

Agenda

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East Area Planning Committee

Date: **Wednesday 5 August 2015**

Time: **6.00 pm**

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

For any further information please contact:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252275

Email: democraticservices@oxford.gov.uk

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East Area Planning Committee

Membership

Chair	Councillor Roy Darke	Headington Hill and Northway;
Vice-Chair	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	
3 474 COWLEY ROAD: 15/00930/OUT	11 - 34
Site address: 474 Cowley Road	
Proposal: Demolition of existing timber yard buildings and 2 x 1 bed flats. Outline planning application (seeking details of access, appearance, layout and scale) for the redevelopment of the site to erect a 60 bed care home on three floors. Provision of 20 car parking spaces, cycle parking, bin storage and ancillary works. Conversion and restoration of 2 bedsits to street frontage to form single 1 bed house. (Amended plans) (Additional Information)	
Officer recommendation: Approve with the following conditions:	
<ol style="list-style-type: none">1. Time limits for commencement.2. Reserved matters.3. Development in accordance with submitted plans.4. Materials.5. Architectural detailing.6. Obscure glazing to end windows.7. Landscape implementation.8. Tree protection.9. Landscape management plan.10. Boundary treatment.11. External lighting.12. Natural Resource Impact Analysis13. Construction travel plan.14. Construction environmental management plan.15. Travel Plan16. Surface water drainage scheme.17. Provision of fire hydrant.18. Ground contamination.19. Unexpected contamination.20. Petrol / oil interceptors.21. Cooking smells.22. Habitat creation.23. Repeat ecological survey.24. Details of employment training.25. Public art.	
4 162-164 HOLLOW WAY:15/01643/FUL	35 - 46
Site address: 162-164 Hollow Way, Oxford	
Proposal: Demolition of the existing single storey commercial unit. Erection of 1No. two storey building to create 16 x 1-bed student study rooms and erection of 1No. two storey building to create 1 x 1-bed warden flat and 1 x	

3-bed postgraduate flat. Provision of amenity space, refuse store and covered parking for 22No. bicycles.

Officer recommendation: Approve with the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples
4. Boundary details before commencement
5. bikes and bins
6. Contaminated Land
7. Fire hydrants
8. Window restriction
9. No cars
10. Day to day management
11. Full time students
12. Student accommodation only
13. Sustainability measure
14. Travel Information Pack
15. Drainage
16. Construction Traffic Management Plan
17. Biodiversity enhancements

5 BEENHAMS COTTAGE, RAILWAY LANE: 14/02550/FUL AND 14/01485/FUL

47 - 58

Site address: Beenhams Cottage, Railway Lane, Oxford (**site plan: appendix 1**)

Proposal:

1. Erection of a part single, part two storey side and rear extension. Erection of first floor front extension. Formation of 1 no. front and 2 no. rear dormers and new vehicular access onto Railway Lane (Amended plans)
2. Formation of vehicular entrance with boundary wall, pillars and gates

Officer recommendation: Approve planning permission for the two applications with the following conditions:

14/02550/FUL: Conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples materials in Conservation Area
4. Specific exclusion approved plans the new vehicular access, HP-00-D16,
5. Design - no additions to dwelling
6. Amenity - windows to side
7. Amenity - no balcony
8. Sustainable drainage
9. Landscape plan required
10. Landscape carry out by completion
11. Landscape hard surface design - tree roots
12. Landscape underground services - tree roots
13. Tree Protection Plan (TPP) 2
14. Arboricultural Method Statement (AMS) 1

15/01485/FUL: Conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Sample materials in Conservation Area
4. Highway safety
5. Landscape plan required
6. Tree Protection Plan (TPP) 2
7. Arboricultural Method Statement (AMS) 2
8. Sustainable drainage

6 6 FEILDEN GROVE (NO.1) TREE PRESERVATION ORDER, 2015

59 - 70

Site address: 6 Feilden Grove, Harberton Mead, Headington Hill, Oxford

Proposal: The Committee to decide whether to confirm the draft Tree Preservation Order, making it permanent, so that any works to the tree require the Council's written consent; otherwise after this date the tree may be pruned without consent or conditions being applied.

Officer recommendation: To confirm the Oxford City Council – 6 Feilden Grove (No.1) Tree Preservation Order, 2015 without modification.

7 PLANNING APPEALS

71 - 76

Summary information on planning appeals received and determined to the end of June 2015.

The Committee is asked to note this information.

8 MINUTES

77 - 82

Minutes from the meeting of 1 July 2015

Recommendation: That the minutes of the meeting held on 1 July 2015 are approved as a true and accurate record.

9 FORTHCOMING APPLICATIONS

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

Land East of Warren Crescent: 13/01555/CT3

8 Jersey Road: 15/00192/FUL

Land adj to 147 Oxford Road, Old Marston: 15/00210/FUL

36, 38 and 40 London Road and 2 Latimer Road: 15/00858/FUL

Ashlar House adj 2 Glanville Road: 15/00955/FUL

19 Arlington Drive, Old Marston: 15/01221/FUL

38 St Leonard's Road OX3 8AB: 15/01872/FUL

23 Spring Lane: 14/0349/FUL

Brasenose Farm Cottage: 15/01247/CT3

10 DATES OF FUTURE MEETINGS

The Committee will meet on the following dates:

- 2 September 2015
- 7 October 2015
- 4 November 2015
- 2 December 2015
- 6 January 2016
- 3 February 2016
- 2 March 2016
- 6 April 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

5th August 2015

Application Number: 15/00930/OUT

Decision Due by: 30th June 2015

Proposal: Demolition of existing timber yard buildings and 2 x 1 bed flats. Outline planning application (seeking details of access, appearance, layout and scale) for the redevelopment of the site to erect a 60 bed care home on three floors. Provision of 20 car parking spaces, cycle parking, bin storage and ancillary works. Conversion and restoration of 2 bedsits to street frontage to form single 1 bed house. (Amended plans) (Additional Information)

Site Address: 474 Cowley Road, **Appendix 1.**

Ward: Cowley Marsh Ward

Agent: Mr Mark Doodes

Applicant: Montpelier Estates Ltd

Recommendation: Approve with conditions.

Reasons for Approval

- 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 The development would make efficient use of land, providing specialist residential accommodation for the elderly at a sustainable location. Whilst the land represents a key employment site as identified in policy CS28 of the Oxford Core Strategy, it currently provides only a relatively small number of jobs, which would be greatly exceeded by those created by the proposed development. The building proposed is of a suitable scale and appropriate design with landscaped gardens and required levels of car parking. Additional cycle parking can be secured by condition. Subject to the imposition of relevant planning conditions, then on balance the development can be supported in accordance with the principles and requirements of the Oxford Local Plan, Oxford Core Strategy, Oxford Sites and Housing Plan, and National Planning Policy Framework (NPPF).

- 3 For the reasons set out in this report comments on the development received from statutory bodies or third parties do not amount individually or collectively to a reason to refuse planning permission. The relevant bodies have been consulted and the issues raised properly address by condition.

Conditions

1. Time limits for commencement.
2. Reserved matters.
3. Development in accordance with submitted plans.
4. Materials.
5. Architectural detailing.
6. Obscure glazing to end windows.
7. Landscape implementation.
8. Tree protection.
9. Landscape management plan.
10. Boundary treatment.
11. External lighting.
12. Natural Resource Impact Analysis
13. Construction travel plan.
14. Construction environmental management plan.
15. Travel Plan
16. Surface water drainage scheme.
17. Provision of fire hydrant.
18. Ground contamination.
19. Unexpected contamination.
20. Petrol / oil interceptors.
21. Cooking smells.
22. Habitat creation.
23. Repeat ecological survey.
24. Details of employment training.
25. Public art.

Legal Agreement and Community Infrastructure Levy (CIL):

The development is eligible for a contribution of £18,092.26 under CIL arrangements.

Principal Planning Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP18 – Natural Resource Impact Analysis
- CP19 - Nuisance
- CP22 - Contaminated Land

TR1 - Transport Assessment
TR2 - Travel Plans
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR14 - Servicing Arrangements
NE14 - Water and Sewerage Infrastructure
NE15 - Loss of Trees and Hedgerows
EC1 - Sustainable Employment

Core Strategy

CS9 - Energy and natural resources
CS10 - Waste and recycling
CS12 - Biodiversity
CS13 - Supporting access to new development
CS14 - Supporting city-wide movement
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS24 - Affordable housing
CS28 - Employment sites

Sites and Housing Plan

HP1 - Change of use of Existing Homes.
HP9 - Design, Character and Context
HP14 - Privacy and Daylight

Other Planning Documents

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance
- Supplementary Planning Documents (SPDs) and Technical Advice Notes (TANs)

Public Consultation

Statutory Consultees Etc.

- Environment Agency: No objection subject to conditions relating to further intrusive site investigations.
- Thames Water: Provision to be made to ensure storm flows are attenuated or regulated into receiving public network through on or off site storage; petrol / oil interceptors required.
- County Council: Strategic Comments: Sustainable location; support application subject to conditions.
- County Council: Property: No Objection; request CIL funds are apportioned for improved library facilities plus other facilities such as waste management, museums, adult day care etc.
- County Council: Highways: Request CIL funds be spent on improvements to bus services, pedestrians and cyclists at Cowley Centre; improvements to radial and orbital routes; real time bus passenger information; suggest conditions be imposed relating to surface water drainage, maintenance of access and parking areas; Construction Travel Plan required; updating of travel plan required; cycle

parking poorly located; level of car parking within maximum standard.

Individual Comments:

The main points raised were:

- timber yard is valuable community asset.
- loss of privacy;
- inadequate car parking provision;
- increased activity and vehicle movements at weekends;
- two story building preferred;
- height of building excessive;
- no reduction in traffic movements;
- traffic will exacerbate poor conditions and congestion on Cowley Road;
- rear vehicle access to neighbouring houses requested;
- concerns about drainage and localised flooding;
- support development;
- concern about risks to children and pets during construction; and
- development may remove trees and may not be ecologically friendly.

In addition to the above the applicant consulted 200 households in the locality by circulating details of the proposals. Public consultation events were also held on 27th April and 19th May 2015. The main points raised in response centred on the wish to retain existing trees to the perimeter of the site; the potential for light spillage; the boundary treatment to the rear of the properties at 474 to 490 Cowley Road; potential for overlooking; and drainage issues from the existing use of the site.

Finally at the time of writing the Oxford Design Review Panel (ODRP) is undertaking a review of the proposal. Its conclusions will be reported verbally at committee.

Officers Assessment:

Background to Proposals.

1. The planning application relates to a rectangular parcel of land measuring 0.34 ha. (0.9 acres) set behind and to the south - west of nos. 474 to 490 Cowley Road. It is accessed from a single point nearly opposite the junction with Gillian's Way. To the north - west are the rear gardens of inter - War residential properties at Milton Road, and to the south a car repair business set behind 496 to 510 Cowley Road. To the south - west are grounds of the Elder Stubbs Allotments and beyond that a modern residential cul de sac at Bhandari Close. The wider locality is generally residential in character.

Appendix 1 refers.

2. The site itself is occupied by Powells' timber yard, a long established local business which is vacating the site and whose trade has declined in recent times following increased competition from other wholesale and retail suppliers of timber products. The site itself is currently occupied by a series of undistinguished sheds occupying two thirds of the site. Car parking exists for

perhaps a dozen vehicles, to allow sufficient space for the manoeuvring of larger commercial vehicles. To the street frontage an Edwardian terraced house within the application site was converted and extended many years ago into poor quality residential accommodation consisting of 2 small flats and 2 bedsits.

3. The proposed development entails clearance of the site and construction of a 3 storey building forming a residential care home catering for 60 elderly residents, together with car parking and landscaped gardens. The applicants indicate that in common with other towns and cities Oxford is experiencing a growing number and proportion of elderly people. Whilst acknowledging that there is an increased focus on the provision of “extra care” accommodation for the elderly which promotes independent living, equally there remains a proportion of the elderly population who through illness or infirmity require alternative arrangements. In this case residents are typically frail elderly in need of care and support, some of whom may be suffering with conditions such as dementia.
4. Partial demolition and refurbishment of the accommodation to the street frontage is proposed in order to provide a single house with rear garden, to be let or sold independent of the residential care home.
5. Officers consider the principal determining issues in this case to be:
 - principle of use of land for the proposed development;
 - site layout and built forms;
 - relationship to neighbouring properties;
 - highways, access and parking;
 - loss of existing residential accommodation;
 - landscaping; and
 - sustainability

Principle of Use of Land for Proposed Development.

6. The application site is indicated to be a key employment site under policy CS28 of the Core Strategy. The policy seeks to retain employment at such sites and indicates that regeneration would only be permitted if it:
 - *“secures or creates employment important to Oxford’s local workforce; and*
 - *allows for higher - density development that seeks to make the best and most efficient use of land; and*
 - *does not cause unacceptable environmental intrusion or nuisance.”*
7. This policy was adopted before the publication of the National Planning Policy Framework (NPPF) however which takes a more flexible approach. Paragraph 22 of the NPPF reads:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the

allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.

8. In this case the current timber yard employs 23 staff, 5 of whom are part time. The proposed development would employ at least 70 staff made up of 6 qualified nursing staff, 44 care assistants, 16 catering and household staff and 4 administration and maintenance staff. Whilst the proposed development would not recruit employees with the same sets of skills as the existing use, it would nevertheless employ a range of professional, skilled and semi - skilled staff and over three times as many in numbers. Allowing for some part time working the development would amount to approximately 55 FTE employees. The home would be run by a general manager with a nursing qualification and background, and staffing levels would be subject to Care Quality Commission (CQC) standards, taking into account the particular medical needs of the residents. Generally however a minimum of 1 nursing staff member per 5 residents is a required standard during daytime hours, with a reduced level at night.
9. The site itself is poorly located in terms of access for large commercial vehicles delivering and collecting timber as it falls within an essentially residential area with poor access and limited manoeuvring space for large vehicles. More typically an edge of town location within a commercial environment would be sought now for such a use. A financial viability statement accompanying the planning application also suggests redevelopment for either office or other commercial use may not prove viable or attractive given the various costs likely to be incurred in bringing forward a development. Other uses such as general housing or student accommodation may be viable, but would not reproduce employment numbers and would not be supported.
10. Whilst policy CS28 of the Core Strategy seeks to protect Class B (Business) jobs and sites, as indicated above this is caveated now by the NPPF that other forms of employment may be acceptable if future business use of the site is unlikely to be forthcoming. This approach was supported in an appeal decision in Warwick where the current applicant sought a very similar residential care home on land allocated within the local plan for the district for Class B (Business) employment use. In allowing the appeal in that case the Inspector concluded:

“Notwithstanding that the appeal scheme is not one of the uses sought by LP policy SC2, for the reasons set out above it is concluded that the appeal scheme would not undermine the employment land objectives for Warwick District or at Tournament Fields set out in the development plan.”
11. The full text of the decision letter is attached as **Appendix 2** to this report.
12. Given the circumstances of the current proposals and the more flexible approach to employment sites encouraged by the NPPF, then a good case is made that the proposed use can be supported. It would generate significant

employment levels at a site where only limited employment is currently present and where other forms of employment use may not prove attractive to the market. Moreover the site would remain a Key Employment Site as it would retain and expand its employment base. Nor would the use of the land for a residential care home set any sort of precedent for other key protected employment sites such as the Business Park or Science Park which are more likely to be viable and attractive for business uses as they do not require demolition and ground preparation works; they occupy large plots; they have easy access to the ring road; and they possess the potential for higher densities of occupation.

