block. The proposed extension is to contain a bedroom and shower room for use by a disabled person.

### Design

3. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP8 of the adopted Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design, that respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
4. The extension has been designed to fit in with the original dwelling and is of a size where it would fit in with both the scale of the existing dwelling and the characteristics of the surrounding area. It is finished in the same materials and will therefore harmonise with the existing built form of the property. The design of the proposed extension will allow light into both the new and existing areas of the property. The proposed extension is also designed with a disabled person in mind. As such, it is considered the proposed design accords with Policies CP1, CP8, CP10 of the OLP, HP9 of the SHP and CS18 of the CS.

### Residential Amenity

5. HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes. Policies CP6 and CP10 of the Oxford Local Plan state that planning permission will only be granted for new development that makes appropriate and efficient use of land and is cited to ensure good access.
6. The proposed extension would not give rise to overlooking as it is a single storey development with the proposed windows on the rear. Neither is the proposed extension of such a scale that it would appear bulky and obtrusive, cause loss of light or have an overbearing or overshadowing impact on neighbouring properties. The development will also not cause any loss of access due to the siting of the proposed development. Therefore, the development is seen to comply with Policies CP6 and CP10 of the OLP and HP14 of the SHP.

**Conclusion:**

7. East Area Planning Committee is recommended to approve the proposal for the reasons set out in the above report and subject to and including the conditions listed.

**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:** 15/00304/CT3**Contact Officer:** Ed Pigott**Extension:** 2231**Date:** 2nd June 2015

Appendix 1 – site plan



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East Area Planning Committee

1st July 2015

**Application Number:** 15/01372/CT3

**Decision Due by:** 2nd July 2015

**Proposal:** Installation of new roller shutter door.

**Site Address:** Oxford City Council Depot Marsh Road. Site plan at **Appendix 1**

**Ward:** Cowley Marsh Ward

**Agent:** N/A

**Applicant:** Oxford City Council

---

**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.

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

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

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

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

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

## **Core Strategy**

**CS11\_** - Flooding

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

## **West End Area Action Plan**

### **Barton AAP – Submission Document**

### **Sites and Housing Plan**

**SP12\_** - Cowley Marsh Depot, Marsh Road

### **Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

### **Relevant Site History:**

13/02281/CT3 - Insertion of new roller shutter door, relocation of fire exit, and installation of 2 new extraction flues..PER 21st November 2013.

14/01868/CT3 - Installation of 2no. roller shutter doors.. PER 2nd October 2014.

Numerous other previous applications but none of direct relevance.

### **Representations Received:**

None

### **Statutory and Internal Consultees:**

Natural England: no comments to make regarding the application

### **Issues:**

Officers consider the determining issues are:

- Design
- Residential Amenity

### **Officers Assessment:**

### **Site Description**

1. The application site consists of the City Council depot on Marsh Road. It features a number of buildings associated with the repair and servicing of Council vehicles as well as licensed taxis.

## **Proposal**

2. The application seeks consent for the insertion of an additional roller shutter door in the external walls of the main vehicle servicing building on the site.

## **Assessment**

### Design

3. Policies CP1 and CP8 of the Local Plan require new development to form an appropriate visual relationship with the surrounding area. Policy CS18 of the Core Strategy similarly seeks development that respects its context.
4. The application building is of an industrial type appearance featuring a number of doors, shutters and extract flues. It is therefore not particularly visually attractive and designed with function in mind. However, in the context of the use and appearance of the building the insertion of an additional roller shutter door would constitute a very minor addition entirely in character with the building itself and the wider depot site.
5. Officers therefore have no objection to the visual impact of the development and therefore the proposal is considered to comply policies CP1 and CP8 of the Local Plan as well as CS18 of the Core Strategy.

### Residential Amenity

6. Policies CP1 and CP10 of the Local Plan seek to adequately safeguard the amenity enjoyed by neighbouring properties. The building is already used as part of the wider City Council depot and the insertion of a new roller shutter door would not result in a material increase in activity at the site. Consequently officers have no concerns about the potential for additional noise and disturbance to be caused to occupiers of nearby properties. The proposal therefore accords with these policies.

