

Agenda

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West Area Planning Committee

Date: **Tuesday 2 August 2016**

Time: **6.00 pm**

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

For any further information please contact:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: democraticservices@oxford.gov.uk

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

West Area Planning Committee

Membership

Chair	Councillor Louise Upton	North;
Vice-Chair	Councillor Tom Landell Mills	St. Margaret's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Jean Fooks	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Jennifer Pegg	Northfield Brook;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;
	Councillor Marie Tidball	Hinksey Park;

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 16/01290/FUL: NORTH OXFORD GARAGE LTD, WOLVERCOTE ROUNDABOUT, WOODSTOCK ROAD, OX2 8JP	11 - 18
Site address: North Oxford Garage Limited Wolvercote Roundabout Woodstock Road Oxford	
Proposal: Refurbishment to existing BMW dealership including the construction of a new Motorrad entrance on the East elevation, a new construction to the North of the site to comprise of new wash bay and valeting facilities. The internal layout is to be rearranged to suit new BMW and Motorrad corporate standards with the associated external works to the site to suit the internal layout changes. (Appendix 1 site plan)	
Officer recommendation: That the West Area Planning Committee resolves to GRANT planning permission subject to the following conditions and legal agreement:	
Conditions	
1. Development begun within time limit	
2. Develop in accordance with approved plans	
3. Materials	
4. Surface Water Drainage	
5. No external lighting	
6. Construction Traffic Management Plan	
Legal Agreement: A CIL contribution will be required.	
4 77-83 IFFLEY ROAD 85 AND 87 IFFLEY ROAD AND STOCKMORE HOUSE STOCKMORE STREET OXFORD OXFORDSHIRE OX4 1EG (16/01468/FUL)	19 - 32
Site address: 77-83 Iffley Road 85 And 87 Iffley Road And Stockmore House Stockmore Street Oxford Oxfordshire OX4 1EG	
Proposal: Alterations to existing buildings on Iffley Road frontage and improvements to provide main	

entrance to student accommodation, rear extensions and staircases. Alterations and extension to Stockmore House, Stockmore Street to provide additional study/bedrooms, alterations to existing access to Stockmore Street, parking space for disabled persons and servicing. Alterations to bin storage area and cycle parking.(Appendix 1 site plan)

Officer recommendation: That the West Area Planning Committee resolves to REFUSE planning permission for the reasons stated in the report.

5 18 HAWKSWELL GARDENS: 15/02352/FUL

33 - 44

Site address: 18 Hawkswell Gardens Oxford Oxfordshire OX2 7EX

Proposal: Erection of 3 x 6 bedrooms dwellinghouses (Use Class C3). Provision of car parking spaces, private amenity space, bins and cycle stores (site plan appendix 1)

Officer recommendation: That the West Area Planning Committee resolves to REFUSE the planning application for the reasons stated in the report.

6 LAND ADJACENT TO 30A UNION ST: 15/03633/FUL

45 - 60

Site address: Land Adjacent 30A Union Street, Oxford;

Proposal: Erection of 2 storey side extension to No. 30A Union Street to create 1 x 3-bed semi-detached dwellinghouse (Use Class C3). Provision of private amenity space, bin and cycle store;

Officer recommendation: That the West Area Planning Committee resolves to REMOVE the requirement for an affordable housing contribution.

7 55 SUNNINGWELL ROAD OXFORD OXFORDSHIRE OX1 4SZ (16/00746/FUL)

61 - 66

Site address: 55 Sunningwell Road, Oxford, OX1 4SZ

Proposal: Erection of single storey rear extension. Formation of decking area and steps at the rear (Appendix 1 site plan).

Officer recommendation: That the West Area Planning Committee resolves to APPROVE the planning application subject to the following conditions:

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

8 118 SOUTHFIELD ROAD: 16/01026/FUL

67 - 74

Site Address: 118 Southfield Road Oxford Oxfordshire OX4 1PA

Proposal: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use class C4) for 5 persons

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. Bin and bike stores.

9 MINUTES

75 - 78

Minutes from the meeting of 12 July 2016.

Recommendation: That the minutes of the meeting held on 12 July 2016 are approved as a true and accurate record.

10 FORTHCOMING APPLICATIONS

Applications for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting. This is not a definitive list: applications may be added to or deleted from this list.

- 15/01601/FUL: 26 Norham Gardens
- 15/03524/FUL: Oxford Spires Four Pillars Hotel, Abingdon Road
- 16/00391/FUL: 24 Rosamund Road
- 16/00791/FUL: 1 Richmond Road
- 16/00684/FUL: Old School, Upper Wolvercote
- 16/00470/FUL: 1A Cranham Street:
- 16/00068/FUL & 16/00069/LBC: Grove House, Iffley Turn
- 16/01530/CT3: Tennis Courts, Pegasus Road, OX4 6JL
- 16/01220/FUL & 16/01221/FUL: 16 Northmoor Road
- 16/01413/FUL: Land Adjacent 279 Abingdon Road
- 16/01541/FUL: The Honey Pot, 8 Hollybush Row, OX1 1J
- 16/01495/RES: Westgate Centre And Adjacent Land, OX1 1NX
- 16/01725/FUL and 16/01727/LBC: St Edward's School, Woodstock Road, OX2 7NN
- 16/00882/FUL: 135 - 137 Botley Road, Oxford
- 16/01046/FUL: 30 Warnborough Road, Oxford, OX2 6JA
- 16/01397/FUL: 8 Chadlington Road

- Chiltern Line - East West Rail link - conditions applications

Network Rail applications to be considered at West Area Planning Committee on 13 September 2016:

Current ref no	Refers to	Subject
16/01634/CND	15/01978/CND Condition 1	NSoA for route section I2
16/01635/CND	15/01978/CND Condition 1	VSoA for route section I2
16/01410/VAR	13/03202/CND Condition 3	Vibration monitoring on plain line, route section H
16/01411/VAR	14/00232/CND Condition 3	Vibration monitoring at switches and crossings, route section H
16/01406/VAR	15/00956/CND Condition 4	Noise monitoring route section H
16/01412/VAR	15/03587/CND Condition 3	Vibration monitoring on plain line, route section I1
16/01409/VAR	15/03503/CND Condition 4	Noise monitoring route section I1
Request for condition to be discharged by letter. Additional information to be submitted.	15/00956/CND 15/03503/CND Condition 2	Rail dampening/ SilentTrack

11 DATES OF FUTURE MEETINGS

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

13 Sep 2016
 11 Oct 2016
 8 Nov 2016
 13 Dec 2016
 24 Jan 2017
 21 Feb 2017
 14 Mar 2017
 11 Apr 2017
 9 May 2017

DECLARING INTERESTS

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

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

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

Members' Code of Conduct and public perception

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

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

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

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

The following minimum standards of practice will be followed.