13. On other matters commercial development of over 2,000 would usually be eligible for a financial contribution towards affordable housing. Paragraph 7.3.5 and policy CS24 of the Core Strategy indicate respectively:

“Commercial development can worsen the existing housing situation by encouraging workers in housing need to move to Oxford. The City Council will expect such developments to contribute towards the need for affordable housing in Oxford.”

“Planning permission will only be granted for commercial development that provides affordable housing to meet additional demand created.”

14. However there is a specific caveat in the Affordable Housing and Planning Obligations SPD at paragraph 2.3 which excludes residential care homes of this type from this requirement:

“Care homes and nursing homes that are not self - contained are not required to provide for affordable housing. Similarly, specialist or supported housing schemes provided and managed by a local authority or partner Registered Provider that are not self - contained (eg accommodation for the homeless or vulnerable people) need not provide for additional affordable housing.”

15. Lastly the applicant indicates an intention to recruit staff locally and to provide local job and job training opportunities wherever possible, both during construction and occupation of the development. It would also seek to source materials and services relevant to the design, construction, operation and maintenance of the development from local sources. These initiatives are supported.

Site Layout and Built Forms.

16. The planning application is made in outline, but with details of access, appearance, layout and scale sought for approval at this stage, with only landscaping to follow as a “Reserved Matters” application in the event of approval being granted.
17. The 3 storey building is essentially in the form of a “T” with the entrance being to the head of the T facing north - east, its position largely being dictated by the form of the building and plot it would occupy. Demolition of some of the buildings to the Cowley Road frontage allows an independent single 1 bed

house to be provided, together with small rear garden. It also permits a two way 5.2m access to be created, plus 1.5m footway to one side. 20 car parking spaces, including 2 for disabled use are provided to the frontage of the building, together with turning / servicing space, entrance forecourt and cycle and bin stores. To the north - west and south - west sides of the site, landscaped gardens are proposed measuring approximately 465 sq m and 275 sq m, though full details are not provided at this stage. Lighting columns and low level lighting are provided to the entrance and around the building, details of which can be secured by condition. Close boarding fencing and masonry walling would form the boundaries to the site.

18. The architecture of the building is simple and unobtrusive with light coloured facing brickwork to the bulk of the elevations, though much of the second floor and other selected areas would be rendered. Although the roof material is not specified, the submitted drawings appear to indicate a shallow pitched standing seam metal roof. At the point of entrance to the building, a single storey extension and canopy extends into the forecourt and car park. This leads to an open reception area where an informal café is located plus office accommodation, hardressers' and nurses' station.
19. Internally all 60 residents' rooms have en suite facilities, though separate rooms are also provided on each floor for assisted baths. Meals are provided in dining areas provided at each floor, with lift access available to all levels. These are flexible spaces which can also be used for social or other purposes. The main kitchen area is at second floor level, where the laundry and staff changing and other facilities are also provided. A separate access from the vehicle service area leads to a service lift directly to these facilities. All ground floor residents' and day rooms have direct access into the landscaped gardens, though for safety reasons none of the upper floor rooms have balconies. In all 21 residents' rooms are provided at ground floor level, 23 at first floor and 16 at second floor. The building is fully disabled accessible throughout.
20. In summary the new building proposed is relaxed and even low key, intended to fit comfortably within its residential context where brick and rendered buildings under pitched roofs predominate, but without replicating existing styles. Located where it is the building would be seen from neighbouring residential properties and from the Elder Stubbs allotments site, from which vantage points it is intended to appear as a new but discreet part of the local vernacular. From more public areas such as Cowley Road the building would be seen only in glimpses. Subject to receiving further details of the finer architectural treatment, final choice of materials, brickwork, colour of render etc, then officers would not seek to oppose the design approach adopted.

Relationship to Neighbouring Properties.

21. The proposed building would occupy a rather smaller footprint than the existing collection of large sheds on the site and is more centrally located. It would rise to 8.35m to eaves and 9.2m to the ridge of its shallow pitched roof. This compares favourably with some of the existing sheds which themselves

rise to over 8m at ridge. Moreover the rear spine to the T shaped building draws the accommodation well away from the boundaries of the application side. Nevertheless the potentially most affected properties are 9 to 15 (odd) Milton Road, and 476 to 490 (even) Cowley Road.

22. In terms of the former properties, as now proposed the north - western wing of the frontage range would be set at approximately 5.5m from the common boundary. This is a two storey element only however with the main 3 storey flank wall approximately 9m from the same boundary. This in turn means that the distances between facing elevations are about 25m and 29m respectively. The rear wing is further away still, generally at about a distance of nearly 40m. In the flank wall of the frontage range there are only 2 facing windows at upper levels, each obscured glazed and providing light to a central corridor only. As there are currently sheds to the timber yard along much of the boundary to these Milton Road properties which are intended to be replaced by landscaping and tree planting, then overall their outlook is much improved with any issues of privacy addressed accordingly.
23. Turning to the Cowley Road properties, these have reasonable sized rear gardens of approximately 20m, meaning that the window to window distances between the rear of these properties and the proposed care home would be approximately 38m or more. Again at these distances any issues of privacy are addressed.
24. To the remaining elevations, a car repair business exists to the south - east and the Elder Stubbs allotments to the south - west where no issues of overlooking exist such as to oppose the development.
25. Overall therefore the development is compliant with the requirements of policy HP9 of the Sites and Housing Plan.

Highways Access and Parking

26. Access to the site is taken from the existing point on Cowley Road, but with the width of the access and visibility improved over current arrangements. The widened access would be 5.2m with 1.5m footway, leading to 20 car parking spaces including 2 disabled spaces, plus cycle parking and turning and manoeuvring space for service vehicles. Local Plan parking requirements are expressed as maxima with residential care homes and nursing homes set at 1 space per 3 rooms, or 20 spaces in this case as proposed. Although some 70 staff would be employed at the site, there would be a 3 shift system in operation commencing at 7.00am, 3.00pm and 11.00pm. Naturally there would be greater numbers during the normal working day. Bearing in mind the good public transport links to the site with a 5 minute service on the City – Blackbird Leys route plus other services, and the fact that none of the residents would be car drivers, then officers are satisfied that sufficient car parking is provided to cater for staff, servicing and visitor requirements
27. For cycle parking the requirements are expressed as minima, and in this case provision is made for 12 cycles. These are rather inconveniently located to the

north - west side of the building and set to the rear of a car parking space. They are not shown as under cover. In view of the high cycle usage in Oxford and the fact that the applicant hopes to recruit staff locally, it is suggested that additional cycle parking should be provided to encourage sustainable means of accessing the site for both staff and visitors. In view of its current poor location, it is suggested that the cycle parking be relocated and provided under cover. An alternative location may be to the south - east corner of the site which may involve some adjustment to the servicing and turning area there.

28. In terms of traffic generation the transport assessment accompanying the planning application indicates that there are likely to be 61 vehicle movements into the site each 24 hour day and 63 movements out, with 4 arrivals and 4 departures in the morning peak hour of 8.00am to 9.00 am, and 4 arrivals and 6 departures in the evening peak of 5.00pm to 6.00pm. This is equivalent to one vehicle movement every 6 to 8 minutes on the local network and represents a 40% reduction on vehicle movements to the timber yard. Although there would be regular deliveries to the new development, there would be no heavy goods vehicles of the type now entering the timber yard.

29. A Travel Plan also accompanies the planning application with the aim of reducing the proportion of staff travelling by car to the development, and targeting a 10% annual increase in the proportion of staff walking or cycling to the development. A Travel Plan Coordinator is to be appointed, and travel information provided to all staff, plus maps of cycling and walking routes from key points of origin. The Travel Plan would investigate the potential for cycle training and assistance for the purchase of a cycle. It would also encourage car sharing, presumably aimed at those living further afield, and consider charging for the use of parking spaces if necessary and appropriate. Officers would support all these initiatives.

Loss of Existing Residential Accommodation.

30. Policy HP1 of the Sites and Housing Plan would ordinarily oppose the loss of residential accommodation to other uses. In this case the original Edwardian end of terrace house has been extended and converted in the past to form two small flats and 2 bedsits. The accommodation is poor however, and demolishing the extensions allows a better and wider access to the site to be created, whilst still allowing the original house to be converted back to a single bedroom end of terrace house with small rear garden of approximately 32 sq m. More particularly the main development itself provides specialist residential accommodation for some 60 residents in a purpose built development. Officers have concluded therefore that the balance of advantage lies in permitting the development with its additional specialist accommodation.

Landscaping.

31. The planning application includes an Arboricultural Report which records the quality and value of the existing trees on the site and adjacent to its boundaries. In the main these are located along the north - west and south -

west boundaries. The tree survey identifies 5 sycamores, 2 common ash, 1 plum and 3 groups of Cyprus trees. The survey was undertaken in accordance with BS5837:2012 and lists 4 trees as Category B (of moderate visual quality) and 6 Category C (of low quality). The remaining tree is a self seeded mature common ash located along the south - west boundary hard against an existing building. It has little public amenity, has previously been pollarded, and has a limited life expectancy. It is therefore recommended for removal in line with good arboricultural practice.

32. The planning application is submitted in outline but with only the details of landscaping to follow in a further "Reserved Matters" planning application. Nevertheless the intention is to reinforce planting along the boundaries of the site whilst creating two formal gardens either side of the rear wing to the development which all residents of the development can enjoy. Suitable conditions are suggested accordingly.

Sustainability

33. A Natural Resource Impact Analysis (NRIA) accompanies the planning application and seeks to meet the minimum requirements of policy CP18 of the Oxford Local Plan. As a building with relatively high energy requirements, an emphasis is put of a "fabric first" approach through the use of high thermal insulation to meet BREEAM Green Guide ratings. The building would be naturally ventilated throughout, with the potential to incorporate photovoltaics etc in terms of on - site renewables. Water efficiency sanitary ware would be incorporated, and rainwater harvesting considered. High efficiency boilers and other appliances would be utilised and materials reused wherever possible with at least 70% of demolition waste diverted from landfill.

34. Although the intention is to meet and exceed a minimum score of 6 on the NRIA checklist, with a minimum score in each category of energy efficiency, renewables, use of materials and water resources, not all the details of how this would be achieved are confirmed in the analysis. A condition is therefore recommended requiring additional information be submitted for subsequent approval.

Other Matters.

35. Drainage and Flood Risk. The application site lies within Flood Zone 2 as designated by the Environment Agency, that is to say it falls outside the 1 in 100 year flood risk level, plus 20% for climate change, of 59.65AOD. Nevertheless as a precautionary measure the development would be constructed with a 300mm freeboard and finished floor level of 60.00AOD. In terms of runoff, the whole of the site is currently given over to hard surfaces. In these proposals the introduction of landscaped garden areas reduces the amount of hard surfaces from 3,300 sq m to 2,350 sq m, a reduction of 28%. Moreover sustainable drainage techniques would be included for new hard surfaced areas of car parking etc, though soakaways are not appropriate due to shallow ground conditions consisting of firm Oxford clay. Nevertheless surface runoff is envisaged to reduce by 40% as a consequence of the

development.

36. In terms of the foul system, it is intended to discharge to the existing connection to the foul sewer in Cowley Road.
37. Neither the Environment Agency nor Thames Water raise objection to these arrangements.
38. Ground Contamination. As a brownfield site with a history of saw mill and timber yard activity for 65 years or more the potential exists for a degree of ground contamination. In addition a further commercial use has existed for many years on the land to the immediate south - east of the site. A Phase 1 Geo Environmental Report accompanies the planning application accordingly. It concludes that there is a moderate risk of ground contamination being present and recommends that further ground investigations be undertaken. Environmental Development colleagues concur with this recommendation. The required surveys and analysis can be secured by condition.
39. Biodiversity. An ecological survey of the existing buildings on site was undertaken in January of this year. No bats or habitats for other species were found. Nevertheless an opportunity exists to make provision for future wildlife and biodiversity enhancement. It is recommended that a mix of bat and bird boxes be incorporated into the development accordingly. It is suggested that 6 integrated swift boxes are incorporated (3 to the north - east elevation, and 3 to the north - west elevation), together with 8 bat roosts, (4 to the south - west side and 4 to the south - east side). Details of these facilities can be secured by condition.

Conclusion.

40. The proposed development seeks permission for a residential care home where there is a growing demand from an increasing aging population. The development would employ significantly more than the existing timber yard and the use of the land for its new purpose reflects the most recent government advice in the NPPF, but without prejudicing the Key Employment status of this site. Car and cycle parking can be provided to meet Local Plan requirements whilst traffic generation would be reduced, and heavy goods vehicle movements removed. Although there is a loss of poor quality residential units, they are replaced by a single house and a facility accommodating 60 elderly residents within a development of unobtrusive design with landscaped gardens.
41. Committee is recommended to support the proposals accordingly.