## **Conclusion:**

7. Members are recommended to grant planning permission subject to the conditions listed at the beginning of the report.

## **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:** 15/01372/CT3

**Contact Officer:** Lisa Green

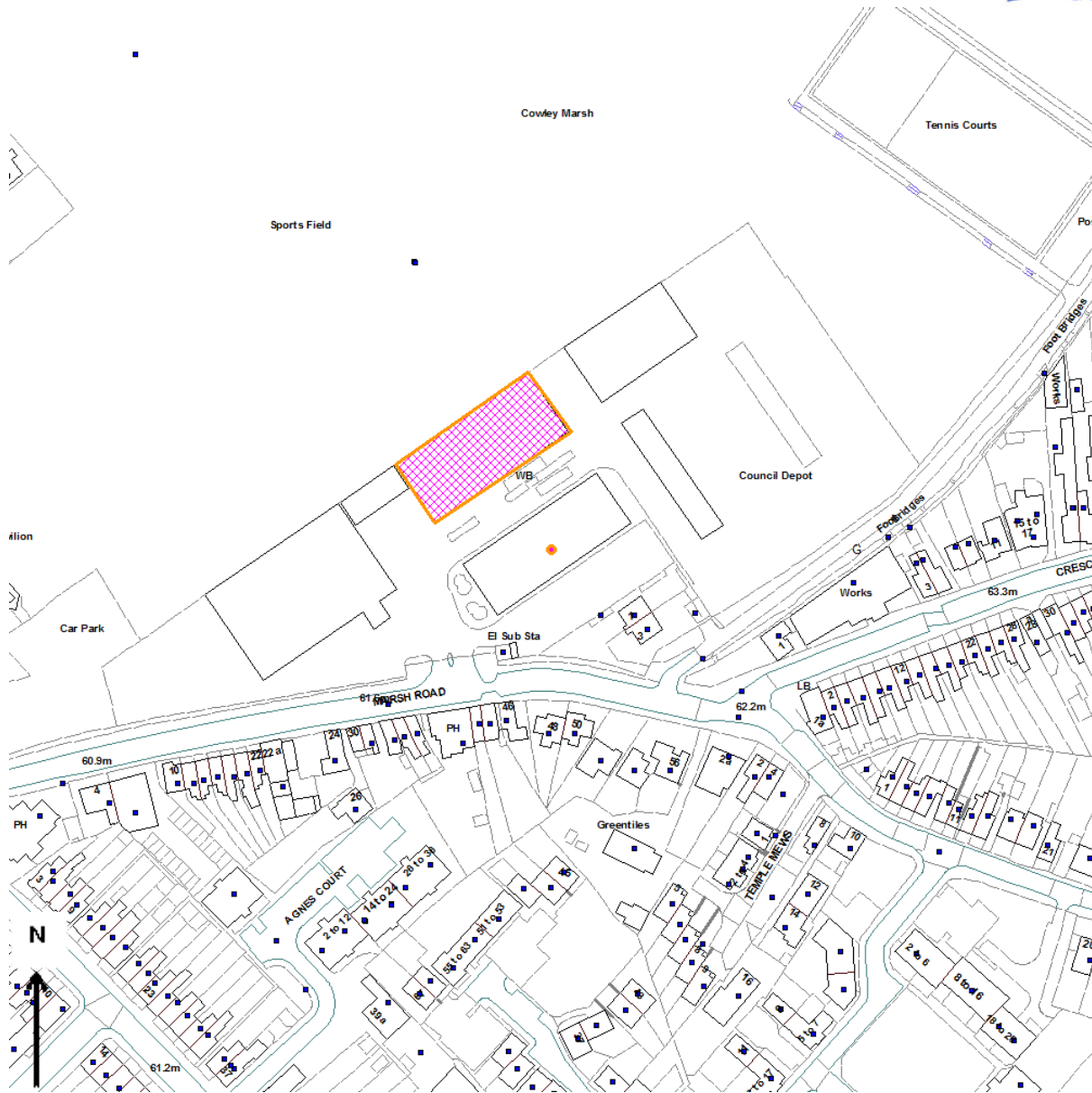
**Extension:** 2614

**Date:** 11th June 2015



# Appendix 1

## 15/01372/CT3 - Oxford City Council Depot



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Ordnance Survey 100019348

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## 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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## MINUTES OF THE EAST AREA PLANNING COMMITTEE

Wednesday 3 June 2015

www.oxford.gov.uk



**COUNCILLORS PRESENT:** Councillors Coulter (Vice-Chair, in the Chair), Anwar, Brandt, Clarkson, Henwood, Munkonge, Taylor, Wade and Wilkinson.

**OFFICERS PRESENT:** Robert Fowler (City Development), Clare Golden (City Development), Michael Morgan (Law and Governance) and Jennifer Thompson (Law and Governance)

### 1. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2015/16

The East Area Planning Committee elected Councillor Darke as Chair for the Council Year 2015/16.

### 2. ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2015/16

The East Area Planning Committee elected Councillor Coulter as Vice-Chair for the Council Year 2015/16.

In the absence of the elected Chair, Councillor Coulter took the chair for this meeting.

### 3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Darke (substitute Councillor Munkonge) and Councillor Altaf Khan (substitute Councillor Wade).

### 4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 5. UNIVERSITY OF OXFORD OLD ROAD CAMPUS, ROOSEVELT DRIVE:15/00996/RES

The Committee considered a report which detailed a planning application for the erection of the Bio-escalator Amenities Building, together with landscaping and ancillary works at Old Road Campus, Roosevelt Drive.

This is part reserved matters of outline planning permission 12/02072/OUT relating to Plot B4, seeking approval of appearance, landscaping, scale and layout.

Professor James, representing the applicant, spoke in support of the application.