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

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

Members of the public wishing to speak must notify the Committee and Member 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 Committee and Member 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 Committee and Member 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 Committee and Member 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.

a)

b)

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West Area Planning Committee

2nd August 2016

Application Number: 16/01290/FUL

Decision Due by: 6th September 2016

Proposal: Refurbishment to existing BMW dealership including the construction of a new Motorrad entrance on the East elevation, a new construction to the North of the site to comprise of new wash bay and valeting facilities. The internal layout is to be rearranged to suit new BMW and Motorrad corporate standards with the associated external works to the site to suit the internal layout changes. (Appendix 1 site plan)

Site Address: North Oxford Garage Limited Wolvercote Roundabout Woodstock Road Oxford

Ward: Wolvercote Ward

Agent: Lorna Griffiths

Applicant: Mr Le Fevre

Recommendation: East Area Planning Committee is recommended to grant planning permission for the following reasons:

Reasons for Approval

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

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Surface Water Drainage
- 5 No external lighting
- 6 Construction Traffic Management Plan

Legal Agreement:

A CIL contribution will be required.

Main Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

CP13 - Accessibility

CP19 - Nuisance

CP20 - Lighting

CP21 - Noise

Core Strategy

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS11_ - Flooding

CS12_ - Biodiversity

CS17_ - Infrastructure and developer contributions

CS18_ - Urban design, town character, historic environment

CS6_ - Northern Gateway

CS2_ - Previously developed and greenfield land

Northern Gateway Area Action Plan

Other Material Considerations

National Planning Policy Framework

Relevant Site History

03/00003/FUL - Single storey building to provide car wash facility for vehicles being serviced and for sale. (Amendment to planning permission 02/01102/NF) (North Oxford Garage) - PER

11/02720/ADV - Erection of 4 externally illuminated flag sign. (Amended description) – PER

Statutory and Internal Consultees

Land Quality Officer

No objections, subject to an informative dealing with unexpected contamination.

Highways

No objections subject to a Construction Traffic Management Plan (CTMP) being submitted prior to the commencement of work.

Tree Officer

No objections, would welcome soft landscaping measures as part of the proposed development.

Representations Received

None

Site Description

1. The application site encompasses the existing North Oxford BMW garage that occupies a plot between the Woodstock Road (A44) and the Northern Bypass Road (A40). The site is immediately north-west of the BP petrol filling station at the Wolvercote Roundabout. To the south of the site, beyond the A40 is the Oxford Hotel, to the north east there are residential properties on Woodstock Road and to the north-west is a telephone receiver station (with fields beyond).
2. There is a large existing building on the site including a large part two storey and part single storey flat roofed building that contains the offices, storage and showroom. The current north-eastern part of the site contains the motorrad section (used to display motorbikes). The main entrance to the building is on the south-western side (facing towards the Wolvercote Roundabout).
3. The building on the site is partially glazed, providing views into the showroom and partially clad in metal; incorporating corporate colours and signage associated with BMW.
4. There are extensive areas of surface car parking and an access road around the site. There are currently 190 car parking spaces on site (as well as two disabled spaces and 37 motorcycle spaces).

Proposed Development

5. It is proposed to construct a new entrance area for the building on the east elevation, which would serve the motorrad section. A new wash bay and valeting area proposed in the northern part of the site. Extensive internal alterations are proposed and reconfiguration to provide the main entrance on the south-western side of the building. There are also proposals to reconfigure the car park which would result in a net loss in car parking spaces.
6. The proposed extensions and alterations would be constructed from materials to match the existing building on the site; with sections of composite cladding, aluminium and glazing. The valet and washbay buildings would be between 5 and 2.4 metres in height and would be construction from composite panels finished in silver with shallow monopitched roofs.
7. Indicative plans have been provided to show areas of landscaping.
8. Officers consider that the principle determining issues of the application are:
 - Principle
 - Design

- Impact on amenity
- Car parking and access
- Flooding and surface water drainage

Officer Assessment

Principle

9. The proposed development would take place on land that would be considered previously developed land. The National Planning Policy Framework together with the Council's own adopted planning policies; including Policy CS2 of the Core Strategy (2011) require that the majority of new development should take place on previously developed land. The proposals would modernise an existing car showroom and garage site and the layout would result in an increase in floorspace of 126m². Arguably, the increase in floorspace and improved circulation provided on the site would make more efficient use of the land; an approach that would be supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016.
10. The site lies within the defined area of the Northern Gateway Area Action Plan (AAP). The car showroom and garage is identified in the AAP as an existing developed site and there are no proposals for changes to the land use that are required. The proposed development would not prejudice the development of the Northern Gateway identified in AAP or any infrastructure required to deliver a site in that location.

Design

11. The proposed development would be sited close to the existing built up part of the site and would be largely contained by existing developments so that it would not give rise to a significant impact on the streetscene. The proposed development would emulate the existing style and type of buildings on site and is also both typical of buildings in the immediate vicinity (such as the adjacent fuel station) and of buildings typically used as a car showroom. The colour theme and use of glazing are corporate requirements for this type of building and the proposed extension would be a proportional and sympathetic addition to the existing development on site.
12. The application site occupies a prominent site on a key entrance into the City; the existing buildings on the site (and extensive areas of parked vehicles) give the site a fairly harsh and urban appearance. Officers have sought indicative plans for landscaping on the site and it is recommended that a detailed landscaping scheme be sought by condition if planning approval is granted. The planting would soften the appearance of the buildings and car parking areas and create a more pleasant quality to the site.
13. There are no proposals for external illumination on the site; given that this is a site close to the edge of the City and occupying a prominent location it is recommended that a condition be included to control the location of any external lighting that is proposed.

Impact on Amenity

14. The application site lies approximately 40m from the nearest dwellinghouse. None of the proposed developments on the site would have an impact on the amenity of that property or any other nearby dwelling. The overall level of activity on the site is unlikely to materially increase as a result of the proposed development. There would be no impact on light conditions or privacy for any nearby dwellings.