Human Rights Act 1998

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

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 15/00930/OUT

Contact Officer: Murray Hancock

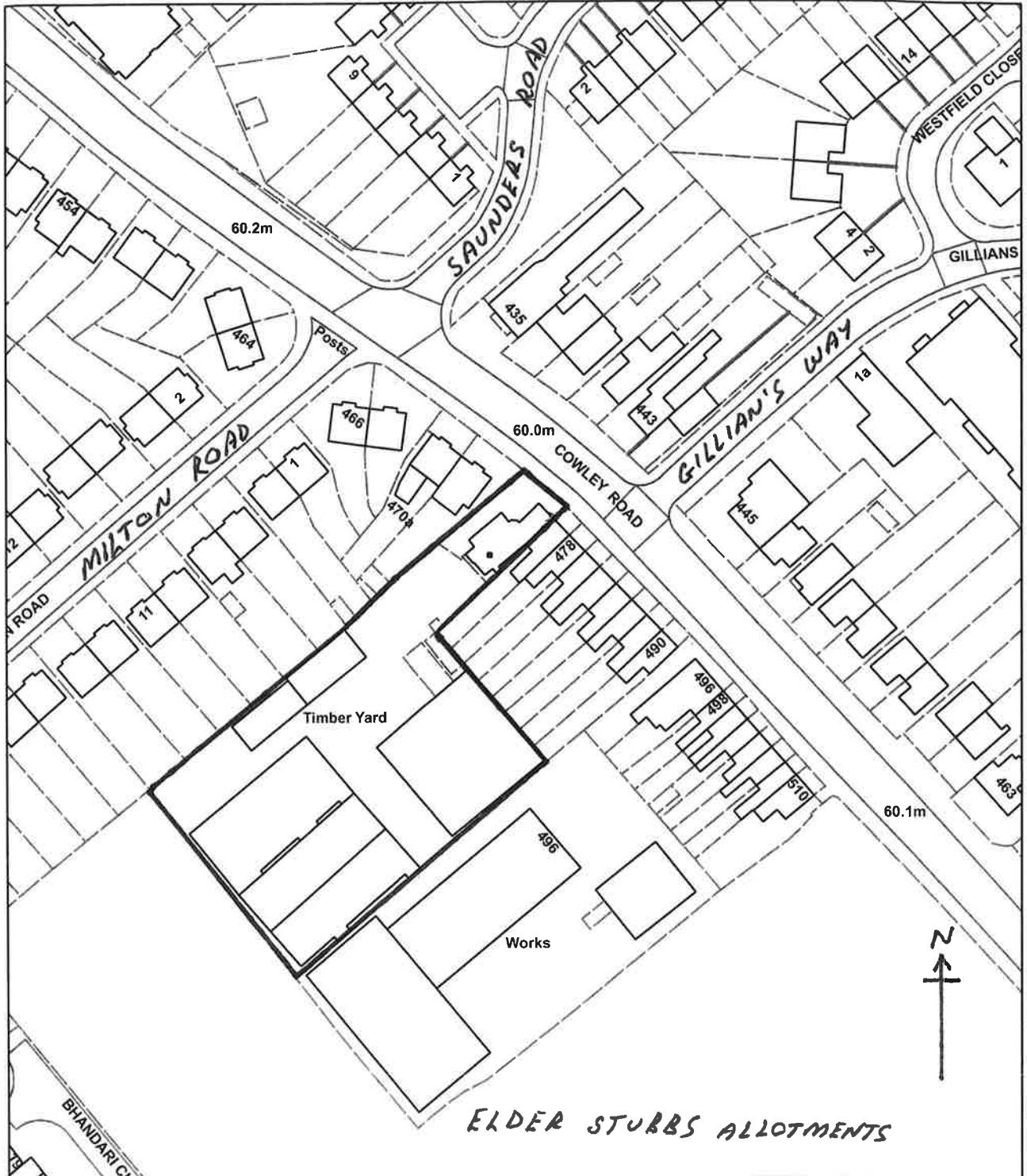
Extension: 2153

Date: 24th July 2015

15/00930/OUT

474 Cowley Road

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Appeal Decision

Hearing held on 1 November 2011

Site visit made on 1 November 2011

by Elaine Benson BA (Hons) Dip TP MRTPI

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

Decision date: 22 December 2011

Appeal Ref: APP/T3725/A/11/2155266

Plot Number 8002, Tournament Fields, Edge Hill Drive, Warwick CV34 6LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Montpelier Estates Ltd against the decision of Warwick District Council.
- The application Ref W10/1564, dated 22 November 2010, was refused by notice dated 31 May 2011.
- The development proposed is the erection of a three storey building to provide a care home for residents suffering from dementia and brain acquired injuries (Use Class C2) with new vehicular access, parking and landscaping.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a three storey building to provide a care home for residents suffering from dementia and brain acquired injuries (Use Class C2) with new vehicular access, parking and landscaping at Plot Number 8002, Tournament Fields, Edge Hill Drive, Warwick in accordance with the terms of the application, Ref W10/1564, dated 22 November 2010, subject to the conditions on the attached schedule.

Main Issues

2. The effect of the proposed development on the availability of employment land in the District and on the development of adjacent allocated employment land; and whether a satisfactory living environment for future occupiers of the care home could be achieved.

Reasons

3. It is proposed to erect a 3 storey care home for 90 residents with dementia or brain acquired injuries. The specialist C2 use requires a secure environment, with care provided on a constant basis. Accommodation would be arranged in clusters to provide a homely environment for residents and facilities for residents and their visitors would be provided.
4. The building would be located towards the northern end of the wider Tournament Fields site and would front onto Edge Hill Drive. There are offices opposite and land at the side and rear is undeveloped. Three-storey apartments on the opposite corner are part of a recent, large scale housing development. To the rear of the site, approximately 60 m away to the south west is the A46 flyover, which is partly screened by trees at ground level. To

the south is the A429. The site is to the east of the recently improved junction 15 of the M40 motorway and has good strategic connections to surrounding conurbations and motorways.

Employment Land

5. Tournament Fields is a site of some 16 ha allocated as an employment area in the Warwick District Local Plan 1996-2011 (LP). It has planning permission for B1 (business), B2 (general industry) and B8 (storage and distribution) uses. A maximum of 55% of the gross floor space can be developed for B1 use, of which almost half has been developed or has planning permission. In 2010 planning permission was granted for a private hospital to the south of the site as an exception to development plan policies.
6. The aim of Policy PA6 of the West Midlands Regional Spatial Strategy 2008 is to ensure the provision and maintenance of a range of readily available employment land to meet the needs of the regional economy. Saved LP Policy SC2 seeks to protect employment land from development for non-employment purposes, unless certain criteria are met, of which the most relevant is that the proposal would not have the effect of limiting the level and quality of land available for employment. Employment uses are defined as B1, B2 and B8 in the supporting text to policy SC2.
7. Although the C2 care home use is not an employment use in accordance with the LP's definitions, the equivalent of 70 full-time jobs would be created and it is anticipated that most staff would be local. Whilst this number is likely to be lower than would result from an office development of a similar scale, industrial or warehouse uses could result in fewer jobs. The employment generating use of the site should be seen in the context of recent Ministerial Statements which seek to encourage economic activity and job creation.
8. The *Warwick District Employment Land Review - Final Report - April 2009* (ELR) recognises the need to maintain and expand the employment base of the District. It rates Tournament Fields as the largest, highest rated employment site in respect of market and physical ranking and sustainability. It is considered attractive to the market and particularly to businesses such as IT, utilities and high-tech manufacturing/office sectors. However, the ELR states that its location is not as sustainable as those within or on the edge of centres and that development in this area would lead to increased traffic flows on the local and strategic highway network. It also indicates that the site is only suitable for office development because of the adjacent residential development, noting that this conclusion would need to be given consideration through the Local Development Framework process.
9. The Council's Annual Monitoring Report as of April 2010 indicates an average annual take-up rate of employment floorspace of around 5.66 ha per annum over the period 1989 to 2010. Thus the Council concludes that the industrial and distribution market in Warwick and the surrounding area is relatively healthy despite the wider economic downturn and anticipates that this trend will continue, providing sufficient sites are made available. Whilst recognising a reduction in demand for general manufacturing premises in the region, the Council's evidence is that there is still a regional need for premises suitable for light industry, assembly and small scale storage and warehousing.

10. Additionally, there appears to be a good take-up of large B8 and B2 buildings at national and regional level, particularly on unconstrained sites in accessible locations and within the automotive industry. This trend could also lead to increased demand for B2 and B8 premises from component suppliers. Some erosion of employment land supply, notably at the Gallagher Business Park, lends support to the Council's view that the retention of employment land flagship sites such as Tournament Fields is more critical.
11. The Council considers that Tournament Fields meets the key requirements of B2/B8 occupiers, particularly large operators and that there are no better competing locations elsewhere in the district. A number of alternative locations were discussed at the hearing, although their site specific circumstances are not directly comparable to Tournament Fields. It is concluded that large-scale B2/B8 occupiers have a choice of alternative sites which are deliverable and suitable to meet their requirements for sizeable sites away from housing, limited environmental controls and with good access to motorways.
12. In the appellants' view, Tournament Fields could not accommodate the large scale distributors referred to by the Council as the criteria set out above could not be met and because the estate road network had been designed to cope with smaller scale developments, although little technical evidence of this was provided. The appellants stated that the decision not to market the site for large scale uses was also based on the Council's response to informal enquiries about the erection of a large B2/B8 building in the 1990s. The Council has no record of this matter. It was agreed at the hearing that any proposals would be considered on their individual merits.
13. Small-scale distributors have similar requirements to those set out above, although they can locate on smaller sites, provided there are no restrictions on operating hours or access by HGV vehicles and significant internal heights can be achieved. If located towards the centre of the wider Tournament Fields site, small-scale B2 or B8 operations would be sufficiently distant from surrounding homes to avoid harming the living conditions of residents.
14. The appellants conceded that they aim to encourage high quality office schemes. Their limited marketing for B2/B8 uses had concentrated on attracting prestigious end-users by providing small-scale, good quality design and layouts. There is little evidence to conclude that the available plots on the site have not been taken up through a lack of marketing. In addition, the site is visible from a number of major roads, which also advertises its presence.
15. There is no doubt that Tournament Fields could make a substantial contribution towards employment floorspace. However, plots have been available for a range of uses for some years, including during peaks of economic activity. The site has been marketed continually and its planning policy context is known, as demonstrated by a series of planning applications. Despite some success, some 30 acres of land remain available for development.
16. The appeal proposal would result in a small part of this floorspace being taken up by development falling outside the 'B' use classes. There would be a direct loss of about 0.4 ha of employment land as a result of the appeal proposal contrary to LP policies. However, there is sufficient evidence to indicate that the proposed location of the care home would not deter future investment into Tournament Fields and that the conflict with LP Policy SC2 would not harm the overall employment objectives of the development plan.

17. In accordance with LP Policy SC2, it is also necessary to assess whether there would be constraints on land adjacent to the appeal site resulting from the need to protect the living conditions of the care home residents. A material reduction in the amount and quality of available employment land could be contrary to development plan objectives.
18. In support of its argument, the Council referred to a site in Cannock where nearby houses and residential care accommodation have significantly reduced the market attractiveness of an industrial area due to consequential restrictions on B2/B8 operations. The Council suggests that the proposed development would have a similar effect. However, the information provided indicates that the site specific circumstances are significantly different to the appeal site and limited weight can therefore be given to this example.
19. In any event, the appeal site is close to existing noise-sensitive residential buildings. Within this context it is unlikely that noise or nuisance generating B2 or B8 uses would be acceptable on the appeal site or adjacent plots, whether or not the appeal proposal went ahead.
20. The Council indicates that there were special factors which led to the decision to grant planning permission for a hospital on the Tournament Fields site as an exception to employment policies. These factors included an oversupply of employment land, a larger number of jobs than would be created by a warehousing use, the difficulties in identifying sites for hospitals and the need for a distinctive building at the gateway link to Tournament Fields. The Council committee report stated at that time that the relationship of the hospital site to the remaining employment land was acceptable and that the loss of the land was not critical to ensuring a proper supply of employment land. It now appears that the hospital scheme is unlikely to progress, however the impact of the appeal scheme on employment land supply would be similar.
21. Notwithstanding that the appeal scheme is not the one of the uses sought by LP Policy SC2, for the reasons set out above it is concluded that the appeal scheme would not undermine the employment land objectives for Warwick District or at Tournament Fields set out in the development plan. Furthermore, it is relevant that it would be contrary to the clients' commercial interests to permit a use that could harm future investment in Tournament Fields' remaining development plots. It is also noted that existing and prospective occupiers of the wider development site required assurances that Tournament Fields would not become a major industrial or distribution area.
22. In conclusion, it has not been demonstrated that the loss of employment land for defined employment uses would be greater than the land-take required to accommodate the proposed care home or that the quality of the adjoining land would be diminished. These factors, along with the other matters that weigh in favour of the scheme, prevail over the degree to which employment land planning policies would be breached.

Living Conditions of Future Residents

23. A noise impact survey was carried out in accordance with the Noise Exposure Categories (NEC) set out in Planning Policy Guidance Note 24: *Planning and Noise* (PPG24). A Planning Noise Assessment (PNA) was submitted with the application. The existing primary noise source is traffic using the M40, A46 and A429, with the main contributor being the eastern sweep of the A46 where the

trunk road joins the A429 to Warwick and M40 southbound slip road. The survey results show that at worst, the site falls into NEC B.

24. The Council agrees that the suggested noise mitigation measures would create a satisfactory noise environment within the proposed building in respect of traffic noise, unless windows were opened to control temperature and ventilation. However, an appropriate heating and ventilation system would be installed, including individual room controls. Furthermore, it is likely that the residents of this care home would be incapable of dealing with such matters themselves. It is concluded that there would be a satisfactory living environment in this regard.
25. Some of the care home garden areas would be subject to traffic noise. But as most residents are unlikely to go outside and those that do would probably be outside for only short periods, this factor would not in itself be sufficient to justify refusing the application. In any event a number of the gardens would be shielded against traffic noise by the proposed building. A condition is imposed to control the use of the building to that applied for so that any alternative uses, including others falling within Use Class C2, which might have different amenity space requirements can be assessed in accordance with the circumstances pertaining at that time.
26. Potentially, B1, B2 or B8 operations on the plots around the appeal site could cause noise and disturbance, including from industrial processes, ventilation plant and deliveries at unsociable hours. The Council is concerned that such effects may not be effectively controlled, even when Best Practical Means have been adopted. The uses which are most likely to be acceptable within the locality have been considered and there is sufficient evidence to demonstrate that the type and range of noise levels that may be generated can be adequately predicted. Solutions are available to achieve noise levels appropriate to a care home environment.
27. Furthermore, all potential uses would be subject to environmental and planning controls to control layouts and the location of any plant, machinery and vehicle related areas. Such measures would permit the care home, residential and any acceptable potential commercial land uses to coexist in this location. Moreover there are additional safeguards as the appellants control the entire Tournament Fields site. Taking all these factors in to account, it is concluded that future uses of land adjacent to the appeal site could be controlled to prevent harm to the living conditions of the care home residents.
28. The approved hospital was considered compatible with potential employment uses. Whilst hospital patients are transitory and would not be affected by noise nuisance to the same degree as permanent residents, useable gardens would be provided at the care home and its internal environment would be protected from harmful external noise by soundproofing measures. Few material differences between the potential impacts on hospital patients and the care home residents have been identified.
29. The suitability of various types of locations for the proposed care home were discussed at the hearing, including residents' need for peace and quiet and the personal experiences of one of the Council's officers. The appellants indicated that they do not convert existing buildings as compliance issues render such schemes unviable. The appeal proposal should be assessed on its own merits and it is clear that the internal environment of the care home would be

designed to satisfy the requirements of residents and registration bodies, and there is a legal requirement to comply with disability legislation.

