

Agenda

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East Area Planning Committee

Date: **Wednesday 6 April 2016**

Time: **6.00 pm**

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

For any further information please contact:

Jennifer Thompson, Committee and Member Services Officer

Telephone: 01865 252275

Email: democraticservices@oxford.gov.uk

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

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 **CANTERBURY HOUSE, RIVERA HOUSE AND ADAMS HOUSE,
COWLEY ROAD: 15/02542/OUT**

11 - 66

Site address: Canterbury House, Rivera House and Adams House and Vacant Plot on Street Frontage, Cowley Road

Proposal: Change of use of Canterbury House, Adams House (Block B) and Rivera House (Block C) from Class B1 Business Use to 36 student study rooms with ancillary facilities. Outline application (seeking access, layout and scale) for 3 storey building (Block A) to provide 24 student study rooms with ancillary facilities.

This application was reported to the EAPC on 4th November 2015 with a recommendation to refuse planning permission and deferred at that meeting. Officers have revised their recommendation in light of recent appeal decisions and therefore recommend that the East Area Planning Committee resolve to approve this hybrid application for the reasons given in the report and subject to and including the listed conditions and the satisfactory completion of a S106 legal agreement.

Officer recommendation: to approve this hybrid application for the following subject to the following conditions and the satisfactory completion of a S106 legal agreement.

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans
3. Materials – samples agree prior to construction
4. Construction Traffic Management Plan – details prior to construction
5. Contamination –phased risk assessment prior to commencement
6. Contamination – validation report prior to occupation
7. Car parking – as shown, prior to occupation
8. Cycle & bin storage – further details prior to substantial completion
9. Sustainability –details to be submitted prior to construction
10. SUDS – build in accordance with
11. Landscape plan – further hard and soft landscaping details required prior occupation
12. Landscape – planting carry out after completion
13. Details of boundary treatment prior to occupation
14. Travel Plan
15. Student Accommodation– Warden
16. Student Accommodation and Out of Term Use
17. Student Accommodation – Management Plan; prior occupation
18. Students - No cars
19. Details of Booking system for beginning / end term; prior occupation
20. Restrict hours of use of outside amenity space; 08:00 and 21:00

21. Biodiversity – measures for wildlife details to be submitted

**4 BARTON PARK (LAND WEST OF BARTON) OX3 9SD:
16/00067/RES**

67 - 96

Site address: Land West Of Barton North Of A40 And South Of Bayswater Brook Northern By-Pass Road Oxford.

Proposal: Details of reserved matters (access, appearance, landscaping, layout and scale) for the community sports facilities comprising a relocated natural turf adult sports pitch, multi-use games arena, 3G pitch lit by 12 x 10m light columns and a natural turf pitch adjoining the community hub, along with associated car parking, fencing, and vehicular and pedestrian access together with locally equipped area of play.

Officer recommendation: to approve the application for the reasons given in the report and subject to the following conditions:

1. Tree Protection Plan (TPP) 2
2. Lighting management/times
3. Watching brief - contamination
4. Verification report - contamination
5. Drainage Strategy

5 ROSE HILL SPORTS GROUND, ASHHURST WAY: 16/00395/CT3

97 - 102

Site address: Rose Hill Sports Ground, Ashhurst Way, Oxford

Proposal: Display of 1No non-illuminated fascia sign. (Retrospective)

Officer recommendation: to approve the application for the reasons given in the report and subject to the following conditions:

1. Develop in accordance with approved plans
2. Materials

**6 CORNER OF MARSTON ROAD AND OLD MARSTON ROAD, OX3
OJP: 16/00073/CT3 AND 16/00074/CT3**

103 - 108

Site address: Land On The Corner Of Marston Road And Old Marston Road Oxford .

Proposal: Installation of a free standing community notice board and display of 1No non-illuminated free standing notice board.

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

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

4. Advert - Statutory conditions

7 72 PEGASUS ROAD, OXFORD, OX4 6DP: 15/03484/CT3

109 - 116

Site address: 72 Pegasus Road Oxford OX4 6DP

Proposal: Erection of single storey rear extension.

Officer recommendation: to approve the application for the reasons given in the report and subject to the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Materials - matching
4. Amenity - no balcony
5. Sustainable drainage

8 LAND AT 2 TO 12 JASMINE CLOSE: 16/00048/CT3

117 - 124

Site address: Land Fronting 2 to 12 Jasmine Close, Oxford

Proposal: Provision of 10No. residents' parking spaces on existing grass verges.

Officer recommendation: to approve the application for the reasons given in the report and subject to the following conditions:

1. Development begun within time limit
2. In accordance with approved plans
3. Landscaping
4. Sustainable Urban Drainage Systems

9 PLANNING APPEALS

Summary information on planning appeals received and determined during February (report to follow if available).

The Committee is asked to note this information.

10 MINUTES

125 - 128

Minutes from the meetings of 2 March 2016

Recommendation: That the minutes of the meeting held on 2 March 2016 are approved as a true and accurate record.

11 FORTHCOMING APPLICATIONS

Items for consideration by the committee at future meetings are listed for information. This is not a complete or definitive list. They are not for discussion at this meeting.

- Ruskin College: 15/02740/FUL
- 9 Wharton Road: 15/03318/FUL
- 16 Clive Road: 15/03342/FUL

- 70 Glebelands: 15/03432/FUL
- Clinical Biomanufacturing Facility, Churchill Hospital, Old Road: 15/03466/FUL
- 72 Bulan Road: 15/03595/FUL
- 1 Pullens Lane: 15/03611/FUL
- 3 Sawpit Road OX4 6BD: 15/03666/CT3
- 2 Margaret Road OX3 8NG: 15/03708/FUL
- Pavilion, Recreation Ground, Margaret Road OX3 8AY: 16/00002/CT3

12 DATES OF FUTURE MEETINGS

The Committee will meet at 6.00pm on the following dates:

11 May 2016
8 Jun 2016
6 Jul 2016
3 Aug 2016
7 Sep 2016
5 Oct 2016
2 Nov 2016
7 Dec 2016
11 Jan 2017
8 Feb 2017
8 Mar 2017
5 Apr 2017
10 May 2017

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

6th April 2016

Application Number: 15/02542/OUT

Decision Due by: 15th December 2015

Proposal: Change of use of Canterbury House, Adams House (Block B) and Rivera House (Block C) from Class B1 Business Use to 36 student study rooms with ancillary facilities. Outline application (seeking access, layout and scale) for 3 storey building (Block A) to provide 24 student study rooms with ancillary facilities.

Site Address: Canterbury House, Rivera House and Adams House and Vacant Plot on Street Frontage, Cowley Road,

Ward: Cowley Marsh Ward

Agent: JPPC

Applicant: Cantay Estates Ltd

Recommendation:

Officers have revised their recommendation in light of recent appeal decisions and therefore recommend that the East Area Planning Committee resolve to approve this hybrid application for the following reasons and subject to and including the listed conditions and the satisfactory completion of a S106 legal agreement.

Reasons:

- 1 The proposed development provides student accommodation in a sustainable and appropriate location that preserves the special character and appearance of Canterbury House which is a non-designated heritage asset and the street scene. There would be no harm to adjoining neighbours. The proposal accords with the Policies contained within the Local Development Framework and NPPF.
2. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

Conditions:

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans
3. Materials – samples agree prior to construction

4. Construction Traffic Management Plan – details prior to construction
5. Contamination –phased risk assessment prior to commencement
6. Contamination – validation report prior to occupation
7. Car parking – as shown, prior to occupation
8. Cycle & bin storage – further details prior to substantial completion
9. Sustainability –details to be submitted prior to construction
10. SUDS – build in accordance with
11. Landscape plan – further hard and soft landscaping details required prior occupation
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13. Details of boundary treatment prior to occupation
14. Travel Plan
15. Student Accommodation– Warden
16. Student Accommodation and Out of Term Use
17. Student Accommodation – Management Plan; prior occupation
18. Students - No cars
19. Details of Booking system for beginning / end term; prior occupation
20. Restrict hours of use of outside amenity space; 08:00 and 21:00
21. Biodiversity – measures for wildlife details to be submitted

Background:

1. This application was reported to the EAPC on 4th November 2015 with a recommendation to refuse planning permission, Officer's report attached at **Appendix A**. The site plan is found at **Appendix 1** to that report (appendix A1). Committee resolved to defer the application for further information to be supplied by Officers on any recent changes in the supply of and need for available employment land; and the impact of this on the application of policy; and options for the use of this site.
2. Previous applications refused on this site namely:
 - Conversion of Canterbury House from Office to residential under current Permitted Development regulations 15/00360/B56 refers.
 - Outline application for 98 student study rooms on land comprising Adams and Riviera House (demolished) 14/03204/OUT refers.
 - Outline application for 9 flats on the vacant plot adjacent to Canterbury House, facing Cowley Road. 15/00597/OUT refers.
3. These applications were refused for, amongst other things, loss of employment use, lack of marketing, design and impact on the non-designated heritage asset of Canterbury House (see Appendix A for planning history and full reasons for refusal) and went to appeal. These appeals were the subject of an Appeal Hearing on 22nd Oct during which the very issues and information requested by EAPC in November were discussed. In view of this fact, Officers took the view that it would be prudent to wait for the Inspector's decision before bringing it back to Committee as it was considered likely it

would direct on key issues regarding the principle of the loss of employment use, housing need and marketing done. This has been the case and the Inspector's decision is attached in full at **Appendix B**.

4. The 2 key points are:
 1. The loss of employment use for the whole of the site (i.e. existing office blocks, vacant block and Canterbury House) has been accepted by the Inspector and therefore the principle of residential use in this location is now agreed;
 2. Notwithstanding 1 above, the appeals relating to the student and flat accommodation were both dismissed on grounds of, amongst other things, relating to impact and proximity to the non-heritage asset of Canterbury House, impact on street scene and inadequate (quality/ amount of) amenity space in relation to both student accommodation and flats.

Appeal Decision and relevance in determining this Application:

Loss of Employment Use:

5. The Appeal decision is a material consideration in determining this application. The Inspector considered that the marketing evidence submitted adequately demonstrated the lack of interest and suitability for employment or other potential modernisation or regeneration for alternative employment-generating uses and was considered acceptable. The Inspector was also convinced that the loss of jobs would not reduce the diversity and availability of job opportunities. Nor would it result in the loss of small and start-up business premises in Oxford. In relation to the vacant plot the Inspector considered that there was no realistic prospect of it coming forward for its intended use. In balancing up the employment and housing need under policy CS28 of the Core Strategy (CS) the Inspector considered that student accommodation would release family housing back to the general market. The loss of employment use was therefore accepted, paragraphs 57-62 refer.
6. In view of the fact that the marketing and economic justification submitted with this application was the same for the Appeals and therefore in light of the Inspector's view above, Officers now advise Committee that it must also be considered acceptable in this case. Consequently the change of use of the existing office buildings Adams House, Riviera House & Canterbury House to residential use is considered acceptable under CS28 of the CS. It is also accepted that the vacant plot can accommodate residential development, subject to issues of design (see below) under CS28 of the CS.

Principle of Student accommodation:

7. It is understood that the proposed development is speculative. Policy CS25 of the Core Strategy encourages the provision of high quality purpose-built student accommodation buildings that do not significantly harm the amenity enjoyed by local residents. The policy also states that the Council will seek appropriate management controls to restrict students from bringing cars to

Oxford through the imposition of appropriate conditions or planning obligations.

8. SHP Policy HP5 sets out the criteria for locating student accommodation and permission will only be granted for student accommodation which can be accessed from a major thoroughfare. Where 20 or more rooms are proposed, as in this case, permission will only be granted where the Developer undertakes to prevent the students from bringing cars to Oxford, implements a Management regime and provides indoor and outdoor amenity space.
9. It is considered that the principle of student accommodation is acceptable in this location as the site is adjacent to the Cowley Road, a major thoroughfare, and indoor and outdoor space is shown, discussed elsewhere in this report. The Applicant has also agreed to an on-site Warden. Conditions are suggested relating to bringing cars to Oxford and management of the students.
10. In terms of use of the accommodation out of term time, it is considered reasonable to allow such a use given that Mansion Mews adjacent is allowed out of term time use, as it the case with much of the student accommodation within the City now.

Design and impact on Streetscene and Heritage Assets:

11. The Inspector did concur with the Council's view that the appeal schemes would be harmful to the non-designated heritage asset of Canterbury House in terms of scale, massing and proximity, paras 67- 78 refer. She agreed that the vacant plot is a transition site between Canterbury House and the taller flats on Reliance Way and any new building should address the change in massing between the two.
12. The Applicant has amended the submitted plans in light of the Inspector's decision in relation to the proximity layout and scale (height and bulk) of the indicative building adjacent to Canterbury House. This part of the application is in outline for which layout, scale and access is secured and other matters of appearance and landscaping are reserved.
13. The revised layout shows the building set back in line with Canterbury House and then staggered out to come in line with the flats on the corner of Reliance Way and Cowley Road. The new building would have a distance of approximately 3.5m to Canterbury House to allow access through to the rear courtyard area. Officers consider that the distance from Canterbury House is appropriate, as is the building line proposed.
14. It should be noted that indicative alternative elevations (A, B & C) have been submitted also to show what could be achieved with this revised layout in terms of overall scale, and appearance. It should be emphasised that these are indicative and hold no material weight as appearance is a reserved matter. However, scale i.e. the proportions of the building (height/ width) in relation to its footprint and relationship to other buildings is sought. It is clear

that the building should form a transition between the higher flats on Reliance Way and step down to Canterbury House.

15. The floor plans show the new building effectively as two elements connected by a central landing core, providing direct ground floor access from Cowley Rd, through to the rear. It is envisaged that ground and first floors would have 9 rooms, and 6 on the second making 24 rooms in total with shared facilities. The indicative elevations do show that to a certain extent, albeit with an unusual roof formation on a contemporary block form in Alternative B and C, a transitional building could be achieved. However, the building shown is essentially 3 storeys and where adjacent to Canterbury House the top floor accommodation would be at roof level. In a traditional architectural form this could be achieved with a pitched roof and dormer windows.
16. Notwithstanding the alternative elevations, it is considered that the new building should not be higher than the ridge line of Canterbury House in order for it to have an appropriate relationship to that building. However, it is also considered acceptable for the building to go higher on the corner with Reliance Way so as to have an appropriate relationship to the flats on the opposite corner. It is considered that a condition on the outline element of any permission could reasonably secure these maxima heights. This layout together with restricted heights would in Officer's view achieve a building of an appropriate scale such that approval is recommended.

Other Matters:

Highways Matters :

Access

17. The access is now narrower as a result of the revised layout submitted. The County Highway Authority has been re-consulted on the revised plan and is content with the access given the low number of car users (limited to disabled and servicing).

Car parking

18. Where large infill student accommodation developments are proposed in areas outside the Transport Central Area such as this and where an existing access is used, car parking should be for servicing and disabled parking only (5% per room guideline). The plans indicate 3 disabled parking spaces shared with servicing parking. This would be adequate in this sustainable location with good bus services. However, they should be marked out and in such a way so that vehicles can turn around and exit in a forward gear. A plan showing tracking has been submitted and demonstrates that vehicles can turn and exit even with all three parking spaces occupied.
19. Students will be required not to bring cars to Oxford, HP16 of the SHP refers, which can be secured via condition, and the Applicant confirms this would be the case. The HA raised concerns previously regarding car parking at the beginning and end of terms and impact on the highway. Officers consider this could be effectively managed via a management booking system or similar

procedure, which has been effectively implemented for other student Accommodation in similar locations (e.g. Dorset House, Headington). This could be secured via condition.

Cycle parking

20. The standard parking cycle requirement is 3 spaces for every 4 study bedrooms, HP15 of the SHP refers. The proposal meets this requirement and further details can be secured via condition.

Internal and External Amenity space:

21. Paragraphs 70-73 of the previous Officer report are relevant. The previous student scheme that was dismissed at appeal had the amount and quality of external amenity space cited as a reason for refusal. The Inspector found that in that case the amount and quality would have been poor on the basis of the quantum and height and scale of development proposed, para 84 refers.
22. In this case the outdoor space is for 60 rooms, as opposed to 98, and the revised layout and reduction in height of block A together with the conversion of the existing buildings, would mean that the quality of the internal courtyard space would be improved. Furthermore a reduction in the level of cycle parking and increased grassed/ tree'd area would provide a larger & more usable space. It would be 10% of the overall site area in accordance with Policy HP5(e) of the SHP. Whilst revised landscaping is shown it is considered that this could be improved further and more soft landscaping provided (e.g. in between the rear of Mansion Mews and the cycle parking). Further conditions would be necessary to secure revised landscaping, planting and improved car parking layout (in light of the HA comments above).
23. Internally the communal space provided has improved given the re-design of Block A to the front. The communal kitchen/ diners measure a reasonable 4m x 8m in the converted blocks and 4.2m x 6m in Canterbury House and 5m x 5m in new block A. On balance it is considered that this would be acceptable.

Impact on Amenities:

24. The Inspector found that there would be no harm to neighbouring residential amenities from additional noise and disturbance due to more students in this location, para 90 in particular refers. Nevertheless the Applicant has said that they would be content for a condition to be imposed to ensure that there is a Warden on site. Officers consider that this would enable effective on-site management of the students in all regards.
25. In addition Officers consider that a condition should be imposed restricting the hours of use of the outdoor space between 08:00 and 21:00hrs to correspond with that imposed on Mansion Mews to mitigate against late night noise on neighbouring residents.

Other matters:

26. Other issues relating to Biodiversity, Energy Efficiency, Flooding, Contamination and Affordable Housing are as set out in the Officers' previous report appended.

Conclusion:

27. In light of the recent Appeal Decision residential accommodation is now acceptable in this location and student accommodation would not be unacceptable in this sustainable location subject to conditions. Officers' therefore recommend approval subject to and including conditions and the satisfactory completion of a S106 to secure a contribution to affordable housing.

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 15/02542/OUT, 15/00360/B56, 14/03204/OUT, 15/00597/OUT and respective Appeal Decision(s).

Contact Officer: Felicity Byrne

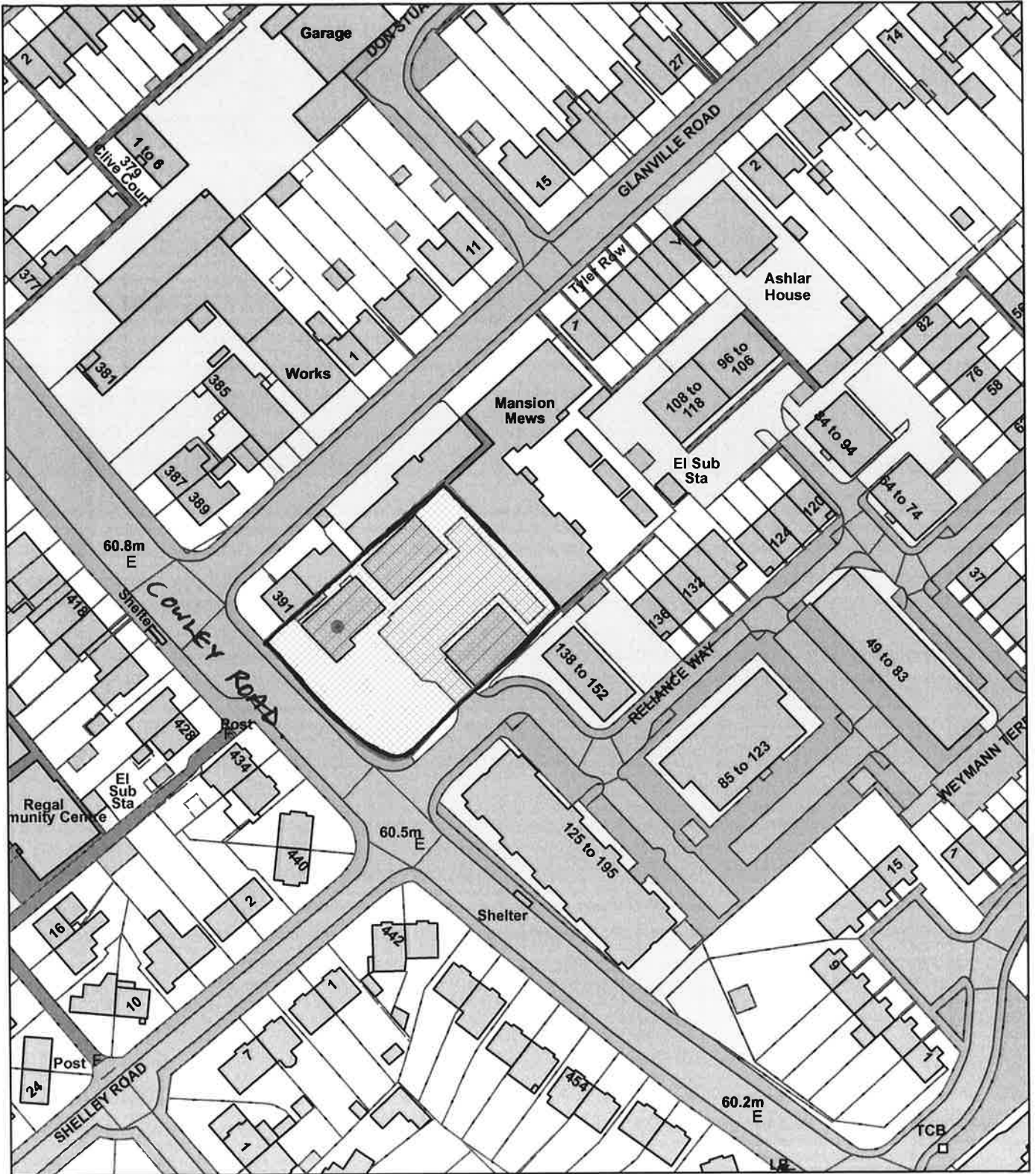
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Date: March 2015

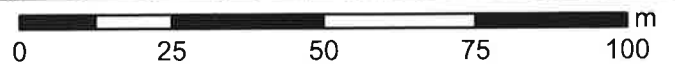
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Appendix 1

Former Bus Depot



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Ordnance Survey 100019348.