Access and Parking

15. There are no proposals to alter the existing access arrangements on the site. The site currently has an access onto the A40 (where a right turning lane provides access for west-bound traffic) and an access onto the A44 (left turn only and only accessible for northbound traffic). There is an internal access through the site with the majority of car parking being at the southern edge of the site and in front of the existing entrance (south east of the building). Car parking and motorcycle parking is currently also provided at the north-eastern edge of the site. The proposals would provide a modified car parking layout with a reduction from 190 car parking spaces to 164, 2 car parking spaces would be retained for disabled drivers and there would be an increase in motorcycle spaces (from 37 existing to 90). There are no highway objections, but a condition has been included in the recommendation that would require the submission of a Construction Traffic Management Plan prior to commencement.

Flooding and Surface Water Drainage

16. The application site does not lie in an area of high flood risk. The majority of surfacing on the site is impermeable tarmac parking areas and buildings. The proposals would not likely give rise to any increased surface water runoff as a result. However, a condition has been included in the recommendation to require the submission of a detailed drainage scheme prior to commencement to ensure that the development complies with the requirements of SUDs and the Council's adopted planning policy, CS11 of the Core Strategy (2011). Officers regard that it is particularly important to ensure that no surface water should enter the highway given the close proximity of the application site to key strategic radial routes into the City.

Biodiversity

17. The application site is currently built up and has areas of lighting and busy roads around it. It is not therefore likely that this is an area where bats are likely to be present; as a result the development would not be considered likely to give rise to an adverse impact on protected species and Officers recommend that the development complies with Policy CS12 of the Core Strategy (2011).

Conclusion:

18. On the basis of the above, Officers recommend that the West Area Planning Committee grant planning permission for the proposed development subject to the conditions as set out in the report.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 16/01290/FUL

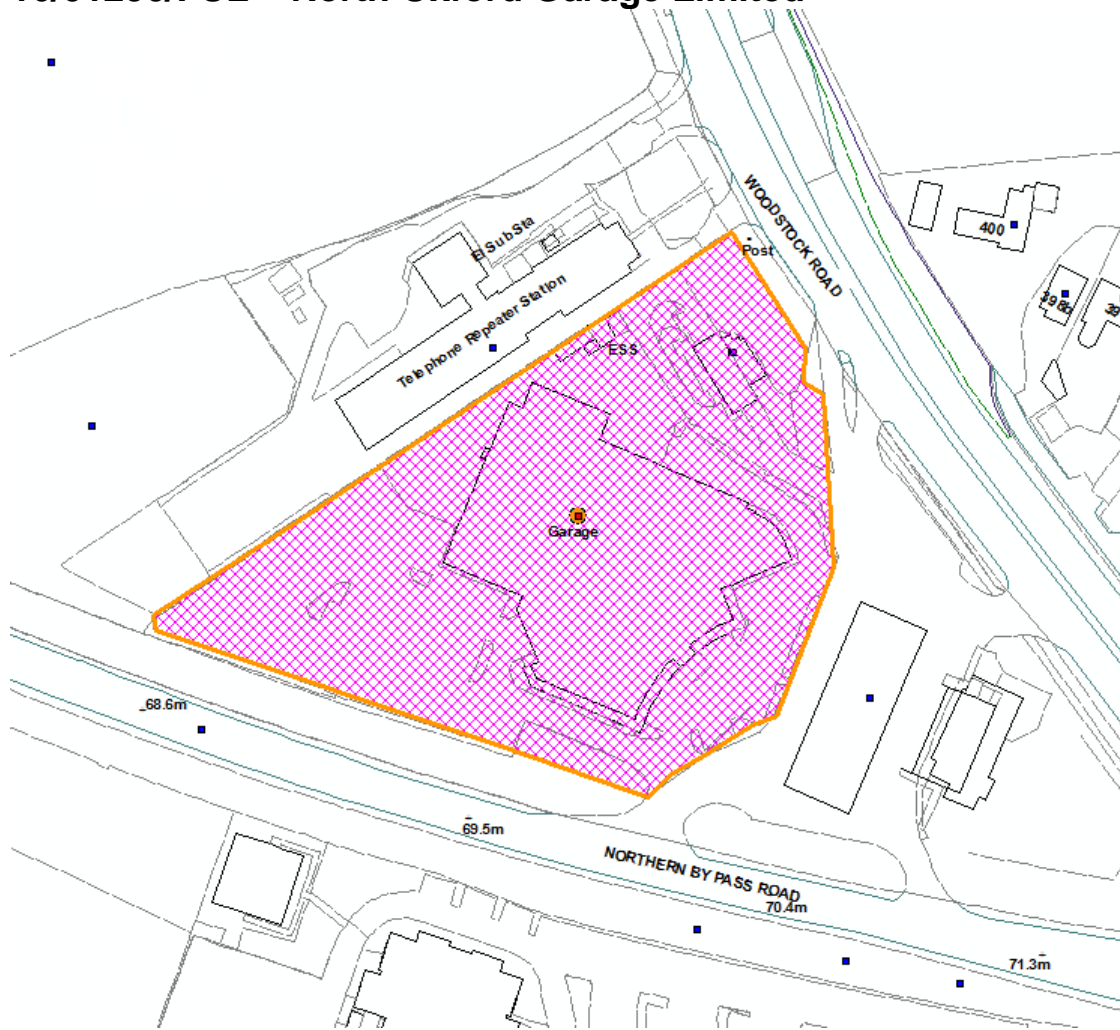
Contact Officer: Robert Fowler

Extension: 2104

Date: 19th July 2016

Appendix 1

16/01290/FUL – North Oxford Garage Limited



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Ordnance Survey 100019348



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West Area Planning Committee

2nd August 2016

Application Number: 16/01468/FUL

Decision Due by: 31st August 2016

Proposal: Alterations to existing buildings on Iffley Road frontage and improvements to provide main entrance to student accommodation, rear extensions and staircases. Alterations and extension to Stockmore House, Stockmore Street to provide additional study/bedrooms, alterations to existing access to Stockmore Street, parking space for disabled persons and servicing. Alterations to bin storage area and cycle parking.(Appendix 1 site plan)

Site Address: 77-83 Iffley Road 85 And 87 Iffley Road And Stockmore House Stockmore Street Oxford Oxfordshire OX4 1EG

Ward: St Marys Ward

Agent: Mr Nik Lyzba

Applicant: St Hilda's College, Oxford

Recommendation: West Area Planning Committee is recommended to REFUSE planning permission for the following reasons:

1. The proposed extension at the rear of the 77-83 and 85-87 Iffley Road would, by virtue of its visual prominence and unsympathetic design have a detrimental impact on the character and appearance of Stockmore Street and Iffley Road. The proposed development's bulky design and flat roof would introduce a discordant feature at the rear of the terrace. The development fails to preserve or enhance the St Clement's and Iffley Road Conservation Area and would be harmful to the character, appearance and special significance of the Conservation Area. The development is therefore contrary to Policy CP1, CP8, CP10 and HE7 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).
2. The proposed development would result in the loss of vegetation on the site; notably an existing magnolia tree. There are no proposals to provide replacement planting which would otherwise maintain the verdant appearance of the site. The leafy appearance of the St Clement's and Iffley Road Conservation Area is an important aspect of the area's character, appearance and special significance. The failure to provide adequate landscaping whilst removing trees on the site would mean that the development would have a negative impact on the character, appearance and special significance and the development is therefore contrary to Policy CP1, HE7 and NE16 of the

Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

Legal Agreement and CIL

No legal agreement would be required but a CIL contribution would be required if planning permission was granted.