30. The evidence indicates that the proposed development would provide a satisfactory form of accommodation for future occupiers. Subject to the use of appropriate acoustic performance measures for glazing and ventilation, the 'good' standard of internal noise levels during the daytime and night-time could be achieved in accordance with British Standard 8233 *Sound insulation and noise reduction for buildings – Code of Practice* and the requirements of PPG24 would be complied with. Furthermore, as the wider site is developed, it is likely that new buildings would help to screen traffic noise and, potentially, future commercial noise. It is concluded that there would be no harm to the living conditions of the care home's residents and the appeal proposal complies with the requirements of Policy DP2 of the LP.

Other Matters

31. There are no policies within the LP in respect of C2 uses or health care provision. The appellant referred to a number of statements and reports by Government Ministers and the Department of Health, relating to the need for housing support and specialist provision for various groups, including people with dementia. One of the objectives of Planning Policy Statement 3: Housing is to ensure that everyone has the opportunity to live in a decent home, particularly those who are vulnerable or in need. This objective is reiterated by the Draft National Planning Policy Framework which is relevant in so much as it is consistent with extant national planning policy and guidance.
32. The Council and County Council do not dispute the need for the type of health care to be provided by the appeal scheme. The site is close to a large number of dwellings where staff might live and is accessible by public transport. Whilst it was stated that the majority of residents with dementia would be unlikely to venture outside, the local centre is around 0.5 km from the proposed care home. There would be opportunities for residents to walk or be taken to the shops or other facilities, thus assisting their rehabilitation and supporting the creation of a sustainable community. There was little convincing evidence that the proposed care home would adversely affect healthcare services due to its location, as suggested by the Council.
33. Adequate car parking is proposed to meet the Council's maximum standards and additional on street spaces are available locally. Parking and access matters were addressed by the submitted Transport Statement. No objections were raised by the Highways Authority. The design, massing and external appearance of the care home would be of high quality and in keeping with the surrounding area. Its height would comply with the requirements of the *Framework Brief for South West Warwick 2000* which was adopted as Supplementary Planning Guidance following a period of public consultation and *The Employment Land Development Brief 2003* which encourage 3 storey developments on most parts of Tournament Fields.
34. A flood defence scheme is being progressed out in the locality which when completed would take the appeal site out of the flood zone. The submitted flood risk assessment indicates that there would be no adverse flooding effect, subject to the implementation of a flood compensation scheme on adjacent land. The Environment Agency states that a scheme has been agreed and raises no objections to the appeal proposal. As full details of the scheme were

not provided with the appeal, a condition has been imposed requiring details of flood compensation works and their implementation and details of storm water and foul sewage disposal.

35. References were made to the draft National Planning Policy Framework. With the exception of where it reflects extant policies discussed above, this is a draft policy that has yet to be confirmed and can only carry limited weight.

Conclusions

36. The Ministerial Statement, Planning for Growth (March 2011) emphasises the key role of the planning system to enable sustainable development that would support economic growth. The Statement is consistent with the Government's overarching objective of achieving sustainable economic growth as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth. The care home would secure economic growth and investment in local jobs and these factors have been weighed alongside the environmental and social evidence.
37. Having regard to the current economic conditions and uncertainty about the uptake of the remaining plots on Tournament Fields, the objectives set out in Planning for Growth and other recent Ministerial statements gives significant weight to these considerations. These factors, along with the longer-term benefits of providing for the existing and future needs of an ageing population and people with brain injuries, would benefit the local economy and help achieve the wider objectives of the development plan.
38. All other matters have been taken into account but do not outweigh the conclusions set out above. Accordingly the appeal should be allowed.

Conditions

39. Conditions controlling the use of the care home, requiring measures to prevent external noise intrusion, details of flood compensation works and their implementation and details of storm water and foul sewage disposal are necessary for the reasons given above. Additional conditions requiring details of landscaping and its implementation and preventing external lighting of the building are needed to protect the visual amenities. Compliance with the submitted renewable energy scheme is required to ensure that adequate provision is made for the generation of energy from renewable energy resources.
40. To promote sustainable transport choices, a condition is imposed requiring compliance with the submitted Travel Plan. To ensure highway safety, details of the surfacing of the access, visibility splays and parking and delivery spaces are required. In the interests of proper planning and for the avoidance of doubt, a condition is imposed which sets out the approved plan numbers. Where necessary the wording of the Council's suggested conditions has been amended to more closely relate to Circular 11/95.

Elaine Benson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The premises shall be used as a care home for residents suffering from dementia and brain acquired injuries and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 3) The building envelope of the proposed facility shall be constructed in such a manner so as to ensure that levels of external noise intrusion shall not exceed an $L_{Aeq,T}$ of 30 dBA in all habitable rooms on the basis of existing noise levels incident upon any point on the proposed building facade.
- 4) Development shall not commence until compensatory flood storage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
- 5) Development shall not commence until details of the means of disposal of storm water and foul sewage have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved prior to the first occupation of the building.
- 6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 7) No lighting shall be fixed to the external walls or roof of the building hereby permitted, or on any open land within the application site.
- 8) The development hereby permitted shall not be occupied until the measures set out in the BREEAM LZC Feasibility Study (18 November 2010) submitted as part of the application have been implemented in accordance with the approved details. The works undertaken shall be retained thereafter and maintained in accordance with manufacturers' specifications.
- 9) The development hereby permitted shall be operated in accordance with the measures set out in the Green Travel Plan which forms part of the submitted Transport Statement. The approved measures shall continue to be implemented in full thereafter.
- 10) The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing with the local planning authority.

- 11) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distance of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 12) The development shall not be occupied until space has been provided within the site for the parking and loading/unloading of vehicles in accordance with details to be approved in writing by the local planning authority.
- 13) The development hereby permitted shall be carried out in accordance with the following approved plans: L40602/L01B, L40602/01E, L40602/02D, L40602/03D, L40602/901, L40602/04B, L40602/05A, L40602/06, L40602/07, L40602/08, L40602/11, L40602/09F, L40602/10M and L40602/900A.

APPEARANCES

FOR THE APPELLANT:

Mr P J Frampton BSc (Hons) TP, MRICS, MRTPI	Planning Director Frampton Town Planning Ltd
Mr J McGarry B Arch (Hons) Dip Arch	Architect, Montpelier Estates
Mr J Horsman B Arch (Hons) Dip Arch	Architect, Montpelier Estates
Mr P Ludlow FRICS	Chairman, Arnott Developments Ltd
Mr W J Wareing Dip Est Man, FRICS	Managing Director Wareing and Company
Mr N Morgan MSc MIOA	Associate Director, Innovate Acoustics
Mr J A Halton BA (Hons) History, Harvard Business School	Managing Director, Berkley Care Management Group

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Edmonds BSc Hons, Dip TP, MRTPI	Senior Planning Officer, Warwick District Council
Mr P Lawson BSc (Hons) MSc MCIEH	Senior Environmental Health Officer, Warwick District Council
Mr P Leaver	Director, Jones Lang Lasalle

INTERESTED PERSONS:

Mr T Willis	Strategic Commissioning (Care and Choice Accommodation) Programme Lead, Adult, Health & Community Services, Warwickshire County Council
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DOCUMENTS

Submitted by the Council

- 1 LP Policy DP15 Accessibility and inclusion
- 2 Details of residential care home at Mayflower House, Plymouth
- 3 Bundle of documents relating to warehouse/distribution centres in region
- 4 Extract from Regional Spatial Strategy, Glossary of Terms
- 5 Conceptual Model – Industrial Noise
- 6 Emails from S Scaysbrook and M Sanghera
- 7 Suggested condition (agreed by both main parties)

Submitted by the appellant

- 8 Details of proposed care home's approach
- 9 Extract from Employment Land Review 2009, Future Direction of Employment Land
Growth
- 10 Extract from Regional Spatial Strategy, Policy PA5 Employment Land Provision
- 11 Extract from Annual Monitoring Report 2010
- 12 Extract from Employment Land Review Addendum, January 2011
- 13 Decision Notice W04/1851 Land at South West Warwick (Tournament Fields)
- 14 Letter from Dr Buckley, GP Partner, Trinity Road Surgery

East Area Planning Committee

5th August 2015

Application Number: 15/01643/FUL

Decision Due by: 3rd August 2015

Proposal: Demolition of the existing single storey commercial unit. Erection of 1No. two storey building to create 16 x 1-bed student study rooms and erection of 1No. two storey building to create 1 x 1-bed warden flat and 1 x 3-bed postgraduate flat. Provision of amenity space, refuse store and covered parking for 22No. bicycles.

Site Address: 162-164 Hollow Way, Oxford (**site plan: appendix 1**)

Ward: Lye Valley Ward

Agent: Tariq Khuja

Applicant: Speedy Property Solutions

Application Called in – by Councillors – Kennedy, Fry, Sinclair and Malik for the following reasons - overdevelopment

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 Samples
- 4 Boundary details before commencement
- 5 bikes and bins
- 6 Contaminated Land
- 7 Fire hydrants
- 8 Window restriction
- 9 No cars
- 10 Day to day management
- 11 Full time students
- 12 Student accommodation only
- 13 Sustainability measure
- 14 Travel Information Pack
- 15 Drainage
- 16 Construction Traffic Management Plan
- 17 Biodiversity enhancements

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

CP13 - Accessibility

CP21 - Noise

RC8 - Neighbourhood Shopping Centres

Core Strategy

CS1_ - Hierarchy of centres

CS2_ - Previously developed and greenfield land

CS18_ - Urban design, town character, historic environment

CS25_ - Student accommodation

CS28_ - Employment sites

CS29_ - The universities

Sites and Housing Plan

MP1 - Model Policy

HP5_ - Location of Student Accommodation

HP9_ - Design, Character and Context

HP11_ - Low Carbon Homes

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:

57/05753/A_H - Extension to form warehouse and alterations to shop. PER 22nd January 1957.

57/05886/A_H - Alterations to form bathroom and addition of fuel store. PER 12th March 1957.

72/03115/P_H - Erection of illuminated fascia sign. PER 21st June 1972.

72/26036/A_H - Change of use from shop to launderette and installation of new shop front. PER 21st June 1972.

80/00825/NF - New shop front. PER 17th October 1980.

81/00836/NF - First floor extension. REF 9th February 1982.

82/00209/NF - 1. Change of use of ground floor of No. 166 to offices (with retention of 1-bed flat on first floor). 2. Formation of staff car park and loading area at rear of No. 166. 3. Change of use of offices to stores in Nos. 162/164. REF 25th May 1982.

83/00584/S - Section 53 Determination as to whether use as business for hire/sale of small plant and power tools, with retail outlet, ancillary storage and residential house for manager, constitutes a material change of use (Nos. 162/164 and 166 Hollow Way). WDN 3rd August 1983.

83/00763/S - Section 53 Determination as to whether use of premises for tool hire and sales on the retail sales by Oxford Heating Limited is lawful. PNR 5th October 1983.

09/02129/FUL - Demolition of existing building. Erection of 2x3 bed houses over two storeys fronting Hollow Way. Erection of a two storey building to east of site fronting

Horspath Road to provide 1x3 bed house, 3x2 and 2x1 bed flats. Provision of 7 car parking spaces, bin and cycle storage. WDN 17th December 2009.

11/00765/FUL - Demolition of existing building. Erection of 2x2 storey building accommodating 19 student study rooms plus warden's accommodation. Provision of cycle and bin storage. PER 12th September 2011.

Representations Received:

160, 196, a resident Hollow Way, 15, 23 Horspath Road and Likey's Lawn, Beggars Lane, Longworth

Summary of Comments:

- Concerned regarding the stability of our property should the developer be allowed to demolish 162-164 Hollow Way; worried disturbance of foundations will occur
- no reason for the lowering of the party wall at the rear of our property, this will not be blocking light from any new development and if left will give us and our neighbours some privacy in our back gardens from view from the student rooms
- car parking issues/ parking is non-existent and not having parking facilities on site is ridiculous
- too high a density of occupants for the small area proposed to be developed
- no named College for usage of this development
- good reason for more student rooms in the area
- concerned about disturbance at night, music, noisy people and vehicles coming and going
- something needs to be done with the existing 'derelict' site,
- smaller and more sympathetic housing design would seem more appropriate for this area
- overlooking/loss of privacy

Statutory Consultees:

Oxfordshire County Council: no objections subject to conditions

Natural England: no objections; biodiversity enhancements recommended

Thames Water Utilities Limited: no objections

Issues: Contributions

Principle

Design/Residential Amenity

Highway Issues

Cycle Parking

Biodiversity

Other Issues

Officers Assessment:

Site Description

1. The application site is currently occupied by a disused single storey retail unit, most recently used as a plant and tool hire company. The retail unit has a large glassed frontage onto Hollow Way and is situated between two detached residential properties to the north and south. Delivery and vehicular access into the building is from Horspath Road via a roller door as well as providing off-street parking. Access to the neighbouring property 166 Hollow Way is taken from an open area to the frontage along Hollow Way. To the east the site backs onto Horspath Road recreation ground. The character of the immediate surrounding area comprises mainly Victorian and post war residential properties. The existing building is mainly brick with metal and glass skylights.

