

Agenda

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West Area Planning Committee

Date: **Tuesday 7 July 2015**

Time: **6.30 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

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West Area Planning Committee

Membership

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

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

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AGENDA

	Pages	
1	APOLOGIES FOR ABSENCE AND SUBSTITUTIONS	
2	DECLARATIONS OF INTEREST	
3	UNIVERSITY SPORTSGROUND, IFFLEY ROAD: 15/01207/VAR	9 - 32

Site address: University Running Ground, Iffley Road.

Proposal: Variation of conditions 2 (Approved plans), 3 (Samples), 4 (Detailing), 5 (Lighting), 6 (Carparking), 7 (Cycle parking), 9 (Arboricultural Method Statement), 10 (Tree Protection Plan), 12 (Landscaping Plan), 13 (Landscape), 14 (Landscape), 15 (Landscape Management Plan), 16 (Flood Risk Assessment), 17 (Drainage), 19 (Bat boxes), 20 (Implementation), 21 (Construction Travel Plan), 22 (Travel Plan) and 23 (Public art) of planning permission 10/01006/FUL (Erection of new sports centre) in order to allow the development to be completed in two phases and to discharge details in relation to phase 1.

Officer recommendation: Committee is recommended to:

- (i): support the proposals in principle but defer the application in order to complete a variation or addendum to the existing legal agreement and delegate authority to officers to issue the decision notice on its completion;
- (ii): to approve the details submitted in compliance with planning conditions relating to Phase 1 of the development.

Conditions:

- 1 Commencement of development
- 2 Develop in accordance with approved plans
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- 20 Construction traffic management plan
- 21 Travel plan
- 22 Public art
- 23 Alteration to Jackdaw Lane Access

Legal Agreement:

The original planning permission was granted subject to a legal agreement

relating to (amongst other things) a Joint User agreement to provide access to the sporting facilities for the local community. The legal agreement refers specifically to the previous planning permission and changes to the agreement will be necessary to ensure that the benefits that were secured by the original Agreement are not lost through the grant of a fresh planning permission. The recommendation to approve this fresh planning application is therefore made subject to any necessary change to the Legal Agreement, for example, by way of an addendum to the Agreement.

4 44 UNION STREET:15/01443/FUL

33 - 40

Site Address: 44 Union Street

Proposal: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4)

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. Submission of further matters - cycle and bin stores.

5 CUTTESLOWE PARK, HARBORD ROAD: 15/01197/FUL

41 - 48

Site address: Cutteslowe Park, Harbord Road

Proposal: Formation of a sand pit for beach volleyball and erection of fence (Amended plan).

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

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

6 PLANNING APPEALS

Summary information on planning appeals received and determined during June will be presented to the next meeting.

7 MINUTES

49 - 62

Minutes from the meetings of 9 and 16 June 2015

Recommendation: That the minutes of the meetings held on 9 and 16 June 2015 are approved as a true and accurate record.

8 FORTHCOMING APPLICATIONS

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

- 46 Hythe Bridge Street: 15/00656/VAR: Variation to permission for flats

- Bainton Road: 15/00893/FUL: Nursery
- Jericho Canalside: 14/01441/FUL: Residential
- Fairfield, Banbury Road: Residential care home
- Staverton Road: 15/02107/FUL: Student accommodation for University College
- 46 St. John Street: 15/01652/FUL & 15/01653/LDC: Extensions
- Former Wolvercote Paper Mill:13/01861/OUT: Residential
- Dragon School, Bardwell Road: 15/01562/FUL: New music building
- Westgate: 14/02402/RES: Various conditions and details
- Magdalen College School: 15/01152/FUL: New sixth Form building
- New College: New music room
- 333 Banbury Rd: 15/01548/VAR: Variation of condition for educational use.

9 DATE OF NEXT MEETING

The Committee will meet on the following dates:

11 August 2015
8 September 2015
13 October 2015
10 November 2015
1 December 2015
5 January 2016

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful.
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
 - (f) voting members will debate and determine the application.
4. Preparation of Planning Policy documents – Public Meetings

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

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

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated by noon, two working days before the start of the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.
7. Exhibiting model and displays at the meeting

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

8. Recording meetings

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

The Council asks those recording the meeting:

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

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

9. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

10. Members should not:

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

West Area Planning Committee

7th July 2015

Application Number: 15/01207/VAR

Decision Due by: 21st July 2015

Proposal: Variation of conditions 2 (Approved plans), 3 (Samples), 4 (Detailing), 5 (Lighting), 6 (Carparking), 7 (Cycle parking), 9 (Arboricultural Method Statement), 10 (Tree Protection Plan), 12 (Landscaping Plan), 13 (Landscape), 14 (Landscape), 15 (Landscape Management Plan), 16 (Flood Risk Assessment), 17 (Drainage), 19 (Bat boxes), 20 (Implementation), 21 (Construction Travel Plan), 22 (Travel Plan) and 23 (Public art) of planning permission 10/01006/FUL (Erection of new sports centre) in order to allow the development to be completed in two phases and to discharge details in relation to phase 1.

Site Address: University Running Ground Iffley Road, **Appendix 1.**

Ward: St Marys Ward

Agent: Savills

Applicant: The Chancellor, Masters
And Scholars of the
University of Oxford

Recommendation: Committee is recommended to:

- (i): support the proposals in principle but defer the application in order to complete a variation or addendum to the existing legal agreement and delegate authority to officers to issue the decision notice on its completion;
- (ii): to approve the details submitted in compliance with planning conditions relating to Phase 1 of the development.

Reasons for Approval

- 1 The proposal would respond well to its setting, providing two new buildings of high design quality that would maintain the characteristics of the site. The improved facilities would meet the identified needs of the University and be accessible to the wider community. The site is sustainably located to encourage non-car modes of transport and the University actively encourage sustainable travel through its Green Travel Plan. The application would not adversely affect the amenities of neighbouring residential properties due to intervening vegetation and distances, whilst the matter of lighting can be

secured by planning condition to ensure that it is appropriate to its location. The application would comply with the policies of the Oxford Local Plan.

- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 The Council has had regard for the comments received through the consultation process. The issues set out below have been addressed within the report and changes to the details of the proposal secured as a result.
- 4 The details submitted to discharge conditions or parts of conditions that are relevant to the development that will be undertaken as part of phase 1 of the development are considered acceptable.

Conditions

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Legal Agreement.

The original planning permission was granted subject to a legal agreement relating to (amongst other things) a Joint User agreement to provide access to the sporting facilities for the local community. The legal agreement refers specifically to the previous planning permission and changes to the agreement will be necessary to ensure that the benefits that were secured by the original Agreement are not lost

through the grant of a fresh planning permission. The recommendation to approve this fresh planning application is therefore made subject to any necessary change to the Legal Agreement, for example, by way of an addendum to the Agreement.

Community Infrastructure Levy.

No payment is required as the proposal is to implement the previously approved scheme in two phases and no additional floor space is being proposed. Therefore since the previous permission was granted before the introduction of the Levy no payment is required.

Principal Planning Policies.

The main planning policies against which the proposal should be judged are set out below. There have been a few changes to policies since the time when it was resolved to grant planning permission on the original scheme. In particular, national planning policy has been completely revamped through the introduction of the National Planning Policy Framework and the National Planning Practice Guidance. In addition, a number of local policies have been superseded mostly by the adoption of the Oxford Core Strategy. However, notwithstanding these changes to local and national policy, officers have not been able to identify any shift in the thrust of any policy that would indicate that a different approach should now be taken in relation to any issue that is material to the determination of the application. Members are therefore advised that since there are no changes to the details of the scheme, no changes to on-site circumstances and the policy context is essentially the same albeit contained within some different policy documents, that the merits of the proposal are acceptable and it is only the details of conditions that should need to be scrutinised to allow the scheme to be developed in two phases, as now proposed.

Main Planning Policies.

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP5 - Mixed-Use Developments
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP20 - Lighting
- HE2 - Archaeology
- HE7 - Conservation Areas
- HE9 - High Building Areas
- HE10 - View Cones of Oxford
- NE15 - Loss of Trees and Hedgerows
- SR2 - Protection of Open Air Sports Facilities

HE6 - Buildings of Local Interest

Core Strategy

- CS2 - Previously developed and greenfield land
- CS4 - Green Belt
- CS9 - Energy and natural resources
- CS11 - Flooding
- CS12 - Biodiversity
- CS18 - Urban design, town character, historic environment
- CS20 - Cultural and community development
- CS21 - Green spaces, leisure and sport

Sites and Housing Plan

- MP1 - Model Policy

Other Material Considerations:

- This application site lies adjacent to the St Clements and Iffley Road Conservation Area
- National Planning Policy Framework
- National Planning Practice Guidance
- Planning Obligations Supplementary Planning Document (April 2007)
- Parking Standards, Transport Assessments and Travel Plans-Supplementary Planning Document (October 2006)
- Natural Resource Impact Analysis Supplementary Planning Document (November 2006)
- St Clements and Iffley Road Conservation Area Appraisal

Planning History

- 04/00144/ADV - Sign to commemorate the first sub-four minute mile at the site. Withdrawn 16th April 2004.
- 04/00520/ADV - Non illuminated directional signs. PER 19th April 2004.
- 04/00746/ADV - High level free standing non-illuminated sign. PER 26th May 2004.
- 07/02870/CAC - Conservation Area consent for demolition of outbuildings. Withdrawn 9th June 2009.
- 07/02871/FUL - Demolition of pavilion. Proposed three court indoor tennis centre and replacement outdoor tennis courts (six courts). Footpaths, cycle parking, 3 parking spaces (for disabled drivers) and landscaping. Withdrawn 9th June 2009.
- 09/01315/FUL - Demolition of existing pavilion. Construction of new building to accommodate 3 indoor tennis courts plus 6 external courts, to replace existing. Provision of 3 disabled car parking spaces, covered cycle parking, landscaping and external works. PER 18th October 2013.
- 09/01316/CAC - Demolition of existing pavilion building. PER 18th October 2013.
- 10/01006/FUL - Demolition of existing sports hall, grandstand and ancillary buildings. Erection of new sports centre and Eton Fives' courts. Laying out of footpaths, access road, cycle parking, car parking and landscaping. PER 18th October 2013

- 11/01552/FUL - Erection of 4 x 18 metre high pole mounted floodlights and 4 x 10 metre high pole mounted floodlights to replace existing floodlights on grandstand. PER 3rd August 2011.
- 11/01552/NMA - Non-material amendment to planning permission 11/01552/FUL, to specify retracted height of moveable floodlights as 11m. PER 24th January 2012.

Public Consultation

Statutory Consultees Etc.

Highways Authority: Acknowledge the intention of the applicant to carry out the development in two phases - no objection. Satisfied with Construction Travel Management Plan (CTMP) subject to the following comments:

- document to specifically state “outside peak hours is 0930 to 1530 daily”, not just a reference to outside peak hours;
- pedestrian / cycle access from Iffley Rd would be welcomed, ensuring ensuring segregation;
- dilapidation survey required for Jackdaw Lane prior to commencement of works;
- development should be undertaken strictly in accordance with this CTMP as approved at all times.

A Travel Plan should be submitted for phase two of the development.

Environment Agency Thames Region: Further to our letter dated 22 May 2015 we received further information in an email from Dawn Brodie (Savills) on 29 May 2015. We are now in a position to respond. We have reviewed the letter dated 28 May 2015 by AKS Ward and the attached plans (floodplain compensation) and we now have **no objection** to the proposed variation of condition to allow the development to proceed in two phases. We are now also in a position to recommend the discharge of conditions 16 and 17 in relation to Phase 1.