Main Local Plan Policies

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

CP13 - Accessibility

CP19 - Nuisance

CP20 - Lighting

CP21 - Noise

HE7 - Conservation Areas

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

Core Strategy

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS11_ - Flooding

CS12_ - Biodiversity

CS17_ - Infrastructure and developer contributions

CS18_ - Urban design, town character, historic environment

CS19_ - Community safety

CS25_ - Student accommodation

CS29_ - The universities

Sites and Housing Plan

HP5_ - Location of Student Accommodation

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

Other Planning Documents

National Planning Policy Framework

Relevant Site History

None

Statutory and Internal Consultees

Land Quality Officer

No objections subject to an informative relating to unexpected contamination.

Highways

No objections subject to conditions requiring a construction traffic management plan, measures to ensure no cars are brought to Oxford by students and a management plan dealing with arrival and departure for students at the beginning and end of terms. A condition would also be required to deal with visibility splays for the proposed vehicle access onto Stockmore Street.

Tree Officer

As far as possible the proposals should be adjusted to include additional soft landscaping to 'green' the Iffley Road and Stockmore Street road frontages to enhance the appearance and character of this part of the St Clement's and Iffley Road Conservation Area. In particular a new tree of an appropriate species should be planted at a location which will mitigate the impact that removing an existing magnolia tree will have on public views from Stockmore Street.

Representations Received

91 Iffley Road, objections:

- Amount of development proposed on site
- Effect on character of the area
- Noise and disruption on nearby dwellings during construction
- Increase in student numbers
- Poor appearance of existing buildings
- Lack of landscaping
- Impact on light
- Concerns about cycle parking
- Impact of the proposed development on conservation area

It should be noted that the above consultation was carried out on the basis of the originally submitted plans. Minor amendments to the proposed two storey extension were sought following discussions with Officers where concerns were raised; no consultation has been carried out on the amended plans because the changes were very minor in nature. The amendments that were made are set out in Paragraphs 8 and 9 below.

Site Description

1. The application site includes existing properties at 77-83 Iffley Road, 85-87 Iffley Road and Stockmore House. The site is on the corner of Iffley Road and Stockmore Street in East Oxford; it functions as a single site that is owned by St Hilda's college and is used for student accommodation occupied by up to 54 graduate students.
2. The accommodation is accessed from Iffley Road, with the buildings on the frontage being 77-83 (known as Fulford House) and 85 to 87 Iffley Road. The Iffley Road properties form a four storey terrace; the buildings are Victorian and constructed from brick. Stockmore House lies to the rear of 77-83 Iffley Road and has an access off of Stockmore Street (with a small adjacent parking area). Stockmore House is a three storey 1970s building; it is purpose-built student accommodation. There is an area of open area of

garden at the rear of 85-87 Iffley Road.

3. There is a change of ground levels across the site, with entrances to the Iffley Road buildings being at the ground floor level which is raised from the street (lower ground levels benefit from lightwells across the front).
4. There are number of trees in the rear garden area of the site; including Chestnut, Holly, Magnolia and fruit trees. The magnolia tree is visible in the public ream and occupies an existing gap between Stockmore House and the rear elevation of 77-83 Iffley Road.
5. There is an existing low brick boundary wall on the Iffley Road elevation (with brick detailing matching the terrace behind). There is a higher boundary wall of approximately 1.5m along the Stockmore Street elevation and a modern metal gate in front of the parking area between Stockmore House and the adjacent dwellinghouse (No. 44 Stockmore Street).
6. None of the properties on the site are listed. The entire application site lies within the St Clement's and Iffley Road Conservation Area.

Proposed Development

77-83 Iffley Road and 85-87 Iffley Road

7. It is proposed to extend the rear of 77-83 Iffley Road and 85-87 Iffley Road to provide new student rooms and a new full height stairwell at the rear of each terrace; providing additional circulation space. The proposals would also involve substantial internal changes to the existing accommodation which would modernise the accommodation available and provide a more uniform arrangement within the cluster flats. The development proposed would result in a total of 33 rooms being provided in 77-83 Iffley Road and 12 rooms for 85-87 Iffley Road; a net gain of 2 rooms. It is proposed to retain the self-contained two bedroom fellows set own the lower and upper ground floors; with a retained access onto Iffley Road.
8. The proposed extension would be a three storey flat roof development. Accommodation would be provided across four floors (there is a lower ground floor which would extend into existing lower ground floor accommodation of the building). The proposed flat roof would have a parapet wall which would be slightly higher than the existing eaves of the Iffley Road terrace. The original height of the parapet wall was slightly higher than now proposed and was reduced as part of the minor amendments to the scheme that were made.
9. The proposed extension would extend across the width of 77-83 Iffley Road; this extension would result in the rear elevation being approximately in line with the adjacent terrace 85-87 Iffley Road. The proposed extension would be set back from the corner of the existing terrace on the Stockmore Street elevation by approximately 450mm. When the application was originally submitted the proposals did not incorporate the 450mm set-back but this was sought as an amendment to the proposed scheme.

10. The stair block is proposed at the rear of 85-87 Iffley Road; this would have an overall depth of approximately 5.5 and a width of approximately 3.3m. The materials proposed for the extension include red brick for the walls (to complement the existing predominantly red brick used in the external construction of the existing terrace). Subtle brick detailing is proposed; in the form of horizontal banding is proposed. Large bay windows are proposed for the rear of the extension, the windows would have timber cladding with powder coated grey frames.
11. A new pedestrian and cycle entrance to the rear of the terrace at 77-83 Iffley Road would be created onto Stockmore Street which would serve as the main entrance for the site. The gate for the entrance is proposed to incorporate a stylised map of East Oxford.