Proposal

2. The application proposes the demolition of the existing retail unit and erection of a two storey building to create 16 x 1 bed student study rooms and the erection of a two storey building to create 1 x 1 bed warden flat and 1 x 3 bed postgraduate flat.
3. Although described slightly differently the previously approved scheme (ref.:11/00765/FUL) is identical to the current scheme. In policy terms the previous scheme was considered under the Oxford Local Plan and the Core Strategy. The Sites and Housing Plan has subsequently been adopted and is an additional material consideration in this case.

Assessment

Contributions

4. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. CIL applies to developments of 100 square metres or more, or to new houses of any size. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. This application is liable for CIL. The liability is £7,759.90.

Principle

5. The principle of redeveloping the site was established by the granting of planning permission September 2011 (ref.: 11/00765/FUL). It would appear that the last use of the site was as a Tool Hire Shop/Plant Hire depot which would be classed as an A1 use and *sui generis* (of its own class) use respectively, and given the low levels of employment generated at the site, it is not considered that the site would strictly qualify as an 'employment-generating use'.

6. Therefore in policy terms the proposal would now be considered on the basis of the loss of a shop rather than an employment generating use, which in this case has been classed as being within the Hollow Way Neighbourhood Shopping Centre. The proposal therefore falls to be considered in relation to Policy RC8 of the OLP which states that planning permission will only be granted for the loss of a class A1 use in Neighbourhood Shopping Centres when
 - a) evidence of a lack of viability is demonstrated to support a change of use;
 - b) the proportion of units at ground floor level in A1 retail use does not fall below 50% of the total units in the neighbourhood shopping centres;
 - c) non-residential uses such as other commercial or community uses will be considered on their individual merits and their added value in providing additional local facilities; and
 - d) changes of use to residential use are supported with substantial proof that commercial or community uses are not viable.
7. In terms of the present mix of uses within this collection of premises, the balance comprises 50% Class A1 retail, and if this unit were lost the percentage would therefore fall below the requirement to retain at least 50%. However the site have been vacant since at least the previous planning application; previous marketing has not produced any interest and given the size of the premises involved, it is much larger than a standard retail property that would normally cater for local neighbourhood requirements it loss it not considered to be detrimental to the Neighbourhood Shopping Centre. Similarly no objection is raised to the loss of the existing building which has no merit and does not provide any positive contribution to the streetscape.
8. In terms of the principle of providing purpose built student accommodation on the site, in his report on the examination into the Oxford Core Strategy the Inspector found the policy (CS25 student accommodation) restricted the provision of student accommodation to that related to the Universities, effectively placing an embargo on student accommodation to serve the needs of the many non-university colleges in Oxford.
9. The City Council pointed to the greater emphasis of these other colleges on part-time courses and that a lot of their students take up lodging accommodation, so not adding to the pressures on the city's housing stock and limited development sites. Nevertheless, the Inspector put forward that some of the students at these other colleges will be full-time and are just as likely to require housing out in the community and put pressure on the housing market. Where full-time students are on courses of upwards of an academic year, the Inspector concluded that they are as likely as University students to be seeking their own housing as opposed to lodgings.
10. Whilst removing the policy embargo would increase the competition for any available sites, provided any new accommodation was directed to full-time students, then the impact on the overall housing market would be very limited. These colleges also make their contribution to the local economy. He (the

Inspector) found little reason, in terms of housing pressures, to discriminate against non-University colleges. It is not justified in equity terms and therefore the policy wording was changed to reflect this.

11. The policy (CS25) now states student accommodation will be restricted in occupation to students in full-time education on courses of an academic year or more. Appropriate management controls will be secured, including an undertaking that students do not bring cars to Oxford. These can be dealt with via conditions.
12. Along with CS25 of the OCS policy HP5 of the SHP also applies which sets out criteria for determining which locations are suitable for student accommodation, and other conditions for development (management regime and prevention of cars). The City Council considers that only sites located adjacent to a main thoroughfare are considered acceptable. Hollow Way is classed as a main thoroughfare with pedestrian and cycle access directly onto it.
13. Therefore, in policy terms, the proposed loss of A1/ *sui generis* uses and provision of speculative student accommodation and its location would be considered acceptable.

Design/Residential Amenity

14. The existing buildings on site are single storey with the elevation fronting Hollow Way giving the impression of being one and a half storey. The existing buildings are up to and on the boundary with the side elevation and garden of 160 Hollow Way and the side and rear garden boundaries of 166 Hollow Way. The existing building is set back from the footpath on Hollow Way by 5.4m and between 4m and 6m from the footpath along Horspath Road.
15. The proposal shows two separate blocks. Block 1 fronts Hollow Way and houses the warden in a self contained one-bedroom flat with its own small area of private amenity space along with three post-graduate student bedrooms, one of which is en-suite, sharing a kitchen/living room and bathroom. Block 2 fronts Horspath Road and houses the remaining 16 student bedrooms, which are en-suite, over two floors (8 per floor) with a shared kitchen/diner on each floor.
16. The two storey building fronting Hollow Way (block 1) is detached and gives the appearance of an additional dwelling within the street scene. Numbers 160 and 166 are individual properties each with their own style, one slightly older with timber sash windows and one more modern with feature bay windows at ground floor level. Number 158 Hollow Way is part of a row of terraced properties all of similar design and appearance. The proposed building sits somewhere in the middle taking its window design from the first floor at 160 and has chimneys as do all the other properties within the vicinity. Block 1 is set slightly forward than the existing building. However it has been set away from the boundary with 160 Hollow Way by 1m but remains along the boundary with 166 Hollow Way but considerably reduced in length.

17. The existing building has a maximum height of 4.6m and block 1 has a proposed height of 4.9m to the eaves and 6.7m to the ridge. It forms a rendered blank elevation with a part gable roof and part pitched. There are no windows in the side elevation of 166 Hollow Way therefore there will be no issues of loss of sunlight/daylight to habitable rooms or overlooking/loss of privacy. It is acknowledged that this elevation is higher than the existing building, however, the proposed building is nearly identical to its neighbours in terms of its height, bulk mass and design and there is considered to sit comfortably within and make a positive contribution to the street scene. Although the proposed building will be taller adjacent to the boundary with 166 Hollow Way, this is considered to be duly compensated by block 2 being set away from the rear boundary, unlike the existing building. Therefore Officers consider overall the impact will be minimal on 166 Hollow Way.
18. Block 2 is seen within the context of Horspath Road as this is where it has its frontage. It is a larger building with a rectangular footprint. The front elevation has been broken up with two square gables and the rear at first floor with angled windows to prevent any overlooking. Both add interest to the front and rear elevations. The front elevation has been brought forward compared to the existing building and is now more in line with the side elevation of 166 Hollow Way and this design approach is considered to better compliment the street scene. Block 2 does not breach the Council's daylight and sunlight guidance in terms of the 45 degree line in the horizontal plane and 25 degree line in the vertical plane when taken from habitable room windows in the rear elevation of 166 Hollow way therefore it is considered to be acceptable in terms of policy HP14 of the SHP and sunlight/daylight standards.
19. The proposal is therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016 and HP9 and HP14 of the Sites and Housing Plan 2011-2026 in that it respects the character and appearance of the area and creates an appropriate visual relationship with the form, grain, scale, and details of the site and the surrounding area and does not impact on the neighbouring properties in a detrimental way.

Highway Issues

20. Policy CS25 of the OCS states appropriate management controls will be secured, including an undertaking that students do not bring cars to Oxford. This can be dealt with via a condition. The accommodation shall only be let on tenancies which include a clause to prevent the students bringing or keeping motor vehicles in the city.
21. The Highway Authority also recommends a planning condition which seeks to manage car ownership amongst occupiers of the proposed student accommodation. This is particularly relevant given that Hollow Way and surrounding roads are not subject to parking restrictions such as a Controlled Parking Zone that enables control of on-street parking.

22. They also recommend a Travel Information Pack should be prepared and provided to occupants of the student accommodation to encourage sustainable travel behaviour as the development is car free. This can also be dealt with via a condition.
23. Policy HP16 of the SHP states that only operational and disabled parking should be provided for new student accommodation. Operational parking should be available for students and their families, for a limited period, arriving and departing at the start and end of semesters or terms. There is off street parking provision to the front of block 1 and management of operational parking can be included the proposed condition for appropriate management controls

Cycle Parking

24. Policy CS13 of the OCS states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport. A fundamental part of encouraging cycling is the provision of secure cycle storage.
25. Sufficient, high-quality cycle parking is especially important for student accommodation, as it is car-free. The minimum standards for student accommodation reflect that more students are likely to cycle in Oxford if they live away from their place of study.
26. Policy HP15 of the SHP requires student accommodation to provide at least 3 spaces for every 4 study bedrooms. There are 19 study bedrooms therefore a minimum of 14.25 cycle parking spaces are required. 22 are proposed which is considered acceptable.

Biodiversity

27. This application is in close proximity to Lye Valley Site of Special Scientific Interest (SSSI). However, as the application site does not appear to be within the surface or groundwater catchment of the SSSI, 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 the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Other Issues

28. Extra noise has been raised as a concern. Details of the day to day management of the accommodation will be requested and a warden will be present on site. There is also other legislation to deal with excessive noise. Officers consider these measures appropriate. Environmental Health Officers have raised no objections to the application on these grounds
29. The location of the bins has been raised in terms of smells. A requirement is to

have the bins in a screened area (policy CP10 of the OLP). The proposal shows them in a covered area with doors on, although no elevational details have been provided. Officers will request such details via a condition and this will ensure the bins remain covered and secure to prevent any smells escaping.

30. Various concerns have been raised by the neighbouring properties over the impact of the build on them and their properties in terms of walls, access, making good party walls etc. These are not planning issues and need to be considered under other legislation and/or through discussions with the developer/builder.
31. The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. The requirement for the provision of hydrants in accordance with the requirements of the Fire & Rescue Service shall be subject to a condition.

Conclusion:

32. For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accords with all the relevant policies within the Oxford Core Strategy 2026, the Oxford Local Plan 2001-2016 and the Sites and Housing Plan 2011-2026 and therefore recommends committee approval the application.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

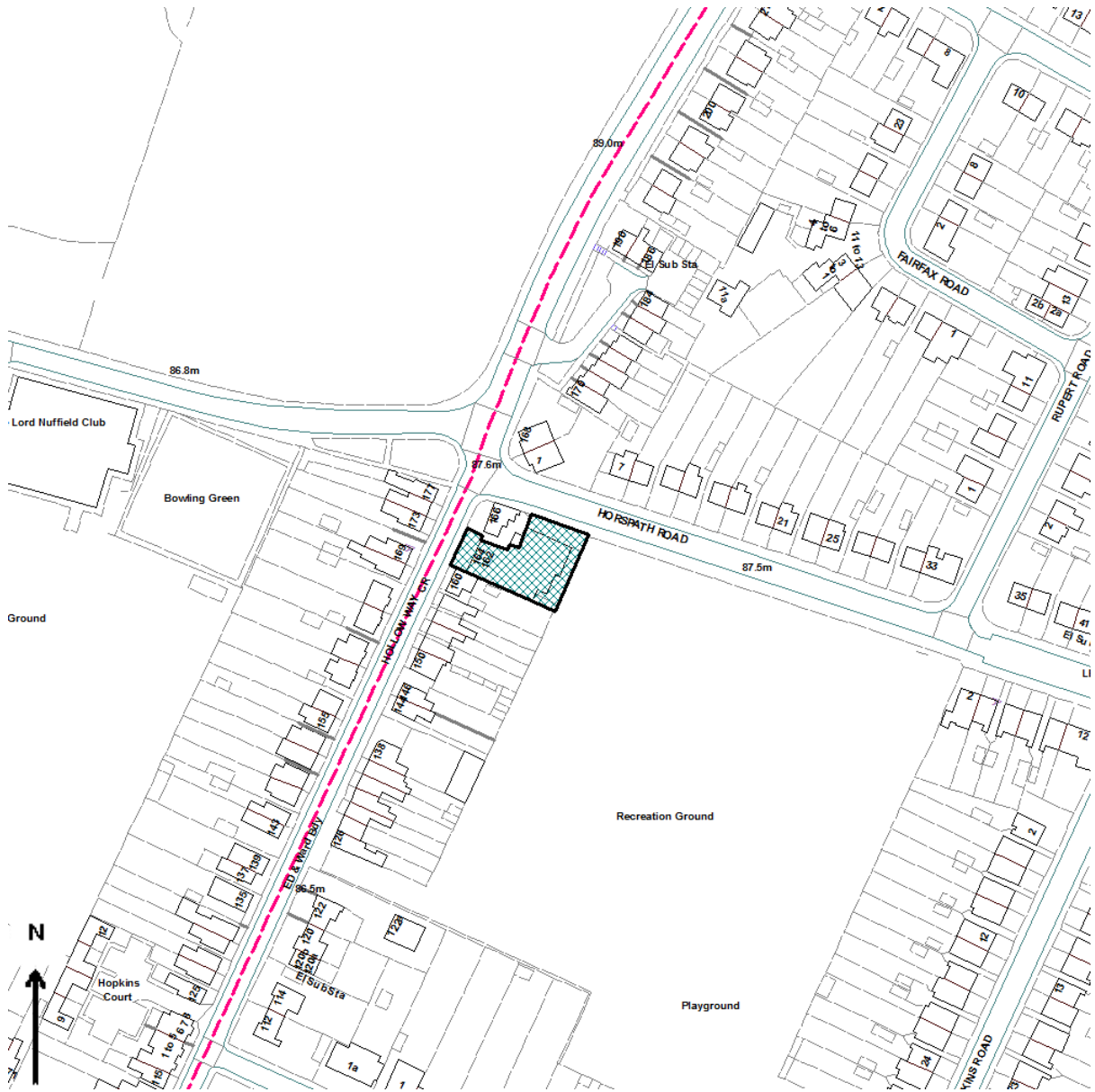
Contact Officer: Lisa Green

Extension: 2614

Date: 22nd July 2015

Appendix 1

15/01643/FUL - 162-164 Hollow Way



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Ordnance Survey 100019348

East Area Planning Committee

5th August 2015

Application Numbers: 1. 14/02550/FUL
2. 15/01485/FUL

Decision Due by: 1. 12th November 2014
2. 14th July 2015

Proposal:

1. Erection of a part single, part two storey side and rear extension. Erection of first floor front extension. Formation of 1 no. front and 2 no. rear dormers and new vehicular access onto Railway Lane (Amended plans)
2. Formation of vehicular entrance with boundary wall, pillars and gates

Site Address: Beenhams Cottage, Railway Lane, Oxford (**site plan: appendix 1**)

Ward: Littlemore Ward

Agent: Mr Ben Holland

Applicant: Mr Richard Evers

Application Called in –

1. by Councillors Tanner Fry, Sanders and Lygo for the following reasons - sensitivity of any development in the conservation area and local concern
2. this application was not called-in but is being brought before Committee because there are similar access arrangements proposed to the first application

Recommendation

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

Reasons for Approval (14/02550/FUL):

- 1 The proposed development will form an appropriate visual relationship with the original house and surrounding forms and would protect the special character and appearance of Littlemore Conservation Area. There will be no unacceptable effect on the current and future occupants of adjacent properties. Concerns over flooding and access can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8, CP10, CP13, NE15 and HE7 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11

and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.