Thames Water Utilities Limited: Thames Water have reviewed the documentation provided and agree to Variation of condition 17 (Drainage).

County Drainage Engineer: Porous surfacing provided on Phase 1 to reduce discharge to outfall from parking and access areas, no reduction shown in the discharge from roof drainage.

Historic England: “We do not wish to offer any comments on this occasion.”

Third Parties

- Iffley Road Area Residents' Association: No response
- Iffley Road Traders' & Residents' Association: No response
- Individual Comments: No comments received.

Officers Assessment:

Background to Proposals.

1. This application is submitted under section 73 of the Town & Country Planning Act 1990 and seeks planning permission subject to the variation or removal of conditions attached to the earlier and still extant planning permission. The application has been submitted in order to facilitate the development being carried out in two phases. This type of application is relatively common where minor amendments to an approved are sought. A number of schemes are designed to be implemented in phases, particularly larger ones.
2. In the Planning Statement accompanying the application, the applicant explains that funding has been obtained to implement part of the development approved under planning permission 10/01006/FUL but not the entirety of the scheme. In order for the scheme to continue it needs to be constructed in phases to enable delivery of the overall scheme. Had the University known that this would have been the case the original application could have been applied for as a two phase development. However, it is clear that the University did not anticipate this approach when permission was originally applied for and this latest application has come about as a result of the funding position. Nor could the Council have reasonably foreseen the need for a two stage approach.
3. As an alternative to this application, the University could have submitted the details to satisfy all the conditions and part implement the permission thereby keeping the remainder of the permission alive in perpetuity. However, some of the pre-commencement details only relate to some parts of the site and the University only wish to discharge the pre-commencement conditions that relate to the part of the site that contains the part of the development to be implemented as Phase 1. That necessitates the varying of the other conditions to allow the development to be part implemented whilst pre-commencement conditions relating to the other part of the development remain to be considered at a later date. It is important that any new planning conditions are imposed and worded in a way that ensures that the scheme can be implemented in the way that was originally envisaged by the Council.

The Proposals.

4. The proposed development is exactly the same as that for which planning permission has been granted under planning permission 10/01006/FUL. As stated above part of the intention of this application is to facilitate the development being carried out in two phases. Phase 1 will include the refurbishment of the existing swimming pool and the construction of the new four court sports hall. Phase 2 will include the construction of the remainder of the replacement building along with the remainder of the development which will include the grandstand and Eton Five Courts. A plan detailing the two phases of the development has been submitted with the application.

5. With the development now being proposed in two phases, the applicant has also submitted details of the matters that would otherwise have needed to be addressed through the submission of separate application(s) to discharge 'pre-commencement' conditions relating to Phase 1 of the development. The intention is to secure approval of these details so that the planning conditions that relate to these matters can be amended as part of this variation application to secure implementation of the approved details. Subject to approval of the details, any new conditions can be worded in a way that simply requires the implementation of the scheme in accordance with those approved details.

Compliance with Conditions

6. To facilitate the approach explained above details have been submitted of the following matters. The numbering of the planning conditions can be seen in the original planning committee report attached as Appendix 2 to this report:-
 - Condition 2: Plans and elevations of the parts of the development comprised within phase 1 – identical to what has been approved under planning permission 10/01006/FUL.
 - Condition 3: A full schedule of external materials to be used for the construction during Phase 1.
 - Condition 5: Details of the external lighting scheme pertinent to phase.
 - Condition 7: Details of the temporary cycle parking to serve phase.
 - Conditions 9, 10, 12 and 15: Details of methods of working within Root Protection Areas, Tree Protection Measures, landscaping plan and landscape management plan.
 - Condition 16: Details of flood mitigation and flood storage as part of a Flood Risk Assessment.
 - Condition 17: Details of Surface Water Drainage in connection with Phase 1.
 - Condition 19: Details of bat boxes.
 - Condition 20: Details of an Archaeological written scheme of investigation.
 - Conditions 21 and 22: Details of a Construction Traffic Management Plan and a copy of the University of Oxford Transport.
7. Assessment of the acceptability of these details is examined under the headings below.

External Materials.

8. The details of external materials shown on plans PL(0)10-11 Rev A and PL(0)12-13 Rev A comprise rendered blockwork, masonry leaf sandstone, weathered buff brickwork, staffordshire blue engineering brickwork, vertical zinc cladding and zinc capping, glazed curtain walling, and weathered red cedar vertical and horizontal timber weatherboarding cladding. All considered to be acceptable.

External Lighting

9. The details submitted and contained within the report 'External Lighting' by

consultants Hoare LEA set out the extent of external lighting. The details are considered to be acceptable and discharge of the condition is recommended.

Cycle Parking

10. Details of cycle parking have been submitted and comprise temporary cycle parking shown on plan BXMW/COV/4000/1.01. It is proposed that the cycle parking shall be retained on site until such time that the permanent cycle parking provided in phase 2 is in place and available for use. Officers consider that the provision of cycle parking in this manner to be acceptable.

Archaeology

11. A Written Scheme of Investigation for the conditioned archaeological watching brief at the site has been submitted and this has been assessed by officers and considered to be acceptable.

Construction Traffic / Travel Plan

12. A response has now been received from the County Council as Local Highway Authority and is detailed above. The comments include a request for clarity over the expression 'outside peak hours' and this has been reflected in the detailed wording of the recommended condition 20. In connection with condition 22 requiring approval of a Travel Plan, Phase 1 of the development only includes the addition of the four court sports hall and it is considered reasonable to agree to the full details of the Travel Plan only prior to the commencement of Phase 2 of the development. The Local Highway Authority agrees with this approach. The Highway Authority also wanted to be assured as to the segregation of pedestrians and cyclists from cars and the access from Iffley Road allows such segregation. Finally the Highway Authority is also concerned about potential damage to Jackdaw Lane and the recommended condition 20 on the Construction Traffic Management Plan has been amended to reflect the requirement to manage the repairs of any damage caused to the highway as a result of construction traffic.

Landscaping.

13. The submitted Arboricultural Method Statement (including Tree Protection Plan) and Landscape Management Plan (including Landscape Plan) documents are considered to provide appropriate details for ensuring that retained trees are adequately protected and for new planting that will mitigate the effect of removing existing trees and enhance the landscape and the screening function that trees along the boundary provide in views from Christ Church Meadow. These details can therefore be approved under conditions no.9, 10, 12, and 15.

14. However, the original details of proposed hard surfacing in relation to condition 13 were not considered to be appropriate where it encroached within the Root Protection Area of the retained trees and also the provision of new drains also within the root protection areas of the retained trees. Both of these details

needed amendment as unacceptable damage to tree roots may have occurred as a result.

15. The Arboricultural Method Statement has since been amended and the applicant's engineers have re-worked the drainage and will re-use the existing surface water drain. As such, officers are satisfied that the details are now acceptable and relevant conditions can be discharged.

Flood Risk and Drainage.

16. In response to consultation, the Environment Agency has indicated that in principle it has no objection to the application to vary conditions to allow the phased implementation of the development, if the required flood storage compensation and surface water drainage is provided before or during the phase in which it is required. However, the Environment Agency was unable to recommend the discharge of the proposed Phase 1 conditions based on the Phase 1 Discharge of Conditions document X142013 rev A (AKS Ward, 23 Jan 2015). This is because there were no details of the flood plain compensation required for Phase 2 that were proposed to be provided within Phase 1. This document also stated that all surface water would be infiltrated on site but the submitted drainage plans X142013 202 P2, 201 P3 and 200 P4 showed the surface water drainage discharging via an existing outfall and to an existing surface water sewer. No obvious attenuation is provided within the system. As these documents appear to be at odds details of a surface water drainage strategy in accordance with the FRA are required.
17. Following the submission of amended details on 29th May 2015, demonstrating how flood storage requirements will be addressed within the development and the necessary attenuation of surfaced water drainage, the Environment Agency has now confirmed that it has no further objections to the details of flood storage and surface water drainage attenuation such that relevant conditions can now be discharged. The County Council drainage team raised a similar concern with regard to surface water drainage attenuation which will have been overcome through the submission of the amended details.

Ecology.

18. In relation to the details submitted to discharge condition 18 relating to biodiversity, the Council's consultant Ecologist has reviewed the details and considers that the proposed numbers and types of bat boxes and bat access tiles/slates to be used are suitable for this development and that this condition can be discharged.

Conclusion

19. The variation to allow the development to be constructed in phases, and the details submitted in compliance with conditions are acceptable. Committee is recommended to support the recommendations at the head of this report accordingly.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

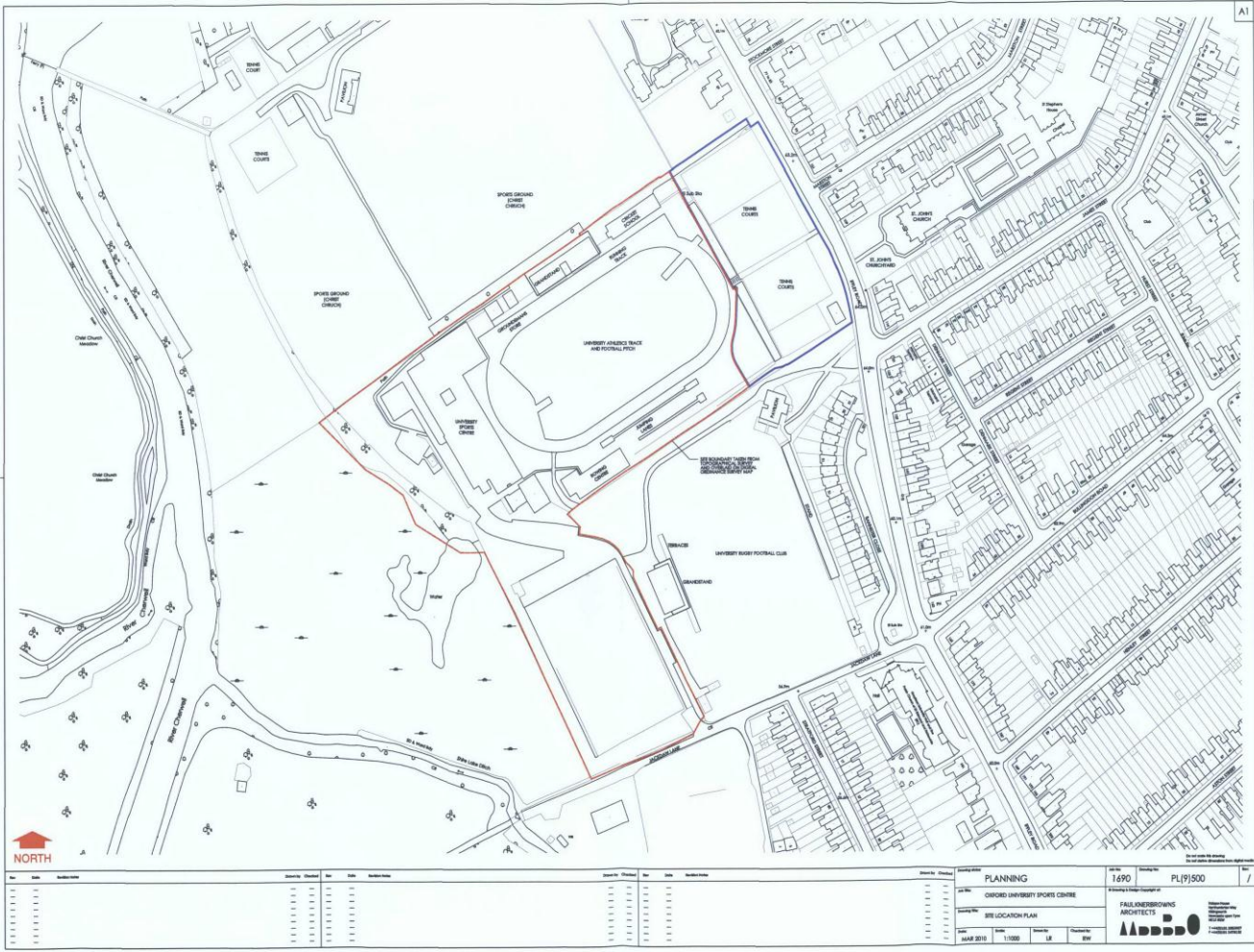
Background Papers: 15/01207/VAR, 10/01006/FUL