Cowley Road

Oxford City Council

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Application Number: 15/02542/OUT

Decision Due by: 15th December 2015

Proposal: Change of use of Canterbury House, Adams House (Block B) and Rivera House (Block C) from Class B1 Business Use to 36 student study rooms with ancillary facilities. Outline application (seeking access, layout and scale) for 3 storey building (Block A) to provide 24 student study rooms with ancillary facilities.

Site Address: Canterbury House, Rivera House and Adams House and Vacant Plot on Street Frontage, Cowley Road, Oxford, OX4 2FQ, site plan **Appendix 1**

Ward: Cowley Marsh Ward

Agent: JPPC

Applicant: Cantay Estates Ltd

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

1. The proposed development would result in the loss of employment land in the absence of robust justification to the detriment of the economic vitality of the city and the important balance between employment and housing as a means of achieving sustainable development. Consequently the proposals fail to accord with the requirements of policy CS28 of the Oxford Core Strategy 2026 as well as the National Planning Policy Framework.
2. The proposals would result in a height and scale of development that would, because of its scale and proximity to Canterbury House, cause harm to the streetscene and the character of the area and would cause substantial harm to the setting of the adjacent non-designated heritage asset of Canterbury House that is not outweighed by any public benefit contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19 and CS22 of the Oxford Core Strategy 2026 as well as policies HP9 of the Sites and Housing Plan 2011-2026
3. Having regard to the amount of student accommodation proposed together with existing student accommodation and on the adjacent site as well as the proximity of family dwellings, the proposed development would be likely to cumulatively give rise to a level of noise and disturbance that would cause significant harm to the amenity enjoyed by occupiers of nearby dwellings and have a significant impact on the mix and balance of the local community to the

detriment of the character of the local area and successful community cohesion. Consequently in this respect the proposals are found to be contrary to the requirements of Policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016 as well as Policy HP5 of the Sites and Housing Plan 2011-2026.

4. The proposals would represent an overdevelopment of the site, as indicated by the poor level of outdoor amenity space and highly constrained parking and servicing arrangements within the site. The likely result would be an inadequate quality of living accommodation for future occupiers and overflow car parking in the surrounding roads, to the detriment of the safe and free flow of traffic and the amenities of existing neighbours of the site, contrary to policies CP1, CP6, CP8, CP9 and CP10 and TR3 of the Oxford Local Plan 2001-2016, policies CS18, and CS25 of the Oxford Core Strategy 2026 as well as policies HP5, HP9, HP15 and HP16 of the Sites and Housing Plan 2011-2026.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP18 - NRIA

TR3 - Car Parking Standards

TR4 - Cycle Parking Standards

Core Strategy (CS)

CS2 - Previously developed and greenfield land

CS9 - Energy and natural resources

CS12 - Biodiversity

CS13 - Supporting access to new development

CS19 - Community safety

CS18 - Urban design, town character, historic environment

CS22 - Housing Growth

CS24 - Affordable Housing

CS25 - Student accommodation

CS28 - Employment sites

Sites and Housing Plan (SHP)

HP5 - Location of Student Accommodation

HP6 - Affordable Housing from Student Accommodation

HP9 - Design, Character and Context

HP11 - Low Carbon Homes

HP12 - Indoor space

- HP13** - Outdoor Space
- HP14** - Privacy and Daylight
- HP15** - Residential cycle parking
- HP16** - Residential car parking

Other Planning Documents

Affordable Housing and Planning Obligations SPD
Natural Resource Impact Analysis SPD
Parking Standards, Transport Assessments and Travel Plans SPD

Other Material Planning Considerations:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

CIL:

The development is liable for CIL though the amount is not known at this stage as this is a Hybrid planning application, with some matters reserved for subsequent approval. Actual CIL liability would only become known at reserved matters stage and it is only at this point that a liability notice would need to be generated if the application was to be approved.

Relevant Site History:

Relevant planning history at the site is set out below:

00/01326/NOY

Demolition of depot building, offices, hostel/social club and ancillary buildings. Outline application for residential development of 227 dwellings (houses and flats) and 287 parking spaces: 2,322m², managed business space (starter units) and associated parking. Provision of 1.52 acres grassland area adjoining Barracks Lane. Closure of 1 vehicular access to Cowley Road and alterations to second vehicular access. Extension of Saunders Road into site, new vehicular accesses between 17 and 18 Saunders Road. Provision of vehicular access to Glanville Road (means of access only).

Approved: 6th August 2002.

00/01327/NOY

Demolition of depot building, offices, hostel/social club and ancillary buildings. Outline application for residential development of 227 dwellings (houses and flats) and 287 parking spaces: 2,322m², managed business space (starter units) and associated parking. Provision of 1.52 acres grassland area adjoining Barracks Lane. Closure of 1 vehicular access to Cowley Road and alterations to second vehicular access. Extension of Saunders Road into site, new vehicular accesses between 17 and 18 Saunders Road. Provision of vehicular access to Glanville Road (means of access only).

Withdrawn: 2nd August 2002.

09/01201/OUT

Outline application (seeking access and layout) for the erection of 2,092m² of class B1 floorspace for start up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking space off Glanville Road, cycle parking and landscaping.

Approved: 17th March 2010.

This decision included a condition (condition 6) that restricted the use of Adams House, Rivera House and Canterbury House so that they were used as B1 offices.

11/01150/RES

Reserved matters of planning permission no. 09/01201/OUT (for 2,092m² of class B1 Business floor space and 106 student study rooms), seeking approval of appearance of block B and C and of the student accommodation block.

Approved: 12th August 2011.

11/02386/VAR

Variation of condition No. 7 of planning permission 09/01201/OUT for Class B1 business use and student accommodation to allow occupation and student accommodation by full time student attending courses of one Approved: 1st February 2012.

12/00457/VAR

Application to vary condition 2 of planning permission 09/01201/OUT and condition 1 of planning permission 11/01150/RES to allow a revised commercial parking layout.

Approved: 1st June 2012.

11/01150/NMA

Application for a non-material minor amendment to planning permission 11/01150/RES involving alterations to Commercial Buildings B and C.

Approved: 25th June 2012.

13/01925/B56

Application for prior approval for change of use from offices (use class B1(a)) to 3 x 1-bed and 13 x 2-bed dwellings (use class C3).

Refused: 11th September 2013.

13/02673/B56

Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide

16 dwellings (3 x 1-bed and 13 x 2-bed).

Prior approval required and refused 13th November 2013, allowed at appeal and later quashed by the courts. Appeal subsequently withdrawn.

15/00360/B56

An application was made to the Local Planning Authority for a determination as to whether Prior Approval would be required, and if so, whether it would be granted, for the change of use of Canterbury House to four flats.

That application was registered on 3rd February 2015, given the reference 15/00360/B56 and refused on 30th March 2015 for the following reason:

It is considered that prior approval is required and is refused due to the use of the building was restricted to 'business units for 'start-up' and 'move-on' businesses' by a planning condition attached to planning permission 09/01201/OUT and the provisions in Class J of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (Order) 1995 (as amended) cannot supersede the requirements of that condition.

An appeal has lodged against this refusal and a decision on that appeal is pending.

14/03204/OUT

Outline planning permission (all matters reserved) was sought for the demolition of the existing office accommodation at Rivera House and Adams House and the construction of up to 98 student study rooms with provision for disabled car parking. The application was validated on 05th December 2015.

Planning permission was refused on 23rd April 2015 for the following reasons:

1. The proposed development would result in the loss of employment land in the absence of robust justification to the detriment of the economic vitality of the city and the important balance between employment and housing as a means of achieving sustainable development. Consequently the proposals fail to accord with the requirements of policy CS28 of the Oxford Core Strategy 2026 as well as the National Planning Policy Framework.
2. The proposals would inevitably result in a height and scale of development that would, in combination with the existing adjacent four-storey development, unacceptably dominate and impose itself upon the wider Cowley Road streetscene to the detriment of the character and appearance of the surrounding area as well as a significant adverse impact on the setting of the adjacent non-designated heritage asset of Canterbury House. Moreover, the intensity of development proposed would be likely to lead to an overdevelopment of the site such that it would provide a poor quality environment within the site for future student occupiers with inadequate car parking and vehicle manoeuvring space together with insufficient quality and quantity of outdoor amenity space. Consequently, and in the absence of the submission of an appropriate indicative scheme to indicate otherwise, the

proposed development cannot reasonably be considered to be able to deliver a scheme that is of a scale, form, density and layout that is appropriate for its intended use and context. The proposals are therefore found to be contrary to the requirements of Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, Policies CS18 and CS25 of the Oxford Core Strategy 2026 as well as Policies HP5 and HP9 of the Sites and Housing Plan 2011-2026.

3. Having regard to the amount of student accommodation proposed together with existing student accommodation and on the adjacent site as well as the proximity of family dwellings, the proposed development would be likely to cumulatively give rise to a level of noise and disturbance that would cause significant harm to the amenity enjoyed by occupiers of nearby dwellings and have a significant impact on the mix and balance of the local community to the detriment of the character of the local area and successful community cohesion. Consequently in this respect the proposals are found to be contrary to the requirements of Policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016 as well as Policy HP5 of the Sites and Housing Plan 2011-2026.
4. As a result of the proposed redevelopment of the site there would be inadequate car parking provision to serve the adjacent retained offices of Canterbury House. Such an arrangement would only be likely to further prejudice the attractiveness and suitability of these employment premises to potential occupiers in the long-term giving rise to further harm to the overall balance between employment and housing in this city. Consequently the proposals are considered to be contrary to the Local Plan 2001-2016 as well as Policy CS28 of the Oxford Core Strategy 2026.
5. In the absence of the submission of any information to allow the local planning authority to assess whether a final scheme could meet planning policy requirements in relation to its sustainable design and construction credentials as well as the necessary on-site renewable energy generation, it cannot be reasonably be concluded that a final scheme could deliver genuinely sustainable development. Consequently the proposals are found to be contrary to the requirements of Policy CP18 of the Oxford Local Plan 2001-2016, Policy CS9 of the Oxford Core Strategy 20126 as well as Policy HP11 of the Sites and Housing Plan 2011-2026.

An appeal has lodged against this refusal and a decision on that appeal is pending.

15/00597/OUT

Outline planning permission (access, layout and scale) was sought for the erection of a four-storey building consisting of 4 x 1 bedroom and 4 x 3 bedroom flats including amenity space, car parking and waste storage.

The application was validated on 25th February 2015.

Planning permission was refused on 26th June 2015 for the following reasons:

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

An appeal has lodged against this refusal and a decision on that appeal is pending.

Representations Received:

No details of any pre-application community consultation by the developer was submitted with the application and so it is not thought that any such consultation was carried out by the applicant.

One letter of support received which states that the maximum amount of student accommodation possible should be provided at this site and that no parking other than that required for taxis and deliveries should be provided.

One letter of objection was received raising the following concerns:

- There is no need for more student accommodation;
- More student accommodation is offensive;
-

- Detrimental Effect on residential character of area from increased students and traffic
- Loss of privacy from increased activity/ traffic
- Increased traffic and detrimental impact on the access to Reliance Way which is already overcrowded with vehicles and parking is virtually impossible as it is;
- Noise and disturbance increase from additional students. Antisocial behaviour and loss of amenity
- Increase in on-street parking in an area of increased pressure to park.

Statutory and Internal Consultees:

Thames Water

Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Water Comments

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close

proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Supplementary Comments

To give certainty that any drainage solution issues are being addressed, we strongly recommend that developer's produce a detailed drainage strategy early on in the development planning process to identify any on and or off site drainage infrastructure impacts, how these will be resolved, at what phases of the development they will be constructed, by what means and establishing the delivery route for that infrastructure.

Natural England

No comment.

Highways Authority

The site is well-located for a car-free development, given the adjacent high-frequency bus routes and the proximity of many services easily reached by walking and cycling.

Cowley Road is a designated Bus Rapid Transit route in Local Transport Plan 4. The Council will develop an implementation plan to prioritise bus movement along Cowley Road and to restrict other activities which impede the flow of buses.

Car Parking

Whilst the TS indicates that the proposals will include an "undertaking that students do not bring cars into Oxford," some parking demand is likely to be associated with visitors (parents and friends) and deliveries (take-away or supermarket deliveries). It is likely that these vehicles will park on Reliance Way as vehicular parking is limited and will be controlled with an access gate.

The proposal seeks to provide a car-free development in an area which is not subject to a Controlled Parking Zone (CPZ). Consequently the car-free nature of the scheme cannot be enforced. As a result the proposals are likely to lead to significant on-street parking to the detriment of highway safety and the parking conditions for existing local residents. Consequently the proposal is contrary to policy CP1 of the Oxford Local Plan 2001-16. Whilst the Council welcomes the promotion of car-free developments in appropriate locations, the Council is also wary of the consequences of any abuse of the car-free principle.

The Reliance Way area is very constrained, and its design does not provide any space for additional on-street car parking. Cowley Road is also extremely vulnerable to degraded bus performance (low journey speeds, unreliability) caused by excessive or poorly located parking. The tenant parking control scheme for the proposed development must be extremely robust, to avoid any additional parking demand in these streets.

The TS indicates that the central courtyard will be available for parking when students are moving their belongings. The parking capacity in the central courtyard is extremely limited, particularly if the disabled car parking spaces are occupied during this period of loading and unloading. When no disabled spaces are occupied, there will be a maximum of only 3 parking spaces available at any one time for the movement of belongings associated with 60 students. This will inevitably lead to overspill on to surrounding streets, in an area where there is a high student population and therefore concurrent high parking demand.

A city-wide Workplace Parking Levy (WPL) is proposed in the Oxford Transport Strategy (OTS) which forms part of Local Transport Plan 4. A city-wide WPL is likely to require the further expansion of CPZs to ensure that parking is not just displaced to areas beyond the workplace. Given the additional local parking pressure that this proposal is likely to generate, provision of a new CPZ or extension of an existing one is needed to manage potential additional parking demand and reinforce the 'car free' character of the development. A Section 106 contribution of £50,000 is therefore requested for a possible CPZ or other traffic enforcement measures in the vicinity of the development site.

A Student Accommodation Management Plan is also required to demonstrate how the car parking demand can be effectively controlled. It will need to include robust measures to avoid chaotic overspill of this activity into Reliance Way and Cowley Road.

Commented that there *are potential impacts of car parking demand on surrounding highway*. This will particularly be an issue at the start and end of university semesters when students are moving their belongings by car. This could exacerbate existing parking stress linked to the presence of other student accommodation in the vicinity of the development site and will therefore need to be carefully managed. If overspill parking occurs on Reliance Way in the vicinity of the site access, this could block the only vehicular access route for existing residential dwellings on Reliance Way causing disruption.

The bin store appears to be in excess of 25m of both accesses. Amendments will be needed to provide the bin store within maximum drag distances.

They consider that there should be no occupation by conference delegates or other users outside term time due to a lack of car parking to accommodate this use. A warden must be available on-site at all times whilst the accommodation is in use to manage access to disabled spaces and the delivery area, to prevent more than 3 vehicles being in the central courtyard at any one time, which could impede movement by pedestrians and cyclists.

Sixty-four secure and covered cycle parking spaces are proposed, divided equally into two areas. This is equivalent to one space per student room (all 1 bedroom) and 4 additional spaces for staff and visitors. The proposed level and location of the cycle parking is considered to be appropriate.

No objection subject to conditions relating to Travel Plan , SUDs, Refuse collection arrangements, Student Accommodation Management Plan, Parking and Turning Space in Accordance with Specified Plan, Students no cars to Oxford, No out of term use, Construction Traffic Management Plan, Supervision of Access Arrangements

Officer's Assessment:

Application Site & Background:

1. The application sites comprise part of what was formerly Oxford bus depot until this was redeveloped in recent years to provide residential accommodation and employment land. The site lies along the northern side of Cowley Road on the corner of Reliance Way. It is approximately midway along Cowley Road between The Plain at one end and Cowley District Centre at the other. Its location is such that it is not located within any of the City's designated transport district areas.
2. Contiguous with the northwest boundary of the site lies the Victorian era double-gabled two storey building of Canterbury House that has been in office use for many years though now vacant. It was once formerly both the home and studio of renowned Oxford photographer Henry Taunt. To the southeast lie the modern residential properties of Reliance Way.
3. Approval was granted in 2010 for three office buildings on this employment land (09/01201/OUT), with Adams House and Riviera House, immediately adjacent to the northeast, being constructed but the third building on the application site never being constructed (11/01150/RES, 12/00457/VAR, 11/01150/NMA). Adams House and Riviera House have barely been occupied since their construction and the site has been left looking incomplete with both hard and soft landscaping not fully laid out and hoarding still left around the application site.
4. The site can be seen within its context on the site location plan attached as **Appendix 1**.

Description of Proposed Development:

5. Full planning permission is sought for the conversion of Canterbury House from use as offices (Use Class B1) into nine ensuite single study bedrooms and one ensuite double study bedroom, along with communal cooking and living facilities and administration facilities; the conversion of each of Riviera House and Adams House into 13 student study rooms, together with communal cooking and living facilities and laundry facilities (36 student study rooms in total); landscaping, bin and bicycle storage, 3 disabled car parking spaces and a new pedestrian access into the site from Cowley Road.
6. Outline planning permission (scale, access and layout with design and landscaping reserved for subsequent approval) is sought for a three storey

building on the currently vacant plot fronting Cowley Road incorporating 24 student study rooms and communal cooking facilities.

7. In total, permission is sought for 60 student bedrooms across the site, using existing two and three storey buildings, with the erection of an additional three-storey building fronting the road.
8. Officers' consider the following to be the principal determining issues in this case:
 - Principle of Loss of Employment Site;
 - Principle of Student Accommodation;
 - Affordable Housing;
 - Urban Design;
 - Quality of Student Accommodation;
 - Parking and Access;
 - Impact on Neighbouring Amenity;
 - Energy efficiency;
 - Flood risk;
 - Ecology;
 - Trees/Landscaping;
 - Land contamination.

Principle of Loss of Employment Site:

9. In granting planning permission for the redevelopment of the Bus Depot into residential accommodation (00/01326/NOY refers) the land to which this application relates was secured as employment land to mitigate the loss of the large part of employment land, in accordance with the Local Plan at that time, specifically 2,322 sq.m. managed business space (starter units) and associated parking. The S106 attached to that permission states:

Sch3 - relevant part states that the transferee covenants not to use the property other than for any use falling within the definition of B1 use as defined in the Town and Country Planning (Use Classes) Order 1987 (and not any amendment thereof) and without prejudice to the generality of the is clause not to allow any of the units constructed on the property to be used other than for start-up business units which are not to be sold freehold or leased on long leases and which units are not to be let to companies or businesses which have been in existence for more than 2yrs at the date of the letting of the unit.

10. Condition 8 of Planning Permission (00/01326/NOY) also states:

The employment land that amounts to at least 0.4 hectares that is due to be transferred as part of the legal agreement shall be allocated for employment use to provide a cleared site available to 2322 sq.m of net lettable business floor space, as specified in the agents letter dated 23rd May 2001, the details of which shall be part of a formal submission by the owners of the employment area and approved in writing by the LPA, in accordance with Condition 4 (submission of reserved matters).

11. Outline planning permission, 09/01201/OUT, was granted in 2009 for; 'Outline application (seeking access and layout) for the erection of 2092sq m of class B1 floor space for start-up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking space off Glanville Road, cycle parking and landscaping.' With this permission a section 106 agreement was also attached, which states as follows:

It is further acknowledged and agreed that save for the provisions of Clauses 4.1 and 4.2 above the First Agreement is not varied further and shall remain in full force. [n.b. 4.1 and 4.2 related to issues of transfer of land, utilities provision, Canterbury House and period for erection of public art]

12. The S106 made provision for 50% of the employment buildings to be built before the student accommodation was occupied, hence only Adams house annotated as building B and Rivera house as building C in the agreement have been constructed. Building A has not yet been constructed and forms the application site.

13. Furthermore, Condition 6 of notice of permission 09/01201/OUT stated, 'Buildings A, B and C fronting Cowley Road and Glanville road shall be used for Class B1 Business use as 'Start up' and 'move on' business units, supported by office accommodation located within the retained Canterbury House. Details of the layout of the buildings for their intended purpose shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall be constructed strictly in accordance with the approved details and shall be retained as such at all times thereafter unless otherwise agreed in writing beforehand by the local planning authority'.

14. The S106 is clear that the property shall not be used for any other use other than that falling within the definition of B1 use (business) as defined in the Town and Country Planning (Use Classes) Order 1987 (and not any amendment thereof). The Applicant has not applied to vary the S106 Agreements.

15. Paragraph 7 of the NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The economic role of the planning system is to ensure that development contributes towards building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

16. NPPF paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

17. Paragraph 19 sets out that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
18. The relevant Development Plan Policy is CS28 of the Oxford Core Strategy 2026 (2011) states that planning permission will only be granted for the change of use or loss of other employment sites (i.e. those not key protected employment sites), subject to the following criteria:
- overriding evidence is produced to show the premises are presently causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated; or
 - no other future occupiers can be found despite substantial evidence to show the premises or site has been marketed both for its present use and for potential modernisation or regeneration for alternative employment-generating uses; and
 - the loss of jobs would not reduce the diversity and availability of job opportunities; and it does not result in the loss of small and start-up business premises, unless alternative provision is made in Oxford.