- 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.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples materials in Conservation Area
4. Specific exclusion approved plans the new vehicular access, HP-00-D16,
5. Design - no additions to dwelling
6. Amenity - windows to side
7. Amenity - no balcony
8. Sustainable drainage
9. Landscape plan required
10. Landscape carry out by completion
11. Landscape hard surfacedesign - tree roots
12. Landscape underground services - tree roots
13. Tree Protection Plan (TPP) 2
14. Arboricultural Method Statement (AMS) 1

Reasons for Approval (15/01485/FUL):

- 1 The development will form an acceptable visual relationship with the existing building and Littlemore Conservation Area. Concerns over highway safety, landscaping and tree, flooding and the appearance of materials used in the build can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8, CP10, HE7 and NE15 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.
- 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.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all

other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Sample materials in Conservation Area
4. Highway safety
5. Landscape plan required
6. Tree Protection Plan (TPP) 2
7. Arboricultural Method Statement (AMS) 2
8. Sustainable drainage

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HE7 - Conservation Areas

NE15 - Loss of Trees and Hedgerows

NE16 - Protected Trees

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan (SHP)

MP1 - Model Policy

HP9_ - Design, Character and Context

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

This application is in or affecting the Littlemore Conservation Area.

Planning Practice Guidance

Relevant Site History:

58/00815/M_H - Site for one or two storey dwelling house with access: Approved

59/00237/M_H - Dwelling house (Approved on appeal 4.2.1960): Refused

12/00180/FUL - Erection of 2x3 bedroom and 1x2 bedroom dwellings: Approved

12/00181/CAC - Conservation area consent for demolition of existing cottage and outbuilding: Approved

14/00652/FUL - First floor front extension, part single storey & part two storey side & rear extensions. (Additional information): Withdrawn

Representations Received:

(1) (14/02550/FUL)

- 70 Medhurst Way: Out of keeping with surroundings, lack of information relating to hedging, highway safety issues, some concern over loss of trees.

Further consultation was carried out on the amended plans, the following comments were received:

In Support:

- Mulberry House, Railway Lane
- The Manor House, Sandford Road
- The Old Post Office, Railway Lane

Whilst the above comments can be summarised as in support of the proposal, some of the comments, notably from The Manor House, suggest that the current scheme may even have gone too far in softening the original modernist approach.

In Objection:

- No address given: Loss of trees and resultant overlooking of properties on other side of Sandford Road, overly large and not in keeping with Conservation Area.

(2) (15/01485/FUL)

No letters of comment have been received in relation to this application

Statutory Consultees:

(1) (14/02550/FUL)

- Oxfordshire County Council Highway Authority: Informal objection: lack of set back from highway and inappropriate visibility splays.

(2) (15/01485/FUL)

- Local Highway Authority: No objection subject to condition
- Littlemore Parish Council: Raises concerns about the siting of proposed vehicular entrance and the loss of established trees in a conservation area.

Officers Assessment:

Site description and proposal

1. Beenhams Cottage occupies a prominent corner site on the corner of Railway Lane and Sandford Road, the main thoroughfare through this part of

Littlemore Conservation Area (**appendix 1**).

2. The site appears to share a vehicular access with the house next door and is well screened by trees and hedging, although some of the trees are in poor condition and may have a limited life expectancy.
3. The house itself would have been completed in the early 1960's. With its white painted brick walls and angular appearance it is of its time and replaced existing buildings on the site.

Proposal

4. The two applications are seeking planning permission for the following works
5. (14/02550/FUL): The erection of a part single, part two-storey side and rear extension, and erection of a first floor front extension to the dwellinghouse. The formation of a single dormer in the front elevations and 2 dormers to the rear. The formation of a new vehicular access onto Railway Lane.
6. The proposals have been amended since they were initially submitted due to concerns raised about the potential impact of the original proposals upon the character and appearance of the conservation area, and also highway safety.
7. (15/01485/FUL): The formation of a vehicular entrance with boundary wall, pillars and gates.
8. Officers consider that the main determining issues in this case are
 - Impact on character and appearance of Conservation Area
 - Impact on adjacent occupiers
 - Highway safety / parking and access
 - Trees
 - Flooding

Visual impact / effect on Conservation Area

9. Despite being absorbed as a part of Oxford's suburbs Littlemore retains its village qualities and is noted for the vernacular forms and materials and contribution of trees and greenery. The published conservation area appraisal notes specifically that these qualities are vulnerable to new developments that involve the use of materials and textures that do not correspond or complement the established warm and muted tones of the historic core of the village.
10. Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. The National Planning Policy Framework explains that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.
11. The Government sets out a presumption in favour of sustainable development and explains that the purpose of the planning system is to contribute to the

achievement of this. The NPPF sets out twelve core planning principles that should underpin decision making (paragraph 17.). Amongst those are:

not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; □

proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generation.

12. The Council expects new development to enhance the quality of the environment, and Policy CP1 states that all new development should respect the character and appearance of the area. Policies CP8 of the OLP and CS18 of the Core Strategy require all new development to demonstrate high quality urban design and ensure that the siting, massing and design creates an appropriate visual relationship with the built form of the local area.
13. Policy CP8 states that building design should respect, without necessarily replicating, local characteristics and should not rule out innovative design. This is taken a stage further in the text of the Core Strategy which states that Oxford's historic environment and local townscapes are the product of change and should be considered as an inspiration for good urban design, respecting the old but also perpetuating the tradition of creating great modern buildings. Policy HE7 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or its setting. Policy CS18 requires that developments demonstrate high quality urban design that respects the unique townscape and character in different areas of Oxford.
14. The NPPF and accompanying Practice Guide (NPPG) explain that great weight should be given to the asset's conservation and '*the more important the asset, the greater the weight should be*'. Recent case law (Barnwell) has demonstrated that this responsibility, rooted in the legislative requirements of the Planning Acts, should be given special consideration when considering the balance between any harm and the planning merits of the proposal.
15. Our historic environment is the product of changing needs and changing architectural fashions (both architect designed and vernacular). Historic England advises (in its Good Practice Advice Notes) that local planning authorities should not be prescriptive about the appropriateness of architectural styles in new development; what is important are matters such as siting, scale, height, mass and materials.
16. Given the contemporary nature of the design and use of materials of the existing building and the contemporary nature of the proposed extensions this is an important consideration

17. The site sits on a prominent corner, with views of the existing building currently filtered (but not blocked) by the hedge and tree cover. The proposed increased extent of the building:
- additional rear projection of around 1.8m on ground floor
 - substantial additions at first floor to provide 3 additional bedrooms, shower room and mezzanine
 - Introduction of new materials across new and existing parts of the building including stone, coloured render, zinc cladding and timber
 - Creation of a cantilevered porch feature to south west corner of the building with full height glazing and some timber screening
 - Two roof dormers to the railway lane roof slope
 - changes to fenestration, including projecting windows
18. The applicant has sought to address how to mediate the relationship of this modern building in this historic context by focusing on the scale of the individual elements and the materiality of the elevations. Thus the design illustrates a scale that would remain domestic albeit maintaining the contemporary approach using the muted tones and colours that distinguish the village character:- stonework to the front wall, a soft coloured render to the body of the house and timber panelling and louvres.
19. The applicant has produced evidence to show that the traditional context into which this building needs to fit has been properly considered, with particular regard to the visual impact of the existing building, the height and footprint and architectural detailing. A number of design details, such as the dormers to Railway Lane and the cantilevered porch to the south and west elevations reflect the scale and shape of bays and building blocks of nearby houses.
20. Several other changes have also been incorporated into the current proposal that did not form part of the original submission, such as more defined reveals to some of the window openings and the rear porch, all of which will serve to modulate and soften the stark appearance of the existing building without compromising its contemporary style. The other main changes relate to the elevation to Railway Lane, where, as well as the building's stone front wall, the dormers have been introduced as a contemporary interpretation of the traditional dormer with a scale that has an appropriate regard to the dormers and traditional vernacular further down Railway Lane.
21. In summary, the proposed development involves the refurbishment and extension of a contemporary, but tired looking, existing dwelling in a prominent position within the Littlemore Conservation Area. The existing building does not enhance the character and appearance of the conservation area, but the current proposal, with its softer, more muted palette and details, reflects the more vernacular styles around the site, and as such will preserve the existing character and with appropriate landscaping has the potential to reinforce the existing verdant qualities of the village. As such the proposal is in accordance with Policies CP1, CP8 and HE7 of the adopted Oxford Local Plan 2001 - 2016, Policy CS18 of the Core Strategy and Policy HP9 of the Sites and Housing Plan.

Effect on adjacent occupiers

22. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
23. The proposed development is some way from the nearest buildings and the main area of land affected will be a shared parking / turning bay facing onto Railway Lane. The proposal complies with the 45-degree guidance, will not have a material effect on adjacent properties, and complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

Highway safety / parking and access

24. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. This is supported by policy CP10 which states that access to the site should be practical.
25. The level of parking proposed is adequate for the extended house but to counter concerns about the highway safety of the proposed access position and design amended access details have been submitted under a separate application, 15/01485/FUL. These revised details are considered to be satisfactory subject to further information on the proposed visibility splays, which can be covered by condition.

Trees

26. Policy CP1 of the OLP states that where relevant, development proposals must retain and protect important landscape and ecological features. NE15 that permission will not be granted for development proposals which include the removal of trees and other valuable landscape features that form part of a development site where this would have a significant adverse impact upon public amenity or ecological interest. Policy CP11 also requires that existing trees of significant landscape value are retained, and states that where development is permitted near trees, protection during site works will be necessary and expects these to be required by a condition of planning permission.
27. There are no protected trees on site and officers are of the opinion that the trees that are proposed for removal are low quality and value and their removal will not have a significant harmful effect on amenity in the area. If the Lawson cypress hedge is removed from alongside Sandford Road and Railway Lane and is replaced with a beech hedge as proposed this will improve the appearance of this part of the conservation area, however any grant of permission should be subject to conditions to ensure there is no additional damage during construction and that the replanting schedule (including a new hedge to be planted behind the proposed boundary wall) is

adhered to, to ensure the loss of existing tall evergreen boundary hedging along Railway Lane is adequately mitigated and that there is no unacceptable effect on amenity and in accordance with Policies CP1, CP11 and NE15 of the OLP.

Flooding

28. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.
29. The development will add to the level of non-porous surfaces on the site, resulting in an increased level of rain water run-off. However the increase is relatively modest and subject to a condition to ensure the development is carried out in accordance with the principles of Sustainable urban Drainage Systems, the proposals will not result in an unacceptable risk of flooding and complies with Policy CS11 of the Core Strategy.

Conclusion:

30. The proposed developments will form an appropriate visual relationship with the original house and surrounding forms and would protect the special character and appearance of Littlemore Conservation Area. There will be no unacceptable effect on the current and future occupants of adjacent properties. Concerns over flooding and access can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8, CP10, CP13, HE7 and NE15 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

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

Background Papers: 14/02550/FUL and 15/01485/FUL

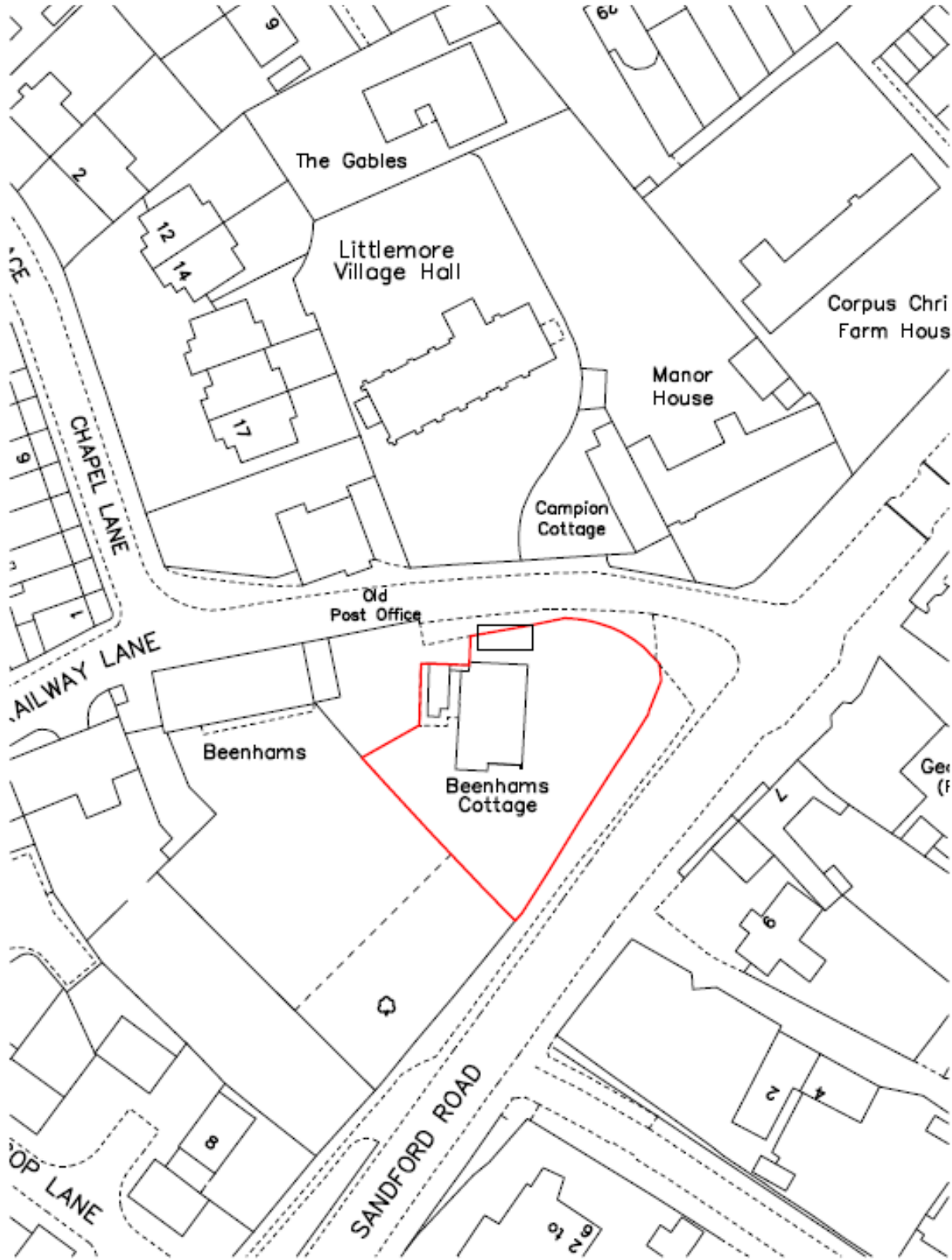
Contact Officer: Tim Hunter

Extension: 2154

Date: 23rd July 2015

Appendix 1

Site location



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EAST AREA PLANNING COMMITTEE

5 August 2015

Order Name: Oxford City Council – 6 Feilden Grove (No.1) Tree Preservation Order, 2015

Decision Due by: 11th September 2015

Site Address: 6 Feilden Grove, Harberton Mead, Headington Hill, Oxford

Ward: Headington Hill and Northway

SUMMARY AND RECOMMENDATIONS

- (1) This report concerns an ash tree in a rear garden of 6 Feilden Grove, in the Headington Hill Conservation Area. The tree has been made the subject of a provisional Tree Preservation Order (TPO) to prevent tree surgery work as notified under a Sec. 211 Conservation Area tree work notice. The owner has objected to the Order. The provisional status of the Order lapses on 11.09.2015.