Contact Officer: Martin Armstrong

Extension: 2703

Date: 26th June 2015

Appendix 1
University Running Ground Iffley Road
Site Location Plan



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Appendix 2
Report for the original planning application

East Area Parliament		20 October 2010	
Strategic Development Control Committee		27 October 2010	
Application Number:	10/01006/FUL		
Decision Due by:	19 July 2010		
Proposal:	Demolition of existing sports hall, grandstand and ancillary buildings. Erection of new sports centre and Eton Fives' courts. Laying out of footpaths, access road, cycle parking, car parking and landscaping.		
Site Address:	University Running Ground Iffley Road Oxford (Location Plan – Appendix 1)		
Ward:	St Marys Ward		
Agent:	DPDS Consulting Group	Applicant:	University Of Oxford

Recommendation:

East Area Parliament is recommended to support the application for planning permission subject to the listed conditions and accompanying legal agreement.

Strategic Development Control Committee is recommended to be minded to grant planning permission but to delegate authority to officers the power to issue the notice of permission on completion of the legal agreement.

Reasons for Approval:

- 1 The proposal would respond well to its setting, providing two new buildings of high design quality that would maintain the characteristics of the site. The improved facilities would meet the identified needs of the University and be accessible to the wider community. The site is sustainably located to encourage non-car modes of transport and the University actively encourage sustainable travel through its Green Travel Plan. The application would not adversely affect the amenities of neighbouring residential properties due to intervening vegetation and distances, whilst matter of lighting can be secured by planning condition to ensure that it is appropriate to its location. The application would comply with the policies of the Oxford Local Plan.

- 2 The Council has had regard for the comments received through the consultation process. The issues set out below have been addressed within the report and are not considered to be significant enough to warrant refusal of the application. The matters of light and biodiversity enhancement measures can be secured by a planning condition.

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

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Architectural Detailing
- 5 Lighting Scheme
- 6 Car Parking Before Use Commences (Porous
- 7 Cycle Parking Before Use Commences
- 8 Arboricultural Method Statement (AMS) 2
- 9 Arboricultural Method Statement (AMS) 1
- 10 Tree Protection Plan (TPP) 1
- 11 No felling lopping cutting
- 12 Landscaping Plan
- 13 Landscape hard surface design - tree roots
- 14 Landscape carry out after completion
- 15 Landscape management plan
- 16 In accordance with Flood Risk Assessment
- 17 Surface water drainage scheme
- 18 Topographic Survey on Completion
- 19 Bat boxes prior to commencement
- 20 Arch - Implementation of programme
- 21 Construction Travel Plan
- 22 Travel Plan
- 23 Public Art
- 24 Alterations to Jackdaw Lane Access

Legal Agreements:

The following contributions are required to mitigate the impact of the proposals on City and County Services and infrastructure:

£6,000 towards improvements to bus infrastructure on Iffley Road

£15,000 towards traffic management measures in the locality

In addition to the contributions a Shared Use Agreement will be entered into in order to secure access to the new facility for local residents and schools.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP2 - Planning Obligations
- CP3 - Limiting the Need to Travel
- CP6 - Efficient Use of Land & Density
- CP7 - Urban Design
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP12 - Designing out Crime
- CP13 - Accessibility
- CP14 - Public Art

CP15 - Energy Efficiency
CP16 - Renewable Energy
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP20 - Lighting
HE2 - Archaeology
HE7 - Conservation Areas
HE9 - High Building Areas
HE10 - View Cones of Oxford
NE1 - Purpose of Oxford's Green Belt
NE2 - Control of Development Oxford's Green Belt
NE8 - Development on Low Lying Land
NE9 - Flood Risk Assessment
NE10 - Sustainable Drainage
NE15 - Loss of Trees and Hedgerows
NE17 - Biodiversity
NE18 - Special Areas of Conservation & SSSIs
NE19 - Nature Conservation/Local Nature Reserves
SR1 - Protection of Indoor Sport Facilities
SR2 - Protection of Open Air Sports Facilities
SR3 - New Indoor & Open Air Sports Facilities

Core Strategy – Proposed Changes

CSP2 - Previously developed land & greenfield land
CSP10 - Energy & natural resources
CSP12 - Flooding
CSP13 - Biodiversity
CSP18 - Infrastructure & Developer contributions
CSP19 - Urban design townscape char & historic environment
CSP20 - Community safety

Other Material Considerations:

This application is within close proximity to the St Clements and Iffley Road Conservation Area

National Guidance:

PPS 1 – Delivering Sustainable Development
PPS 5 – Planning for the Historic Environment
PPS 9 – Biodiversity and Geological Conservation
PPG 13 – Transport
PPG17 – Planning for Open Space, Sport and Recreation
PPS25 – Development and Flood Risk

Local Policy and Guidance:

Planning Obligations-Supplementary Planning Document (April 2007)
Parking Standards, Transport Assessments and Travel Plans-Supplementary Planning Document (October 2006)
Natural Resource Impact Analysis Supplementary Planning Document (November 2006)
St Clements and Iffley Road Conservation Area Appraisal

Supporting documents

- Design and Access Statement
- Planning Statement
- NRA and Energy Strategy
- Landscape and Visual Assessment
- Transport Statement and Sustainable Travel Plan
- Arboricultural Report
- Flood Risk Assessment
- Archaeological Desk-Based Assessment
- Extended Phase 1 Habitat Survey and Bat Assessment

Relevant Site History:

07/02870/CAC - Conservation Area consent for demolition of outbuildings – withdrawn

07/02871/FUL - Demolition of pavilion. Proposed three court indoor tennis centre and replacement outdoor tennis courts (six courts). Footpaths, cycle parking, 3 parking spaces (for disabled drivers) and landscaping – withdrawn

09/01315/FUL - Demolition of existing pavilion. Construction of new building to accommodate 3 indoor tennis courts plus 6 external courts, to replace existing. Provision of 3 disabled car parking spaces, covered cycle parking, landscaping and external works – pending

09/01316/CAC - Demolition of existing pavilion building - pending

Representations Received: The following comments have been received from 37 Marston Street, 62 and 91 Iffley Road:

- New sports halls are large and unattractive
- Potential negative visual impact on views of Christchurch Meadow
- Existing lighting is intrusive. A condition should be required of any consent to minimise light pollution
- Existing problems with PA system
- Loss of Yew trees may affect views along Iffley Road and should be replaced
- Concern about noise from hard surface tennis courts (note: this is not part of proposal)
- Biodiversity enhancements should be required
- Would like to see application approved with conditions relating to noise limitation measures and biodiversity enhancements

Statutory and Internal Consultees:

Highways And Traffic – No objection subject to conditions and contributions towards bus infrastructure on Iffley Road and safety measures in the area (see detail below)

Environment Agency Thames Region – No objection subject to conditions (see detail below)

Thames Water Utilities Limited – No objection

Thames Valley Police – No objection subject to effective lighting and security of the pedestrian and cycle route to the west of the proposed building

Sport England Local Office – No objection subject to a community access package

English Heritage Commission – No objection

Natural England – No objection

Issues:

- Need

- Character and Appearance of the Area
- Built Form and Appearance
- Trees
- Biodiversity
- Flooding and Drainage
- Sustainability
- Traffic, Access and Parking
- Planning Obligations

Officers Assessment:

Site Description and Locality

1. The application site forms part of the University Sports Complex on the western side of Iffley Road. The site accommodates a range of sports facilities including a swimming pool, cricket school, fitness and multi-purpose rooms, squash courts, tennis courts, rowing and athletics.
2. Development within the site is focused around the running track with the existing sports centre and swimming pool to the west and the grandstand and cricket school along the north western boundary. This has maintained the general sense of openness experienced from Iffley Road by the undeveloped eastern end of the site which stands several metres higher than the existing buildings. Views across the site from Iffley Road are therefore limited due to the high timber fence that runs along the edge of the public highway, although the tree line to the west of the site and hills beyond are visible.
3. Vehicular access is taken from the south of the site off Jackdaw Lane, while the vast majority of foot and cycle traffic accesses the site at its northeast corner off Iffley Road. These access points are not changing as part of the proposals.
4. Planning permission is sought for the demolition of the existing sports centre and grandstand buildings to make way for the new sports centre and grandstand. The new sports centre will accommodate over 80 sports incorporating two court halls (comprising 8 and 4 courts), 3 squash courts, a dojo, fencing salle, fitness suite, power lifting studio, bouldering wall, a café and other social spaces, office space and support accommodation. The new grandstand will incorporate a lane cricket hall, projectile hall, spectator seating, club rooms and support accommodation.
5. Further to the new buildings the car parking will be reconfigured and landscaped. The pedestrian and cycle route to the west of the building is formalised and widened allowing occasional vehicular access for maintenance and servicing purposes. Following concerns raised by the Highway Authority the access from Jackdaw Lane will also be widened. The existing swimming pool is to be re-clad to reflect the materials of the new building.

Need

6. The site has developed as a sporting venue in a piecemeal manner. The result is a series of unremarkable and unrelated buildings that while once fit for purpose no longer meet the needs and aspirations of the University.

- 7 The University has undertaken research that has indicated that a lack of good quality facilities in a major university is likely to be a significant disincentive to student recruitment. There is no policy objection to new sports facilities, indeed policy SR3 supports new indoor sport facilities and requires them to have joint user agreements. The Committee will recall a similar package for the recently approved indoor tennis centre and swimming pool. Officers would suggest a similar agreement if planning permission is granted for the current scheme. This will include membership for local residents, plus access for local schools and clubs.
- 8 The site is in a highly sustainable location with good access via non-car modes of transport. The proposals would utilise an existing site in a more resource friendly manner, providing improved local sporting facilities. Officers therefore raise no objection to the principle of the proposal.

Character and Appearance of the Area

- 9 PPS5 - Planning for the Historic Environment, recounts the government's commitment to the conservation of the historic environment and its heritage assets explaining that they should be conserved and enjoyed for the quality of life they bring to this and future generations. It defines the *Historic Environment* as meaning all aspects of the environment resulting from the interaction between people and places and a *Heritage Asset* as '*a building, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment*'.
- 10 When making planning decisions PPS5 explains that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability. The Government recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term, but it does highlight that it is desirable for development to make a positive contribution.
- 11 Policy HE9.1 of PPS5 explains that there should be a presumption in favour of the conservation of designated heritage assets (conservation area, listed building) and the more significant the asset the greater the presumption in favour of conservation should be. It explains the importance of preserving or enhancing the setting of designated assets and adds that where a proposal has a harmful impact, which is less than substantial harm then planning authorities should weigh the public benefit of the proposal against the harm and recognise that the greater the harm the greater the justification will have to be.
- 12 The application site lies outside, but abuts the St Clements and Iffley Road Conservation area and lies within two of the Oxford view cones. From the site there are views of the Grade I listed church of St John the Evangelist in Iffley Road and views from Iffley Road across the application site towards Christ Church. The running track has historical significance (established 1876) as the place where the sub 4 minute mile was achieved by Sir Roger Bannister in 1954. There are also views across the site to the river corridor and it's more rural and green landscape.
- 13 The St Clement's and Iffley Road Conservation Area Appraisal describes the historical development of Iffley Road, explaining why the west side is less developed and more open, the Oxford University Sports field providing a physical reminder of

this. The ancillary accommodation on the site begun to be developed from about 1900, but the bigger structures did not start to appear until the 1960s.