Context

19. In order to understand the implications of the proposed development on employment land provision in Oxford, it is necessary to summarise how the application fits in to the planning history context at the site.
20. This site forms part of the much larger former bus depot site, which generated local employment. When planning permission was granted to redevelop the depot (00/01362/NOY), those proposals included the re-provision of 2,322m² of managed starter units. This was to part mitigate the loss of employment that would result from the development and was material in the Council finding the overall scheme to be acceptable.
21. At that time, it was anticipated that this employment space would be built and transferred at nil cost to a management company that would assist with the occupation of the space by start-up and move-on businesses.
22. That did not happen. By the late 2000s the Council could see that it would need to take a pragmatic approach to the site in order to ensure that its employment potential was realised. It granted planning permission for 2,092m² of B1 office floorspace together with 106 student study bedrooms (09/1201/OUT and 11/01150/RES). The justification for accepting the study bedrooms on what was employment land was that they would fund the employment floorspace and help realise the delivery of jobs at this site.

23. The student study rooms were built and so were Rivera House and Adams House (to shell and core). The third building that would front Cowley Road was not built.
24. The result of this application, if approved, would be the loss of any opportunity for jobs at this site, which was once a major employer in Oxford. The Council has acted pragmatically and reasonably since planning permission was granted for the original redevelopment to assist in bringing jobs forward. These proposals entirely undermine those efforts and the ability of the wider site to provide the sustainable balance of uses for which it was intended.

Marketing

25. It is one of the requirements of Policy CS28 that substantial evidence of marketing of a site in its current use and alternative employment generating uses is provided before a change of use will be considered acceptable.
26. The vacant site on Cowley Road has not been marketed at all in its present use as 'start-up-move-on' space or in alternative employment generating uses. As such, the proposed development fails to meet that policy test and conflicts with it.
27. It is the applicant's case that the marketing that has taken place relating to Rivera House and Adams House is sufficient to demonstrate that no future occupiers can be found for the vacant site. That cannot be the case for a number reasons.
28. The sites are materially different. There is no building at that site. A small business is entirely unlikely to be interested in a vacant plot. A management company could be because of the flexibility offered by an empty site. A building could be built to meet its needs and/or its understanding of the requirements of the market. Any building would be more visible from the road than Rivera House and Adams House.
29. This site has not been marketed at all for any form of employment use and so there is a direct conflict with Policy CS28.
30. Some marketing has been carried out relating to Rivera House and Adams House and evidence of this has been submitted with this application. That marketing is fundamentally flawed, inadequate and a considerable way short of the 'substantial' evidence required by Policy CS28.
31. Marketing began under the current ownership in January 2015 for the two buildings, which are constructed to shell and core level only. Any management company looking to take them on would need to invest to bring them up to a standard where they could be let. This is clearly not a very attractive proposition. Guidance received by the applicant from Cluttons and submitted with their application suggests that the appellant should not be making that investment without tenants having been secured.

32. They should, of course. It is vital to refer back to the planning history context when considering this aspect of the applicant's case. This part of the wider bus depot site was not intended to necessarily be the most profitable part of the bus depot development. High residential values were being released at the rest of the site. Those values secured the viability of the scheme as a whole.
33. It so happens that the applicant has now acquired this part of the site. They did so in the knowledge of the planning history context and the role that this part of the site had in the wider depot site. If they purchased it expecting high market returns, they were wrong to do so. The requirement to provide start-up, move-on office space here was well known and will have been highlighted in advance of purchase.
34. It will require investment to bring the buildings up to a fit-out standard attractive to the market and that investment should have been reflected in the purchase price. The Council has already taken the viability implications of providing this space into account twice; once when approving the wider bus depot development and again when consenting the additional student housing at the site so as to deliver employment here. It cannot be expected to start from scratch again.
35. It is not known whether the applicant has engaged with the type of management companies who would normally look to control these buildings but any investment required to bring the space up to a standard that could be occupied should fall to the applicant.
36. These are, after all, 'start-up, move-on' spaces and it seems to officers that the appellant has entirely failed to demonstrate a grasp of this fact, and it is fundamental.
37. The applicant claims that they have consciously avoided advertising the buildings in this way to open up the range of potential interest in them, but in officers' view, the result of that approach is simply to alienate 'start-up, move-on' businesses or management companies from engaging with the marketing process.
38. A review of the advertising for the buildings gives no hints at all as to the way in which the spaces should be used. It seems to officers that the marketing has been carried out in the most generic of fashions and that no attention at all has been paid to the fact that these are 'start-up, move-on' spaces for young businesses.
39. It is not surprising at all that there has been limited interest in the sites for their intended use. The applicant has advertised the buildings, which are not fitted out and so are intrinsically unattractive, for a short period in a fashion that is highly unlikely to attract management companies or small business. Potential occupiers will probably expect serviced accommodation, flexible space, flexible leases and low rates and that has not been offered here.

40. The applicant has not come close to complying with the relevant test set out at Policy CS28.

Availability of office accommodation/diversity

41. The applicant has provided documentation to seek to demonstrate that there is other available office accommodation in Oxford and so the loss of this site to student accommodation would not result in a loss of diversity or availability of job opportunities. That argument is not convincing, in part because it does not recognise the specific contribution that a building at this site would make to the local employment offering. It should sit together, with Rivera House, Adams House and Canterbury House to provide a cluster of 'start-up, move-on' units, specifically designed to meet the needs of small, new businesses that typically find these types of spaces much more suitable and accessible than standard market office accommodation.

42. It is important that both the 'start-up' and the 'move-on' elements are provided so that young businesses can relocate to a neighbouring building as they grow and in turn, free up space for further new businesses. Businesses may then find that they are able to enter the regular market for employment floorspace, in time.

43. The particulars submitted by the applicant do not recognise the specific contribution that this site should make to the diversity of the employment offering in Oxford and the job opportunities that should be associated with it.

44. The development of this site for student accommodation would, of course, result in the loss of small, start-up business premises and the applicant is not proposing, as officers understand it, to provide alternative elsewhere in the City.

45. Offices do not dispute the fact that there are vacant office sites in Oxford. It is a transient market and businesses will move between buildings as their needs change. Sites will, of course, sometimes be vacant and marketed before they are filled. That is not the same as there being a dramatic oversupply of office space. In any event, the Council needs to make provision for economic growth over in the medium and long-terms and cannot be distracted by snapshots.

46. The applicant has not indicated which, if any, of the marketed sites in their particulars are 'start-up, move-on' spaces, like those that would be lost by these proposals.

47. The provision of a diverse employment offering, including 'start-up, move-on' space is very important in Oxford. A Starter Unit Review Report was published at the end of 2013. Not only does it underline the commitment of the Council to the provision and protection of these spaces, it highlights very high occupancy rates at existing sites that provide similar space in Oxford. This is a much better gauge of demand than the print outs provided by the applicant.

48. The Council's Core Strategy is up to date and its plans for employment growth, that were examined and found sound, were made in the context of jobs being provided at this site. Circumstances have not changed since the Core Strategy to an extent that would render this site no longer needed for employment as part of the long-term aspirations for Oxford's economic growth.
49. The proposal sits in direct conflict with Policy CS28, which is the relevant Development Plan Policy.

The weight that should be afforded to a conflict with this policy

50. There would be direct a conflict with the Development Plan. The weight that should be afforded to that conflict is significant. The development would sit at odds with the Framework's aspiration for balanced communities and employment growth. It would also sit at odds with the Council's firm and established commitment for balanced and managed growth within the City.
51. There can be no question that Oxford City Council is committed to delivering economic growth through providing new employment and protecting existing employment within the City. There is governmental support for these objectives. The scheme would fundamentally undermine this approach and the conflict that has been identified between the development and policy CS28 should be afforded significant, overriding weight in the planning balance, in officers' opinion.

Principle of Student Accommodation:

52. Notwithstanding officers' in principle objection to the loss of these employment sites, the principle of constructing student accommodation in this location should also be considered. In this respect, Policy HP5 of the SHP is material and supports the development of student accommodation on, inter alia, main thoroughfares including Cowley Road. Such support is predicated on the basis that these roads are better served by public transport and within easier reach of educational establishments, amenities and facilities. Such roads are generally more suited to student accommodation as they are less likely to feature quiet residential areas which would be more susceptible to noise and disturbance associated with the transitory nature of student accommodation and therefore potentially detrimental to its character.
53. Whilst the principle of providing student accommodation at this site could be acceptable, officers are concerned about the level and intensity of student accommodation that would be a result of this development in this more residential part of Cowley Road, particularly given the cumulative effect when taken together with Mansion Mews. This would significantly alter the character of the immediate area and the enjoyment of existing family homes on Glanville Road and Reliance Way. Such impacts are described in more detail in the relevant section of this report.

Affordable Housing:

54. Policy HP6 of the SHP requires student accommodation providing 20 or more bedrooms to make a financial contribution towards off-site provision of affordable housing in the interests of creating mixed and balanced communities.
55. The applicant has indicated that in the event of an approval, they would be willing to enter in to a legal agreement to secure such a contribution.

Urban Design:

56. Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
57. Paragraph 57 states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
58. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
59. NPPF paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
60. Local Plan policies CP1, CP6, CP8, CP9 and CP10 together seek to secure high quality, efficient, contextually appropriate, successful and functional development. Core Strategy policies CS18 and C19 reinforce those objectives and seek to protect the value of heritage assets. Policy CS22 seeks ensure that housing delivery is planned.
61. Previous proposals for a new building at this part of the site have shown a four storey building, which would not be appropriate in this location. Now proposed is a three storey building. Its design and landscaping around it would be reserved for subsequent assessment so should not inform this decision. Its scale and layout should be considered now.
62. A three storey building would be more appropriate than the four storey structure that has been proposed in the past. However, the indicative drawings show that such a structure would rely on a tall roof and an eaves height much taller than that at Canterbury House to achieve the second floor accommodation.
63. There would be an awkward relationship between the building and Canterbury House because of the proximity and relative heights of the two buildings. This

relationship would cause significant harm to the setting of Canterbury House and in turn, the street scene.

64. Canterbury House is considered to be of some associative historical value and community value. As already noted by the applicant the building is associated with local Victorian photographer Henry Taunt. It is noted that the building also featured in Taunt's own photographs and that it has generated recent interest both as the subject of a study undertaken by the East Oxford Archaeology and History Project (Archeox) and a project by Brookes Architecture students who were tasked with designing a future museum utilising the building. Officers consider that due consideration should therefore be given to retaining this structure as a candidate Local Heritage Asset.
65. The fact that Canterbury House is not currently listed on the Council's website for its heritage value does not mean that it does not constitute a non-designated heritage asset. A Heritage Asset is defined by the Glossary to the NPPF as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
66. Local Listing is not a requirement of identification. This is made clear by the NPPG. Canterbury House has been identified as a Heritage Asset by officers in its assessment of this planning application because of its appearance and connection with a local historic figure. It can be the case that the value of a building is not recognised before threat emerges to its value. The emphasis on non-heritage assets in the NPPF and NPPG present a different policy context to that which was in place when permission was granted for the redevelopment of the bus depot.
67. Unlike with previous applications, the applicant has now submitted a Heritage Statement and in doing so, recognises that the building has heritage value. What that Statement does not do, though, is assess the impact of the proposed new building on the setting of the heritage asset.
68. In this case, the height and scale of the building so near to Canterbury House would cause substantial harm to its setting. As a result, paragraph 135 of the NPPF is enacted, which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
69. It is clear to officers that the development would directly conflict with Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016 (2005), Policies CS18, CS19 and CS22 of the Oxford Core Strategy 20126 (2011) and Policy HP9 of the Site and Housing Plan 2011-2026, all of which seek high quality, well designed developments. As a result, there would be conflicts with

the Development Plan, those conflicts would not be outweighed and so the application should be refused for the reasons described above.

Quality of student accommodation:

70. Policy HP5 of the SHP and its supporting text at paragraph A2.35 requires student accommodation development of the size proposed to provide both communal indoor and outdoor space that ensures occupants have space to gather, socialise and hold events. Policy CS25 of the Core Strategy adds that student accommodation should be purpose built and designed and managed in a way that attracts students to take it up.
71. The details of landscaping would be reserved for subsequent approval so the quality of the proposed outdoor amenity space should not be assessed at this stage. It is clear though, that the quantity would not be sufficient to properly meet the needs of the large number of students that would need to use it. The requirement for car parking for disabled drivers and a large amount of cycle parking would only leave a modest area for outdoor amenity that could not be said to represent a high quality of accommodation for future occupiers.
72. This inadequate provision of outdoor amenity space is an indicator that the site would be overdeveloped.
73. It cannot be argued that indoor communal space would mitigate this shortfall in outdoor space. Whilst each floor would be served by a shared room, these would, for the most part be quite small and it is difficult to imagine residents being able to use these spaces for gathering, socialising or holding events, as required by Policy HP5.

Parking & Access:

74. Policy HP16 of the SHP does not support the provision of dedicated car parking to serve student accommodation so that car ownership is not supported in the interests of reducing parking and traffic congestion for residents. To achieve this where outside a Controlled Parking Zone, a management regime would need to be agreed with the Council in advance of the occupation of the development including details of how the enforcement of car parking would take place. However, some operational car parking would be required as well as disabled parking provision.
75. Whilst the site layout plan shows sufficient provision of wheelchair accessible parking spaces, there would be very little usable space remaining within the site in which delivery and service vehicles could manoeuvre. Furthermore, and significantly, there is almost no space at all for operational parking to serve students and their families arriving and departing at the start and end of term. The submitted Transport Report states that at these times, the limited outdoor amenity space could be used for this purpose but it not at all clear that such arrangements would be sufficient or appropriate. All of this is likely to give rise to a particularly congested internal environment within the site and numerous conflicts between users of the site. As the surrounding roads are not covered by a Controlled Parking Zone, on-street parking cannot be enforced so any

operational parking would exacerbate existing parking pressure within Reliance Way and Glanville Road. The Highways Authority has raised a number of concerns, many of which could likely be dealt with by planning conditions in the event of an approval. Most crucial, though, is the concern raised about operational and visitor parking associated with the use of the site in this intense fashion. The HA has requested a financial contribution towards the introduction of a CPZ. It is not known whether the applicant would be willing to make such a contribution, or whether a CPZ would be desirable to existing occupiers in the surrounding roads.

76. In this context, the development would likely give rise to conflicts within and outside of the site which serves as a further indication that the proposed development would overly intensive for its location.

77. Sufficient cycle parking would be provided, albeit that the quantum required would limit the amount of outdoor amenity space available to occupiers quite significantly, as described elsewhere in this report.

Impact on Neighbouring Amenity:

78. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard neighbouring amenity. Policies CP19 and CP21 of the Local Plan resist development where it would result in unacceptable noise and disturbance for neighbouring residents. The supporting text to Policy HP5 of the SHP recognises the problems that large numbers of inappropriately sited student rooms can have, given the increased activity on quieter residential streets. It also recognises that student accommodation can have an adverse impact on the character of residential areas when inappropriately sited. The supporting text to Policy CS25 of the Core Strategy states that there should be no unacceptable impact on amenity for local residents.

79. Policy HP5 seeks to concentrate non-allocated new student accommodation on existing academic sites, in city/district centres or along main thoroughfares which includes Cowley Road. This is to prevent speculative student accommodation developments taking place in residential areas which can have a significant impact on the character of an area and the quiet enjoyment of surrounding homes.

80. These types of impacts are already associated with the Mansion Mews Development. Whilst Cowley Road is a mixed use street well served by public transport, only parts of it feature regular activity during the day and night time. Further away from the district centre it becomes more residential in nature. When taken together with those at Mansion Mews, the proposed development would result in a significant number of student rooms set between the relatively quiet residential roads of Reliance Way and Glanville Road.

81. The proposed further intensification of student accommodation at this site is such that it would concentrate the potential to generate significant noise and disturbance for local residents. Added to this would be the likely increase in indiscriminate on-street car parking, to the detriment of neighbouring amenity.

Furthermore, the intensification of student accommodation across the former bus depot site would significantly increase student comings and goings along, in particular, Glanville Road which is part of a short cut to the Brooks' Headington campus. Officers therefore have concerns that cumulatively, the character, mix and balance of these residential streets would be materially altered making them less attractive for family occupation in the future. These proposals would alter the character of the area and would harm the amenity of neighbouring residents and would be contrary to Policies CP1, CP10, CP19 and CP21 of the Local Plan as well as possible HP5 of the SHP and Policy CP25 of the Core Strategy. The applicant has provided no reliable assessment of the impact of the development on the residential amenity of neighbouring occupiers.

Energy Efficiency:

82. Policy CS9 of the Core Strategy requires all developments to minimise their carbon emissions and are expected to demonstrate how sustainable design and construction methods would be incorporated. Policy HP11 of the SHP is specified to residential development including student accommodation and requires developments of this size to generate at least 20% of its total energy use through on-site renewable energy generation unless not feasible or financially viable.
83. The applicant has set out a range of sustainable construction measures that they say could be utilised at the site. These include the use of PV panels and biomass boilers. In the event of an approval the application of these measures could be secured by way of a planning condition.

Flood Risk:

84. Policy CS11 of the Core Strategy reflects national policy in the NPPF by resisting development that increases flood risk. Whilst residential development is a more vulnerable use than the existing office development, the site is at a low risk of flooding and so no objection is raised to in this respect to residential development on the site. However, if approved a condition should be imposed requiring details of a surface water drainage system to be submitted to and approved by the Council to ensure no increase in surface water run-off and the potential for localised flash flooding.

Ecology:

85. It is very unlikely that the proposed development would have an adverse impact on protected species. However, policy CS12 of the Core Strategy reflects the Council's statutory duties to give due regard to the need to enhance biodiversity when carrying out its functions. A development of the size proposed could make a meaningful contribution towards providing an improved habitat for swifts and so, if approved, a condition should be imposed requiring at least 10 swift boxes to be installed on the final buildings in a location to be agreed first by the Council.

Trees/Landscaping:

86. The site is currently barren with no vegetation of note that would be affected by the proposed development. The appearance of the site, particularly when viewed from Cowley Road, could certainly benefit from some planting and this could be secured at Reserved Matters stage if the application was to be approved in accordance with the requirements of policy CP11 of the Local Plan.

Land Contamination:

87. This site was previously remediated to a commercial end use as outlined in the Remediation Strategy and Verification Report in 2012. Briefly, there was an underground storage tank (tank 4) located along the southwest boundary of the site which was removed during the remedial works. Validation testing was carried out on the excavation to ensure minimal residual contamination. During the Ground Contamination Assessment, only four of the trial pits (TP01, TP02, TP04 and TP10) fell within the boundary of the current site of proposed development. The analyses from these trial pits revealed the underlying natural clay was suitable for residential end use, and was subsequently removed for use in the adjacent residential end use site. The Made Ground from this adjacent residential end use site was deemed suitable for commercial end use and as such was excavated and used to level the area of the currently proposed site. The upper 300mm of this Made Ground was then cement lime stabilization to prepare the site for future construction work.

88. As the subsurface of the currently proposed site has changed from its original state as presented in the Ground Contamination Assessment, the results from this report are no longer representative of this area. The Made Ground that was used to fill this site was not suitable for residential (without home-grown produce) end use, and so further investigation and remediation of this site will be necessary. Further, the proposed end use has changed for this site, which will require a re-evaluation of the risk assessment. Consequently, and in accordance with the requirements of policy CP22 of the Local Plan, a condition would need to be imposed if planning permission was to be granted requiring a phased contamination risk assessment to be carried out together with all necessary remediation measures.

Other material planning considerations:

Housing need

89. It is the firm view of officers that this development would, for the reasons set out in this report, conflict with the Development Plan.

90. Paragraph 12 of the NPPF is clear that proposed development that conflicts should be refused unless other material considerations indicate otherwise.

91. The applicant has set out that there is a need for housing in Oxford and that student accommodation, by releasing family housing from occupation by students, contributes towards meeting that need. They argue that this matter should attract positive weight for the appeal proposal in the planning balance.

92. They will be aware that this is well trodden ground. An appeal involving the applicant and their representatives (APP/G3110/A/13/2206058) relating to a refused planning application for residential development, car parking and playing pitches at land to the rear of William Morris Close, Oxford, OX4 2JX was dismissed in February 2014.

93. The same argument was put forward by the applicant there. There, the Inspector found that:

My own review of the submitted evidence suggests that there is a genuinely pressing need for affordable housing in Oxford, borne out not just by the number of houses that have been assessed as being needed, but also by the demand for properties when they do become available. However, it is acknowledged by the main parties that the amount required far exceeds that which can be practically delivered within the City itself, and indeed the Council identify that they are actively working with surrounding councils for solutions [paragraph 50].

I have no reason to doubt that the Council, when considering this application, were aware of the very considerable need facing Oxford in terms of affordable housing. It was an issue that was understood during the preparation and adoption of the Core Strategy and the SHP. In these, the Council had to take a balanced view in assessing the demand for housing against the considerable constraints within their area. This balancing act was played out in the preparation and examinations of these plans, which lead to the housing targets currently within the development plan, which is accepted to be up-to-date [paragraph 52].

The housing target of 400 units should not be considered as a maximum and the Council should strive to overachieve against that level, particularly in light of the acknowledged need. However, housing delivery in such circumstances cannot override all other considerations, and should be considered within the context of a plan led system. Nonetheless, I have accorded significant weight in favour of the scheme, as regards the provision of affordable homes [paragraph 54].