The Committee must decide whether to confirm the Order, making it permanent, so that any works to the tree require the Council's written consent; otherwise after this date the tree may be pruned without consent or conditions being applied.

- (2) This report considers the contribution that the tree makes to public visual amenity locally and to the character and appearance of the Headington Hill Conservation Area in views from Feilden Grove, William Street, Harberton Mead and Garne Way. Potential impacts associated with proposed tree pruning works to public visual amenity are discussed and balanced against the tree owners' comments and reasons in favour of pruning the tree (to the degree specified), and their arguments put forward against the confirmation of the Order.

- (3) This report concludes that tree work proposals would be harmful to public visual amenity and are not justified or proportionate to the reasons given to justify them. Confirmation of the Order is appropriate for the protection of public visual amenity, and is consistent with Government advice on the making of TPOs. This would not prevent the tree owners from applying to carry out future tree work under the Order, or from appealing to the Planning Inspectorate against any decision made by the Council under the Order.

The report therefore recommends the Committee to confirm The Oxford City Council – 6 Feilden Grove (No.1) Tree Preservation Order - 2015 without any modifications.

1.0 Representations Received:

One letter of objection to the Tree Preservation Order was received from Mr Roger Undy, the owner of the tree at 6 Feilden Grove.

2.0 Background:

On the 5th of January 2015 the Council received a Section 211 Notice (Town and Country Planning Act 1990) of intent to carry out tree work in the Headington Hill Conservation Area at 6 Feilden Grove from Ringrose Tree Services, acting as agents for Mr Undy. The work proposed was to fell one horse chestnut tree in the front garden and to reduce the crown extents of two ash trees in the rear garden by 3m all around.

No objection was raised to the removal of the horse chestnut due to its generally poor physiological and structural condition, such that the tree had low public amenity value and had a short useful life expectancy. No objection was raised to the crown reduction of one of the ash trees (Ta) in the rear garden on account of the tree having already been previously topped; this was probably undertaken to reduce potential risk of the tree's tightly twin-stemmed structure from splitting apart.

Mr Undy could not be persuaded to withdraw the element of the Section 211 notice relating to the proposed crown reduction work to the remaining ash tree, and therefore to prevent the proposed work from taking place the Oxford City Council – 6 Feilden Grove (No.1) - Tree Preservation Order - 2015 was made on 11th of February 2015. The Order applied Section 201 of the Town and Country Planning Act, thereby taking immediate provisional effect for a period of six months, which lapses on the 11/09/15. The Planning Committee now need to decide if the Order should be confirmed making it permanent. Members could instead decide not to confirm the Order in which case the tree is likely to be pruned to the extent specified in the Section 211 Notice (i.e. by 3m (10 feet) all around.

3.0 Objection:

A letter of objection to the Order was received from the owner of the tree. He objects to the TPO on the following grounds as summarised below;

1. Mr Undy disagrees that the ash tree is a significant public visual amenity; as a silver maple partially obscures it from William Street. In particular he disagrees that the work proposed under the Sec.211 Notice would have had any significant impact on the character and appearance of the conservation area.
2. The proposed tree work is in accordance with professional arboricultural advice given to Mr Undy, for the purpose of managing risk in accordance with his duty of care obligations under common law.
3. The Council has been inconsistent in its interpretations to similar applications on his property; the crowns of 2 other ash trees have been previously reduced without objection; and no objection was made to the removal of a limb on the tree now in question (although this was never carried out).

4.0 Officers Assessment: Response to objections

Headington Hill Conservation Area

Headington Hill stands to the east of the Cherwell Valley, and when viewed from the west, its hillside forms a green landscape background to the historic city in its valley setting. The retention of trees are seen as important elements of public enjoyment and these points are specifically referred to in the landscape character assessment used to support the Council's decision to designate Headington Hill as a conservation area on 24th October 1977.

The Site

The site, 6 Fielden Grove, is a residential detached bungalow property located at the south western end of the Headington Hill Conservation Area; Site Plan at Appendix 1.

The Tree

The tree is a mature common ash tree (*Fraxinus excelsior*); referenced as T1 in the Order and this report. The tree is moderately large (approximately 18m tall) with an open crown structure, which is typical for the species. It has good structural form and has evidently not been subject to any previous systematic pruning, so that its crown has a natural appearance. The tree appears to be in fair health and good condition with no apparent symptoms of structural defect, disease or physiological dysfunction.

Amenity Contribution

Officers disagree with Mr Undy's opinion of the public visual amenity contribution of T1. The tree stands near the south western corner of the rear garden and is visible from several public view points; the most prominent is from William Street [Photos 1 & 2], where the tree forms a significant element in the green background over the northern end of the street in a tree belt that marks the western edge of the conservation area. The ash is partially visible in an easterly view from the corner of Pritchard Road and Harberton Mead [Photo 3]. It also contributes to an important view of the western boundary of the conservation area seen from John Garne Way [Photo 4]. There is also a limited view from Feilden Grove over the roof of the house [Photo 5].

Proposed work

The proposal is to reduce the entire crown of the tree by 30% by volume, which is equivalent to approximately 3 linear metres off each branch. Whilst the main structure of the tree will remain, i.e. its stem and main crown scaffold limbs, the work will permanently alter the natural form of the tree and the majority of the leaf area will be removed; the tree's natural crown outline will be truncated, and subsequent regrowth will produce a different crown form and outline due to multiple shoots emanating from large diameter stumps.

This would destroy the natural crown form and thus significantly detract from the tree's current aesthetic quality; this would be most apparent in the winter when the crown is bare. This resulting impact is clearly demonstrable by comparing the appearance of T1 against the other ash tree which has now already been pruned [Ta in Photo 5]. The impact would be to harm the appearance and quality of the tree belt which denotes the conservation area's western boundary, and detract from individual street scene views.

Pruning trees is not contrary to good arboricultural practice *per se*; however it does cause physiological injury (proportionate to the degree of pruning) by creating wounds that disrupt the tree's water column, and that breach anatomical barriers to decay ingress; pruning also removes leaf area, the tree's source of sugar production vital for metabolic processes including growth, active defence and energy reserve storage. The tree's physiological response to pruning is to try to occlude wounds and restore the previous equilibrium between its root system and its crown. However, its ability to achieve this will be impaired by the injury of pruning. The additional burden on the energy demands of the wounded tree can result in it becoming susceptible to pests and diseases, in particular crown rot decay causing fungi; ash is particularly susceptible to crown rots associated with the fungus *Inotushispidus* (ash heart rot).

The physiological impacts to tree health associated with pruning underpin the arboricultural principle that there should be a proportionate rationale to justify decisions to prune trees; the issue is addressed in detail in the British Standard for Tree Work- Recommendations (BS.3998:2010). Significant tree surgery, which includes any systematic crown reduction work, should ideally only be done to mitigate identified structural defects (e.g. reduction of mechanical stress on a point of local weakness, such as might be found in association with a large stem or branch cavity). In this case no such defects have been identified as a rationale to justify the proposed tree surgery.

Officers accept that the Council has taken different decisions in relation to different tree work proposals made under previous Sec.211 notifications at this property. However rather than demonstrating inconsistencies in its approach to decision making officers contend that this is because in accordance with central Government advice on the making of TPOs set out in the Planning Practice Guidance, the Council judges each case on its individual merits and the strength of the arguments made and any technical evidence that may be provided in support of them.

Safety is of paramount importance and the Council takes matters of tree hazard extremely seriously; it is not acceptable to place public amenity ahead of maintaining a reasonable degree of public safety. However in determining a Section 211 notice (in essence the question whether making a TPO is expedient) the Council applies Government guidance; i.e. Paragraph:091 (Reference ID: 36-091-20140306) of the NPPF Planning Practice Guidance, which advises that in considering proposals the Local Planning Authority should:

- (1) Assess the amenity value of the tree(s) and the likely impact of the proposal on the amenity of the area, and
- (2) in the light of the assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

In general terms, it follows that the higher the amenity value of the tree(s) and the greater the impact on the amenity of an area, the stronger the reasons (and evidence required to substantiate the reasons) necessary before such a proposal can be considered.

5.0 Conclusion:

It is the Tree Officer's advice that the ash (T1) is a significant asset to public visual amenity, in terms of its contribution to several public views, and in particular as a component of the Headington Hill Conservation Area's western boundary tree belt. The sylvan character and appearance of Headington Hill is the principal reason for its designation as a conservation area.

The objection to the TPO lacks any technical supporting evidence in terms of safety concerns, and the assessment criteria of amenity contribution and expediency for the making of a TPO are met. Applications to carry out tree work can be made at any time without cost; any applications will be determined on its merits. Applicants have the right to appeal any decision against them to the Planning Inspectorate.

6.0 Officer's recommendation:

To confirm the Oxford City Council – 6 Feilden Grove (No.1) Tree Preservation Order, 2015 without modification.

THIS REPORT HAS BEEN SEEN AND APPROVED BY THE PLANNING BUSINESS MANAGER

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a decision to make and confirm the Tree Preservation Order. 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.

Background Papers:

- Oxford City Council – 6 Feilden Grove (No.1) Tree Preservation Order, 2015 (File)
- Submissions of objection

Contact Officer: Chris Leyland

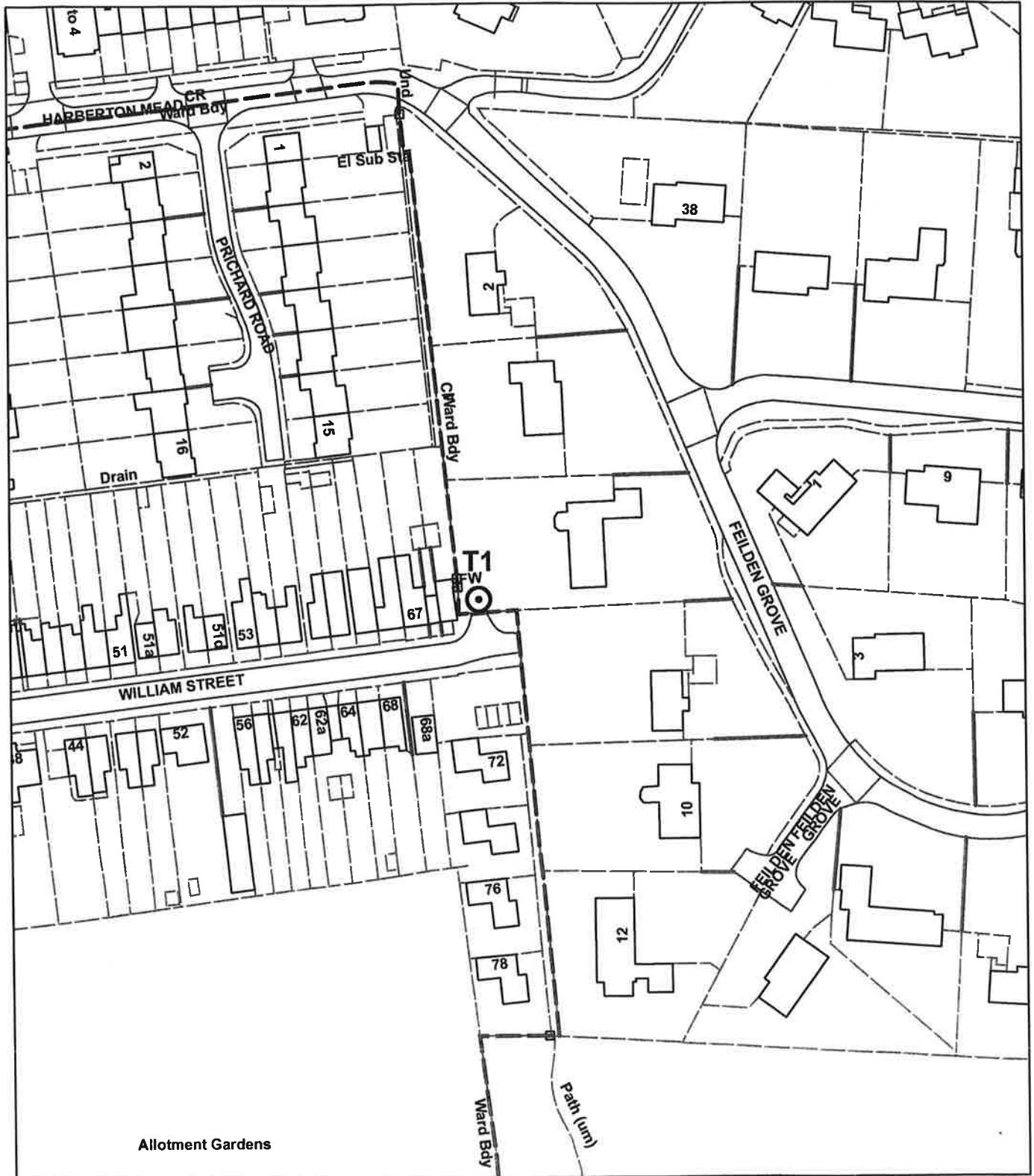
Extension: 2149

Date: 23rd July 2015

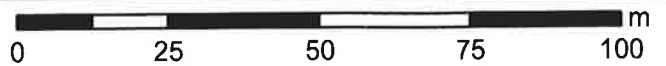
Oxford City Council - 6 Feilden Grove (No.1) TPO, 2015

15/00001/ORDER

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Ordnance Survey 100019348.