- 14 Despite this modern form of development and the limited views offered due to the timber fence along Iffley Road, the perception of a large open space still exists. From the east side of Iffley Road the wooded backdrop along the river is visible. There is also a glimpse view of Christ Church, although this view is affected by the existing grandstand building along the northwestern boundary of the site.

Built Form and Appearance

- 15 The proposals for the new sports hall involve replacement facilities in a series of top lit 'cubes', in front of which and overlooking the running track is proposed a more architecturally detailed and articulated 'spine' building. The 'cubes', to be constructed in buff brick, form the principle elements of the proposal, isolating the main sports functions of the building, whilst the 'spine' contains entrance and foyer, ancillary office space, studios and fitness suite.
- 16 The new sports centre is taller than the existing but this is to a great extent governed by the requirements of the sports that occupy the spaces. The northernmost and middle 'cubes' house the sports halls, while the southernmost cube provides the ancillary accommodation, squash courts, dojo and fencing halls. To the west of each 'cube' is a single storey timber clad store building with a curved profile providing a softer appearance at ground level.
- 17 Whilst the new sports hall will be taller than the existing building this is a functional requirement and will be compensated by a significantly improved architectural composition. In views from Iffley Road the building would be seen across the openness of the running track and against the existing backdrop of trees and greenery. In this context the size of the building would be absorbed and coupled with the elegant appearance of the building the overall visual impact would not be significant.
- 18 The new grandstand is approximately 3.5m lower than the existing building, improving views of Christ Church. Unlike the existing grandstand the new building does not overhang the pedestrian and cycle access to the northwest, therefore providing a more open and pleasant entrance to the site. Like the new sports centre the grandstand has a finer appearance with the glazed 1st floor being set back under a projecting roof. This reduces the bulk and mass of the building, and is again seen against a backcloth of trees and the glimpses of Christ Church.
- 19 The application site lies within the Rose Hill and Crescent Road View Cones, within which the Council seeks to retain significant views. The site sits at a lower level than Iffley Road as the land drops towards the river to the west. As a result of this, as well as the wider urban context and intervening vegetation, the proposed buildings would not be seen within the view cones and as such the significant views into the City would be preserved.
- 20 The proposals have been informed by a detailed analysis of the site and its context and have been revised to reflect comments raised during pre-application discussions and consultation. There is a sound justification for the need of these facilities and there is public benefit that will derive from their provision. Taken together with the beneficial impacts of a lower grandstand building which will improve views of Christ Church, along with the removal of fencing, it is considered that the proposal will not

cause harm to the character or appearance of the conservation area, its setting or that of nearby listed buildings.

Trees

- 21 The proposals include the removal of a 12 trees or groups of trees including; 4 willow trees (T1, T2, T30, T31), 2 poplar (T27, T28) a single Leyland cypress (T29) and 2 groups of Leyland cypress (G3 and G4) trees that stand in or around the existing car parking area that is between the existing external hockey pitch and the existing sports hall buildings; a single black pine (T14) which stands near the western end of the tree belt that runs along the southern boundary of the site; 2 yew trees (T18,T19) that stand adjacent to the access road from Iffley Road north west of the existing running track.
- 22 New tree planting is proposed; along the southern boundary of the site; in the car park between the new multi-use sports block and the external hockey pitch; and, in areas between the proposed new athletics track and football pitch and the external tennis courts and tennis centre. Although not directly a part of the proposals under consideration, it is worth noting that the tennis court and centre developments will provide new tree planting along the boundary with Iffley Road.
- 23 Removal of the black pine tree (T14) is justified in the interests of good arboricultural management since it will provide space into which an adjacent, high quality and value lime tree can grow to the overall benefit of the tree belt. 2 willows (T1, T2) and 2 groups of Leyland cypress (G3 and G4) trees stand within the footprint of the proposed buildings and therefore must be removed to facilitate the development. These are low quality and value trees that are not a significant feature of public views from outside of the site. Their removal will therefore not have a significant effect on public visual amenity. Proposed new planting in the new car parking area and along the southern boundary of the site will adequately mitigate the visual impact of the removal of these trees.
- 24 2 willows (T30, T31), 2 poplar (T27,T28) and a single Leyland cypress (T29) are to be removed to allow an access road to be constructed near to and along the southern boundary of the site. These are also low quality and value trees that are not a significant feature of public views from outside of the site. Their removal will therefore not have a significant effect on public visual amenity. Proposed new planting along the southern boundary of the site will adequately mitigate the visual impact of the removal of these trees.
- 25 The 2 yews trees (T18, T19) are of greater significance and their loss is to be regretted. While T18 is ivy clad and T19 shows some dieback in its crown and both would benefit from remedial work, these are moderate quality and value trees. Unfortunately, the size and layout of the proposed new athletics track requires these trees to be removed. Since the trees are not a significant feature of public views from outside of the site their removal will therefore not have a significant effect on public amenity. However, the trees are probably visible in private views from residential properties that overlook the site from Iffley Road and removing them will therefore have a minor harmful impact on these views. The tree planting alongside Iffley Road (associated with the approved tennis centre) will mitigate the impacts in private views and will eventually provide significant public visual amenity benefits in Iffley Road.
- 26 The new buildings encroach upon the Root Protection Area (RPA) of retained trees. In particular, the access road to the west of the sports centre will be constructed

within the RPA of the ash, black pine and horse chestnut trees (T5-T16) along the southern boundary and a new building will be constructed within the RPA of a mature horse chestnut tree (T17) that stands on the boundary with Christ Church sports ground. A great deal of pre-application site investigation has taken place to determine the physical extent of the root systems of these trees and the constraints they impose on ground works and the access road. The design of the development has been positively amended in the light of the findings to minimise the potential impact on retained trees. If adequate care is taken to ensure that trees are protected from damage during the construction phase of development, by for example erecting barrier fencing and ground protection on site and using working methods that avoid damaging activities in proximity to tree, officers expect the retained trees should not be significantly harmed during the development.

- 27 The proposed tree planting will provide significant public amenity benefits. In particular, planting along the southwestern boundary of the site, which includes a matrix of aspen and alder trees under-planted with goat willow and osier which is appropriate for the riparian & floodplain landscape, will eventually help enhance the screening and softening of the development provided by the existing tree belt. These benefits could be further enhanced by the inclusion of some evergreen trees, such as holly, yew and pine.
- 28 Officers are therefore satisfied that the tree belt on the southwestern boundary of the site should remain unharmed by the development and will be enhanced by proposed new tree planting.

Biodiversity

- 29 NE21 of the Oxford Local Plan states that planning permission will not be granted for developments that would harm animal species specifically protected by law, unless the harm can be overcome by appropriate mitigation through compliance with planning conditions or planning obligations.
- 30 The application is accompanied by an Extended Phase 1 Habitat Survey and Daytime Bat Assessment. The latter indicates that there are low or negligible opportunities for roosting within the buildings and trees. The proposals would not therefore adversely affect bats. However there may be opportunities for biodiversity enhancement by the installation of bat boxes. Officers would therefore recommend a condition to this effect. Natural England supports this approach.
- 31 The site is also within 2km of the Magdalen Grove, New Marston Meadows and Iffley Meadows Sites of Special Scientific Interest (SSSI), however Natural England has advised that the development will not have a significant adverse impact on the nearby SSSI's.

Flooding and Drainage

- 32 The site is primarily located within Flood Zone 1 although the car park and western end of the site fall within flood zone 2. In accordance with Local Plan policy NE9 the application is accompanied by a Flood Risk Assessment (FRA) which in accordance with PPS25 sets out the existing site conditions and identifies compensatory flood storage demonstrating how the proposal will not increase surface water flood risk.

- 33 The proposal will compensate for losses in flood storage by providing open 'natural' flood storage through regrading the land surrounding the buildings and in voids under the building. The proposals will result in a significant betterment with a total increase in flood storage of 879m³. The Environment Agency approve of this approach.
- 34 The FRA also details surface water attenuation. This will be through the use of oversized pipes and a rainwater harvesting system. The Environment Agency supports this approach subject to a number of conditions set out above.

Sustainability

- 35 The City Council encourages all development to combine resource efficiency and renewable energy into their design. The development due to its size exceeds the threshold where a Natural Resource Impact Analysis (NRIA) is required.
- 36 A NRIA has been submitted and the development scores 6 out of 11 on the checklist score. Through a combination of passive design, energy efficiency measures, air source heat pumps and solar water heating systems, along with a combined heat and power unit, the proposal would amount to a 22.5% carbon reduction. The proposal also includes rainwater recycling that will service the new building, areas of landscaping and existing hockey pitch.
- 37 Officers therefore consider that the proposals are in accordance with local plan policy to increase energy efficiency and use of renewable energy sources and reducing carbon emissions.

Traffic, Access and Parking

- 38 The application is accompanied by a Transport Assessment which sets out the current situation with regard to parking and traffic and the impact of the proposals. The site is presently accessed off Jackdaw Lane and Iffley Road and this arrangement would be retained as part of the application. Vehicular traffic would continue to come from Jackdaw Lane while the majority of users will come from Iffley Road via bike or under foot. Traffic surveys taken in December 2009 confirm this revealing that 73% of trips to the site are pedestrian or cyclist.
- 39 The potential impact of additional traffic has been calculated on the basis of an additional gross external floor area of 4,686m² and a proportional increase of 85%. Assuming that there would be an 85% increase to existing peak hour trips the proposals would generate one additional two-way trip every one or two minutes. On this basis the Transport Assessment concludes that the existing access from Jackdaw Lane has capacity to absorb the additional traffic. It should however be remembered that 73% of users arrive by alternative means of transport and in reality the traffic increase would not be likely to be as high as predicted. Notwithstanding this the applicant proposes alterations to the Jackdaw Lane access to improve visibility along with the installation of a rumble strip.
- 40 The proposal reduces the number of car parking spaces from 60 to 48. Whilst the Transport Assessment has predicted an increase in peak hour vehicle trips the redevelopment would, due to the high percentage of users that arrive by bicycle and on foot, along with the proactive approach of the University towards encouraging more sustainable modes of transport, it concludes that the parking provision will be sufficient. The County Council as Highway Authority agrees with this conclusion.

- 41 The proposals will accommodate 410 cycle parking spaces on site which significantly exceeds the requirements of the Oxford Local Plan.
- 42 The projected increase in users of the site will have an impact on County transport infrastructure. To mitigate this the County Council requests £6,000 towards improvements to bus infrastructure on Iffley Road providing 'real time' service updates and £15,000 towards traffic management measures in the locality.

Planning Obligations

- 43 In addition to the financial contributions requested by the County Council the City Council, in accordance with Local Plan policy SR3, will require the applicant to enter into a joint user agreement prior to planning permission being granted to secure access for local schools and residents.