The Committee were concerned about the cumulative impact of traffic on the site and surrounding areas, and asked officers to present submissions by the applicant to discharge condition 15 (travel plan relating to the enlarged Old Road Campus) on outline consent 12/02072/OUT to it for consideration before this was approved.

The Committee resolved to approve reserved matters application 15/00996/RES subject to conditions:

1. Time limits.
2. Reserved matters approved.
3. Approved drawings.
4. Unexpected contamination.
5. Retention of trees T109 and T166.

**6. UNIVERSITY OF OXFORD OLD ROAD CAMPUS, ROOSEVELT DRIVE, HEADINGTON:15/00990/FUL**

The Committee considered a report detailing an application for planning permission for construction of a 100 space temporary car park, together with ancillary works and new vehicular access from Roosevelt Drive during construction of Bioescalator/ Amenities Building on adjacent land (15/00996/RES).at the University Of Oxford's Old Road Campus, Roosevelt Drive, Headington.

Having made the separate grant of planning permission for reserved matters application 15/00996/RES for the Bioescalator/ Amenities Building, the Committee considered this application.

The Committee resolved to approve application 15/00990/FUL with conditions for a temporary period of 3 years, subject to the following conditions

1. Temporary permission – three years.
2. Approved plans.
3. Use by University campus only.
4. No unapproved tree works.
5. Tree protection plan.
6. Arboricultural method statement.
7. Removal of common lime T109.
8. Repeat ecological survey.
9. Surface car park.
10. Lighting and CCTV.
11. Drainage as detailed.
12. Construction travel plan.

## 7. LAND ADJACENT TO 393 COWLEY ROAD AND RELIANCE WAY:15/00597/OUT

The Committee considered a report detailing an application for outline planning permission seeking approval of access, layout and scale for the erection of a four storey building consisting of 4 x 1 bedroom and 4 x 3 bedroom flats (Use Class C3) and provision of private amenity space, car parking, cycle and waste storage at land adjacent to Canterbury House (393 Cowley Road) and Reliance Way.