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Oxford City Council

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65 City Development

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Appendix 2- Site Photographs – Feilden Grove

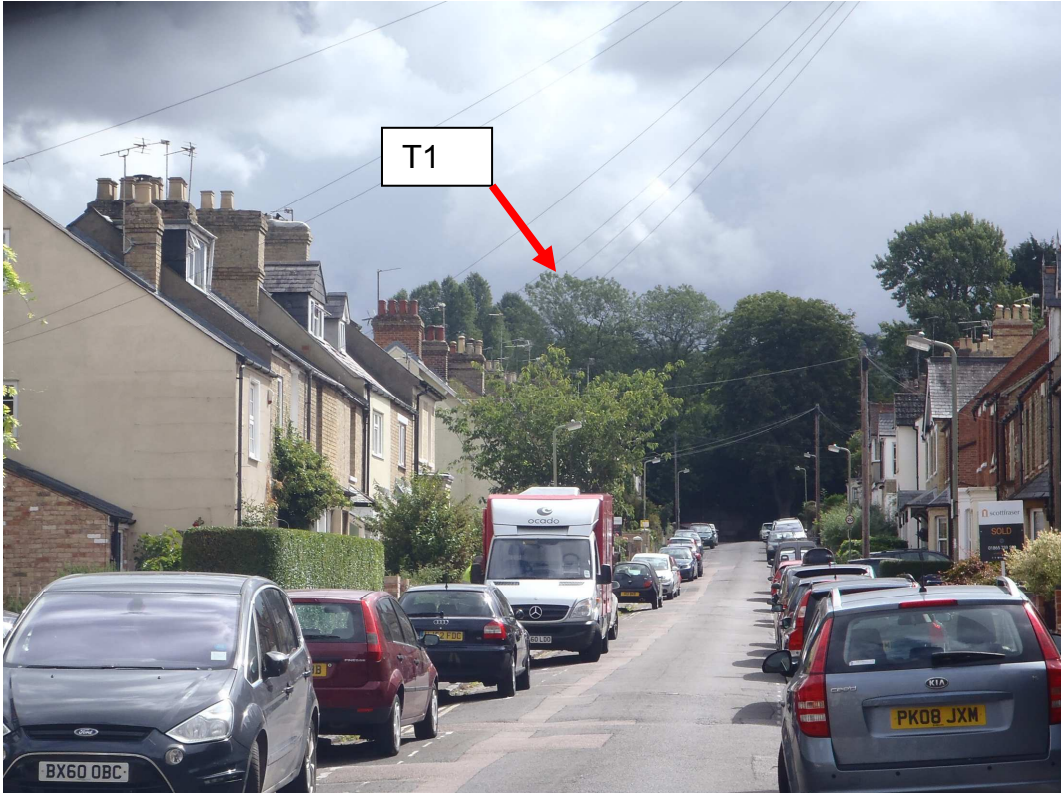


Photo 1: View looking east up William Street (far view).



Photo 2: View looking east up William Street (near view).



Photo 3: View looking south east along Prichard Road.



Photo 4: View looking north east from Garne Way.

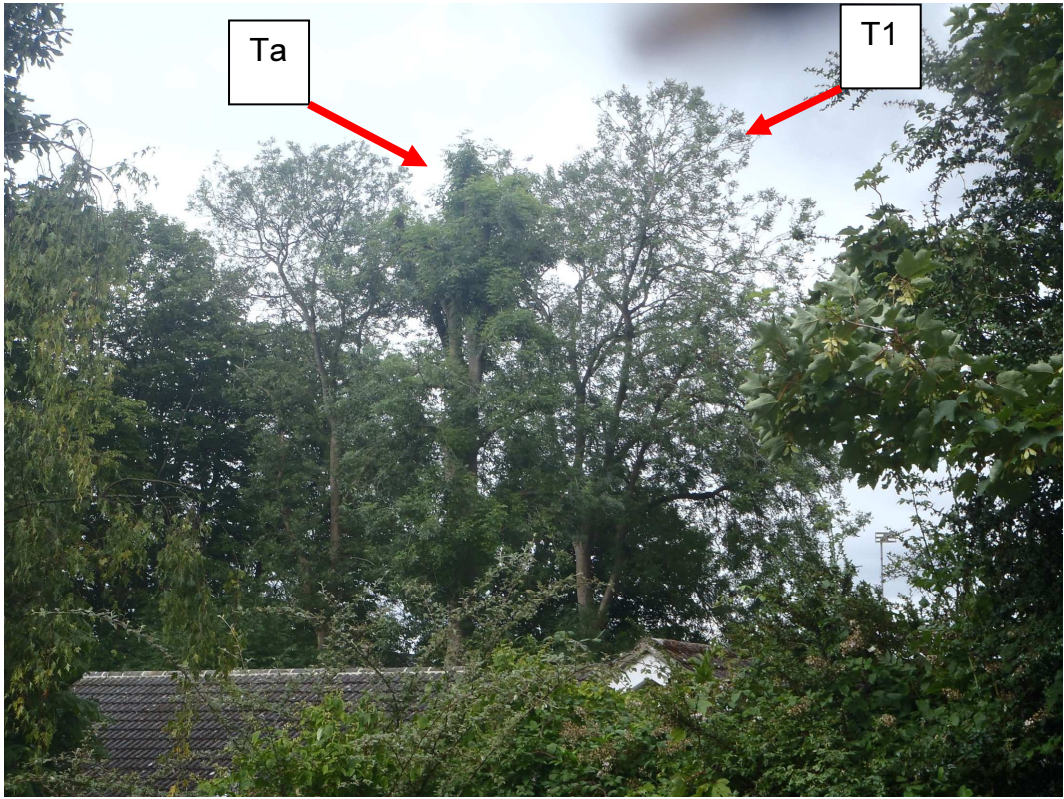


Photo 5: View looking west over No 6 from Fielden Grove

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Monthly Planning Appeals Performance Update – June 2015

Contact: Head of Service Planning and Regulatory: Cathy Gallagher

Tel 01865 252360

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

Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 30 June 2015, while Table B does the same for the current business plan year, ie. 1 April 2015 to 30 June 2015.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	9	22.5%	4	5
Dismissed	31	77.5%	7	24
Total BV204 appeals	40			

**Table A. BV204 Rolling annual performance
(1 July 2014 to 30 June 2015)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	1	33%	0	1
Dismissed	2	66%	1	1
Total BV204 appeals	3			

**Table B. BV204: Current business plan year performance
(1 April 2015 to 30 June 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.

Table C	Appeals	Performance
Allowed	17	31.5%
Dismissed	37	68.5%
All appeals decided	54	
Withdrawn	4	

**Table C. All planning appeals (not just BV204 appeals)
Rolling year 1 July 2014 to 30 June 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 June 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 June 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 1/06/15 And 30/06/15

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
14/03061/FUL	15/00005/REFUSE	DEL	REF	ALC	01/06/2015	CARFAX	151 Walton Street Oxford OX1 2HG	Amendments to planning permission 13/02228/FUL (Change of Use from Estate Agent to Residential) to allow alterations to front elevation.

Total Decided: 1

73

Enforcement Appeals Decided Between 1/06/2015 And 30/06/2015

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

Table E

Appeals Received Between 1/06/15 And 30/06/15

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	
14/03118/FUL	15/00022/REFUSE	09/06/2015	W	Tim Hunter	50 Ashhurst Way Oxford Oxfordshire OX4 4RE		Erection of two storey side extension.	Mr Bryan Benham
14/00362/ENF	15/00023/ENFORC	09/06/2015	W	Robert Fowler	169 Windmill Road Oxford Oxfordshire OX3 7DW		Appeal against	Mr Martin Gaine
14/00248/ENF	15/00024/ENFORC	10/06/2015	W	Robert Fowler	18 Cavendish Drive Oxford Oxfordshire OX3 0SB		Appeal against without planning permission, change of use of the land from use as single dwellinghouse to use as two dwellings.	
14/03541/H42	15/00025/PRIOR	11/06/2015	H	Sarah Orchard	16 Catherine Street Oxford Oxfordshire OX4 3AQ		Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.80m, for which the maximum height would be 3.0m, and for which the height of the eaves would be 3.0m.	
14/01495/FUL	15/00026/REFUSE	18/06/2015	W	Ed Pigott	33 William Street Marston Oxford OX3 0ES		Erection of 2 storey side and single storey rear extension. (amended plans)	
14/00295/ENF	15/00027/ENFORC	22/06/2015	W	Robert Fowler	228 London Road Headington Oxford Oxfordshire OX3 9EG		Appeal against unauthorised residential building	Simon Sharp

Total Received: 6

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MINUTES OF THE EAST AREA PLANNING COMMITTEE

Wednesday 1 July 2015



COUNCILLORS PRESENT: Councillors Darke (Chair), Coulter (Vice-Chair), Altaf-Khan, Anwar, Brandt, Clarkson, Henwood, Taylor and Wilkinson.

OFFICERS PRESENT: Michael Morgan (Law and Governance), Jennifer Thompson (Law and Governance), Felicity Byrne (City Development) and Robert Fowler (City Development)

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

16. DECLARATIONS OF INTEREST

Councillor Coulter declared that he considered it inappropriate to participate in the debate on 15/00775/FUL as he received elections expenses from the co-operative society and he would leave the room during consideration of this application.

17. CHENEY HALL: 15/01568/FUL

The Committee considered a report detailing an application for planning permission for the 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; and the erection of a new gardeners store and secure bicycle store in part of the gatehouse at the student village at Cheney Hall, Cheney Lane.

The planning officer reported receipt of comments from the highways authority requesting a travel plan to manage movements at the start and end of terms and preventing students from bringing cars. He advised that the first was not appropriate for a single block and the second was included in the recommendation.

The Committee agreed to add an informative about start and end of term travel, and that officers should seek a different design of cycle storage to that proposed as part of the cycle parking condition (9) included.

The Committee resolved to approve the application 15/01568/FUL 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.

Informative: a travel management plan for students arriving at departing the accommodation should be included.

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

Councillor Coulter left the room and took no part in the discussion or decision for this item.

The Committee considered a report detailing an application for planning permission for part demolition of the existing building and e 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; and provision of 8 car parking spaces at the former Nuffield Arms, Littlemore Road OX4 3SS.

The planning officer said the third reason for approval should be deleted as it was not relevant: this did not change the recommendation.

Jonathan Rainey, the agent for the applicant, spoke in support of the application.

The Committee agreed to amend the condition restricting opening hours to allow the store to close at 23.00 as it was not considered this would create an unacceptable nuisance and to add a further condition requiring additional cycle parking. Members were of the view that materials should closely match the Victorian part of the building.

The Committee resolved to approve application 15/00775/FUL with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Opening Times - 07.00-23.00.
5. Revised Noise Management Plan.
6. Revised Service Management Plan.

7. Revised Parking Layout
8. Ground resurfacing - SUDS compliant.
9. Air conditioning plant.
10. Additional cycle parking.

19. 238 HEADINGTON ROAD: 15/01082/FUL

The Committee considered a report detailing an application for planning permission for the erection of one 3-bed dwellinghouse (Use Class C3) and provision of private amenity space, bin and cycle store at 238 Headington Road OX3 7PR.

Shirley Gleeson, the applicant, and Henry Venners, the agent, spoke in support of the application.

The Committee resolved to REFUSE application 15/01082/FUL 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 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.

20. 159 WINDMILL ROAD: 14/02182/FUL

The Committee considered a report detailing an application for planning permission for the erection of a two storey side and rear extension (amended plans received 15/9/14) at 159 Windmill Road.

The planning officer reported one additional comment received between publication of the agenda and the end of the consultation period.

A motion to refuse the application on design grounds and failure to comply with policy CS18 was lost on being put to the vote.

The Committee agreed to add a condition requiring approval of details of bin storage, and informatives reminding the applicant that all building regulations must be met for all parts of the building and that the construction and materials must be of good quality.

The Committee resolved to approve application 14/02182/FUL with the following 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.
8. Details of bin store

Informatives:

1. Both new and existing parts of the building must fully comply with relevant building regulations.
2. Construction and materials must be of good quality.

21. ROSE HILL SPORTS GROUND, ASHHURST WAY: 15/00178/ADV

The Committee considered a report detailing an application for planning permission for the display of one non-illuminated banner and one non-illuminated free standing sign (part retrospective) at Rose Hill Sports Ground, Ashhurst Way.

The planning officer reported that no comments were received between publication of the agenda and the end of the consultation period.

The Committee resolved to approve application 15/00178/ADV with the following conditions:

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

22. 22 NORMANDY CRESCENT: 15/00304/CT3

The Committee considered a report detailing an application for planning permission for a single storey rear extension at 22 Normandy Crescent.

The Committee resolved to approve application 15/00304/CT3 with the following conditions:

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

23. COWLEY MARSH DEPOT: 15/01372/CT3

The Committee considered a report detailing an application for planning permission for the installation of a new roller shutter door at Oxford City Council Depot, Marsh Road.

The Committee resolved to approve application 15/01372/CT3 with the following conditions:

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

24. PLANNING APPEALS

The Committee noted the report on planning appeals received and determined during May 2015.

25. MINUTES

The Committee resolved to approve the minutes of the meeting held on 3 June 2015 as a true and accurate record.

26. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications.

27. DATES OF FUTURE MEETINGS

The Committee noted that the next meeting would be held on 5 August 2015.

The meeting started at 6.00 pm and ended at 7.45 pm

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