Conclusion:

- 44 The application accords with the local plan policy with regard to land use, parking and sustainability. The scheme would not adversely affect residential amenity and the applicant has established a need for the redevelopment. In this regard the principle of the development is considered to be acceptable.
- 45 The application follows a lengthy design process, with input from Council officers and consultation with the community through two exhibitions and a presentation to the East Area Parliament. This level of consultation and engagement, coupled with an imaginative design approach, has resulted in a development of high architectural quality, that whilst large would be appropriate for its setting and offers improved facilities that would benefit the University and wider community. Concerns raised about lighting can be appropriately addressed through a planning condition.
- 46 The proposals are therefore considered to be a well thought out and intelligent response to the site constraints and as such officers recommend that the Committee be minded to grant planning permission but delegate authority to officers to issue the notice of permission on completion of the s106 legal agreement.

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: 10/01006/FUL
Contact Officer: Steven Roberts
Extension: 2221
Date: 4 September 2010

West Area Planning Committee

7th July 2015

Application Number: 15/01443/FUL

Decision Due by: 6th July 2015

Proposal: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4)

Site Address: 44 Union Street
(Site location – Appendix 1)

Ward: St Clement's Ward

Agent: Mr Simon Sharp

Applicant: Crampton Smith Properties

Application Called in – by Councillors –
Clack, Price, Sinclair, and Lloyd-Shogbesan

for the following reasons –
Concerns relating to balance of family dwellings relative to HMOs

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development will not result in an overconcentration of Houses in Multiple Occupation in the local area and subject to the Conditions imposed, can provide acceptable facilities and amenities for a House in Multiple Occupation of this size situated in this area. The proposals would therefore make the best use of land and comply with the general aims of the Oxford Local Development Plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Submission of further matters - cycle and bin stores

Main Local Plan 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

Core Strategy

- CS23_** - Mix of housing

Sites and Housing Plan (SHP)

- MP1** - Model Policy
- HP7_** - Houses in Multiple Occupation
- HP13_** - Outdoor Space
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

13/01550/FUL - Erection of part single, part two storey rear extension.. PER 19th August 2013.

Representations Received:

24 Boulter Street: Object – HMO data [Licencing records] may not be accurate and actual number of HMOs may be higher than indicated.

17 London Place: Object – Policies HP1 and HP7 require any such application to provide a self contained dwelling of at least 75 SqM as part of the proposal. - As this dwelling is not part of the application, the application should be refused.

Statutory Consultees:

Local Highway Authority: No Objection

Determining Issues:

- Density of HMOs
- Facilities and amenities
- Parking

Officers Assessment:

Site Description and Background

1. 44 Union Street is a semi detached house with parking for 2 cars to the front / side of the house and a reasonably sized garden to the rear.
2. The site is highly sustainable, being situated conveniently located for bus routes along Morrell Avenue and the busy Cowley Road and with local supermarkets and facilities within 800m. Union Street is situated between the St Clements, Cowley Road and Divinity Road. Several areas of open space are also nearby, notably South Park.
3. Permission is now sought for a change of use from a single family dwelling (Use Class C3) to a small House in Multiple Occupation (HMO - Use Class C4).
4. Changes of use between use classes (C3 dwelling houses and C4 HMO's) would ordinarily benefit from permitted development rights and do not require a planning application to be submitted. However, the Government has given individual Councils the power, through the use of an "Article 4 Direction", to introduce controls locally. Oxford suffers from an acute shortage of housing and in order to ensure that an appropriate mix and quality of accommodation is provided across the City, Oxford City Council has made an Article 4 Direction allowing it to introduce local planning controls in terms of the change of use of a C3 dwelling to an HMO. Consequently as of 24 February 2012 planning permission is required within Oxford to change the use of a C3 dwelling house to a shared rented house (C4 HMO).

HMO Density

5. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area.
6. The provision of HMOs is controlled through planning policy firstly by the removal of permitted development rights to change the use of a single dwelling to an HMO, and secondly by policy HP7 of the Sites and Housing Plan (SHP) which seeks to permit only a limited number of HMOs in any particular area.

the SHP, which directly addressed the issue of overconcentration of HMOs in Policy HP7 and its accompanying text. This states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%.

7. The current application included an assessment of the HMO density in its locality, calculating that there are 6 HMOs within a 100m street length that includes a total of 39 properties, giving a density of 15.4%.
8. Officers' own calculations indicate that there are around 37 buildings within 100m street length of 44 Union Street, both along Union Street itself and also along Morrell Avenue. Of these, licensing records indicate that 3 of these have, or have applied for an HMO license.
9. The actual number may be higher, due to some HMOs not being licensed, but the figures indicate that around 8.1% of buildings in the relevant area are HMOs, well below the 20% concentration defined in Policy HP7. Officers note the comment received that the records may not be entirely up to date, but even if the current application were to be approved, the number of HMOs in the relevant area would still need to double before the 20% level was breached.
10. The surrounding area does not therefore show a significant concentration of HMOs, the current proposal will not materially harm the overall mix of housing in the local area and the application complies with Policy CS23 of the Core Strategy and Policy HP7 of the SHP.

Facilities and Amenities

11. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities. Policy HP13 of the SHP requires adequate provision for the safe, discrete and conveniently accessible storage of refuse and recycling whilst HP15 of the SHP requires the provision of adequate cycle parking.
12. The house will provide an acceptable level of communal and cooking space and four reasonably sized bedrooms. A W/C is provided to the first floor and a bath to the first floor. Both of these rooms meet the minimum space requirements and taken together, will meet the overall minimum sanitary provision for an HMO of up to 4 persons.
13. However, no information is provided in relation to cycle parking or refuse and recycling storage. There is a more than adequate area of outdoor space that could meet these needs and still provide an acceptable area of private open space. It is therefore considered reasonable for any grant of planning permission to be conditional on the submission of further details demonstrating an acceptable provision of cycle parking and bin storage to ensure that the available facilities would comply with the Facilities and Amenities Guide and Policies HP7, HP13 and HP15 of the SHP.

Parking

14. Although the site falls within a Controlled parking Zone, there is existing parking for 2 cars to the property which would remain. The Local Highway Authority has expressed no objection in relation to the application.

Other Matters

15. A comment has been received indicating that the proposal does not accord with the need to provide a self-contained dwelling as set out Policy HP1 of the SHP. However the accompanying text of the SHP (para A2.8) makes it clear that this policy does not apply to proposals for changes of use from C3 to C4.

Conclusion:

16. The development will not result in an overconcentration of Houses in Multiple Occupation in the local area and subject to the Conditions imposed, can provide acceptable facilities and amenities for a House in Multiple Occupation of this size situated in this area. The proposals would therefore make the best use of land and comply with the general aims of the Oxford Local Development 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: 15/01443/FUL

Contact Officer: Tim Hunter

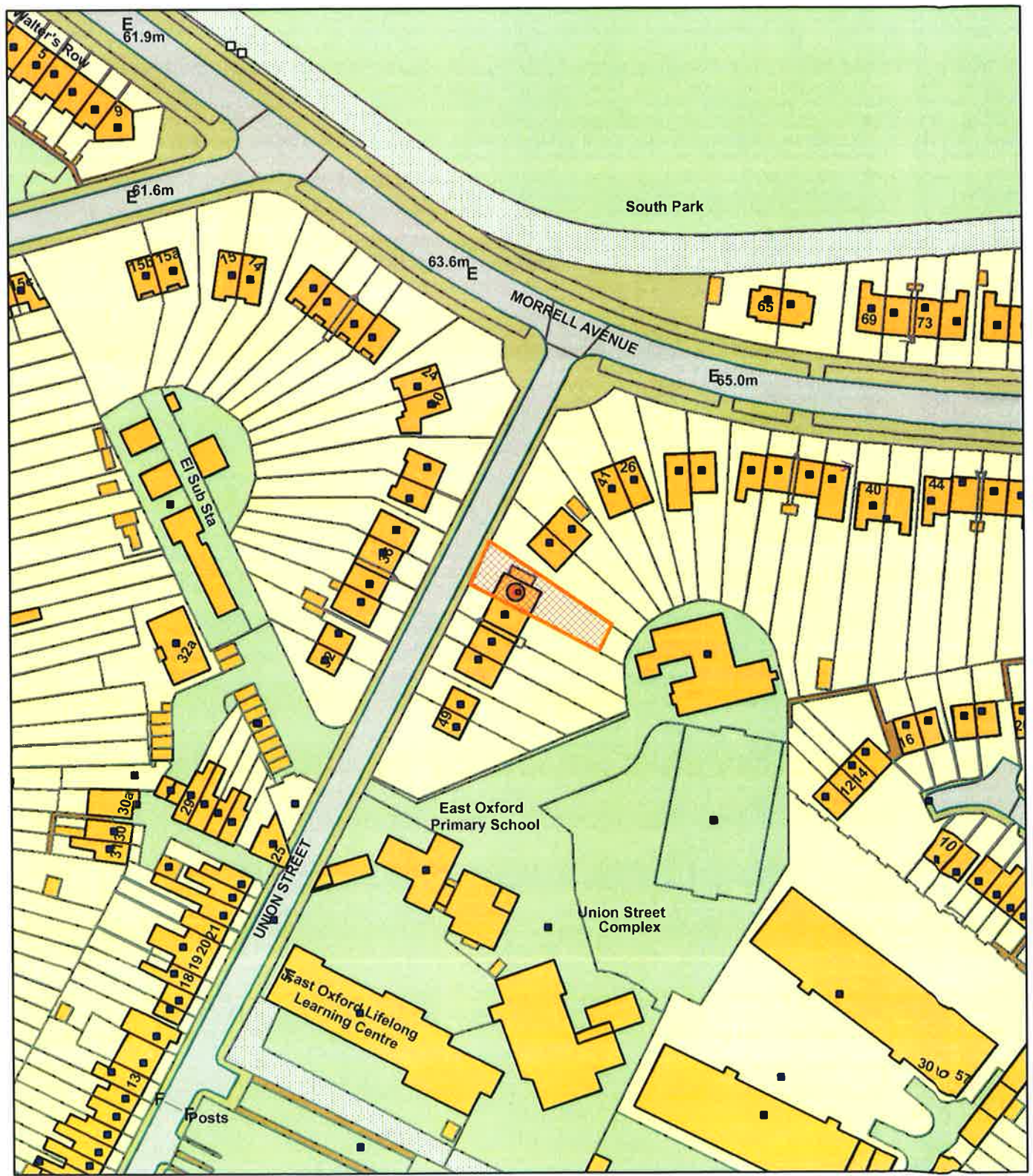
Extension: 2154

Date: 26th June 2015

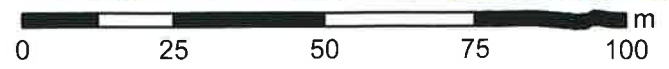
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APPENDIX 1

44 Union Street
15/01443/FUL



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Ordnance Survey 100019348.



Oxford City Council

City Development

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West Area Planning Committee

7th July 2015

Application Number: 15/01197/FUL

Decision Due by: 22nd June 2015

Proposal: Formation of a sand pit for beach volleyball and erection of fence (Amended plan)

Site Address: Cutteslowe Park, Harbord Road, **Appendix 1.**

Ward: Wolvercote Ward

Agent: N/A

Applicant: Mr Neil Smith

Recommendation: Approve with conditions.