Stockmore House

12. A three storey extension is proposed to Stockmore House, on the site of the existing car parking area (between Stockmore House and No. 44 Stockmore Street). The new block would function as a standalone accommodation block but physically adjoin the existing Stockmore House. The proposed extension would provide a total of 11 rooms, with minor changes proposed to the stairwell and entrance area at the existing Stockmore House.
13. The proposed extension of Stockmore House would have materials to complement the existing building and would incorporate a standing seam roof to match the existing Stockmore House. The fenestration proposed would be larger windows (existing windows on Stockmore House's front elevation are predominantly bathrooms and high level kitchen windows).

Summary

14. The total net gain would be 13 additional student rooms; arising from the extension and refurbishments to the Iffley Road terraces and the extension to Stockmore House.

The principal determining issues of the application are:

- Principle of development
- Design
- Impact on Amenity
- Car Parking and Access
- Flooding and Surface Water Drainage

Officers Assessment:

Principle of Development

15. The majority of new development would take place on what would have originally have been garden land at the rear of the terrace and an existing car parking area. Much of this land would not be considered to be

previously developed land for the purposes of planning. Policy CS2 of the Core Strategy (2011) together with the National Planning Policy Framework (NPPF) requires that previously developed land should be the focus of new development. However, in the wider context of the Council's planning policy there is scope to accept development on existing sites where design and other constraints can be addressed. There is an emphasis in particular on promoting a greater efficiency of land as set out in Policy CP6 of the Oxford Local Plan 2001-2016.

16. The proposed development would facilitate substantial improvements to the internal layout of the Iffley Road properties and provide more purpose built student accommodation that is built to modern standards. Information provided with the application and raised with Officers by the applicant has suggested that there is currently a lower demand on the student accommodation within the Iffley Road properties on the site because of the lower quality of accommodation there. The proposals therefore provide a greater opportunity to provide overall improvements to the accommodation that may increase the occupancy of the site whilst providing a modest increase in the number of students on the site. Officers would recommend that this would not only bring about a greater efficiency of the use of the existing site and raise the standard of accommodation provided by the college but also reduce demand from the college's student on open market accommodation; an approach promoted by Policy CS25 of the Core Strategy.
17. Officers advise that the development is on a main thoroughfare (Iffley Road) and therefore acceptable in the context of Policy HP5 as a location for student accommodation. Developments for new student accommodation must include a management regime and appropriate controls to ensure that the development is car free.
18. On the basis of the above, Officers regard that the principle of the development proposed would be considered acceptable.

Legal Agreement and CIL

19. The proposals would require a Community Infrastructure Levy (CIL) contribution. There is no requirement for an affordable housing contribution as the number of student rooms sought falls below the threshold identified in Policy HP6 of the Sites and Housing Plan (2013).

Design

Siting, External Appearance and Impact on Conservation Area

20. The proposed rear extension to the Iffley Road terrace (77-83 and 85-87 Iffley Road) would be highly visible from Stockmore Street; effectively filling a gap between the existing Stockmore House and the existing terrace at 77-83 Iffley Road. As this is a corner plot the development would also be visible from Iffley Road. The overall height of the development would increase the visual prominence of the development;

the height to the top of the parapet wall would be higher than the existing eaves of 77-83 Iffley Road. It is the view of the Officers that the proposed development would appear as a three storey flat roof extension to a terrace; the overall form of the development would, combined with its prominent siting be a discordant and unsuitable addition to the streetscene.

21. Further to the above, the proposed development would as a result of its poor design have a detrimental impact on the character, appearance and special significance of the St Clements and Iffley Road Conservation Area. This part of the Conservation Area contains buildings of varying architectural styles and quality but the overall mix of development has given rise to a distinct and special quality of environment. 77-83 and 85-87 Iffley Road are Victorian Terrace properties which have a traditional pitched roof and some interesting brick detailing. The proposed development does not respect this context and Officers consider that the development would fail to harmonise with the existing development on site and would detract from the overall character and appearance of the area; having an overall negative appearance on the Conservation Area. Officers therefore recommend that the development fails to preserve or enhance the appearance of the Conservation Area and the development is contrary to Policy HE7 of the Oxford Local Plan 2001-2016.
22. Officers have had regard to the overall visual prominence of the development and consider that this is a factor that has been particularly concerning in terms of giving rise to the unacceptability of the scheme. Following the submission of the scheme Officers recommended that the proposed extension be set back from Stockmore Street which would decrease the prominence of the extension and provide an opportunity to provide landscaping to soften the impact of the development. Providing landscaping would also ameliorate the loss of the magnolia tree (as discussed in paragraph 25 below). Some minor changes have been provided, these feature as the amended plans that now form the basis of the application. However, the setting back of the extension by 450mm and the small decrease in the height to the parapet wall would not decrease the prominence of the development sufficiently and would not provide sufficient space to provide adequate landscaping.
23. The proposed stairblock at the rear of 85-87 Iffley Road would have a contemporary appearance and would be at odds with the overall appearance of the rear of terrace. However, its discrete siting would make this feature acceptable in design terms. Other modifications proposed to Iffley Road terrace would be acceptable in design terms and would facilitate the significant improvements to the accommodation that are proposed.
24. The proposed extension to Stockmore House would have a contemporary appearance and would emulate some of the appearance of the existing Stockmore House. The proposed development would be acceptable in design terms, having a similar pallet of materials to surrounding properties

and an overall height and siting that would be sympathetic. The fenestration of the proposed extension to Stockmore House would not match particularly well with the original building; having much larger windows but Officers do not recommend that this should necessarily mean that the development is not acceptable in design terms. The overall scale of development would enable this aspect of the development to form a visually acceptable relationship in the streetscene and it would not harm the character, appearance and special significance of the Conservation Area.

Materials

25. Officers recommend that the materials proposed would likely be acceptable as they would provide some visual interest to the development whilst also respecting the existing pallet of materials on the site. If planning permission was granted then samples and additional information about the detailing proposed would have to be required by condition.

Boundary Treatments

26. The proposed boundary treatments would be acceptable, with walls along the Stockmore Street elevation providing a similar level of enclosure to the existing walls in this location. The use of matching materials would ensure that this aspect of the development would be visually satisfactory.

Public Art

27. It is proposed to provide a new piece of public art on the gate for the new pedestrian access. The gate would incorporate a stylised map of East Oxford and would contribute positively to the public realm. If planning permission is granted then the details and provision of the public art could be required by condition.