While I noted significant weight in favour of the scheme arising as a result of the delivery of affordable housing, I find that this does not outweigh conflict with the recently adopted development plan [paragraph 62].

94. A further appeal, also lodged by the applicant with their representatives related to a proposed residential development at part of the William Morris Close site (APP/G3110/W/15/3004768). This appeal was determined in the context of the Council's most up to date Strategic Housing Market Assessment. An especially relevant extract is set out in full, below:

What is evident is that the Council are providing a constrained housing supply figure and that there is significant pressure remaining from unmet need. In these circumstances additional housing provision would be a significant

positive benefit. However, the limited additional number of units proposed in this scheme would not make a significant contribution to address that need and the policy protection to provide a balanced approach to economic, environmental and social development is crucial to ensure an appropriate plan in the context of a plan led system. On this basis I am not convinced that the benefit that would result from this small number of housing units is such that it would outweigh the harm that would arise from the conflict with the protection of the open space [paragraph 13].

95. Officers acknowledges that there is a need for housing, and particularly affordable housing in the City. They accept that student housing makes a contribution towards that need, especially when a contribution towards affordable housing is proposed. Officer agree that weight should be afforded to the fact that the development would make a contribution towards meeting housing need.
96. However, development potential is significantly constrained in Oxford. In formulating its housing targets, which have been found sound through examination, the Council balanced the need for housing against the need for other environmental, economic and social demands. The result is robust, plan led approach to development that strives to create a balanced and sustainable City.
97. The very significant weight that officers consider should be attached to the loss of the employment generating potential of this site, which makes a valuable contribution towards the quantum and diversity of the employment land stock of the City has been set out in detail in this report. Additional conflicts with the Development Plan have also been identified and described.
98. Whilst weight should be afforded to the provision of student housing that the scheme would bring forward, it would not come close to outweighing the significant conflicts that have been identified with the Development Plan. This is particularly the case given the limited contribution that would be made to the housing stock.

Conclusions:

99. The National Planning Policy is clear that proposed development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.
100. The development would result in the loss of important 'start-up' employment floorspace, would cause harm to the street scene and the setting of Canterbury House and would represent the overdevelopment of this site, to the detriment of the quality of development in the area and would result in unacceptable noise and disturbance for existing neighbours. There would be various conflicts with the Development Plan and no material planning considerations have been identified that would outweigh those conflicts. As such, planning permission should be refused.

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 15/02542/OUT

Contact Officer: Felicity Byrne

Extension: 2159

Date: October 2015

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Appeal Decisions

Hearing held on 21 October 2015

Site visit made on 21 October 2015

by Karen L Ridge LLB (Hons) MTPL

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

Decision date: 08 December 2015

Appeal Ref: APP/G3110/W/15/3129805 (Appeal A)
Canterbury House, 393 Cowley Road, Oxford OX4 2BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Cantay Estates Limited against the decision of Oxford City Council.
 - The application, Ref. 15/00360/B56 dated 2 February 2015, was refused on 30 March 2015.
 - The prior approval sought is for the change of use from office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse).
-

Appeal Ref: APP/G3110/W/15/3129809 (Appeal B)
Rivera House and Adams House, Reliance Way, Oxford OX4 2FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cantay Estates Limited against the decision of Oxford City Council.
 - The application, Ref. 14/03204/OUT, dated 20 November 2014, was refused on 23 April 2015.
 - The development proposed is the removal of existing buildings and the erection of new buildings up to 4 storeys for student accommodation (up to 98 student study rooms) and ancillary facilities.
-

Appeal Ref: APP/G3110/W/15/3130865 (Appeal C)
Land adjoining Canterbury House, 393 Cowley Road, Reliance Way Oxford OX4 2FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cantay Estates Limited against the decision of Oxford City Council.
 - The application, Ref. 15/00597/OUT, dated 20 February 2015, was refused on 26 June 2015.
 - The development proposed is the outline application for the erection of a four storey building containing 8 flats, together with car parking, cycle storage and storage of waste and recycling.
-

Decisions

Appeal A- APP/G3110/W/15/3129805

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development)(England) Order 2015 for the change of use from office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse) at Canterbury House, 393 Cowley Road, Oxford OX4 2BS.

Appeal B- APP/G3110/W/15/3129809

2. The appeal is dismissed.

Appeal C- APP/G3110/W/15/3130865

3. The appeal is dismissed.

Procedural Matters

4. The three appeals are brought by the same appellants and relate to land and buildings which overlap to a certain extent. Canterbury House, Rivera House and Adams House are existing buildings grouped on a parcel of land on Cowley Road.

Appeal A

5. Appeal A was made in relation to a refusal to grant prior approval for a change of use from class B1(a) (offices) to 16 dwellings (class C3). The appeal site in appeal A comprises Canterbury House, which fronts onto Cowley Road, and an access strip leading to Reliance Way.
6. Since the date of refusal the Town and Country Planning (General Permitted Development) Order 1995 has been replaced by the Town and Country Planning (General Permitted Development)(England) Order 2015¹ (hereinafter referred to as the GPDO). The new GPDO contain provisions allowing the change of use from B1 use to residential at Schedule 2, Part 3, Paragraph O. These provisions replace those found in the 2013 Order² to which both parties have referred. The current provisions, insofar as relevant to this appeal, are unchanged and all of my references are to the 2015 Order (the GPDO).

Appeal B

7. Appeal B is against a refusal to grant outline planning permission to allow the demolition of two blocks of office accommodation at Rivera House and Adams House and the construction of up to 98 student study bedrooms. The appeal site comprises land on which the existing two blocks are situated, together with vacant land to the front of the site onto Cowley Road.
8. The application in appeal B was made in outline form with all matters (access, appearance, landscaping, layout and scale) reserved for future determination.

¹ Statutory instrument 2015/596

² The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, SI 2013/1101

To the extent that any of the submitted plans contain information relevant to these matters I shall treat the details as being indicative only.

9. The determination in relation to appeal B contained five reasons for refusal. The fifth reason related to a lack of information on sustainable design and on-site renewable energy generation. At the Hearing the Council confirmed that it considered that, if all other matters were acceptable this issue could be dealt with by condition. In the circumstances it did not wish to rely on this reason for refusal. I agree that this would be an appropriate course of action and therefore there is no need for me to examine this matter.

Appeal C

10. Appeal C is a proposal for the erection of a 4-storey building containing 8 flats. The application in appeal C was made in outline form with some matters (appearance and landscaping) reserved for future determination. To the extent that any of the submitted plans contain information relevant to the two reserved matters I shall treat the details as being indicative only. Matters of access, layout and scale, in relation to appeal C, are before me for consideration.
11. Two separate Unilateral Undertakings have been submitted in appeals B and C respectively. Each undertaking secures a commuted sum payment in relation to off-site affordable housing. I shall return to this matter at the end of my deliberations.

Main Issues

Appeal A

12. It is agreed by the parties that the lawful use of Canterbury House falls within Class B1(a). The GPDO is permissive of changes of use from class B1 to class C3 provided certain conditions are met. The issue between the parties is whether or not permitted development rights can be exercised in this case given the planning history of the building.

Appeals B and C

13. The main issues common to appeals B and C are as follows:
 - whether or not the proposals are acceptable in terms of their effects upon the supply of employment accommodation;
 - the effect of each of the proposals upon the character and appearance of the surrounding area, including any non-designated heritage assets;
 - whether or not the living conditions of future occupants would be satisfactory having regard to parking and outdoor amenity space.

Appeal B

14. There is one additional main issue in appeal which is the effect of the proposal on the living conditions of existing residents having regard to noise and disturbance and other matters.

Reasons- Appeal A

Planning History

15. The longstanding use of Canterbury House has been for office accommodation and the parties are agreed that the current lawful use falls within Class B1.
16. On 17 March 2010 outline planning permission³ was granted for the redevelopment of land which included Canterbury House, the land within appeal sites B and C and other adjoining land. The permission was for 2092 square metres of B1 floorspace, the provision of 106 student study bedrooms in 5 blocks (to include the retention of Canterbury House). The approved layout included the new buildings Adams House and Rivera House (referred to as building C and building B), plus one other building (building A on the plan) which has not yet been constructed.
17. The outline planning permission contained a condition which purported to ensure that *'the Class B1 business accommodation was available for 'start-up' and 'move-on' businesses at all times'*.⁴ The condition reads as follows:

'(6) Buildings A, B and C fronting Cowley Road and Glanville Road shall be used for Class B1 Business Use as 'start up' and 'move on' business units, supported by office accommodation located within the retained Canterbury House. Details of the layout of the buildings for their intended purpose shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be constructed strictly in accordance with the approved details and shall be retained as such at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority'
18. The above planning permission was subsequently varied⁵ on 1 June 2012 to enable revisions to the car parking layout. Condition (6) of the original outline planning permission was carried across to the new permission in similar form.
19. Subsequently an application⁶ seeking prior approval for the change of use of Adams House, Rivera House and Canterbury House from offices to flats was submitted to, and refused by, the Council. A further application⁷ for prior approval was refused on 13 November 2013. Part of the reason for refusal concerned the application of condition (6) restricting prior approval rights. This decision was appealed and allowed on appeal⁸.
20. The Inspector determining the appeal granted approval under the provision of Schedule 2, Part 3, Paragraph J of the previous Order. His conclusions were predicated on a finding that if the Council had intended to remove permitted development rights as existed at the time of its decision, this would need to have been expressly stated.
21. Subsequently the Council challenged the appeal decision in the High Court. The challenge was made on the basis that the Inspector has misdirected

³ Oxford City Council reference 09/01201/OUT.

⁴ As set out in the REASON following the condition.

⁵ Oxford City Council, reference 12/00457/VAR.

⁶ Oxford City Council, reference 13/10925/T56

⁷ Reference 13/02673/B56

⁸ Appeal reference APP/G3110/A/14/2215751

himself in relation to the law and the application of condition (6) and more particularly his conclusion that condition (6) did not operate to exclude permitted development rights under the GPDO as it was then.

22. The Council's claim was based upon the operation of article 3(4) of the previous GPDO. This specifically provided that nothing in the Order permits development contrary to any condition imposed upon a planning permission granted or deemed to be granted under Part III of the Act (otherwise than by the Order itself). The same provisions have been carried forward into article 3(4) of the 2015 GPDO. The Secretary of State consented to judgment and the decision was quashed by consent and the matter remitted for redetermination. The matter was withdrawn before it was listed for redetermination.

Legislative provisions

23. Paragraph O of the GPDO confirms that development consisting of a change of use of a building, and any land within its curtilage, from a use falling within Class B1(a) to a use falling within Class C3 is permitted development. Paragraph O.1 sets out conditions, all of which are satisfied by the appeal proposal. If the change of use has been specifically precluded by the imposition of a condition on an earlier grant of planning permission (not granted by permitted development rights) then article 3(4) of the GPDO operates to ensure that permitted development rights do not apply.
24. In this case the appellants contend that condition (6) only identifies approved buildings A, B and C as to be retained for 'start up' and 'move on' business units (and supported by the office accommodation within Canterbury House). It is alleged that the condition does not require Canterbury House itself to be retained for office use. The appellants have submitted Counsel's Opinion in relation to this matter in support of their claims.
25. The issue in this appeal is therefore quite straightforward and turns on the interpretation of condition (6). If the appellants' interpretation is correct then Canterbury House will benefit from permitted development rights in Paragraph O and, in the absence of other objections from the Council, approval should be granted. On the other hand the Council contend that condition (6) effectively restricts the future use of Canterbury House ensuring that it is retained as office accommodation. If this proves to be case then the building will not benefit from the permitted development rights relied upon.
26. Before looking into the interpretation of condition (6) it is necessary to for me to examine the basis on which the previous appeal decision was challenged and the extent to which I am bound by the decision to submit to judgment. The prior approval application which led to the previous appeal decision was made in relation to Adams House, Rivera House and Canterbury House as one appeal site. The conclusions of the Inspector relied upon an interpretation of condition (6) as it applied to all 3 buildings as a single entity or appeal site. The Secretary of State submitted to judgment on the basis that the Inspector had erred in law in misinterpreting the provisions of article 3(4) which effectively precluded the operation of permitted development rights in relation to the appeal site, namely all 3 buildings.

27. The application which led to appeal A was made in relation to Canterbury House only. It is not in dispute that condition (6) effectively precludes the operation of permitted development rights in relation to Adams House and Rivera House. The dispute is whether or not condition (6) operates to place a similar restriction on Canterbury House. This is materially different to the issue in the High Court challenge and as such I do not consider myself bound by that judgment.
28. At the Hearing both parties agreed that the planning permission which had been implemented was the 2012 permission which varied matters. I therefore turn condition (6) on planning permission 12/00457/VAR which is set out below:
- '(6) Commercial buildings A, B and C shall be used for Class B1 Business use as 'start up' and 'move on' business units, supported by office accommodation located within the retained Canterbury House, and shall be retained as such at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.'*
29. The reason given for imposition of the condition was stated to be *'to avoid doubt and to ensure that the Class B1 Business accommodation is available for 'start up' and 'move on' businesses at all times in accordance with Policies EC7 of the Adopted Oxford Local Plan 2001-2016 and Policies CS28 of the Core Strategy'*.
30. The case-law regarding the interpretation of planning permissions is clearly set out in the papers and has not be disputed by either party. A planning permission which is clear, unambiguous and valid on its face must be interpreted having regard to the contents and wording of the document, including the conditions and the express reasons for imposing the conditions.
31. In this case the most common sense and reasonable reading of condition (6) is that the condition requires buildings A, B and C to be used for Class B1 business use and more particularly for 'start up' and 'move on' businesses. The condition states that these uses will be supported by office accommodation within Canterbury House. The difficulty lies in the interpretation of the third clause. Does the requirement*'shall be retained as such at all times thereafter'* apply just to buildings A, B and C or does the requirement also include Canterbury House?
32. I conclude that the requirement 'shall be retained as such at all times thereafter' applies only to buildings A, B and C and not to Canterbury House. I have come to this conclusion for two reasons. Firstly the placement of two commas in the condition effectively separates the words *'supported by office accommodation located within the retained Canterbury House'* from the first and third clauses of the condition. The second clause is merely a description as to how the relationship between buildings A, B and C and Canterbury House is to work. The most logical consequence of the operation of the two commas is that the third clause relates only to the first clause of the condition.
33. The Council contends that the application site in this permission included buildings A, B and C as well as Canterbury House and this is clear from the description of development. Therefore it is claimed that condition (6) applies

to all parts of the site. This brings me on to the second reason for my conclusion which is to be found in the reason for imposition of the condition.

34. The reason states that the condition has been imposed to ensure that the class B1 business accommodation is available for 'start-up' and 'move on' businesses at all times. It is not expressed to be merely for the retention of the B1 use or the office use of Canterbury House but more particularly for the B1 use which is for 'start up' and 'move on' businesses. Given that these uses were to be accommodated in buildings A, B and C (and not Canterbury House) it follows that the purpose of the condition is to retain this type of use within buildings A, B and C.
35. I conclude that the above analysis represents the most logical interpretation of the planning permission and is an interpretation which the reasonable reader would place upon it. It follows that I conclude that Canterbury House falls outside the ambit of condition (6) and therefore is able to benefit from permitted development rights given that article 3(4) does not apply.
36. Since there are no other objections to the grant of prior approval it follows that the appeal shall be allowed. In granting approval I note that the permitted development right is time limited which means that the residential use of the building approved under the provision will need to commence before 30 May 2016 because any use begun after that date will not be permitted⁹.

Reasons- Appeals B and C

Employment Land Supply (both appeals B and C)

37. Appeal B would result in the loss of employment space by virtue of the demolition of Rivera House and Adams House. Appeal C would result in the loss of the vacant employment land fronting onto Cowley Road which is subject to an extant planning permission for an office building and the loss of car parking space in connection with Canterbury House.
38. In the past, as a bus depot the wider site provided significant employment opportunities. Redevelopment of the site included the now built student accommodation to the rear which the Council intended would subsidise the development of employment land and help to deliver jobs on the site. This planning permission was implemented to the extent that Adams House and Rivera House were built.
39. The wider site is not allocated in the local plan and no part of either appeal site is designated as a protected key employment site. However both appeal sites have an authorised employment use and policy CS38 of the Oxford Local Plan Cores Strategy 2001-2016 (LP) is relevant. Policy CS38 resists the loss of employment sites (not key employment sites) to other uses. It provides that permission for a change of use will only be granted subject to specified criteria. The relevant criteria in this case are that; no future occupier can be found despite substantial evidence to show that the premises have been marketed for its present use and for alternative employment generating use AND the loss of jobs would not reduce the diversity and availability of job opportunities and it would not result in the loss of small and start-up business premises, unless alternative provision is made in Oxford.

⁹ Planning Practice Guidance paragraph 33.

40. The National Planning Policy Framework (the Framework) seeks to build a strong, competitive economy and stimulate economic growth. Development needs should be planned and catered for. It also confirms that 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. It goes on to state that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
41. Adams House and Rivera House are modern, three-storey office buildings granted reserved matters approval in August 2011. Adams House was occupied as office accommodation from 25 May 2013 to 7 September 2013 under a licence agreement. Rivera House was occupied for a similar period under a licence from 23 May 2013.
42. Carter Jonas were responsible for marketing both Rivera House and Adams House between 2012 and 2014. Their two reports¹⁰ set out in detail the marketing efforts during this period including the circulation of particulars via mailing lists, use of the website, use of hoardings and publicity in the local press. The site was offered on flexible terms ranging from disposal of the whole site down to letting the property on a floor by floor or part floor basis. Interest was limited, with few viewings.
43. During this period of marketing the terms of occupancy and rates were not advertised to potential occupiers. I accept the evidence of Carter Jonas to the effect that it is common practice when marketing a new build premises not to quote terms or an exact specification. Whilst the premises were marketed without being directed specifically at 'start up' and 'move on' business enterprises, I do not see this as a failure to target a specific sector of the market but as an understandable commercial desire to optimise the chances of securing a tenant. I conclude that this is a reasonable strategy to enable flexibility and not to constrain any future negotiations, whilst optimising the opportunities for occupation.
44. The Council also expressed concerns regarding the finish of the two buildings which were 'core and shell' and essentially needed further fitting out and the poor state of the external circulation areas. Carter Jonas explains that the exact specification of the finish was not included in the marketing materials to enable flexibility because different occupiers may have varying requirements.
45. Again I accept that this is a reasonable approach to the letting of the premises for a number of reasons. Firstly it ensures that money is not wasted by fitting out and then having to re-fit for a particular occupier. Secondly, on my inspection the buildings appear to have services and are water-tight and the amount of fitting out required for various operators would be unlikely to be so time-consuming as to unduly delay occupation. Thirdly, the Council's own *Starter-Unit Review Report* of 2013 refers to an increasing requirement for serviced office accommodation to be in shell condition. Finally there is evidence that the buildings have already been partially occupied for short periods in any event.

¹⁰ Dated 27 October 2014 and 9 February 2015

46. On my site visit I noted that there is still hoarding around the site giving a somewhat unfinished appearance to the development. However parking is still possible and I consider it likely that the surfacing and landscaping of the car-parking areas would not unduly deter potential occupants since these matters are essentially cosmetic and should not affect operations within the buildings.
47. Irrespective of these attempts to appeal to the widest possible range of occupiers, Carter Jonas reported only '*preliminary and unproductive discussions with potential investors*' and confirmed that quoted terms were not provided to potential occupiers. Their professional opinion is that the sites are not in a popular location given that demand for office floorspace in Oxford is concentrated at the business parks adjacent to the Eastern bypass or within the city centre.
48. A second set of agents, Cluttons, were engaged to market the property in January 2015. Cluttons took a slightly different approach by quoting rents, indicative running costs and rates. They had no greater success than their predecessors. During a five month period there were limited enquiries. Cluttons support the view of Carter Jonas that the site is in a secondary office location given that it is in a predominantly residential/student area. Cluttons point to the feedback which they received from the handful of potential occupiers who made enquiries and by evidence of two other commercial premises in the vicinity which were unsuccessfully marketed by Cluttons¹¹.
49. I note that the site is well served by bus services linking Cowley Road to the city centre and other areas and is clearly accessible by other modes of transport. Its sustainable location on the frontage of an arterial road is an attractive factor in terms of the intended employment use. However there are drawbacks as well. The appeal site is located some 2.7 kilometres south-east of the city centre albeit on a main route.
50. It is in a mixed use area in that there are a number of commercial and other uses scattered along this part of the Cowley Road frontage and student accommodation to the rear of the site. Residential properties run along the length of Cowley Road opposite the site and the hinterland of the site, with the exception of the student accommodation, is mainly residential. The overall impression of the area around the site is that it is predominantly residential in character. For these reasons I accept the assertion that the site is in a secondary location for commercial premises.
51. In terms of employment land supply issues the Council's Strategic Employment Land Availability Assessment identifies a deliverable supply of around 69 hectares of employment land. The appellants estimate that this equates to land capable of delivering some 517,000 square metres of floorspace. They contrast this figure with the Council's latest Annual Monitoring Report records which indicate the provision of around 3,800 square metres floorspace per annum over a 5 year period to 2014. I have also seen some evidence regarding the amount of vacant general office floor space provided by Cluttons. There is evidence of a generous amount of general employment floorspace across the district.

¹¹ Cluttons letter 12 May 2015.