For the following reasons:

- 1 The proposed development is considered acceptable and an appropriate addition to the existing leisure offer. Its design and visual impact is considered acceptable. No harm is caused on neighbouring amenities. The development would satisfy policies CP1, CP8, SR5 and SR6 of the Oxford Local Plan 2001-2016, CS18, CS20 and CS21 of the Oxford Core Strategy 2026 and the National Planning Policy Framework.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions:-

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

Main Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP8 - Design Development to Relate to its Context
- SR5 - Protection of Public Open Space
- SR6 - Cutteslowe Park

Core Strategy (CS)

- CS4 - Green Belt
- CS18 - Urban design, town character, historic environment
- CS20 - Cultural and community development
- CS21 - Green spaces, leisure and sport

Other Material Considerations:

- National Planning Policy Framework
- Planning Practice Guidance

Relevant Site History:

- 02/01770/FUL - Demolition of existing toilet building and construction of new station building/meeting hall and public toilets in connection with model railway at Cutteslowe Park.. PER 12th December 2002.
- 02/01811/CT3 - Single storey extensions to bowls pavilion. DMD 19th November 2002.
- 14/00696/CT3 - Replacement of existing roof and internal refurbishment. Application returned.
- 14/02704/FUL - Extension to Miniature Railway and associated works. PER 4th March 2015.
- 15/00853/CT3 - Replacement of existing roof and cladding. Erection of new external canopy, paving and ramp to north elevation. Formation of raised decked viewing platform with steel balustrade to east elevation. PER 12th May 2015.

Statutory Consultees:

Highways Authority – no objection, add informative to encourage more cycle parking.

Public Representations:

Friends of Sunnymead & Cutteslowe Park – Concerns are raised about the impact of the proposal on parking, the further increasing development of the park and the choice of location.

Individual Members of the Public:-

29 Hayward Road Oxford; 7 Harbord Road Oxford; 8 Marsh Lane Oxford; 38 Templar Road Oxford; 41 Stockey End Abingdon; 27 Bridge St Oxford; 1 Talbot Road Oxford; 46 Stanway Road Risinghurst; 43 Percy Street Oxford; 7 Southby Bampton; 90 London Road Wheatley; Cutteslowe Farmhouse Cutteslowe Park; 6 Beech Crescent Kidlington; 35a South Parade Oxford; 5 Hamble Drive Abingdon; Turl Street Jesus College Oxford; 33 York Road Oxford; 2 Talbot Road Oxford; 13

Harbord Road Oxford; Hedges Close Oxford; 13 Queens Gate 83 Five Mile Drive; Rowan Cottage Barns Lane; 1a Lucerne Rd Oxford; 30 South Street Oxford; 19 Harbord Road Oxford; 16 Willow Way Begbroke; St Hugh's College, St Margaret's Road Oxford; 60 Grandpont Place, Long Ford Close Oxford; 143 Mcdermott Close London; Flat 5 Samuel House Oxford; 38 Leafield Road Oxford; 19 Templar Road Oxford; 16 Priors Forge Cutteslowe; 5 Doris Field Close Oxford; 35 Desborough Crescent Oxford; Pembroke College, Pembroke Square Oxford; 24 Rivy Close Abingdon; 203 Morrell Avenue Oxford; Jesus College Turl Street; 7 Periwinkle Place Blackbird Leys; 14 Harbord Road Oxford; 2 Benson Road Headington; 55 Southmoor Road Oxford; 60 Margaret Road Headington; 4 Newport Terrace Bicester; 200, Block E Castle Mill; Flat 2, The Granary Greenlands Farm; Merifield Ferry Pool Road; 578 Banbury Road Oxford; 20 Awgar Stone Road Headington; The Queens College The High Street; Purcell Road 13; 45 Templar Rd Oxford; 1 Chamberlain Place; Senefelderstr. 8 Berlin; 4a Southfield Road Oxford; 35 Alan Bullock Close Oxford; Flat B, 192 Oxford Rd Kidlington; 2 Lime Walk Oxford; 22 Hayward Road Oxford; Flat 2, The Granary Greenlands Farm, Cow Lane; 13 Warneford Road; St. Anne's College Woodstock Road; St. Annes College 56 Woodstock Road; Flat 3 305 Abingdon Road Oxford; 38 Jackson Road Oxford

One resident did not state an address.

Of these:

13 Comments of Objection

- Too many special use areas already in park and overdevelopment
- Already strain on parking and traffic issues, proposal will worsen situation (Not easy to reach by bus, and too far out of town to cycle)
- Beach volley ball users mostly non-locals
- Losing more flexible spaces; unbalancing open space vs covered/facility occupied spaces
- Should be put in another park; selection of the site not known
- Inadequate information

42 Comments of Support

- Statement of support
- Clean, emerging & sustainable sport
- Greater exposure and accessibility of sport
- Fantastic initiative with great benefits
- Great addition to park
- Encourage more people to be active/healthy and get outdoors
- Step forward in development of city facilities
- Ample space in park to integrate and co-exist with existing facilities
- proposed courts smaller than tennis court, therefore generate less traffic, and cycle storage is provided
- Close to city and easy accessible by bicycle
- Nearest facilities in Brighton, Bournemouth or London

Determining Issues:

- Design & Visual Impact
- Transport and access
- Other issues

Officers Assessment:

Proposals.

1. The application site is located to the southern end of the park, near the southern car park, **Appendix 1**. The site is not located within the vicinity of any residential areas and is currently an open grassed space with no structures or facilities. The park has a number of other fitness and leisure facilities and structures within its grounds
2. Planning permission is sought for the formation of a sand pit and surrounding fence for a beach volleyball court. The proposed court would measure 24 m x 26 m, with a 1.5 m grass perimeter surrounded by 1.8 m high fence.

Design & Visual Impact

3. The application site is currently an open grassed area used by the public for games, picnics and leisure. It is a very large area and falls within the Oxford Green Belt which extends to open land to the north and east, including Sunnymead Park south of the ring road. Recreational uses are an acceptable use within the Green Belt.
4. The proposed design consist of an area of sand (24m x 26x with a 1.5 m green strip), surrounded by a green powder coated metal fence (1.8 metres in height). Four posts support two nets, serving the two courts proposed.
5. Overall the proposal is considered to be in keeping with the area. Although the courts would be clearly visible within the site, they would be seen and experienced in its recreation and parkland setting. The proposal is not therefore considered to be intrusive or to adversely affect the wider enjoyment of the park. Nor would it unbalance the proportion of informal space to formal games areas such as to oppose the facility.
6. Nor do officers consider that there would adverse impacts on neighbouring residential properties which are some distance away. The siting therefore conforms to the requirements of policy HP14 of the Sites and Housing Plan.
7. In summary the proposal is not considered to harm the provision of green space within the park, but adds to the facilities it provides for the local community and beyond. The proposals are therefore also considered to comply with policy CS21 of the Core Strategy and policies SR5 and SR6 of the Oxford Local Plan.

Transport and Access

8. The park is located just to the north of the ring road, and can also be accessed easily by bicycle and public transport (nearest bus stop is a short walk away). A number of concerns have nevertheless been raised in conjunction with parking and traffic related issues.

9. However the park has two car parks, one to the north of the park accessed off Harbord Road, and one to the south, adjacent the proposed application site. The proposed development also includes the provision of 6 cycle spaces at the actual facility.
10. The Highway Authority has been consulted and has raised no objections in highways or access terms. Planning officers concur with the Highway Authority that there are no grounds to oppose the development in terms of access to the park.

Other Issues

11. Amount of Development / Open Space. Cutteslowe Park is a very large park that contains an array of open spaces, playing fields, multipurpose and specialised facilities. The proposal is considered to fit in and not prejudice the provision of other formal and informal facilities within the park.
12. Site Selection. The applicant has evaluated a number of potential locations across Oxford parks for the facility proposed. In cooperation with the Council's Parks and Leisure team, Planning Officers have discussed 4 other sites in pre-application meetings, and a final site was selected near the car park due to its distance away from residential areas and proximity to the car park and to other facilities.
13. Use of Facility / Changing Rooms. The Parks Department has confirmed that the volleyball club will use existing toilets and changing rooms, which are due to be improved and can be booked through the Council. The new courts will be bookable through the club.

Conclusion.

14. Officers have considered all representations made, and assessed the proposal against adopted planning policies. It is considered acceptable in terms of design, neighbour amenities and transport facilities. The development would satisfy policies CP1, CP8, SR5 and SR6 of the Oxford Local Plan 2001-2016; policies CS18, CS20 and CS21 of the Oxford Core Strategy 2026; and the National Planning Policy Framework. The application is supported accordingly.

Human Rights Act 1998

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

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing

conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 02/01770/FUL, 02/01811/CT3, 14/00696/CT3, 14/02704/FUL, 15/00853/CT3

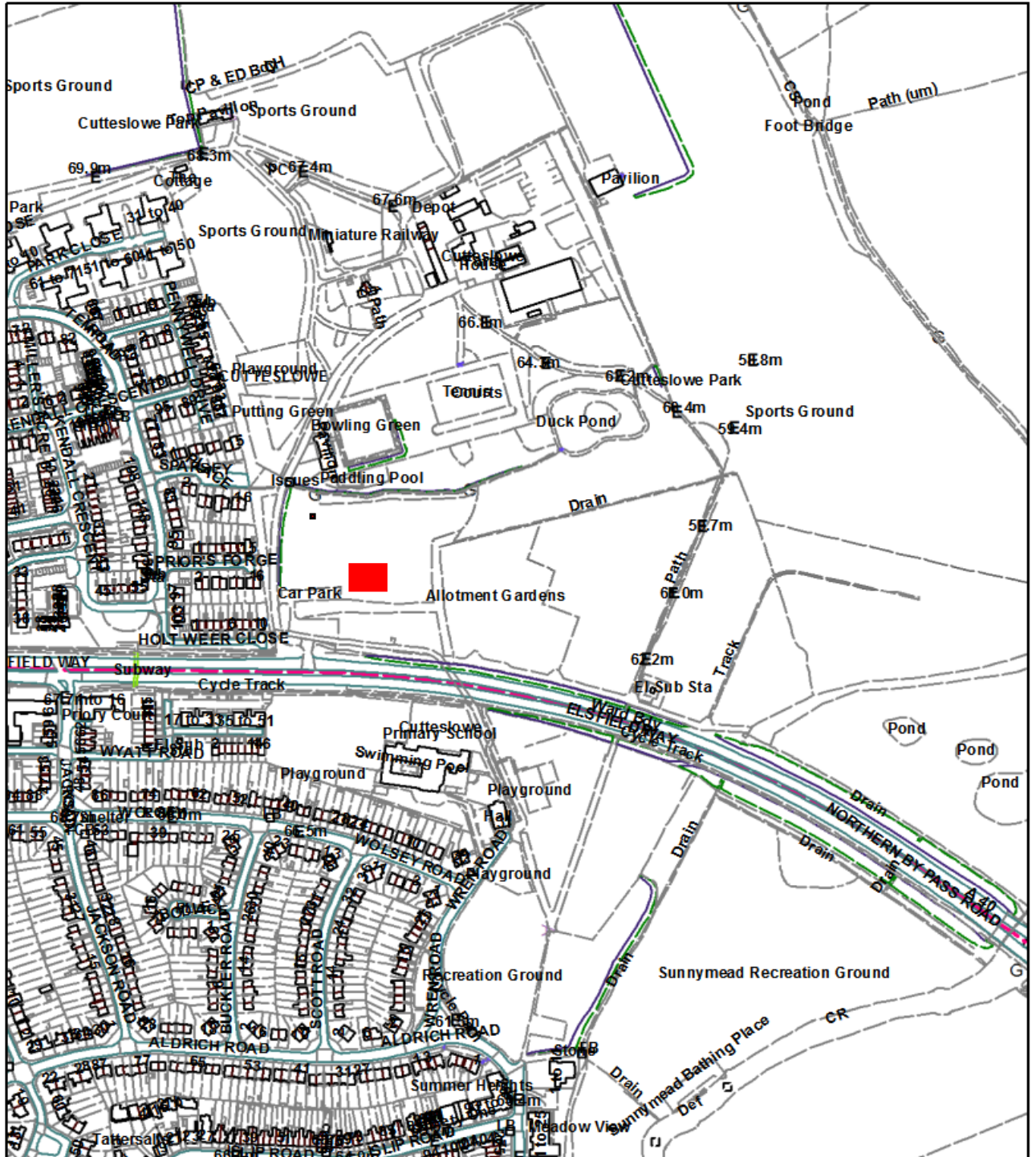
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Extension: 2241

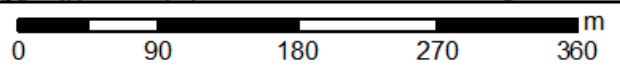
Date: 25th June 2015

Appendix 1

Site Plan: Cutteslowe Park 15/01197/FUL



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MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 9 June 2015



COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Benjamin, Cook, Gant, Hollingsworth, Price, Tanner and Upton.