Nik Lyzba, the agent representing the applicant, spoke in support of the application.

The Committee resolved to **refuse** outline permission for application 15/00597/OUT for the following reasons

1. The proposed development would result in the loss of employment land in the absence of robust justification to the detriment of the economic vitality of the city and the important balance between employment and housing as a means of achieving sustainable development. Consequently the proposals fail to accord with the requirements of policy CS28 of the Oxford Core Strategy 2026 as well as the National Planning Policy Framework.
2. The proposals would result in a height and scale of development that would, in combination with the existing adjacent four storey development, unacceptably dominate and impose itself upon the wider Cowley Road streetscene to the detriment of the character and appearance of the surrounding area as well as appear overbearing and cause substantial harm to the setting of the adjacent non-designated heritage asset of Canterbury House that is not outweighed by any public benefit. Furthermore the undercroft parking at street level would create an inactive frontage to Cowley Road, which would result in a poor street environment and encourage crime contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19 and CS22 of the Oxford Core Strategy 2026 as well as policies HP9 of the Sites and Housing Plan 2011-2026.
3. The proposed development, taking into account the scale and massing, inappropriate mix of dwellings, provision of undercroft car parking, inappropriate location of cycle parking, inadequate quality outdoor amenity space and inactive street frontages, would be likely to lead to an overdevelopment that is of a scale, form, design, density and layout that is inappropriate for its intended use and context of the site resulting in a poor quality environment within the site for future occupiers, and contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19, CS22 and CS23 of the Oxford Core Strategy 2026 as well as policies HP9, HP13, HP15 and HP16 of the Sites and Housing Plan 2011-2026 and the Balance of Dwellings SPD.

## **8. 6 TO 8 MORTIMER ROAD: 15/01015/FUL**

The Committee considered a report detailing an application for planning permission for the erection of a two storey side extension to form a 1-bed dwelling (Use Class C3) with provision of private amenity space, car parking and bin and cycle stores at 6 and 8 Mortimer Road.

The Committee agreed to amend condition 6 to require provision of cycle and bin storage at the front of the property as it was unclear whether outside access along the side was available.

The Committee resolved to approve application 15/01015/FUL subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials.
4. Vision Splays.
5. Ground resurfacing - SUDS compliant.
6. Bikes and Bins: storage to the front of the property.
7. Design - no additions to dwelling.

## **9. 30 WESTBURY CRESCENT: 15/00324/FUL**

The Committee considered a report detailing an application for planning permission for a change of use from dwelling house (Use Class C3 ) to a Large House in Multiple Occupation (HMO); the erection of a single storey rear extension and insertion of three rooflights in association with a loft conversion; replacement of door with window to front elevation; and alterations to existing windows and doors at 30 Westbury Crescent.

Clare Farley, a local resident, spoke against the application.

Alex Marsh, the applicant, spoke in support of the application.

The Committee agreed that condition 3 should require provision of cycle parking which permitted residents to store cycles securely at the front of the property to reduce the need to navigate the unlit path at the rear to reach the proposed rear cycle store.

The Committee resolved to approve application 15/00324/FUL subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Cycle parking details required; including cycle parking at the front of the property.
4. Details of refuse storage of removal.
5. Limit to 8 persons

#### **10. 26 BONAR ROAD: 15/00195/CT3**

The Committee considered a report detailing an application for planning permission for the erection of single storey rear extension at 26 Bonar Road.

The Committee resolved to approve application 15/00195/CT3 subject to the following conditions:

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

#### **11. PLANNING APPEALS**

The Committee noted the monthly report on planning appeals would be submitted to the next meeting.

#### **12. MINUTES**

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

#### **13. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications.

#### **14. DATES OF FUTURE MEETINGS**

The Committee noted that the next meeting would be held on 1 July 2015.

**The meeting started at 6.00 pm and ended at 7.45 pm**

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