52. The Council is concerned to protect employment space for fledging businesses as evidenced by the *Starter Unit Review Report* of 2013. The study looked into the amount, type and range of start-up business accommodation within the city. Appendix 1 of the report identifies the occupancy rates of the total 20,800 square metre floorspace for starter-unit accommodation. With a couple of notable exceptions, such as the Music Centre, most of the accommodation is located either within the city centre or district centres or on business parks.
53. It is notable that the appeal site is not included within the floorspace detailed in the above report. At the Hearing it was agreed that Appeal sites B and C comprise some 750 square metres of floorspace.
54. Other factors in support of the proposals: The Council confirms that the provision of student accommodation in this location would be acceptable in principle and it would conform to policy HP5 of the Council's Sites and Housing Plan. In addition CS policy CS2 encourages the use of brownfield sites.
55. The appellants contend that the proposal would make an important contribution to student accommodation which in turn would free up market housing for families which is currently occupied by students.
56. I note that the Council already have a 5 year supply of housing land. I have also heard arguments about housing land supply and evidence about the direction of travel indicated by the, untested, Strategic Housing Market Assessment and the Strategic Housing Land Availability Assessment. However I do not consider that these appeals turn on findings in relation to these matters. I say this because I acknowledge that 5 student bedrooms would release one family home which would make a relatively small (20 homes) indirect contribution to supply, irrespective of whether or not there is a 5 year supply. I accord this matter some weight.
57. Conclusions on employment land use matters: the sites are not allocated as a key protected employment sites but both are an authorised B1 user and should be measured against CS28 which seeks to maintain a balance between employment uses and housing.
58. The existing buildings on site B are vacant and on the evidence I am satisfied that there is little or no demand for their use as offices in this location. In terms of policy CS28 I accept that the proposal in appeal B would not result in the loss of existing jobs although I acknowledge that the potential of the site to offer future office jobs would be lost. However having regard to market signals, the location and type of the accommodation and the availability of other accommodation, I conclude that the proposal would not materially affect the diversity and availability of job opportunities in Oxford. It would not result in a material or unacceptable loss of small or start-up business premises.
59. Site C is somewhat different in that it comprises vacant land. The Council assert that site C has not been separately marketed for use as an employment site catering for start-up and move-on businesses. Such businesses are most unlikely to be interested in a vacant site themselves since they are unlikely to have the means to develop a vacant site. That leaves commercial investors. However given the lack of success in attracting occupiers to Adams House and Rivera House I conclude that the prospect of ploughing capital into developing the adjoining vacant site is highly unlikely to attract any investors. I therefore

conclude that there is no reasonable prospect of appeal site C being used for its intended purpose. I adopt the other conclusions in relation to appeal B set out above.

60. Policy CS28 also requires that alternative, replacement provision of office accommodation is made and that is clearly not the case here in either appeal B or C. To that extent each proposal is contrary to development plan policy. However this requirement is not to be found in national policy which confirms that applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support a sustainable local community.
61. I am satisfied that there is no reasonable prospect of the buildings or land on each of the sites being used for the purposes for which they were intended. In addition the proposals would provide student accommodation in an appropriate location and have the benefit of releasing family housing back into the supply pot. I conclude that the loss of the employment use on sites B and C is acceptable in these circumstances.
62. In coming to the above conclusion I have had regard to other decisions both by the Council and at appeal. The grant of planning permission at Littlemore Park by the Council involved other factors and different policy considerations. My conclusions in relation to the application of policy CS28 are broadly consistent with my colleague who determined the appeal decision in relation to Innovation House¹².

Effect on Character and Appearance- Appeals B and C

63. Saved policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan (LP) seek, amongst other things, to ensure development has a high standard of design, at an appropriate scale, height and massing which relates to its context. These objectives were carried forward into policy CS18 of the Council's CS and policy HP9 of the Council's Sites and Housing Plan (SHP). The Framework also attaches great importance to the design of the built environment.
64. The immediate context of the site is essentially the block of development on the Cowley Road frontage running between Glanville Road and Reliance Way. The 4-storey block of student accommodation, Mansion Mews, forms the backdrop to the appeal sites, seen in oblique views from along Cowley Road and in more direct views from Glanville Road.
65. Canterbury House is a two-storey, red-brick Victorian building located close to the corner of Cowley Road and Glanville Road. It is associated with the early twentieth century photographer Henry Taunt. Canterbury House forms an integral part to this block of land and any development on the appeal site would need to ensure that Canterbury House was successfully assimilated.
66. Paragraph 135 of the Framework sets out the position in relation to non-designated heritage assets. It confirms that the effect of development upon the significance of such assets should be taken into account and a balanced judgment is required having regard to the scale of harm or loss and the significance of the asset. In this case the significance of the asset is largely

¹² Reference APP/G3110/A/12/2181878.

derived from its association with Henry Taut. Nevertheless Canterbury House is an attractive example of Victorian architecture. Its handsome façade and elegant proportions provide a sense of character and place to this part of Cowley Road.

67. The slightly wider context is made up of two storey houses running along the opposite side of Cowley Road and on the Cowley Road frontage to the north of Glanville Road. To the south-east of the appeal site, and separated by Reliance Way, is a four-storey development of flats which wrap around Reliance Way. These flats mark a departure from the domestic scale development on Cowley Road to the north-west. I agree with the Council that the appeal site, and the block between Glanville Road and Reliance Way, is a transition site between the larger scale development and the predominantly two-storey development further along. As such the appeal site is effectively a buffer between the large mass of the flats adjacent to Reliance Way and the smaller scale development further north on Cowley Road.
68. It follows that as a transition site I consider that it is important that any buildings on this part of the Cowley Road frontage need to address the change in massing within a relatively short block. This is all the more important because of the existence of Canterbury House sited on the corner of the block. Any development on the site would sit in close proximity to this non-designated heritage asset which makes a positive contribution to the streetscene.
69. The proposals in each of the two appeals are however different and I shall deal with them separately.
70. Appeal B: it is relevant to note that the proposal in appeal B is in outline form with all matters reserved. Therefore whilst there is an indicative scheme before me I shall treat this as an example of what could be achieved. The proposal is for the demolition of the existing building and the erection of new buildings up to four storeys in height, to accommodate up to 98 student study bedrooms. Policy requirements also include the provision of two disabled parking spaces, open space and cycle storage as well as bin enclosure.
71. Whilst the development is in outline form only, I must have regard to the quantum proposed, up to 4 storeys and up to 98 student bedrooms. In addition there are the other elements which are necessary to a scheme of this nature, private amenity space, parking and cycle spaces and must be included on this constrained site.
72. Given the quantum of development proposed I consider that the height and massing of development would be such that it would have an unsatisfactory relationship to Canterbury House. In order to accommodate the amount of development proposed it is apparent that the buildings would have to be ranged around the site frontages and would have to be predominantly four storey. There would be little latitude to step down or step back any building and this would result in massing of built development close to the Reliance Way frontage and wrapping around Canterbury House.
73. Whilst the indicative plan is merely an illustration of what could be achieved, it demonstrates the above points quite neatly. The buildings shown are visible behind and to the side of Canterbury House and would swamp its smaller scale,

- demonstrating little respect for this existing building and detracting from its setting.
74. The development would also fail to make the successful transition between the 4 storey flatted development on the other side of Reliance Way and the domestic scale development a short distance to the north-west. I say this because the four storey development along the frontage would extend the existing run of large bulky buildings which would then abruptly end immediately adjacent to Canterbury House. The relationship between the elegant Canterbury House and the new development would be an awkward and uncomfortable one.
75. The appellants have referred me to the 2010 outline planning permission and the indicative elevation which accompanied it. However I attach only very limited weight to this as a material consideration for a number of reasons. It was an indicative plan only and the appellants accept that it does not represent a fallback position. In addition there seems to be little prospect of the permission being completed.
76. In this case the amount of development to be accommodated on site would result in buildings of such scale and massing, in close proximity to the frontage and to Canterbury House so as to be harmful. In other words there would be little latitude to provide relief from the massing by virtue of stepping buildings down or leaving respectful distances for example between the buildings and Canterbury House and the Cowley Road and Reliance Way frontages.
77. Neither do I accept that the quantum of development on the site proposed would provide a benefit in that it would soften views of the 'timber-clad, monolithic Mansion Mews'. Mansion Mews is not a significant factor in the Cowley Road frontage, it acts as a backdrop and any development in the foreground needs to address the frontage and be respectful to Canterbury House.
78. For all of the above reasons I conclude that the proposal would be harmful to the character and appearance of the area contrary to the design objectives set out in the development plan policies listed above and contrary to national objectives within the Framework.
79. Appeal C: whilst made in outline form, only matters of appearance and landscaping are reserved. This means that matters of layout, scale and access are before me for my approval. Plan PO1B depicts the height and bulk of buildings proposed.
80. Compared to the proposal in appeal B this proposal would involve a smaller quantum of development on a smaller site. To that extent there would not be any change to the development which sits behind Canterbury House. However I still have concerns about the arrangement of the scale and mass of the building and its relationship with Canterbury House and the wider frontage. The building proposed would also have a tall north-eastern flank elevation adjacent to Canterbury House. This would accentuate the sudden change in relative heights of the two adjoining building and would be particularly incongruous when travelling north-east to south-west along Cowley Road.

81. In addition the undercroft parking likely to be necessary due to the constraints of the site, would appear as a gaping hole in the front of the building which would further harm the frontage. I also agree that the outside cycle parking racks in front of the building would be uncharacteristic of this part of the Cowley Road frontage and at odds with the prevailing form of development.
82. For the above reasons I conclude that the proposal scheme in appeal C would also be harmful to the character and appearance of the area contrary to development plan and national policy design objectives.

The Living Conditions of Future Occupiers

Appeal B only

83. SHP policy HP5 requires the design includes some indoor and outdoor communal space for developments of more than 20 bedrooms. The Council expresses concerns about the quality of private outdoor amenity space. As I have previously stated the proposal requires a significant amount of development on a relatively small site. The logical arrangement would be for the private amenity space to be located within the interior of the site. This is the layout depicted upon the illustrative plan.
84. Having regard to the requirements of the scheme I share the Council's concerns regarding the quality of the outdoor space. The likely arrangement would lead to a modest amount of amenity space surrounded by tall buildings on all sides which would materially reduce sunlight and daylight received into the spaces. It would also be close to the car parking bays and cycle parking racks which would further reduce its quality. On the illustrative scheme I am satisfied that the disabled parking bays would be adequate and would be served by sufficient manoeuvring space. However the impetus to satisfy these requirements, as well as to accommodate the quantum of built development necessary to provide up to 98 student bedrooms, would lead to compromises with regard to the provision of open space.
85. Whilst I have noted the location of playing pitches and sports facilities in the vicinity of the site, given the proposed number of students I consider it reasonable to expect a reasonable amount of private amenity space of a suitable standard. On balance I am not satisfied that the scheme would produce private amenity space of sufficient quality to cater for the intended student occupiers. As such it is contrary to SHP policy HP12 which requires good quality living accommodation.

Appeal C only

86. The scheme in appeal C would contain 8 flats, 4 would have one bedroom and 4 would have 3 bedrooms. SHP policy HP13 sets out requirements in relation to outdoor space for flats and maisonettes of 3 or more bedrooms there should be a private balcony or terrace or direct access to a private or shared garden in the case of ground floor flats.
87. Two of the 3 bedroom flats would have a 3 metre by 3 metre balcony on the third floor. I note that this satisfies the Council's minimum standards but I have concerns about the arrangement given that the flat has 3 bedrooms and is likely to be more affordable for young families looking to acquire a home. The other two 3-bedroom flats would be served by 2 separate balconies but the

same concerns would apply. I have noted the location of parks within the vicinity of the site but given the nature of the accommodation and the number of bedrooms proposed I agree with the Council that, in these particular circumstances the amenity space would be inadequate.

88. In coming to the above conclusion I have noted that the flats within nos. 125-195 on the eastern side of Reliance Way have no associated private amenity space but I have no information regarding the number of bedrooms within the flats. In this particular instance it is the ability of the balconies to cater for the needs of the likely occupants of the 3 bedroomed flats which I am particularly concerned with.

The Living Conditions of Existing Occupiers-Appeal B only

89. LP policies CP19 and CP21 direct that planning permission for development proposals which cause unacceptable noise will be resisted. The closest residential occupiers would be those in the flats on the other side of Reliance Way. I bear in mind the existing student population resident in Mansion Mews. I also bear in mind my decision in appeal A which may result in the introduction of a residential use in Canterbury House.
90. Cowley Road is a main thoroughfare and noise levels in the vicinity of Cowley Road are higher due to the volumes of traffic along the road frontage. Any private amenity space servicing the students' rooms would be in the interior of the site and as such noise levels emanating from this space and audible to the Reliance Way residents would be reduced by virtue of the intervening buildings. Other noise sources such as from students walking to and from the buildings would generally be around the frontage and of shorter duration. For these reasons I conclude that the likely levels of noise and disturbance would not materially harm the living conditions of the occupiers on Reliance Way.
91. The situation in relation to Canterbury House is a different matter entirely. Any building would sit in close proximity to Canterbury House. The floor plans accompanying the prior approval application show living rooms and bedrooms at ground floor and first floor in the rear and side elevations of Canterbury House facing the appeal site B. Given the likely location of amenity space and the likely pathway of students entering and accessing their buildings I conclude that this would bring numbers of students in close proximity to the residential use in Canterbury House. I do not consider that a management strategy could adequately control the behaviour of students outside the building so as to overcome these concerns. It is the proximity of the uses which would cause the harm to living conditions.
92. In conclusion, I am satisfied that there would be sufficient separation between the Reliance Road occupiers and the student accommodation so as not to materially harm the living conditions of these existing residents. However, in the event that the permitted development rights were implemented in Canterbury House, I conclude that the proposal in scheme B would bring students into such close proximity with these residential occupiers (given the quantum of development proposed) that it would cause material harm to their living conditions by way of noise and disturbance.

Other Matters

93. The fourth reason for refusal in appeal B related to the proposal resulting in inadequate car parking provision for Canterbury House which would prejudice its suitability for office accommodation. Firstly I am not satisfied that this is necessarily the case given the amount of office accommodation within the building and the availability of some on-street parking. In any event I have found in favour of the appellants in relation to appeal A which means that the change of use of Canterbury House is approved. Whilst this does not necessarily mean that the change of use will be implemented it is a factor I must bear in mind.

Overall Conclusions

94. In both appeals I have concluded that the loss of employment land would be acceptable.

Appeal B

95. In appeal B I have concluded that the proposal would cause harm to the character and appearance of the surrounding area, that I could not be satisfied that it would provide private amenity space of sufficient quality given the likely numbers of students and that it would cause harm to the living conditions of future occupiers of Canterbury House in the event that permitted development rights are exercised.

96. In support of the proposal I acknowledge that it would result in the re-use of previously developed land and would provide student accommodation in an appropriate location. It would also make a relatively small contribution to housing supply by releasing some 20 units of family housing back into the supply chain. I have not examined the conformity of the unilateral undertakings against policy requirements and the Community Infrastructure Levy Regulations. However even if I take into account the small financial contribution to off-site affordable housing, when all things are considered I conclude that the harm which I have identified clearly outweighs any benefits of the scheme. The appeal shall be dismissed.

Appeal C

97. In appeal C I have concluded that the proposal would cause harm to the character and appearance of the surrounding area and that the private amenity space in relation to the 3 bedroom flats would result in unsatisfactory living conditions for future occupiers. In support of the proposal I acknowledge that it would result in the re-use of previously developed land. I have not examined the conformity of the unilateral undertakings against policy requirements and the Community Infrastructure Levy Regulations. However even if I take into account the small financial contribution to off-site affordable housing, when all things are considered I conclude that the harm which I have identified clearly outweighs any benefits of the scheme. The appeal shall be dismissed.

Karen L Ridge

INSPECTOR

FOR THE APPELLANT:

Mr Nik Lyzba	JPPC Town Planning Consultancy
Mr Simon Sharp	JPPC
Mr Middleton	Chartered Surveyor, Cluttons

FOR THE LOCAL PLANNING AUTHORITY:

Mr Nik Smith	Town Planning Consultant
Miss Felicity Byrne	Planning Officer, Oxford City Council

INTERESTED PERSONS

Mr Tony Joyce	Vice President, Oxford Civic Society
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Notification of hearing date and list of persons notified, submitted by the Council.
- 2 LDF Annual Monitoring Report April 2013-March 2014, submitted by the Council.
- 3 Extracts from Oxford Local Plan 2001-2016, submitted by the Council.
- 4 Copy plan attached to 2009 Outline Planning Permissions, submitted by the Council.
- 5 Set of suggested conditions in relation to appeal B, submitted by the Council.
- 6 Set of suggested conditions in relation to appeal A, submitted by the Council.

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East Area Planning committee

6th April 2016

Application Number: 16/00067/RES

Decision Due by: 13th April 2016

Proposal: Details of reserved matters (access, appearance, landscaping, layout and scale) for the community sports facilities comprising a relocated natural turf adult sports pitch, multi-use games arena, 3G pitch lit by 12 x 10m light columns and a natural turf pitch adjoining the community hub, along with associated car parking, fencing, and vehicular and pedestrian access together with locally equipped area of play.

Site Address: Land West Of Barton North Of A40 And South Of Bayswater Brook Northern By-Pass Road Oxford. Site Plan at **Appendix 1**

Ward: Barton And Sandhills Ward

Agent: Mr Paul Comerford

Applicant: Barton Oxford LLP

Recommendation:

Committee is recommended to resolve to grant the reserved matters.

Reasons for Approval

- 1 The re-provision of Adult Sports Pitch, Multi-Use Games Area (MUGA), a new 3G pitch, Community Hub playing pitch and associated access and parking facilities have been designed to accord with the Parameter Plans and Design Code approved as part of the original Outline Planning Application, as well as national, regional and local planning policy objectives to help create a high quality, inclusive development which promotes efficient use of land and incorporates a balanced range of land uses to form a complete neighbourhood. The proposed facilities will form part of the wider community hub that will support the whole of the Barton Park site and provide new facilities for the wider community. They will make a key contribution to the creation of a community focal point for the new and existing communities.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

- 1 Tree Protection Plan (TPP) 2
- 2 Lighting management/times
- 3 Watching brief - contamination
- 4 Verification report - contamination
- 5 Drainage Strategy

Legal Agreement:

A legal agreement is not required to support this reserved matters as this was secured in association with the outline permission. Details of that legal agreement are contained in the Committee report for the outline application ref.: 13/01383/OUT. A CIL payment is not required as outline planning permission was granted before the introduction of CIL in Oxford.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP9** - Creating Successful New Places
- CP11** - Landscape Design
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- NE15** - Loss of Trees and Hedgerows
- SR2** - Protection of Open Air Sports Facilities

Core Strategy (OCS)

- CS3_** - Regeneration areas
- CS7_** - Land at Barton
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS13_** - Supporting access to new development
- CS20_** - Cultural and community development
- CS21_** - Green spaces, leisure and sport

Barton AAP – Submission Document (AAP)

- MP1** - Model Policy
- BA2_** - Recreation ground

- BA10_** - Local centre
- BA11_** - Community hub
- BA14_** - Delivery
- BA15_** - Flooding
- BA16_** - Surface water drainage
- BA18_** - Land remediation

Other Planning Documents

National Planning Policy Framework
Planning Policy Guidance
Oxford City Councils Playing Pitch and Outdoor Strategy 2012-2026

Public Consultation by the Applicant

A Statement of Community Involvement has been submitted with this application (as part of the Planning Statement) setting out the community engagement and stakeholder consultation process undertaken as part of the design of these proposals. Details of the public meetings held and outcomes can be seen at **Appendix 2**.

There has also been pre-submission consultation through regular meetings with officers of the City and County Councils, Sports England and a Member Briefing. Officers are satisfied that the submitted proposals have emerged from a rigorous assessment-involvement-evaluation-design process rather than being a pre-determined design solution.

Public Consultation by the Local Authority

The Council's normal consultation procedure has resulted in the following comments

Statutory and Non-Statutory Consultees and Groups:

- Historic England: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- Natural England: no comments to make

Sport England: They were involved during the pre-application process and indicated that the principle for the facilities has been established and that they did not foresee that they would raise objections, although they reserved the right to do so at application, They have not commented on the actual application.

- Cherwell District Council: The Council has no policies that directly relate to developments outside the District, and it is therefore considered appropriate that the application is considered against the City Council's own development plan policies and guidance within the National Planning Policy Framework. Given that the application is for reserved matters, it is not considered that there are any additional obstacles to overcome that have not already been

assessed and agreed at the outline application that would directly impact upon Cherwell District Council or its interests. Therefore, Cherwell District Council has no objections given that the principle of development has been agreed at the outline application, and providing that a thorough assessment of the highway

- Oxfordshire County Council: no objection subject to conditions on drainage, car parking and cycle parking (see below)
- Environment Agency: have no objections to this reserved matters application.