OFFICERS PRESENT: Murray Hancock (City Development), Michael Morgan (Law and Governance), Jennifer Thompson (Law and Governance) and Nick Worledge (Chief Principal Planner)

1. ELECTION OF CHAIR FOR COUNCIL YEAR 2015/16

The West Area Planning Committee elected Councillor van Nooijen as Chair for the Council Year 2015/16.

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

The West Area Planning Committee elected Councillor Gotch Vice-Chair for the Council Year 2015/16.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

5. CHRIST CHURCH MEADOW: 15/00760/FUL

Councillor Upton stated she was a college lecturer at Christchurch, and while not affected by this application she would abstain from the debate and voting. She remained in the room but took no part in the proceedings.

The Committee considered a report detailing an application for planning permission for the change of use and extension of the existing thatched barn to provide accommodation for a visitor shop and ticket office, a café, storage, staff accommodation, interpretation space; and the demolition of existing buildings and erection of a new works building and service yard including workshops, garages, storage, staff facilities and WCs, parking area and established landscaping at Christ Church Meadow.

James Lawrie, Martin Perry, and the project architect, representing the applicant, spoke in support of the application and explained the benefits for visitors.

The Committee were concerned that the siting of a bus/coach stop on St Aldates may not be appropriate and suggested a change to the heads of terms of the legal agreement as below.

The Committee resolved to approve application 15/00760/FUL subject to the conditions and a legal agreement as set out below; and to authorise officers to issue the decision on completion of the legal agreement.

Conditions

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

Legal Agreement S106 Heads of Terms, County:

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

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

The Committee considered a report detailing an application for retrospective planning permission for the erection of outbuildings and garden structures and the formation of decking at rear of Jacob's Inn, 130 Godstow Road.

Councillor Jean Fooks spoke objecting to the application in her capacity as ward councillor. She raised concerns about parking and traffic.

Jonathan Ree, a local resident, spoke objecting to elements of the application. He said the light from the strip light illuminating the bar/cooking area spilled into his garden and was irritating.

Mark Dauncey, the agent, spoke in support of the application.

The Committee asked questions and agreed to add a condition to reduce the impact on neighbouring properties of the strip light from the bar/cooking area.

The Committee resolved to approve application 15/00998/FUL subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as approved.
4. Exclusion from approved plans.
5. Use of outside structures.
6. Lighting of the cooking station to include a baffle to prevent light spilling into neighbouring gardens or properties.

7. 14 POLSTEAD ROAD: 15/00035/FUL

The Committee considered a report detailing an application for planning permission for the conversion of existing flats into 1 x 4 bedroom and 1 x 6 bedroom dwelling houses (Use Class C3); demolition of the existing rear extension and erection of part single, part two storey rear extension and basement extension; insertion of 5 rooflights in association with loft conversion; erection of porch to side elevation; one front lightwell and one rear lightwell; installation of iron railings; and creation of 2 new on-site car parking spaces at 14 Polstead Road.

Councillor Liz Wade spoke on behalf of residents and residents' groups objecting to the application. She proposed a number of conditions to protect residents, the adjacent language school, and the amenity of the area for the Committee's consideration.

David Shorrocks, representing the architect, spoke in support of the application.

In order to mitigate the impact of the development during and after construction on the area and on residents, the Committee agreed to add a condition requiring a construction management plan to be agreed in consultation with the ward councillors and an informative regarding the summerhouse.

The Committee resolved to approve application 15/00035/FUL subject to the following conditions:

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

Informative – summerhouse to be retained.

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

The Committee considered a report detailing an application for planning permission for the demolition of the existing building and erection of 9 flats on 2 and 3 floors, (5 x 3-bed, 2 x 2-bed and 2 x 1-bed), together with 12 car parking spaces, 24 cycle spaces, recycling store and ancillary works at Jack Howarth House, 75 Hill Top Road.

Nik Lyzba and Paul Southouse, the agent and architect, spoke in support of the application.

The Committee agreed to amend or add conditions to ensure active management of the cycle store to encourage residents to cycle, and to secure suitable landscaping for the car park area to enhance the site.

The Committee resolved to approve application 15/00684/FUL subject to the following conditions:

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

9. 23 UPLAND ROAD: 15/00352/FUL

The Committee considered a report detailing an application for the erection of a part single, part two storey rear and side extension and alterations to the roof to form hip to gable, formation of rear roof extension and insertion of two front dormer windows and one rear dormer window in association with loft conversion at 23 Upland Road.

Chris Dawes and Maryanne Martin, local residents, spoke objecting to the application. They spoke about the impact on their property and asked for obscure glazed rooflights in the single storey extension to prevent overlooking.

Peter Pritchard, the agent, spoke in support of the application.

The Committee agreed to add a condition requiring obscure glazed rooflights in the single storey extension to prevent overlooking.

The Committee resolved to approve application 15/00352/FUL subject to the following conditions

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

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

The Committee considered a report detailing an application for the change of use from Use Class A1 (Retail) to Use Class A3 (Restaurant) at 96-97 Gloucester Green.

Nick Diment, the agent, spoke in support of the application.

The Committee were of the view that the application would also create environmental problems in contravention of policy RC12 and adversely affect residents, although the principal reason for refusal was contravention of policy RC5.

The Committee resolved to refuse application 14/02663/FUL for the following reason:

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

11. 17 LATHBURY ROAD:15/00106/VAR

The Committee considered a report detailing an application for the variation of condition 4 (hours of use of garden) of planning permission 95/00761/VTH to allow the garden to be used by nursery children for a maximum of 4 hours per day at 17 Lathbury Road.

Oliver Jones, a local resident, spoke against the application, commenting that nothing had changed to warrant the change to the condition and that while residents were accepting of the current use and increased use would cause an unacceptable level of disturbance.

Simon Handy, the agent, spoke in support of the application. He referred to guidance on early years learning and the statutory curriculum, and that the nursery had taken into account the appeal decision in seeking a balance in this application. With a longer time available, smaller groups of children would be outside potentially reducing the peak noise.

Contrary to the officer's recommendation of approval, the Committee were of the view that there was no substantive change from that existing at the time of the refusal of application 13/01213/VAR, and that the reasoning still applied. Neither the view that the proposal was acceptable nor the view that it was unacceptable could be supported by the lack of complaints to the statutory authority. However on balance the Committee were of the view that the application should be refused for the same substantive reason as application 13/01213/VAR.

The Committee resolved to refuse application 15/00106/VAR for the following reason:

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

12. PLANNING APPEALS

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

13. MINUTES

The Committee resolved to approve the minutes of the meeting held on 12 May 2015 as a true and accurate record.

14. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications.

15. DATE OF NEXT MEETING

The Committee noted that the next meeting would be held on 16 June.

The meeting started at 6.30 pm and ended at 8.55 pm

MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 16 June 2015

www.oxford.gov.uk



COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Benjamin, Cook, Gant, Henwood, Hollingsworth, Price and Upton.

OFFICERS PRESENT: Fiona Bartholomew (Planning and Regulatory), Michael Morgan (Law and Governance), Tim Sadler (Executive Director Community Services), David Stevens (Planning and Regulatory) and Jennifer Thompson (Law and Governance)

Chairman's introduction

The Chair welcomed everyone to the meeting, outlined the procedure, and introduced officers and committee members.

Registered speakers confirmed if they wished to make one address covering either application or both applications, or wished to make two addresses, one for each application.

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Chairman's introduction
The Chair welcomed everyone to the meeting, outlined the procedure, and introduced officers and committee members.

Apologies for absence were received from Councillor Tanner (substitute Councillor Henwood).

17. DECLARATIONS OF INTEREST

There were no declarations of interest made.

18. EAST WEST RAIL LINK 13/03202/CND & 14/00232/CND- DISCHARGE OF CONDITIONS RELATING TO VIBRATION

The Committee considered a report and appendices detailing two applications for approvals under planning permission TWA/10/APP/01 for the provision of a railway at Oxford (Section H of the scheme).

The Committee also had eight submissions from members of the public and two from the applicant sent to the clerk for circulation after the publication of the agenda. Members also had the presentation from the open technical briefing on the key issues held on 11 June 2015 which five members had attended.

The planning officer introduced the report and highlighted the key issues and points for consideration contained in this. She also highlighted those issues outside the scope of the three applications (the two considered here and the one considered as the next item) which could not be taken into account including HS2; and drew attention to the relevant parts of the Secretary of State's decision and the strict limits this imposed on the Council's discharging of these conditions.

With the agreement of the committee, the Chair extended the time permitted for addresses objecting to and in support of the application to 33 minutes, with a three minute limit for each objector, to allow all those registered the opportunity to make their comments. Consent had been sought and obtained from all concerned save for Keith Dancey to use this opportunity to make comments concerning both this item and the next.

Paul Buckley, Patricia Feeney, Michael Drolet, Caroline Robertson, John Keyes, Keith Dancey, Neil Butterfield, Chris Irwin, and Lyn Bibbings, all local residents, spoke against the application.

Their points included:

- The assumptions, far from being cautious, did not include the heavy stone trains currently running on the line which created noise and vibration significantly in excess of the acceptable VDV's.
- The assumptions were not in line with current practice and published timetabled movements. Network Rail was not forthcoming on future movements and had produced unrealistic assertions.
- Heavy freight trains would exceed the vibration thresholds – the stone trains in particular would exceed these.
- A reasonable planning scenario would assume a similar pattern to the present and that a doubled track would result in increased train movements.
- The inspector imposed Condition 19 to protect residents from unacceptable noise or vibration.
- Measurements were not taken at or near residents' homes or of subsurface vibrations from trains in tunnels and cuttings: the assumptions were therefore wrong. Building parameters used were wrong. Discharging the conditions was a threat to public safety.
- One resident said his house shook every time a train passed despite having a garden between the house and railway. He was disappointed with the small sample size and the number of assumptions and had no confidence in the calculations.
- There was no consideration given to the usability of outside spaces or the need to open windows. Noise and vibration had serious effects on residents' physical and mental health.