Communal Areas

28. Policy HP5 of the Sites and Housing Plan requires that for sites of more than 20 student bedrooms there would need to be communal spaces provided (indoor and outdoor). The proposals would bring about a layout where there would be a central shared courtyard which would provide a pleasant area of outdoor amenity for shared use. The internal changes to the buildings on the site (as well as the proposed new build areas) would bring about a higher standard of accommodation where there would be shared indoor areas, namely kitchen areas in the flats.

Landscaping and Trees

29. The proposals would involve the loss of a mature magnolia tree; the tree has outgrown its location but it does make a positive contribution to the St Clement's and Iffley Road Conservation Area. Officers recommend that the development should have proposed the replacement of the magnolia tree or landscaping to maintain the verdant appearance that part of the site. Because the proposed development extends so close to the highway, it would not provide sufficient space to provide an acceptable amount of

landscaping in this location which would otherwise soften the appearance of the building. Officers have recommended that this form a basis for refusing the application.

30. If planning permission is granted for the proposed development then conditions dealing with trees and landscaping would be required.

Refuse and Recycling Storage

31. A refuse and recycling store is proposed at the front of the existing Stockmore House. This area is already screened by a high brick wall; gates are proposed to provide access to this area.

Energy

32. The application provides an energy statement proposing to provide 20% of energy on-site from renewable and low carbon technologies. This would enable the development to meet the requirements of Policy HP11 of the Sites and Housing Plan (2013). If planning permission was granted for the proposed development then conditions would be required to ensure that the development met the requirements as proposed.

Access and Car Parking

Car Parking

33. The proposals would be for car free development, students at the college are not entitled to bring a car to Oxford; conditions can be applied to ensure that the normal regime of ensuring that this is enforced by college can be used and is included in the recommendation. The proposals would remove an existing area of car parking which would reduce car movements along this narrow residential road.
34. There is provision for a disabled car parking space for a student on the site. This aspect of the development is required in order that the development complies with the requirements of Policy CP13 of the Oxford Local Plan 2001-2016.
35. The highway authority has not raised objections subject to conditions if planning permission is approved.

Pedestrian Access

36. A new pedestrian access is proposed onto Stockmore Street; this would form a new access for the entire site and would enhance the security for students on the site. The entrance is also positioned so that it would give rise to less disturbance for neighbouring residential occupiers, being further from neighbouring dwellings than the existing entrance adjacent to Stockmore House and would mean much reduced use of the Iffley Road entrances (that would only serve the two bedroom fellows sets at the lower ground level).

Cycle Parking

37. It is proposed to provide cycle parking within the courtyard area at the rear of 85-87 Iffley Road. Details of the cycle parking could be required by condition if planning permission was granted.

Flooding and Surface Water Drainage

38. The application site does not lie in a high flood risk area. The proposed development would take place partially on land that is already surfaced in impermeable materials (the existing car park). The overall amount of land that would be covered as a result of the proposed development would not likely lead to adverse impacts on surface water drainage. If planning permission was granted then conditions would be required to ensure that permeable surfacing was used as widely as possible and require plans of a drainage scheme to ensure that the development complied with the requirements of Policy CS11 of the Core Strategy (2011).

Biodiversity

39. The proposals would involve modifications within existing buildings and extensions. The development proposed would not involve significant alterations within roofspaces or on areas of the site where there are likely to be protected species, notably bats. As a result, the development is acceptable in the context of Policy CS12 of the Core Strategy (2011).

Conclusion

40. On the basis of the above and for the reasons outlined in this report, Officers recommend that the West Area Planning Committee refuse planning permission for the proposed development.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

community safety.