Individual Comments:

No comments were received

BACKGROUND TO PROPOSAL

1. The Barton Park site is a roughly triangular tract of land to the north of the A40 ring road, west of the existing Barton residential area, and south of the Bayswater Brook. It extends to some 38 hectares (94 acres). It has mainly been used for agriculture with fields separated by unmanaged hedgerows, trees and ditches; but also including Barton Village Recreation Ground.. The site surrounds but does not include a Scottish and Southern electricity substation which faces onto the A40. The land generally slopes down from south to north with the highest ground in the southeast corner. Public footpaths cross the site.
2. The site was identified as a strategic development site under Policy CS7 of the Core Strategy adopted in March 2011. It is an integral part of the Barton Area Action Plan (AAP) which was adopted in December 2012 and sets the spatial vision and detailed policies for development of the site, and the objectives against which the success of the Barton development would be judged:
 - delivering a strong and balanced community;
 - bringing wider regeneration of neighbouring estates;
 - improving accessibility and integration;
 - encouraging low-carbon lifestyles; and,
 - introducing design that is responsive and innovative
3. Within that context, outline planning permission was granted in October 2013 (13/01383/OUT) for the development of the site including:
 - up to 885 residential units which may include up to 50 units of extra care housing;
 - hotel of up to 7,350 m2 of gross floorspace or approximately 120 bedrooms, (numbers of residential units to be reduced accordingly if a hotel is included);
 - up to 2,500 m2 gross retail floorspace, consisting of a supermarket of not more than 2,000 m2 gross and additional retail units totalling not more than 500 m2;
 - primary school / “community hub” building and external areas consisting of

3,000 m2 main building, multi-use games area, adult sports pitch, 2 junior sports pitches, 400 m2 equipped play area, 360 m2 community sports pavilion and associated car parking;

- linear park;
 - further equipped play area (“LEAPS”);
 - public squares;
 - additional allotment provision;
 - access roads;
 - pedestrian and cycle routes;
 - upgraded services, including media equipment, 2 pumping stations, substations and pressure regulators;
 - drainage works including water attenuation and control;
 - earth works;
 - removal of existing buildings and structures;
 - construction of new junction with A.40;
 - new telecommunications infrastructure;
 - landscaping and public realm works; and
 - junction works at Barton Village Road/Fettiplace Road/Harolde Close
4. Access from the A40 was given detailed planning permission as part of the outline permission. All other detailed aspects of the development (its appearance, landscaping, layout, and scale) were reserved for future determination through subsequent reserved matters applications (RMAs). The context and framework for consideration of the detailed design of the proposed development was however set for the subsequent RMAs and applications for conditions compliance by the Masterplan, and the approved Parameter Plans and Design Code which were approved as part of the outline permission.
5. An illustrative Masterplan (**Appendix 3**) accompanied the outline application. It established the strategic layout and major elements of the Barton Park scheme, and proposed three neighbourhoods of distinctive character within the scheme:
- i. at the western end of the development around a commercial square a high density mixed use area;
 - ii. a centrally located medium density residential area with strong green connections to the Linear Park; and,
 - iii. a lower density residential interface with the existing housing in Barton, which is centred on a proposed community hub and primary school;
6. Six Parameter Plans were approved as part of the outline permission. In respect of the application currently under consideration for the community sports facilities parameter plan 3 is of relevance.
- i. Parameter Plan 3 (**Appendix 4**) which indicates retained and proposed open spaces and landscape features including tree belts, greenways, recreational areas, play areas, existing and extended allotments and public squares; and
7. A Design Code was also approved as part of the outline permission. It

provided detailed requirements as to how individual streets, buildings and open spaces should be laid out and landscaped, and guidance on the forms and appearance of buildings including landscaping and materials. Most of its requirements are mandatory and are expressed as minimum standards. A statement of compliance with the design code for this RMA can be seen at **Appendix 5**.

8. Together the Parameter Plans and Design Code seek to ensure that detailed design and implementation are based on sound principles and incorporate a range of functional requirements. They are intended to provide the means to create a successful, sustainable and attractive environment in which people can live and work. They will determine how Barton Park appears and is experienced from within the development, and also externally as part of Oxford in its wider context and setting.
9. The City Council's Playing Pitch Strategy 2012-2026 recognised that the northeast area of the city has had an undersupply of sports pitches. The Strategy also stressed the importance of securing joint use of school facilities at the Barton development to address additional demand. The current level of provision at Barton consists of:
 - 1 adult size grass football pitch
 - 1 grass practice pitch
 - 1 multi use games area (MUGA) laid as 2 hard surface basketball courts
 - 1 disused bowling green
 - Sports Pavilion measuring 294 sqm
10. The outline permission identified the above level of provision would be replaced by the following:
 - 1 adult size grass football pitch: 100m x 64m
 - 1 junior / practice pitch provided as 3G synthetic turf pitch with floodlighting: 72m x 46m.
 - 1 MUGA: 39m x 26m
 - 1 grass pitch within school demise: 82m x 45m
 - Replacement sports pavilion measuring 360 sqm
11. The new facilities would be in a similar location as now so would continue to serve the existing Barton community and beyond, as well as the proposed extension. A joint user agreement with the future school would secure community use of the school facilities during weekday evenings, weekends and out of term. The school hall measuring 180 sqm would also be available.
12. The adult pitch would be laid out in natural turf, whilst the second, smaller, grass pitch would be within the demise of the primary school and would be for its use during school hours. However it would be available for wider community use at other times. The "junior" pitch would be provided with a synthetic surface with floodlighting, ensuring the facility was available for longer periods throughout the year. Again it would also be utilised by the

school. The existing MUGA is of poor quality and would be replaced by a new facility with an improved multi use surface and would again be available to both school and community, with the potential for it to be floodlit if required. Works to the existing recreation ground to re-provide the adult pitch etc. would be undertaken out of season to minimise disruption to formal league fixtures. The proposed facilities seek to ensure that the level of provision for the existing sport facilities will be accommodated and continue to be provided as part of the new facilities.

13. Although it is not proposed as part of this application and not intended or planned at this stage to do so in the future, nevertheless the applicants advise that the adult grass pitch has been designed so as not to physically preclude its future upgrade to the requirements of the Hellenic League standard, should this be agreed and approved by the City Council in the future. This would include some covered spectator seating, solid enclosure and entrance turnstiles amongst other elements. Such an arrangement is beyond the extent of the existing provision, but the capability is physically there. Such a proposal would require planning permission.
14. For younger children two 400 sqm Locally Equipped Areas for Play (LEAPs) are proposed, one to the eastern side of the development within the linear park, and one within the recreational area. The LEAPs would be aimed at children typically aged 2 to 8 and each would possess a minimum of 9 pieces of play equipment with seating and low level fencing providing a sense of enclosure and to exclude dogs etc. None of the residential properties within the development would be more than 5 minutes' walk (or 400m) from one of the LEAPs.
15. The level of recreational provision with joint user arrangements in place for the sports facilities was supported by officers and Sport England at the outline stage.
16. A full Environmental Impact Assessment (EIA) had been undertaken in support of the proposed development. The outline planning application was therefore accompanied by an Environmental Statement (ES) and the Environmental Information (EI) was taken into consideration prior to granting that permission. As a reserved matters application the Council must consider whether the EIA it already has is adequate to assess the environmental effects of the development. As the submitted EIA is recent, up to date and there have been no material changes in circumstances, it is considered that a further ES is not required.

PROPERTY HISTORY

17. The following applications are relevant to the site:
 - 13/01383/OUT - Outline application (seeking means of access) for the erection of: A maximum of 885 residential units (Class C3); a maximum of 2,500 sqm gross Class A1, A2, A3, A4 and A5 uses (with a maximum of 2,000 sqm gross foodstore Class A1); a maximum of 50 extra care housing units; a maximum of

7,350 sqm GEA hotel (Class C1); a maximum of 3,000 sqm GEA Class D1, D2 floorspace (community hub and primary school); in development blocks ranging from 2 to 5 storeys with associated cycle and car parking, landscaping, public realm works, interim works and associated highway works. (Additional information - Landscape and Cultural Heritage Statement). PER 18th October 2013.

- 13/01383/CND - Details submitted in compliance with condition 5 (Phasing and Implementation Strategy) of outline planning permission 13/01383/OUT. PER 20th November 2014.
- 14/03201/RES - Details of reserved matters (layout, scale, appearance and landscaping) for a scheme of Enabling Infrastructure Works (such as utility services, earthworks, drainage/attenuation and roadworks), pursuant to conditions 3 and 4 of the outline planning permission for the mainly residential development of the site (13/01383/OUT). More specifically these works comprise:-
 - a) the primary street, street furniture, on-street parking, street lighting, surface water drainage swales, associated landscaping and surface finishes;
 - b) green infrastructure, the linear park, greenways, hard and soft landscaping, footpaths, cycle paths and ecological improvements;
 - c) landscaping details for the approved A40 junction;
 - d) buried services and utilities, foul and surface water drainage, water channels, ponds, sustainable urban drainage systems and underground storage tanks.

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

- i. condition 11 - tree protection (13/01383/CND2);
 - ii. conditions 24 - site-wide surface water drainage scheme (13/01383/CND3);
 - iii. condition 25 - enabling infrastructure phased surface water drainage system (13/01383/CND2);
 - iv. condition 26 - site-wide foul water drainage strategy (13/01383/CND3); and,
 - v. non-material amendments to approved A40 junction e.g. omission of splitter island (13/01383/NMA). PER 23rd February 2015.
- 13/01383/CND3 - Details submitted in compliance with conditions 24 (Site Wide Surface Water Drainage Scheme) and 26 (Site Wide Foul Water Drainage Strategy) of outline planning permission 13/01383/OUT. PER 19th February 2015.
 - 13/01383/CND2 - Details submitted in compliance with conditions 11 (Tree Protection Plan) and 25 (Phased Surface Water Drainage) of outline planning permission 13/01383/OUT. PER 19th February 2015.
 - 13/01383/CND4 - Details submitted in compliance with conditions 38 (Repeat Ecological Surveys) and 39 (Habitat Creation) of outline planning permission

13/01383/OUT. PER 3rd August 2015.

- 13/01383/NMA - Non-material amendment to outline planning permission 13/01383/OUT involving the omission of splitter island from A40 improvements. PER 19th February 2015.
- 13/01383/CND6 - Details submitted in compliance with condition 28 (Ground contamination and remediation) of planning permission 13/01383/OUT. PER 14th August 2015.
- 13/01383/CND5 - Details submitted in compliance with condition 22 (Construction Environmental Management Plan) of outline planning permission 13/01383/OUT. PER 1st May 2015.
- 13/01383/CND7 - Details submitted in compliance with condition 40 (Archaeology) of planning permission 13/01383/OUT. PER 16th March 2015.
- 13/01383/CND8 - Details submitted in compliance with condition 29 (Air Quality) of planning permission 13/01383/OUT. PER 27th March 2015.
- 13/01383/CND9 - Details submitted in compliance with conditions 38 (Repeat Ecological Survey) and 39 (Habitat Creation) of planning permission 13/01383/OUT. WDN 7th July 2015.
- 13/01383/CND11 - Details submitted in compliance with condition 35 (Protection of Sidings Copse) of planning permission 13/01383/OUT. PER 9th November 2015.
- 15/03642/RES - 15/03642/RES Details of reserved matters (layout, scale, appearance and landscaping) for the first phase of the Barton Park development, pursuant to Condition 3 of outline planning permission 13/01383/OUT. The works comprise the construction of 237 residential units (Class C3) with associated means of access and highways works; car and cycle parking; hard and soft landscaping; public realm works and ancillary structures. (Amended plan). PER 10th March 2016.

OFFICERS ASSESSMENT:

The Proposal

18. The proposals now before the Committee for determination is the third reserved matters application on the site seeking approval for details of reserved matters (layout, scale, appearance and landscaping) for the community sports facilities pursuant to Condition 3 of outline planning permission 13/01383/OUT.
19. The application includes:
 - Re-provision of the existing Adult Sports Pitch (107m x70m including run off);
 - Replacement MUGA (39m x 25m);

- New 3G Pitch for football and hockey (79m X 52m), including floodlighting provided by no. 12 columns, and associated car parking;
- 3G pitch provided with synthetic turf at 40mm pile height.
- New junior pitch (79m x 52m including run-off) associated with the community hub to be provided at a later phase;
- Footpath and steps to linear park;
- Gates and fencing to secure the community sports facilities;
- Delivery of Surface Water Drainage for the community sports facilities; and
- A Locally Equipped Area of Play
- These proposals do not include details for the pavilion for the adult pitch, which will be a matter to be dealt with under a separate submission.

20. The submission also seeks approval of details relating to condition 13 (Dimensions to Sports Facilities) (ref.: 13/01383/CND14).

Determining Issues

21. Whether the proposals meet the vision and objectives for the Barton Park development as expressed in the Core Strategy, the Barton AAP, and the outline permission together with the Masterplan, Parameter Plans and Design Code, providing satisfactory community sports facilities at the Barton Park development.
22. The submission is fully compliant with the pitch size requirements set out in condition 13 of the outline permission. .

Assessment

Layout, Scale and Appearance

23. Policy BA2 (Recreation Ground) of the AAP supports the re-orientation of the recreation ground and sports pitches to lie east west, and requires that there is no net loss of open-air sport and recreation land. Any that is lost should be replaced as part of the new development.
24. The community sports facilities form part of a key focal point and centre of sporting activity at Barton Park. The provision and size of pitches were determined by section 106 obligations and the outline application condition 13. Definitions of the various provisions are provided within the s106 and can be seen at **Appendix 6**.
25. Through the consultation process the pitch sizes which were determined as part of the outline application and S106 obligations were revisited. **Appendix 7** sets out the usage plan and dimensions for each type of provision. This demonstrates the 3G pitch and the adult sport pitch are over the stated size requirements of condition 13 whereas the MUGA is marginally under yet it exceeds the size standards established by Sport England. The facility has been designed in direct consultation with Sport England to ensure that it meets their relevant design guidelines and minimum size requirements for

MUGAs and playing pitches and are therefore considered acceptable and satisfactory.

26. The replacement and improvements of sports provision are a key part of the wider open space strategy for the site, set out in the Area Action Plan and the outline permission, and complement the other amenity spaces and informal recreation to be provided within the linear park and greenways. The new pitches will support both the new development and existing residents and continue to provide football events and training for the Phoenix Sports Association. They will establish an amenity/open space, which will become the community hub at the heart of the new neighbourhood, creating a vibrant and active space of all. The pitches will have shared use between the primary school and the wider community providing opportunities for local groups to play regular games.
27. The location and layout of the pitches encourage spectators and visitors to contribute. The new sporting facilities will provide a mix of natural and artificial turf pitches to provide year round usage, with a hardstanding multi-use games area. Details of surface treatments can be found at **Appendix 7**. The performance specification of the proposals has been guided by Sport England and FA design guidance to ensure a high quality scheme, which will provide the appropriate standards for community use.
28. Details of the boundary treatments around the different provisions can be seen at **Appendix 7** all of which are considered appropriate for their intended purpose.
29. The location and main access points of the pitches have been carefully considered to ensure that they are easily accessible from key connections and links along the primary street and linear park. Direct access will also help to encourage other forms of transport, such as walking and cycling or for residents and users to catch a bus.
30. The applicant and their agents have worked closely with the two football clubs to ensure that any disruption during construction of the new pitches is minimise. Oxford City Council's Leisure Team have led the search for temporary pitches for Barton United and Headington Amateurs, which suit both teams' requirements. A shortlist of options was tabled with the clubs and ultimately the clubs selected the pitches which best suited their needs and were equivalent in terms of size, usefulness, attractiveness and quality. This has resulted in Barton United playing the 2016/2017 season at Bayards School, and Headington Amateurs playing at Oxford City FC ground. Both these pitches are a short distance from Barton which will minimise any additional journey requirements. The size of the pitches will not restrict the age ranges provided for by both clubs.

Landscaping

31. While the principle of this application is for sport facilities, the proposals do provide some tree and shrub planting to help integrate the pitches within the

adjoining primary street scene and the Barton Park development. The planting will add to the character and setting of the primary infrastructure and provide an important 'greening' and softening effect. A new play area will also be provided as part of this application.

32. New tree and shrub planting to the south and east of the car park will help to screen the car park from the Primary Street, as part of a 'soft' boundary treatment. The Locally Equipped Area of Play (LEAP) will also be landscaped and surrounded by hedging. The landscaping around the sports pitches is to be seeded with an appropriate short mown amenity grass seed mix for easy maintenance, and the natural turf pitches are to be grass seeded with an appropriate seed mix fit for the purpose. The adult sport pitch will continue to make a contribution to the open space provision at Barton Park.
33. This proposal has the potential to have an impact on the group of trees (Crack Willows) growing on the western boundary of the application site. This impact was identified and considered at the time of the reserved matter applications for the enabling works due to the proposal to create a new swale on the western side of the group. The landscape design for the site has been based on the assumption that these trees will be removed. However following extensive discussions with the Council's Tree Officer, it has been agreed that these trees will be retained and managed as pollards. As a result a condition is required to ensure the approved tree protection measures are carried out.

Other Issues

Highways

34. This RMA seeks to contribute to maximising the use of sustainable transport modes through a combination of methods including the provision of appropriate on-site car parking for the community hub, cycle storage facilities and the location of the sports facilities adjacent to the two new bus stops in the community square.
35. The proposals will provide three vehicular access points into the sports facilities. There will be two access points from the primary street, the details of these were included within the primary street reserved matters. A third access will be provided for the community hub building and associated sport pitch, which is accessed from the tertiary street to the west of the site. In addition there are a number of pedestrian links from the primary street and linear park to the facilities.
36. There are 30 car parking spaces within the site, including two disabled car parking spaces, together with eight cycle stands. This level of parking provision was set out within the transport assessment at the outline stage and is referenced at paragraph 4.6.10 of that document.
37. The parking provided is for the community hub and therefore has a multi use function. During the school day, the parking provision is for use by the staff within the school and would be managed under the School Travel Plan.

Outside of school hours the parking then is available for community use at all other times. The parking does not form part of the restricted parking zone (RPZ), which will operate across the site but will be managed by the community hub.

38. On-site parking will be controlled through the use of gates to enhance security out of hours and in order to encourage use of the available sustainable transport options. As provided by the Section 106 Agreement, the car park shall be available for the exclusive use of the Academy between the hours of 07:00-17:30 on all days when the Academy is in session and for the non-exclusive use of the Academy at all other times (including for the avoidance of doubt at weekends).
39. The site of the MUGA, 3G pitch, school pitch and associated car park is to be accessed via two double leaf gates and a single leaf gate within the southern boundary fence for vehicular and pedestrian access from the Primary Street. A second single leaf gate is to be provided on the eastern boundary fence to provide pedestrian access to the adult sports pitch, pavilion (to be submitted with future Reserved Matters Application) and LEAP. Vehicular and pedestrian access for the adult sports pitch, pavilion and LEAP is provided directly off the Primary Street.
40. Oxfordshire County Council highways have requested a condition for details to be submitted of car parking for the pavilion due to lack of detail. The pavilion does not form part of this application therefore such a condition is not relevant and will be addressed as part of the future submission dealing with the pavilion. They have also requested a condition for cycle parking details however this is dealt with through condition 17 of the outline permission and therefore it is not reasonable nor necessary to be added again to this RMA.

Lighting/Ecology

41. As part of the proposals the 3G pitch will be floodlit to ensure that new sports facilities at Barton Park can be used throughout the year as intended. The designs seek to ensure that lighting is fit for purpose whilst minimising the effects of lighting upon protected species found along the Bayswater Brook, in particular bats.
42. The flood lighting design is based on FIFA and FIH International Association requirements applying standards as CIBSE LG4, Sports guidance, and BSEN standards BSEN 12193 for sports, Non Televised.
43. The following equipment has been proposed: 12 number 10m masts each incorporating a single Thorn Champion 2KW HQITS sports projector, with factory fitted front and rear visors ,to contain the light on the field of play.
44. The design of the lighting column locations has avoided the northern edge of the proposed pitch area to minimise the light spill on the Bayswater Brook to the north. Careful selection of luminaires and their location in relation to the

site boundary have been designed to minimise light spill. Furthermore the use of additional design measures such as shields or hoods have been used to effectively screen the visible light source from the observer.

45. The management of the lighting will ensure it is only used between the hours of 7.00 and 22.30, and that outside these times the lighting will be turned off. Furthermore within the operational hours the lighting will only be turned on if the sports pitch is in use.
46. Officers have reviewed the '*Assessment of the Lighting of the 3G Sports Pitch, as part of the Community Hub Facilities, (including consideration of any effects on the Bats) (WSP 02.12.15)*' document submitted in relation to the impact of flood lighting of the 3G sport pitch on bats, specifically.
47. The proposal for flood lighting has been developed in order to minimise light impact on Bayswater Brook and officers are satisfied that the proposal for the flood lighting have minimised impacts on bats as a result. Importantly the proposal will retain a dark corridor along the brook, which will allow bats to continue to forage and commute some sections of the corridor at all times.
48. In order to ensure impacts on bats from flood lighting of the 3G pitch is kept to a minimum, it is essential to ensure that the lighting is maintained and managed in strict accordance with the proposals set out in the above report for the lifetime of the development. This should include strict controls of operational times (proposed to be 07.00-22.30) and ensure that light is only used when the pitch is in active use. As such a condition can be added.
49. Therefore officers have no objection providing the lighting strategy for flood lighting is fully implemented and managed for the life of the development in line with proposals set out in; '*Assessment of the Lighting of the 3G Sports Pitch, as part of the Community Hub Facilities, (including consideration of any effects on the Bats) (WSP 02.12.15)*'.

Flood Risk/Drainage

50. As part of the wider sustainable urban drainage system for Barton Park cellular storage tanks will be located under the 3G pitch and community/school pitch. The existing ditch will also be culverted to the west of the MUGA and 3G pitch.
51. As part of the wider earthworks strategy the community sports facilities will be constructed on made ground above the existing ground levels by approximately 1m. The existing embankment will remain and be re-profiled to provide a spectators area overlooking the 3G pitch and MUGA.
52. The adult pitch will be raised above the existing ground levels to provide the appropriate cover over the landfill site which will remain in situ.
53. As part of the measures included within this RMA, which form part of the overarching Strategy are the following:-

- Proposed exceedance pipes and filter drains
 - The cellular storage tanks beneath the school playing field
 - The cellular storage tanks beneath the 3G synthetic sports pitch
 - Piping of the existing ditches that cross the site
 - Strategic site surface water drainage pipes that cross the site
54. The specific measures included within this RMA that relate to the surface water drainage for the particular area include the following:-
- Drainage of the 3G synthetic sports pitch and cellular storage beneath
 - Drainage of the natural turf school playing field and cellular storage beneath Drainage of the MUGA and adjacent car park to the south
 - Strategic site surface water drainage pipes that cross the site
 - Piping of the existing ditches that cross the site Proposed exceedance pipes and filter drains
 - The drainage of the Adult Sports Pitch
55. Full details of these measures can be seen in the *Surface Water Drainage for Community Sports Facilities RMA Submission* (report by WSP dated 14 December 2015).
56. A Flood Risk Assessment accompanied the original outline planning application to demonstrate that the development would not increase flood risk within the Site or elsewhere. The proposed Reserved Matters Application is in line with the approved WSP Flood Risk Assessment May 2013 (FRA) as required under Condition 27 of the Outline Planning Consent.
57. The drainage team at Oxfordshire County Council have been engaged with detailed discussions on the drainage strategy and have found the proposed submitted details acceptable. They suggest a condition that the drainage strategy be implemented as detailed in *Surface Water Drainage for Community Sports Facilities RMA Submission* (report by WSP dated 14 December 2015).