- This decision had implications for Section I of the line.
- There should be guarantees that no heavy stone trains would run.
- There should be strict conditions limiting freight trains to below 30mph and stone trains to daytime and below 20mph.
- There was no mechanism for redress if the predictions were wrong and the conditions were not met. Monitoring, mitigation, and ensuring compliance were necessary.
- A properly resourced onsite monitoring and enforcement plan was required.

Three registered speakers considered their points had been adequately covered and did not address the committee.

Andy Milne, representing Network Rail, and Graham Cross, representing Chiltern Railways, spoke in support of the application, and answered questions as requested by the Chair.

Their points included:

- A summary of the work carried out and the changes to the originally submitted scheme.
- Stone trains currently running at night were servicing the construction work at Water Eaton and through to Bicester. There were no plans to route any trains related to HS2 through this line, should HS2 proceed.
- The line would be completely rebuilt to modern standards with an appropriate maintenance schedule.
- This work would improve the railway through Oxfordshire and improve or introduce links between Oxford and High Wycombe, Bicester, London, and eventually eastern cities.
- If the Tata silent rail was approved for this use, it would be used on Section H where it would be of most benefit although they would like to start with trial sections to assess its effectiveness. It should give a 3dB reduction in noise.

Members of the committee questioned officers to clarify their understanding of points in the application, the assessments, and the objectors' representations, and to satisfy themselves as to the constraints on their decision.

The officers' advice in response is summarised as:

- Limiting the services run or imposing speed limits are outside the scope of this application. Considering the impact of any proposals which did not have consent was outside the scope of this application. Current use of the railway, for example for construction freight, was outside the scope of the application. The mix of trains was part of the assumptions used to model the impact and the committee was not asked to sanction or require a particular set of train movements. The committee could not challenge or change or speculate on the Secretary of State's assumptions or decision, including the decision to delegate this matter. The committee's attention was directed to the paragraphs in the Secretary of State's decision covering alternative mitigation measures and the role of the local planning authority.

- The assumptions used in the calculations were set out in the appendices to the report; the council had obtained the required independent advice that these were cautious and reasonable; there was no expert evidence that these were in fact unreasonable. Freight trains varied greatly in their size, weight, type, and impact and the assumptions covered this variety. Individual heavy stone trains might be expected to be at the upper end of the scale but modelling had to account for a reasonable range and not focus on one end of this.
- Calculations both by the council's expert and Paul Buckley gave VDV's close to, but below, acceptable limits. It was acknowledged that the VDV as a unit was sensitive to changes in types of trains. There were no detailed measurements for particular train types.
- The Tata silent rail reduced noise but not vibration. The strength of vibration required to cause structural damage was far in excess of that created by trains.
- The Secretary of State's decision stated that only the effectiveness of mitigation could be monitored: if there was no mitigation then no monitoring could be required. If there was no breach of the VDV limits then no mitigation could be required. The council as the local planning authority was responsible for planning enforcement in the normal way.

The Committee debated the applications, taking into account the officer's report, supporting appendices, and advice from officers. A motion to accept the officer's recommendation with two further conditions was proposed and seconded.

The conditions proposed were:

1. It is confirmed that the calculations for the Noise and Vibration policy Jan 2011 and the Noise and Vibration Mitigation Policy and the Schemes of Assessment for Noise and Vibration were based on an operational pattern of 8 passenger train movements per hour at peak times and 8 freight train movements per day between 11.00pm and 7.00am. Any variation from this operational pattern will require a new application to Oxford City Council for approval under the Transport Works Act and deemed approval under the Town and Country Planning Act 1990 Section 90 (2a).
Reason - to ensure compliance with Condition 19.
2. Continuous monitoring will be required of both vibration and noise levels at agreed positions throughout section H with a minimum of ten dual monitoring points on the Eastern side and five dual monitoring points on the Western side of the railway, to be installed by Network Rail in positions agreed with Oxford City Council. Buildings calculated to be at particular risk of excessive vibration and/or noise levels will have dedicated monitors. Network Rail will report to Oxford City Council at intervals of six months and eighteen months and at yearly intervals for a further five years after train services start, the results of monitoring – to enable a comparison of theoretical and actual levels of vibration and noise. If actual levels exceed maximum levels laid down in British Standard 647-1 2008 (*vibration*) and the Transport Works Order /10/APP/01 then Network Rail will take immediate remedial action – to be approved in writing by Oxford City Council and completed within 6 months. If the remedial measures are not successful, then Network Rail will take further

measures until full compliance with the Noise and Vibration Mitigation policies is achieved.

Reason - to ensure compliance with Condition 19.

The legal adviser said these conditions could not be imposed as proposed, and advised that the committee should understand that such conditions cannot be legitimately imposed.

Committee members were of the view that the applications could be approved but as the modelling relied so heavily on assumptions, and in the case of vibration compliance was marginal, they considered it reasonable to require monitoring of the actual vibration created by trains on the line to establish whether the limits were breached either at the outset or in the future. Without monitoring there would be no evidence to support or refute the view that vibration was below the threshold, and no evidence to support any assertions that vibration levels exceeded the limits and mitigation was required. Committee members were also of the view that for the same reasons train movements should be restricted to those assumed in the calculations. They remained of the view that the two conditions proposed, albeit amended, should be added.

An amendment was proposed and agreed to add the two further conditions in amended form; and to authorise the planning officer to amend the wording in consultation with the legal adviser, Chair and Vice-Chair to result in these being effective conditions and then to issue the decisions.

The Committee **resolved** that condition 19 be partially discharged in relation to the vibration schemes of assessment for section H (applications 13/03202/CND and 14/00232/CND) subject to the following three full and summary conditions, and to authorise the planning officer to amend the wording of conditions 2 and 3 (above in full; below in summary) in consultation with the legal adviser, Chair and Vice-Chair and then to issue the decisions:

1. The development is to be carried out strictly in accordance with the documents titled "East-West Rail; Phase 1 Chiltern Railways Company Limited Plain Line Vibration Assessment and Mitigation" (ref 5114534- ATK-VIB-RPT-80001 rev P07) dated 16 January 2014; "East-West Rail; Phase 1 Chiltern Railways Company Limited Vibration from Switches & Crossings – Assessment and Mitigation" (ref 5114534-ATK-VIB-RPT- 80003 rev A01) dated 21 January 2014; the ERM letter to the Council dated 29 April 2015 (including the Atkins Technical Note titled "East West Rail Phase 1: Vibration Assessment for Proposed Relocation of Switches and Crossings in Section H" dated 28 April 2015); and drawing numbers 0221083_SecH_Sheet24_Ver1, 0221083_SecH_Sheet25_Ver1, 221083_SecH_Sheet26_Ver1 and 0221083_SecH_Sheet27_Ver1 all dated May 2015. In the event of conflict between these drawings and other documents the four May 2015 drawings shall prevail and as between the other documents the later produced document shall prevail.

Reason – the vibration scheme of assessment has been prepared upon the basis of these drawings and the potential for deviation from them would not

result in the achievement of the standards of vibration mitigation required by the Noise and Vibration Mitigation Policy (January 2011).

2. A condition giving effect to condition 1 above, to restrain the pattern of train movements to those assumed in the assessments.
Reason - to ensure compliance with Condition 19.
3. A condition giving effect to condition 2 above, to require monitoring of both vibration and noise levels at agreed positions with reporting of results over an eight year period, and should this show exceedance of the maximum levels to require mitigation to ensure compliance.
Reason - to ensure compliance with Condition 19.

and with the addition of the following informative:

1. The Applicant is advised that its offer to monitor vibration effects of the development is regarded as highly desirable and the results should be provided to the local planning authority and publicised generally.

19. EAST WEST RAIL PHASE 1: 15/00956/CND - DISCHARGE OF CONDITION 19 OF TWA/10/APP/01 IN RESPECT OF NOISE MITIGATION

The Committee considered a report and appendices detailing an application for approval under planning permission TWA/10/APP/01 for the provision of a railway at Oxford (Section H of the scheme).

The Committee also had eight submissions from members of the public and two from the applicant sent to the clerk for circulation after the publication of the agenda. Members also had the presentation from the open technical briefing on the key issues held on 11 June 2015 which five members had attended.

The planning officer said that all matters were covered in the introduction to the previous item.

Keith Dancey, local resident, spoke against the application. His points included the need for higher barriers; good quality barriers with advice taken from agencies which used these; and monitoring to check effectiveness well into the future.

Andy Milne, representing Network Rail, and Graham Cross, representing Chiltern Railways, said all matters were covered in their statements on the previous item.

Members of the committee questioned officers to clarify their understanding of points in the application, the assessments, and the objectors' representations, and to satisfy themselves as to the constraints on their decision.

Officers referred the Committee to their previous presentation and advice.

The Committee debated the applications, taking into account the officer's report, supporting appendices, and advice from officers. A motion to accept the officer's recommendation with three further conditions was proposed and seconded. Committee members were of the view that the applications could be approved but that the same arguments applied to this application as to the two previously considered, and so the same additional two conditions should be added to this permission. After debate and clarification of the mitigation measures proposed an amendment to add the first two conditions only and not include the third was agreed.

These were:

1. Condition 2 on permissions 13/03202/CND and 14/00232/CND as finalised by officers.
Reason - to ensure compliance with Condition 19.
2. Condition 3 on permissions 13/03202/CND and 14/00232/CND as finalised by officers.
Reason - to ensure compliance with Condition 19.

The Committee **resolved** that condition 19 be partially discharged in relation to the noise scheme of assessment for section H (applications 15/00956/CND) subject to the following full and summary conditions, and to authorise the planning officer to attach the agreed wording of conditions 2 and 3 (above in full; below in summary) in consultation with the legal adviser, Chair and Vice-Chair and then to issue the decisions:

1. The development is to be carried out strictly in accordance with the documents titled "Noise Scheme of Assessment for Route Section H" (ref 0221083/11/H06) dated 6 March 2015; the ERM further technical note submitted to the Council on 5 May 2015 titled "Technical Note to Provide Information on the Effect of Relocating the Woodstock Road Crossover (ref 0221083/H07) and drawing numbers 0221083_SecH_Sheet24_Ver1, 0221083_SecH_Sheet25_Ver1, 0221083_SecH_Sheet26_Ver1 and 0221083_SecH_Sheet27_Ver1 all dated May 2015. In the event of conflict between these drawings and other documents the four May 2015 drawings shall prevail and as between the other documents the later produced document shall prevail

Reason – the Noise Scheme of Assessment has been prepared upon the basis of these details and deviation from them would not necessarily result in the standards of vibration mitigation required by the Noise and Vibration Mitigation Policy (January 2011) being achieved

2. Within three months of this partial approval under condition 19 of the deemed planning permission, proposals shall be submitted for the written approval of the local planning authority showing how at-source noise attenuation by rail dampening to at least the standard achievable by the use of Tata Silentrail can be incorporated into the scheme. The development to which this approval relates shall not be brought into operation EITHER without that written approval having been obtained and other than in

accordance with such approved details OR without the Council having given written confirmation that it is satisfied that the provision of such rail dampening is not reasonably practicable.

Reason - The local planning authority is not satisfied that rail dampening as an at source mitigation measure has been shown to not be reasonably practicable in the absence of any attempt on the part of the applicant to secure approval for the use of such a measure.

3. Condition 2 on permissions 13/03202/CND and 14/00232/CND as finalised by officers.

Reason - to ensure compliance with Condition 19.

4. Condition 3 on permissions 13/03202/CND and 14/00232/CND as finalised by officers.

Reason - to ensure compliance with Condition 19.

The meeting started at 6.30 pm and ended at 9.00 pm