Background Papers: 16/01468/FUL

Contact Officer: Robert Fowler

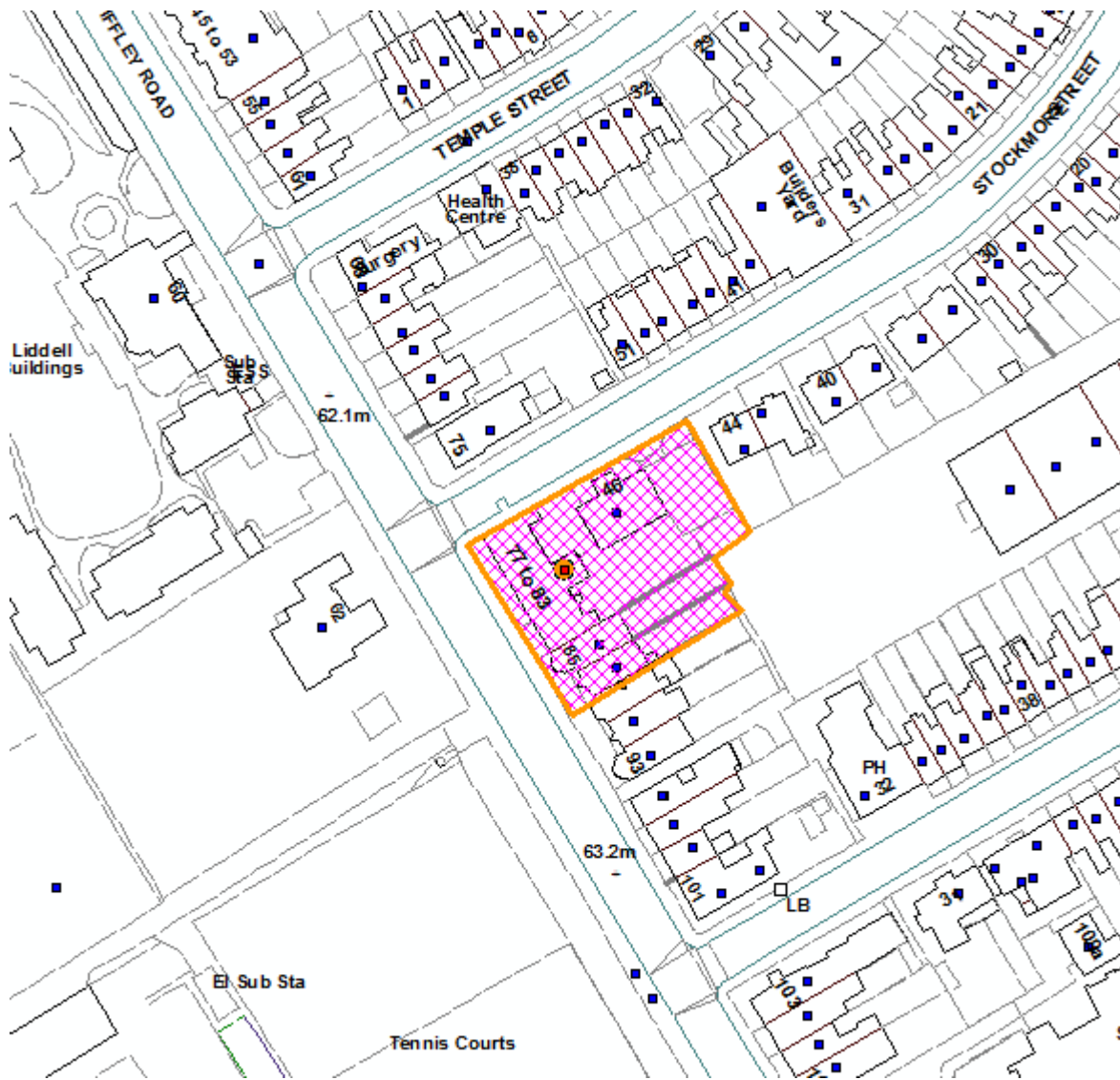
Extension: 2104

Date: 21st July 2016

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Appendix 1

16/01468/FUL – 77-83 and 85-87 Iffley Road and Stockmore House



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Ordnance Survey 100019348



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West Area Planning Committee

2nd August 2016

Application Number: 15/02352/FUL

Decision Due by: 31st August 2016

Proposal: Erection of 3 x 6 bedrooms dwellinghouses (Use Class C3).
Provision of car parking spaces, private amenity space, bins and cycle stores (site plan appendix 1)

Site Address: 18 Hawkswell Gardens Oxford Oxfordshire OX2 7EX

Ward: Summertown Ward

Agent: Mr James Corris

Applicant: Mr & Mrs Racy

Application Called in – by Councillors Gant, Gotch, Wade and Fooks for the following reasons - overdevelopment, the houses being considerably larger than those surrounding, and in relation to the plot; and on the grounds of difficulty of access to the site, both during construction and for future occupants.

Recommendation:

APPLICATION BE REFUSED

For the following reasons:

- 1 The application site area exceeds 0.25ha; on sites of this size it is a requirement to provide 50% of dwellings as affordable housing or in some circumstances to make a contribution towards the provision of affordable housing unless a lack of viability can be successfully demonstrated. These proposals fail to provide on-site affordable housing and there is no agreement in place to make a financial contribution towards the provision of affordable housing. There has also been no evidence to suggest that if a contribution (either financial or on-site provision) were made that the site would not be viable. As a result, the development fails to meet the requirements of Policy CS24 of the Oxford Local Plan 2001-2016 and Policy HP3 of the Sites and Housing Plan (2013).
- 2 The development fails to provide the most efficient use of land; having taken into account the density of development proposed and the capacity of the site. The development is therefore contrary to Policy CP6 of the Oxford Local Plan 2001-2016.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

Core Strategy

CS2_ - Previously developed and greenfield land

CS11_ - Flooding

CS12_ - Biodiversity

CS13_ - Supporting access to new development

CS17_ - Infrastructure and developer contributions

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

Sites and Housing Plan

HP2_ - Accessible and Adaptable Homes

HP3_ - Affordable Homes from Large Housing Sites

HP4_ - Affordable Homes from Small Sites

HP9_ - Design, Character and Context

HP10_ - Developing on residential gardens

HP11_ - Low Carbon Homes

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

01/00668/NF - Erection of single storey outbuilding. – PER

08/02140/FUL – Demolition of existing outbuildings (boat house and summer house).

Erection of 2x5 bedroom, three storey dwellings. Parking, bin and cycle storage. (Amended description). – PER

Internal and Statutory Consultees

Tree Officer

Request amended plans to retain two trees of higher quality (T32 and T40 on arboricultural report plans) and require additional space for planting at northern and southern edges of the site. Require the retention of the laurel hedge on the western boundary.

Oxfordshire County Council Highways

The development is proposed to be served by a private road and therefore not applicable to Oxfordshire County Council Highways. However, some concerns about the practicality of the access driveway and space for vehicles to pass. Normally six bedroom dwellings would require three parking spaces, only two spaces are provided in this case.

Ecology Officer

No objection subject to recommendation and enhancements of the Extended Habitat and Preliminary Bat Survey (4Acre Ecology) being taken into account. Recommendation for further enhancement measures.

Land Quality Officer

No objections subject to conditions requiring a phased risk assessment, investigation and remediation. Recommend a condition that the development not be occupied until remediation has been carried out.

Archaeology

No objections subject to conditions.

Representations Received:

Mrs Allen (9 Hawkswell Gardens), Mr and Mrs del Nevo (19 Harbord Road), Dr Young (12 Hawkswell Gardens), Mr Williams (11 Hawkswell Gardens), Dr Lloyd (5 Hawkswell Garden), Hawkswell Gardens Residents Association, Mrs Allen (9 Hawkswell Gardens), Dr Mitter (16 Hawkswell Gardens), Mrs Hawker (8 Hawkswell Gardens), Hawkswell Estates, Dr Dawkins (14 Hawkswell Gardens), Mrs Gardner (17 Hawkswell Gardens), Mr Matthews (10 Hawkswell Gardens), Dr Besse (14 Hawkswell Gardens), Mr Johnston (15 Hawkswell Gardens), Ms Padley (21 Hawkswell Gardens), Dr Davis (39 Hawkswell Gardens), Dr Herz (15 Hawkswell Gardens), Mrs Williams (25 Hawkswell Gardens), Mr Clarke (37 Hawkswell Gardens), Mrs Dagmar Carr (31 Hawkswell House), Mr Godfrey (23 Hawkswell gardens), Objections:

- Access
- Amount of development on site
- Effect on existing community facilities
- Effect on traffic
- Information missing on plans/inaccuracies
- Ecology and biodiversity impacts
- Seek retention of handkerchief tree
- Concerns about presence of Japanese Knotweed
- Concerns about construction traffic
- Flood risk
- Effect on privacy
- Pollution
- Parking
- Open space provision
- Impact on light
- Noise and disturbance
- Loss of vegetation and trees

- Impact on river terrace
- Affordable housing
- Height of proposed development
- Development is not fully accessible
- Out of character
- Suggestion of some conditions if planning permission granted

The above representations were received before 21st July 2016. A consultation on amended plans (that related to the increase in the site application area to include the land up to the bank of the River Cherwell) is not due to end until 29th July 2016. The comments above relate to all of the consultation comments received so far in relation to the original application site area and the amended plans. Any comments received after 21st July 2016 will be provided as a verbal update to the Committee.