Land Quality

58. Condition 28 (Contaminated Land) of Planning Permission 13/01383/OUT was discharged subject to the requirement that each developer submit a verification report to the Local Planning Authority for approval which will provide validation that the remediation undertaken was in accordance with the approved "Remediation Method Statement, Barton Park" (report ref: 11501549/06 Rev. 5.4 dated July 2015). In order to secure these verification reports and in the event of unexpected contamination, officers recommend that conditions are placed on the reserved matters planning permission seeking a verification report and a watching brief be carried out.

Conclusion:

59. The proposed facilities are considered to be compliant with adopted

policies and the outline planning permission and approved design code. They will provide a range of satisfactory modern sports facilities that will serve the development and Barton as well as being an important community asset for the wider area.

60. Members are recommended to approve the reserved matters application (15/03642/RES) along with the associated condition (13/01383/CND14).

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.

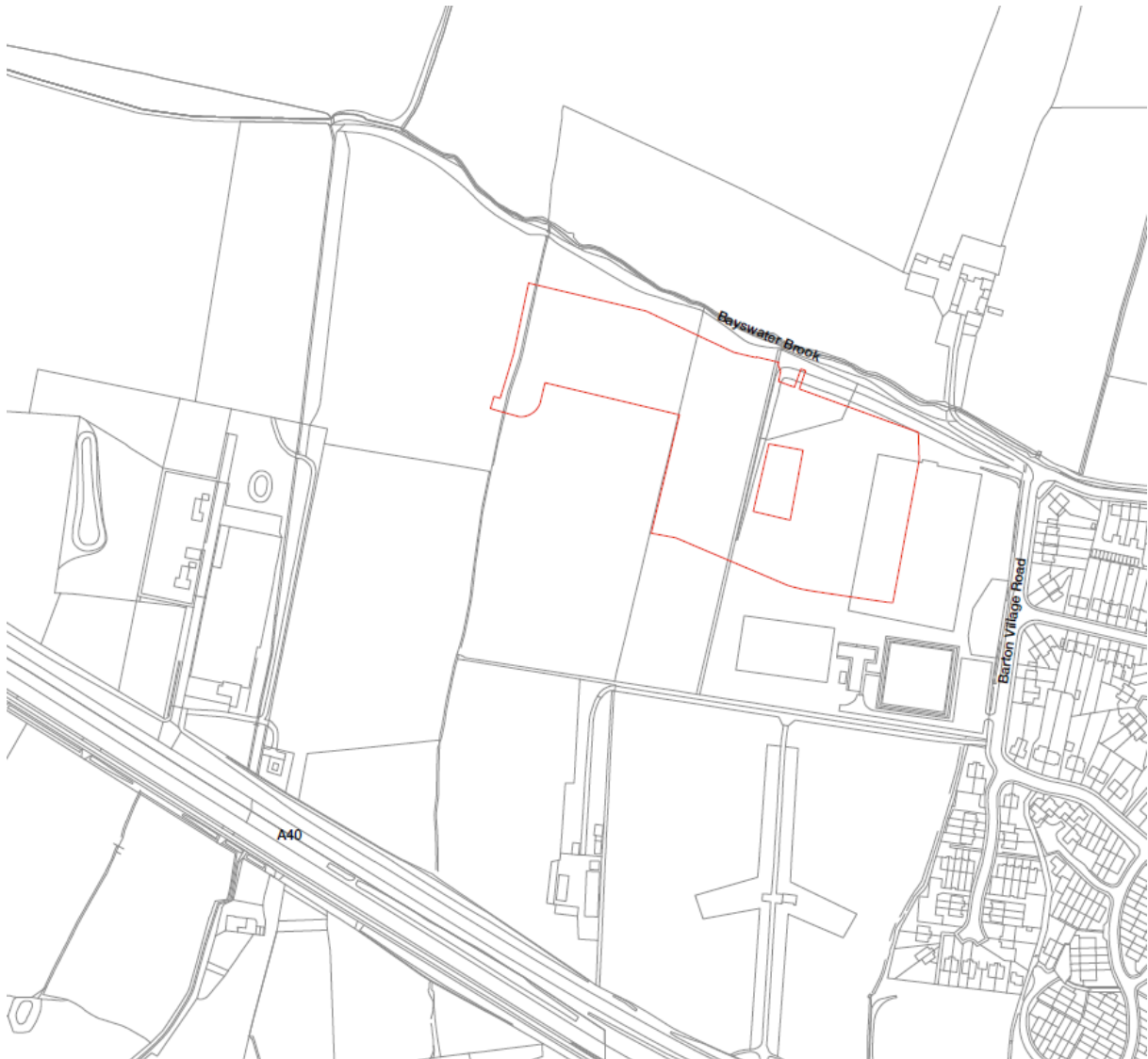
Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 15th March 2016

Appendix 1 Site Location Plan



Application Boundary

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Appendix 2 Public Engagement

Community Engagement including:

- A public consultation event at the Barton Neighbourhood Centre on December 5th 2015;
- Meetings with the Barton allotment Association
- Meetings with the Phoenix Sports Association
- Meetings with Barton Integration and Community Engagement Partnership
Posters on display at the Barton Neighbourhood Centre and at the site notice on Barton Village Road
- Material on the Barton Park website advertising the events and providing plans.

The public consultation event was publicised by the distribution of 2600 flyers providing a project update and inviting residents of Barton and Northway to the event at the Barton Neighbourhood Centre. Over 30 attendees visited the exhibition and discussed proposals with the team.

The public consultation event took place at Barton Neighbourhood Centre on Saturday 5th December 2015, between 10am – 2pm

This date and time was selected as it coincided with other community events at the Barton Neighbourhood Centre such a Daddy Disco and Swap Shop. Exhibition boards were displayed at the event giving a very visual representation of the proposals for the community sports facilities and the community garden and allotments. (Future reserved matters). The community were encouraged to provide feedback by writing comments and submitting a questionnaire.

In addition the proposals could also be viewed on the Barton Park website or on posters which were displayed in the Barton Neighbourhood Centre and Barton Village Road site board.

Constructive feedback and key comments received have influenced the submitted proposed development and how the design has evolved to respond to the views expressed.

The consultation event was well attended with approximately 40 attendees at the Barton Neighbourhood Centre. The event and exhibition boards set out the key illustrative material for both this application and a future reserved matters application for the community garden and allotments. Representatives of the pitch users attended the event and continued the discussion around the re-provision of the adult pitch. Details regarding the re-provision of the adult pitch are documented in Section 5 of this Planning Statement.

The provision of new and improved recreational facilities and a community garden received strong support, particularly the provision of the 3G pitch and the proposed

community access arrangements. The proposals were seen by some as a key focus for the community and a key priority in order to ensure that junior teams using the current facilities for training and matches are not lost from Barton.

Appendix 3
Illustrative Master Plan



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Appendix 4 Parameter Plan 3 Open Space and Landscape



- | Contextual information | For approval |
|---|--|
| Planning application boundary | Formal recreation / sports pitches |
| Tree groups to be retained (including RPZs) | Informal open space / greenways |
| Existing ditches retained | Communal gardens / additional allotments |
| SSE land | Existing allotments |
| Indicative line of primary street | Zone for principal squares |
| Play space (LEAP) | |
| Games court (MUGA) | |

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Appendix 5

Summary of Compliance with the Design Code

DESIGN CODE ITEM	DETAILS	SCHEME COMPLIANCE	IF NON-COMPLIANCE - REASONS FOR CHANGE
Fixed elements p13, figures 9.5 & 9.6	Green Infrastructure Important connections & routes		
Semi natural landscape p14 and p15	Site wide green Infrastructure coding		
Movement strategy p16, figure 9.8	Maximise the opportunity for residents to walk and cycle		
Proposed planting and street trees p30 and p31	Native species will be used throughout the site using locally prevalent species		Tree and shrub planting supplements the approved primary street design/plant species
Cycle parking p36	Cycle parking arrangements for public realm		
Play areas p37	2 No. 400sqm LEAPs to be provided. One in linear park & the other within the community hub		Details of play areas to be developed with Oxford City parks department. LEAP moved closer to primary street to improve relationship with sporting facilities and community hub building
Community hub p78, p79 and p80	Community sports provision and design criteria		Community hub building to be developed by others at a later date

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Appendix 6 Section 106 Definitions

SECTION 106 DEFINITIONS	
“Synthetic turf pitch”	The replacement of the existing junior pitch with a “3G, synthetic turf pitch” together with floodlighting and measuring 78m x 52m.
“MUGA”	A multi-purpose games area measuring 39m x 26m (subject to such minor adjustments as to location as may be agreed in writing with the City Council and the County Council).
“Adult sport pitches”	The re-provision of the existing adult sports facilities in the delivery of a new pitch measuring 100m x 64m (107m x 70m)
“School pitch”	The provision of a new grass pitch within the Primary School and Community Hub Site measuring 82m x 45m (excluding runoff of 3m on each side and 4m at both ends).
“Pavilion”	The replacement of the pavilion building to secure changing rooms and social facilities comprising a floor area of up to 360sqm to be provided (or at such other location on the Site as may be agreed in writing with the City Council).

Table 3.18: Section 106 definitions

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Appendix 7 Usage Plan and Dimensions

TYPE OF PROVISION	TYPE OF SPORT	AGE GROUP/USE	SIZE	SURFACE TREATMENT	BOUNDARY TREATMENT	ADDITIONAL FEATURES
3G artificial pitch	Priority sport football with hockey as a secondary sport	FA youth U11/U12 age group Joint community/school use. Local community will be able to hire the pitch outside school hours. Phoenix Sports Association will have access for practice and training sessions.	9v9 pitch type, 79 x 52m including 3m runoff	40mm short pile rubber crumb synthetic surface, to FIFA Quality Concept FIFA 1 star and FIH standards for recreational, community and municipal use	Northern, western and southern boundary enclosed by a 4.5m high weld mesh fence. 3m high fence on top of embankment with a 1.1m high spectator railing on the inner eastern boundary	Stepped access to adult pitch/pavilion with level access to car park Floodlit with 12 columns at 10m high
MUGA	Sport England Type 1 MUGA with tennis as the priority sport with mini tennis, netball and basketball	Joint community/school use.	39 x 25m (over sized compared to Sport England standards)	Open textured porous macadam. (Not colour coated)	Northern boundary 4.5m high welded mesh fence. Eastern, southern and western boundaries enclosed by 3m high weld mesh fence with a 1.1m high spectator railing on the inner eastern boundary	Stepped access to adult pitch/pavilion with level access to car park
Adult sport pitch	Football	FA over 18 age group. Joint community/Phoenix Sports Association use.	107m x 70m including runoff (matches existing pitch dimensions)	Natural turf pitch	1.1m spectators railing to the western, northern and eastern boundaries. 4m high ball stop netting to the southern boundary along the border with the primary street	2 no. team shelters (bug outs)
Community hub/school sport pitch	Football, mini soccer and other primary school activities	FA youth U11/U12 + U7/U8 age group. Joint community/school use. Local community will have access outside school hours.	9v9 pitch type, 79m x 52m including 3m runoff with 2 No. 5/5 pitch type, 43m x 33m including runoff overfield	Natural turf pitch	No fencing. Site contained by school boundary security fence	Markings for football and mini-soccer with flexibility for other primary school playing field activities
Car park	N/A	Joint community/school use.	Provision for 30 parking spaces including two disabled bays (standard bays 2.4m x 5m) 8 cycle stands for 16 cycles	Tarmac surface with white lined parking bays	Northern and western boundaries formed by MUGA and community hub fencing. 1.2m high weld mesh fence to southern and eastern boundary	Level access to all pitches

Table 3.21: Usage plan for the community sports facilities

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East Area Planning Committee

-6th April 2016

Application Number: 16/00395/CT3

Decision Due by: 4th April 2016

Proposal: Display of 1No non-illuminated fascia sign. (Retrospective)

Site Address: Rose Hill Sports Ground Ashhurst Way Oxford Oxfordshire

Ward: Rose Hill And Iffley Ward

Agent: Mr Rob Gittins

Applicant: Oxford City Council

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 It is considered that the sign respects the local context and forms an appropriate visual relationship with the existing and adjacent buildings. The proposals therefore comply with policies CP1 and CP8 of the Oxford Local Plan 2016 and policy CS18 of the Core Strategy 2026.

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

- 1 Develop in accordance with approved plans
- 2 Materials

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Developmt to Relate to its Context

CP9 - Creating Successful New Places

Core Strategy

CS18_ - Urb design, town character, historic env

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Relevant Site History:

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

13/01940/NMA - Non-material amendment to planning permission 13/01940/NMA to allow alterations to windows on North and East elevations – Permitted

15/00178/ADV - Display of 1 no. non-illuminated banner and 1 no. non-illuminated free standing sign (part retrospective) – Permitted

13/01940/CND - Details submitted in compliance with conditions 3 (Samples), 10 (Landscape Plan), 12 (Details of access road and parking area), 15 (Sustainable Urban Drainage Scheme), 18 (Noise insulation measures) of planning permission 13/01940/CT3 – Permitted

13/01940/CND2 - Details submitted in compliance with conditions 8 (bin store), 9 (cycle store), 12 (hard landscaping) and 14 (kitchen extracts) of planning permission 13/01940/FUL – Permitted

13/01940/CND3 - Details submitted in compliance with conditions 4 (SBD Accreditation), 5 (Management Plan), and 7 (Details of external lighting) of planning permission 13/01940/CT3 – Pending consideration

Representations Received:

None

Statutory and Internal Consultees:

Highways -

Issues:

Design

Officers Assessment:

Site description

The site consists of the Rose Hill Community Centre which is located on the northern side of Ashurst Way. The building is large with a flat roof with a car park to the front. To the west of the site there is Rose Hill Primary School and Children's Centre.

Proposed development

The proposed development is for the display of 1 non illuminated sign. It is a retrospective application. The sign is located on the south elevation of the building

and consists of the Oxford City Council logo and text. The sign is brushed stainless steel and measures 2.4 metres high and approximately 1.3 metres wide.

Design

Policies CP1 and CP8 of the Oxford Local Plan 2001-2016 require new development to form an appropriate visual relationship with the surrounding area in terms of form, scale, layout and design detailing. Policy CS18 of the Core Strategy reflects these requirements by requiring high quality urban design.

It is considered that the sign respects the local context and forms an appropriate visual relationship with the existing and adjacent buildings. The proposals therefore comply with policies CP1 and CP8 of the Oxford Local Plan 2016 and policy CS18 of the Core Strategy 2026.

Conclusion:

Approve

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

Contact Officer: Caroline Longman

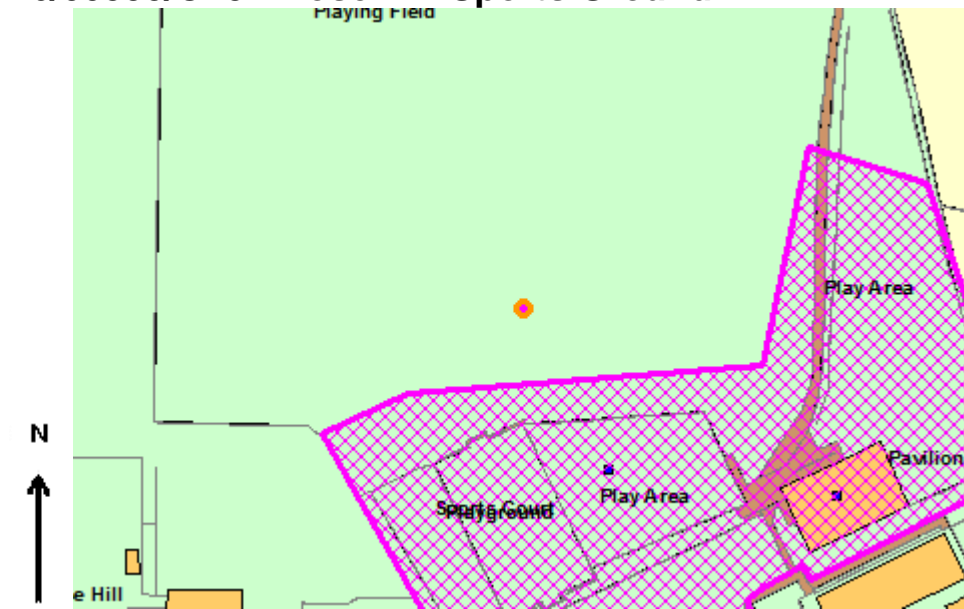
Extension: 2152

Date: 22nd March 2016

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Appendix 1

16/00395/CT3 - Rose Hill Sports Ground



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East Area Planning Committee

6th April 2016

Application Numbers: 16/00073/CT3 and
16/00074/CT3

Decision Due by: 8th March 2016

Proposal: Installation of a free standing community notice board and display of 1No non-illuminated free standing notice board.

Site Address: Land On The Corner Of Marston Road And Old Marston Road Oxford Oxfordshire
(Appendix 1 – Site Location Plan)

Ward: Marston Ward

Agent: N/A

Applicant: Oxford City Council

The Applicant is Oxford City Council; permission is sought under Regulation 3 of the Town and Country Planning Act 1992, and consideration by Members at area committee is required.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The notice board and advertisements are not considered to be visually intrusive in their context, there will be no material effect on highway safety and the proposal complies with policies CP1, CP8, HE7 and RC14 of the adopted Oxford Local Plan 2001 - 2016 and policy CS18 of the Core Strategy. No objections have been received from third parties.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Subject to the following conditions;

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Five year time limit
- 4 Advert - Statutory conditions

**Main Local Plan Policies:
Oxford Local Plan 2001-2016 (OLP)**

CP1 - Development Proposals
CP8 - Design Development to Relate to its Context
RC14 - Advertisements

Core Strategy

CS18_ - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance
Town and Country Planning (Control of Advertisements) Regulations 2007

Relevant Site History:

None relevant

Representations Received:

No comments received

Statutory and Internal Consultees:

Local Highway Authority: No Comment

Issues:

Visual Amenity
Highway Safety

Officers Assessment:

Site description and proposals

- 1 The application site is an area of open space in front of what was the Friar Inn and in the control of Oxfordshire County Council as the Local Highway Authority.
- 2 Application 16/00073/CT3 proposes a free standing notice board approximately 2.35m high and 1m wide on the west side of Marston Road, facing down Marston Road. The signage would replace an existing notice board that is in poor condition. The board will accommodate a signage area of around 0.85m x 0.85m (0.72 square metres). Display of the notices in this area constitutes an advertisement and therefore permission for this display has been requested under application 16/00074/CT3.

Visual amenity

- 3 Policy RC14 of the OLP states that consent will be granted for outdoor advertisements that suit their visual setting. Policies CP1 and CP8 require all new development to respect the character and appearance of the area, whilst policy CS18 of the Core Strategy requires development to demonstrate high quality urban design.
- 4 The proposed notice board is simple in design and similar to community notice boards in other parts of Oxford. It is not considered unacceptably out of character with the area, will not compromise visual amenity and complies with Policies CP1, CP7, and CP8 of the Oxford Local Plan 2005-2016.

Highway Safety

- 5 Policy RC14 of the OLP states that consent will be granted for outdoor advertisements that do not significantly prejudice highway safety and policy CP1 requires development to be acceptable in respect of highway safety.
- 6 The board is positioned in a similar position to the previous board, and will not obscure views of traffic approaching the junction. The gap of around 1.1 metres below the board itself will also allow views of users of the footway from vehicles approaching the junction along Old Marston Road. The proposal will therefore have no material effect on highway safety, the Local Highway Authority has not commented, and the proposal complies with policies CP1 and RC14 of the OLP in this regard.

Conclusion:

- 7 Officers consider that the application complies with all relevant policies, there are no sound planning reasons for refusal and Councillors are recommended to approve the application.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 16/00073/CT3 and 16/00074/CT3

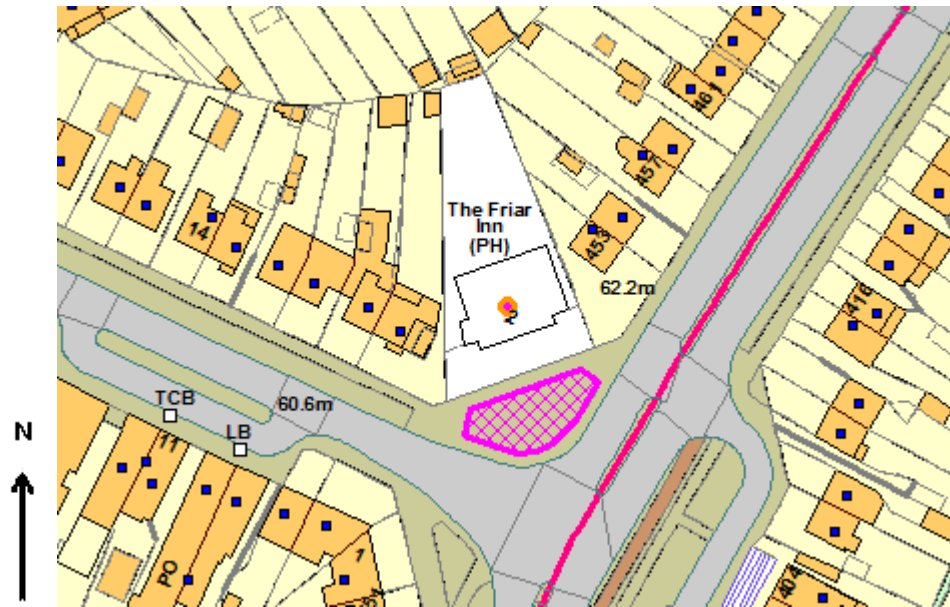
Contact Officer: Tim Hunter

Extension: 2154

Date: 22nd March 2016

Appendix 1

16/00073/CT3 - Land On The Corner Of Marston Road And



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East Area Planning Committee

-6th April 2016

Application Number: 15/03484/CT3

Decision Due by: 26th January 2016

Proposal: Erection of single storey rear extension.

Site Address: 72 Pegasus Road Oxford Oxfordshire OX4 6DP
(**Appendix 1** – Site location plan)

Ward: Northfield Brook Ward

Agent: N/A

Applicant: Oxford City Council

The Applicant is Oxford City Council; permission is sought under Regulation 3 of the Town and Country Planning Act 1992, and consideration by Members at area committee is required.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development will form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. Concerns over flooding and overlooking can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8 and CP10 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 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Subject to the following conditions:

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

- 4 Amenity - no balcony
- 5 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

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan (SHP)

MP1 - Model Policy

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

None relevant.

Representations Received:

No comments received.

Statutory and Internal Consultees:

Local Highway Authority: No Comments

Internal – Environmental Development: No objection, but recommends informative.

Issues:

Visual impact

Effect on adjacent occupiers

Flooding

Other matters

Officers Assessment:

Site description and proposal

- 1 72 Pegasus Road is a terraced house. Permission is sought to erect a single storey rear extension to provide a ground floor bedroom and WC for a disabled person.

Visual impact

- 2 Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
- 3 The proposed development would not be easily visible from the public domain. Flat roofed rear extensions are common in the area, the scale of the extension is not disproportionate to the house and subject to a condition of planning permission to control the appearance of materials used in the build, the proposal is not considered to be materially out of character with the existing house or local area, and complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

Effect on adjacent occupiers

- 4 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.
- 5 Because of the distance between the extension and the nearest window at number 74, there will be no material effect on that property's habitable rooms.
- 6 With regard to number 70, officers note that the application drawings are not entirely accurate and the 45 degree guidance indicates that there will be an effect on the window next door at number 70, though the effect will be somewhat marginal and the orientation of the properties means that there will be little loss of direct sunlight for most of the day. In any event, there is an alternative source of light and outlook to this room in the form of a glazed door that the 45-degree guidance indicates will not be materially affected and overall, the effect on adjacent occupiers will not be unacceptable and the proposals comply with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

Flooding

- 7 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.
- 8 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 comply with Policy CS11 of the Core Strategy.

Other matters

- 9 This site is located in the Blackbird Leys area, which is suspected to have historically had sewage sludge spread on the land. Site investigations have revealed that there is likely no risk to residents from heavy metals in the soil. Whilst it is very unlikely that any contamination is present on this site, an informative is recommended to advise the applicant of the situation.

Conclusion:

- 10 The development will form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. Concerns over flooding and overlooking can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8 and CP10 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: 15/03484/FUL

Contact Officer: Tim Hunter

Extension: 2154

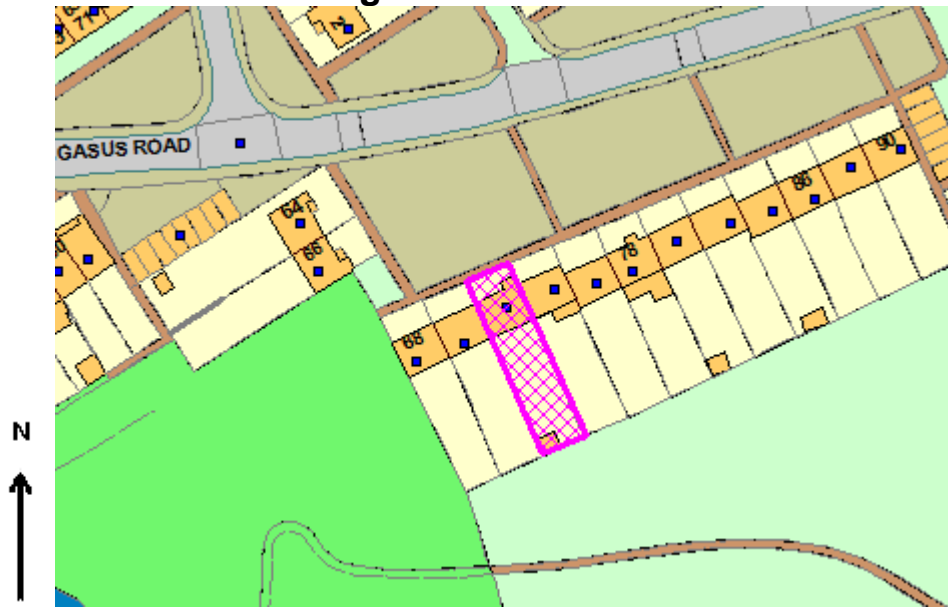
Date: 22nd March 2016

Appendix 1 – Site location

72 Pegasus Road

Appendix 1

15/03484/CT3 - 72 Pegasus Road



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East Area Planning Committee:

6th April 2016

Application Number: 16/00048/CT3

Decision Due by: 4th March 2016

Proposal: Provision of 10No. residents' parking spaces on existing grass verges

Site Address: Land Fronting 2 to 12 Jasmine Close, Oxford

Ward: Blackbird Leys

Agent: **Applicant:** Oxford City Council

Recommendation: East Area Planning Committee is recommended to approve the application for the reasons set out below and subject to conditions, including those listed below.

Reasons:

- 1 The proposal responds to the growing need to increase resident car parking spaces in the area and to prevent indiscriminate parking on grassed areas. No trees will be affected by the proposed parking spaces. No objections have been received and officers conclude that the proposal is acceptable in design terms and would not cause any acceptable levels of harm to residential amenity. The proposal accords with the relevant policies of the local development plan. There are no material considerations which outweigh this conclusion.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 In accordance with approved plans
- 3 Landscaping
- 4 Sustainable Urban Drainage Systems

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

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

None

Representations Received:

None

Statutory and Internal Consultees:

Highways

Concerns that the proposed development will not deal with existing car parking issues within the road as there is unrestricted parking in the road that could lead to the spaces being obstructed. On this basis, unable to support the proposed scheme.

Issues:

Visual impact and trees

Highways

Residential amenity

Background to proposals

1. Most of the parking provision in the City's heartland social housing estates was constructed as the estates were built in the 1950s, 60s and 70s car ownership was lower. In the 1980s, additional parking bays were constructed primarily in Blackbird Leys and some other high density areas as the demand for parking grew.
2. The original purpose of grass verges was to give some outlook to occupants onto green areas, in order to add visual interest to the streetscape. However, these grass verges provided no usable amenity space for play and recreation

and, in many cases have been used for informal car parking.

3. Parking pressure on the estates is continuing to increase, being one of the top three issues raised by residents at Neighbourhood Action Groups (NAG's) and in resident surveys.
4. Car ownership has increased, with some householder have more than one car and the increased number of Houses of Multi-occupation (HMO's) also adds to the pressure.
5. Parking hotspot locations, particularly at high and low rise flats and cul-de-sacs, have resulted in residents parking on grass verges and larger grassed areas causing damage to the surface. Oxford City Council initially adopted a "defensive" approach by installing bollards and trip rails to preserve the look of the estate grassed areas. However, more recently, the City Council has accepted the need for more "on grass" parking by installing Grass Grid systems at various locations. These "grass grids" have had some success but are not a truly permanent solution. There is strong interest in more permanent solutions at Parish Council level as well as from the residents of the estates.
6. The proposed scheme would provide formal parking areas on existing grassed areas. Providing a formal parking area with level access should discourage indiscriminate parking on grassed areas which causes damage to the surface, as well as improving highway safety by formalising accesses. This is a continuation of car parking schemes recently approved in locations across the City (Carpenter Close, Chillingworth Crescent, Redmoor Close and four schemes at various points along Pegasus Road).
7. The new spaces would be unallocated.

Officers Assessment:

Site Location and Description:

8. The grass verge is located in Jasmine Close, at the eastern side of Blackbird Leys. The existing verge does not contain trees but is mowed grass. The area is used informally as parking (and is rutted as a result).

Proposal

9. It is proposed to provide 10no. off road parking spaces for residents' vehicles, all of which are located on the eastern side of this section of Jasmine Close, together with landscape enhancement to discourage informal parking on green spaces. Five trees are proposed as part of the development.

Visual impact and trees

10. The bays are broken up into three different groups, the impact of this would ensure that the cars would not dominate the streetscene.
11. The proposal maintains the grassed area to the front of the houses and proposes shrub planting to soften the impact and prevent glare from headlights. The proposed planting would also ensure that there would not be informal parking on the remaining areas of verge. Officers have included a recommendation that a condition be included that would secure the submission of a detailed landscaping scheme prior to commencement.
12. It is, overall, considered that the new parking and would not harm the visual amenity of the area. The proposal would reduce visual intrusion caused by indiscriminate parking by formalising it within a landscaped setting thereby enhancing the existing street scene and making efficient use of the verge which is not usable as amenity space.
13. The proposal accords with Policies CP1, CP6, CP 8, CP9, CP10 and NE15 of the Oxford Local Plan, policy CS18 of the Core Strategy and policy HP16 of the Sites and Housing Plan.

Highways

14. Oxfordshire County Council, as the Local Highway Authority has been consulted on the proposals; they are not supportive of the scheme because they have suggested that the lack of controlled parking on the street means that the proposed resident parking spaces could be obstructed. No objections have been received in relation to impact on highway safety. Officers have been mindful of these concerns but recommend that the proposals represent an opportunity to enhance an area that is already being used informally for parking and on balance the development would be an improvement that could positively contribute towards parking capacity in the area.

Residential amenity

15. Parked cars would face towards the windows of houses on Jasmine Close (on either side of the road, depending on the way the cars are parked). There would therefore be potential for glare from headlights into these windows. However, this will satisfactorily be reduced or eliminated by the proposed shrub planting and by the presence of low boundary walls. The proposed bays will be overlooked by the surrounding properties which will create natural surveillance. No objections have been received from residents. Officers consider the proposal would not significantly harm residential amenities in this case. The proposal therefore accords with Policy CP10 of the Oxford Local Plan.

Conclusion:

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

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 16/00048/CT3

Contact Officer: Rob Fowler

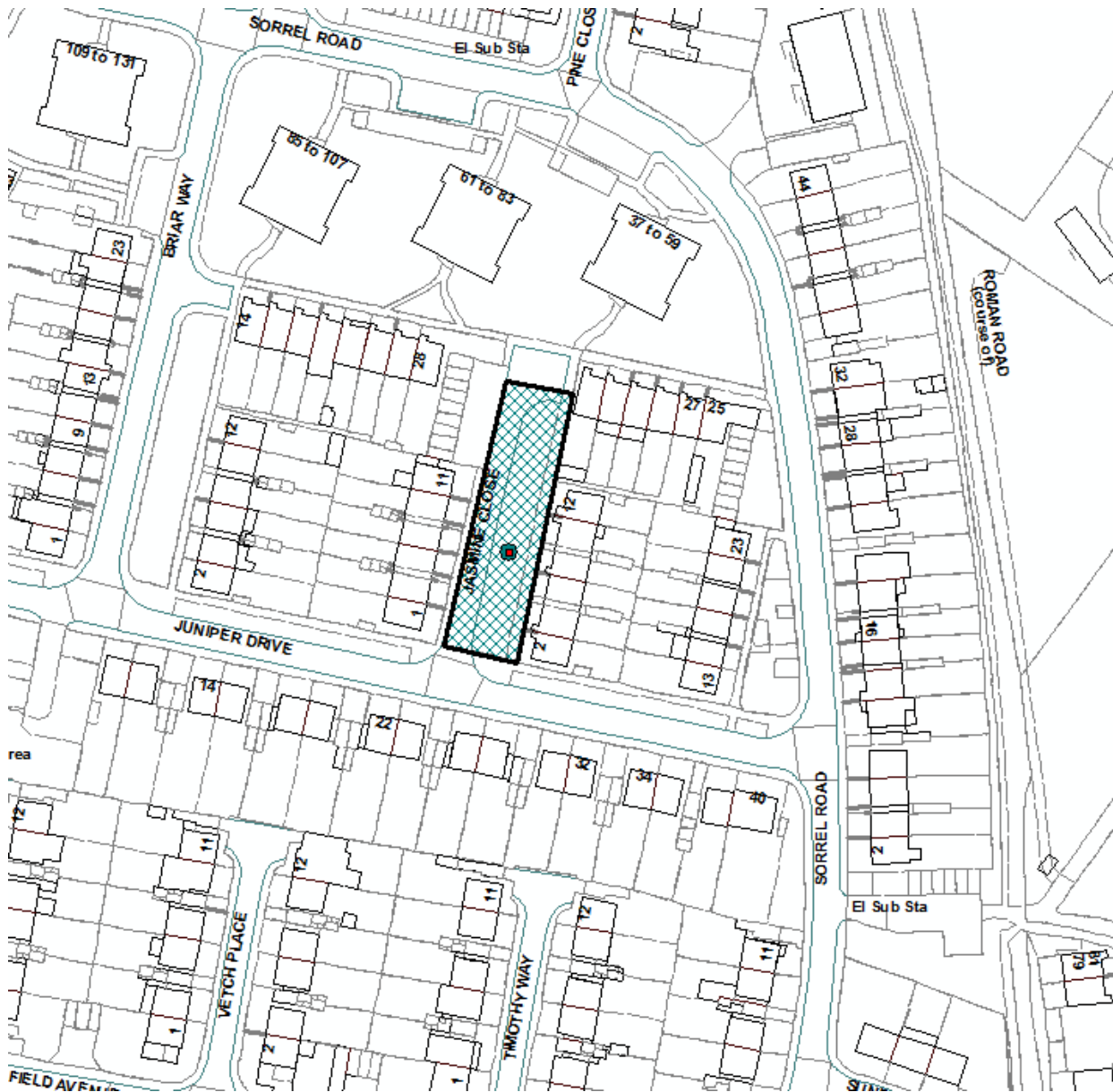
Extension: 2104

Date: 21st March 2016

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Appendix 1

16/00048/CT3 – Land Fronting 2 to 12 Jasmine Close



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Ordnance Survey 100019348



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MINUTES OF THE EAST AREA PLANNING COMMITTEE

Wednesday 2 March 2016



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

OFFICERS PRESENT: Robert Fowler (Senior Planner), Lisa Green (Principal Planner), Niko Grigoropoulos (Planning Control and Conservation Manager), Michael Morgan (Lawyer), Andrew Murdoch (Development Control Team Leader) and Jennifer Thompson (Committee and Members Services Officer)

107. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Altaf-Khan submitted apologies and Councillor Wade substituted for him.

108. DECLARATIONS OF INTEREST

None.

109. BARTON PARK: 15/03642/RES

Councillor Clarkson arrived after the start of this item and in accordance with the Constitution took no part in the debate or voting.

The Committee considered application 15/03642/RES for details of reserved matters (layout, scale, appearance and landscaping) for the first phase of the Barton Park development, pursuant to Condition 3 of outline planning permission 13/01383/OUT at land at Barton Northern By-pass Road Oxford.

The works comprise the construction of 237 residential units (Class C3) with associated means of access and highways works; car and cycle parking; hard and soft landscaping; public realm works and ancillary structures. (Amended plans submitted).

Outline planning permission (13/01383/OUT) was granted in October 2013 for the development of the site.

Glyn Mutton, representing the applicant, and Paul Comerford, the agent, spoke in support of the application and answered questions from the Committee.

The Committee raised concerns over the residents parking zone (RPZ) and asked that this be in place at an early stage and there be no overprovision of permits compared to parking spaces.

The Committee resolved to approve reserved matters application 15/03642/RES subject to the following conditions:

1. Develop in accordance with approved plans.
2. Residents Parking Zone.
3. Verification report – contamination.
4. Watching brief – contamination.

110. LAND NORTH OF LITTLEMORE HEALTHCARE TRUST, SANDFORD ROAD, LITTLEMORE 15/02269/RES

The Committee considered a reserved matters application for the construction of 140 residential units consisting of 91 houses (6 x 1bed, 13 x 2bed, 50 x 3bed and 22 x 4bed) and 49 flats (12 x 1bed, 25 x 2bed, 12 x 3bed) and provision of 258 car parking spaces, cycle parking, landscaping and ancillary works at Land North of Littlemore Healthcare Trust, Sandford Road, Littlemore.

Outline planning permission (12/02848/OUT) was granted by the Committee on 4 December 2013 for the development of the site.

Councillor Tanner, local ward councillor, spoke about the application. He said he was broadly in support of the development but urged the committee to ask officers to write to all parties asking that they improve pedestrian access and find a way to provide pedestrian and cycle paths through from the site to the centre of Littlemore.

Robert Froud-Williams and Nathan Cracker, representing the applicant, spoke in support of the application.

The Committee noted Councillor Tanner's concerns and agreed to instruct officers to add an informative to use the best endeavours of all parties to create as soon as possible a permanent pedestrian/cycle link into the centre of Littlemore by or through NHS land (as shown on the plans: to run across the railway near the hospital linking into Sandford Road) and write to all parties informing them of this and ask them to expedite the link.

The Committee resolved to approve reserved matters application 15/02269/RES subject to the following conditions and with an informative:

1. Time Limit.
2. Development carried out in accordance with the approved plans.
3. To exclude the landscaping details and seek revised landscaping proposals in accordance with condition 6 of outline planning permission 12/02848/OUT.
4. Detailed car parking plan.
5. Parking and Turning Heads provided before occupation.
6. Details of cycle parking provision.
7. Detailed method statement for the extent and design of groundwork within the Iron Age banjo enclosure
8. Detailed lighting scheme for the development.

9. Details of bat and bird boxes.
10. Updated badger survey and mitigation plan.
11. Details of the photovoltaic panels to be used on properties.
12. Noise attenuation for properties.
13. Assessment of ground borne vibration from railway line.
14. Restriction on conversion of garages to habitable accommodation.

Informative: to use the best endeavours of all parties to create as soon as possible a permanent pedestrian/cycle link into the centre of Littlemore (to run across the railway close to the hospital to link into Sandford Road; by or through NHS land).

**111. GARAGES TO THE REAR OF 1 3 5 7 AND 9 COPPOCK CLOSE:
15/03117/FUL**

The Committee considered an application for the demolition of 11 garages; erection of 1 x 2bed dwellinghouse (Use Class C3); and provision of private amenity space, car parking, bin and cycle storage at garages to the rear of 1, 3, 5, 7 and 9 Coppock Close.

The Chair informed the committee that the ward councillor, Councillor Sinclair, was not able to attend but had expressed concerns that the quarry wall was unsafe (part of this collapsed recently) and this could be considered as a reason for refusal.

The Committee resolved to refuse application 15/03117/FUL for the following reasons:

The proposal is unacceptable as it would create poor quality residential accommodation to the detriment of the amenities of the future occupiers. In particular the restricted site area and awkward shape together with the proximity of the oversailing quarry wall would result in habitable rooms and private amenity space with a poor outlook and limited levels of natural light, whilst also experiencing noise and disturbance from manoeuvring vehicles entering the site from the access road and would thus fail to provide good quality internal and external space for the future occupiers. Therefore the proposal would fail to create acceptable living conditions for the future occupiers of the dwellings, contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001-2016, and Policies HP12, HP13, and HP14 of the Sites and Housing Plan.

112. 70 KESTREL CRESCENT: 15/03681/FUL

The Committee considered an application for the erection of a part single, part two storey side extension to create 1 x 1 -bed dwellinghouse (Use Class C3) and provision of private amenity space, carparking, bin and cycle store at 70 Kestrel Crescent Oxford OX4 6DZ.

The Committee resolved to approve application 15/03681/FUL subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials to match existing.
4. Cycle Store.
5. Refuse and Recycling Store.
6. Parking.
7. Permitted Development Rights.
8. Boundary Treatments.
9. SUDs.

113. LAND FRONTING 2 TO 48 STOCKLEYS ROAD: 16/00134/CT3

The Committee considered an application for the provision of 15 additional parking spaces for residents and alterations to landscaping at land fronting 2 to 48 Stockleys Road.

The Committee resolved to approve application 16/00134/CT3 subject to conditions including the following:

1. Development begun within time limit.
2. Development in accordance with approved plan.
3. Parking in accordance with plans.
4. Development in accordance to Tree Protection Plan (TPP) 1.
5. Sustainable Urban Drainage Systems.
6. Landscaping.

114. PLANNING APPEALS

The Committee noted the report.

115. MINUTES

The Committee resolved to approve the minutes of the meeting held on 3 February 2016 as a true and accurate record.

116. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications.

117. DATES OF FUTURE MEETINGS

The Committee noted the dates.

The meeting started at 6.00 pm and ended at 8.00 pm