Site Description

1. The application site comprises the land between the rear of 18 Hawkswell Gardens and the River Cherwell. The land is currently residential garden land and gently slopes down to the river; much of the land is vegetated and there is a small boathouse in the north-eastern corner of the site. Hawkswell Gardens is a residential cul-de-sac; there are a variety of dwelling types and styles in the area including larger detached dwellings and blocks of flats (notably Hawkswell House to the west of the application site). To the north of the application site is Lucerne Close which also contains larger detached and semi-detached houses. It is important to note that as a result of the topography of the area, Lucerne Close is higher than Hawkswell Gardens and the application site.
2. The planning application was originally submitted in August 2015. When originally submitted the application site did not encompass all of the land between the gardens and the River Cherwell; an amended site location plan was submitted in July 2016. Other information has also been provided following the submission of the amended plans, notably clarification of matters relating to affordable housing and the submission of a flood risk assessment. These matters are discussed in detail in this report.

Proposals

3. It is proposed to demolish the boathouse (and other small outbuildings) and erect three detached, two storey dwelling house on the land. Each of the dwellinghouses would be six bedroom properties. The proposed dwellings would align approximately with the row of dwellings on the eastern side of Lucerne Close. The proposed dwellinghouses would have a traditional appearance, reflected in the nature of their construction and the use of materials. Ashlar would be used for the construction of walls for House 3 (at the southern edge of the site) whilst the proposed two houses at the northern end of the site (Houses 1 and 2) would be constructed from dressed Southwold stone. Weathered red tiles are proposed for roofs

to compliment the appearance of neighbouring dwellings.

4. Each of the proposed properties would benefit from their own car parking and garden; the gardens extending down to the river Cherwell. The proposals include cycle parking, landscaping and paved areas around the dwellings providing rear and side accesses. The vehicular access to the site would be from the end of the cul-de-sac, via a private drive adjacent to the garages to the side and rear of 18 Hawkswell Gardens.
5. Officers consider that the principle determining matters relating to the proposals are:
 - Principle
 - Affordable Housing
 - Design
 - Impact on Neighbours
 - Access and Parking
 - Flooding and Drainage
 - Biodiversity
 - Trees

Officer Assessment

Principle

6. The application site is composed almost entirely of existing residential garden land. For the purposes of the National Planning Policy Framework (NPPF), residential garden land is not considered to be previously developed land. The Council's Policy CS2 of the Core Strategy (2011) together with the NPPF require that the majority of new development should take place on previously developed land. However, there is scope within the Council's planning policies, specifically in relation to Policy HP10 of the Sites and Housing Plan (2013) for some new residential development to take place on existing garden land where design and other constraints can be adequately responded to. Given the amount of residual garden land that would remain post-development for No. 18 Hawkswell Gardens it is possible to consider that development may be acceptable in principle.
7. The proposals would be on a site of approximately 0.34ha. Policy CP6 requires that all developments should make efficient use of land. The proposals would provide a very low density of development; this appears to be partially justified from the point of view of the extensive areas of floodplain at the rear but there would still be a large development area. It is the view of Officers that there would be a capacity for development of more than three large dwellinghouses and this would not provide the most efficient use of the land. Policy CP6 requires there to be a higher density of development because of the limited amount of land available for all development in Oxford. This policy is also a response to the acute shortage of housing in the City. Having taken into account the constraints of the site and the character of the surrounding area it is recommended

that the proposals would fail to meet the requirements of Policy CP6 of the Oxford Local Plan 2001-2016; Officers have recommended that this form a reason for refusal of the proposed development.

Affordable Housing

8. The application site area is greater than 0.24ha; as a result there is a requirement for affordable housing for on-site provision as set out in Policy HP3 of the Sites and Housing Plan. No affordable housing provision has been proposed as part of the development. In addition, no agreement to an affordable housing contribution payment in lieu of on-site provision has been made as part of the proposals. There has also been no viability information provided with the application to demonstrate that on-site provision could not be provided and an affordable housing contribution in lieu of on-site provision could not be made. As a result, the development fails to meet the requirements of Policy HP3 of the Sites and Housing Plan and this forms a reason for refusal in the Officer recommendation.

Design

Siting and External Appearance

9. The proposals are for three large detached dwellinghouses that would be sited behind 18 Hawkswell Gardens and aligned approximately with dwellings in Lucerne Close. The siting of the proposed dwellings would minimise their impact on the public realm, despite their large size. The dwellings proposed would be very visible when viewed from the riverside garden to the south of the site; this is private land that is a shared amenity space used by all the occupiers of Hawkswell Gardens (and is the only outdoor amenity space of the flats at Hawkswell House). Vegetation along the southern edge of the site would soften the appearance of the dwellings proposed and it is not considered that the proposed development would be obtrusive when viewed from the riverside garden. At the northern edge of the site the new dwellings would not be particularly visible from Lucerne Close because of the change in levels and existing and proposed vegetation along the northern boundary of the site.

Materials

10. The materials proposed would be high quality and would harmonise with some of the surrounding properties. There is a first floor extension proposed to House 3, Officers regard that this aspect of the proposals would be an unusual and contemporary design; the appearance of this aspect of the development would not be particularly visible in the public realm and its discrete siting would mean that it would not be visually discordant.

Internal Floor Area

11. All three of the proposed dwellings would be three bedroom houses (with accommodation over three storeys for the two dwellings closest to the northern boundary, Houses 1 and 2 and over two storeys for the dwelling

adjacent to the southern boundary (House 3)). The internal floor areas for the proposed dwellings would be approximately 280m² for Houses 1 and 2 and 290m² for House 3. The proposed internal layout would conform with the requirements for providing accessible and adaptable homes; the development would therefore conform with Policies HP2 and HP12 of the Sites and Housing Plan (2013) and Policy CP13 of the Oxford Local Plan 2001-2016.

Outdoor Space

12. The proposed dwellings would benefit from long rear gardens, with areas of the garden being above the floodplain and some of the gardens being within that area. The resultant garden of No. 18 Hawkswell Gardens, following development would be sufficient size for a large family house. This would enable sufficient area of outdoor amenity space and Officers would recommend that the development complies with the requirements of Policy HP13 of the Sites and Housing Plan (2013).
13. There are proposals for boundary treatments submitted with the proposals.

Trees and Landscaping

14. The application site contains a large number of trees. 39 of the trees on the site are proposed to be removed, either because of their poor physical condition or in order to facilitate the proposed development. The application originally sought the removal of additional vegetation, particularly along the northern and southern boundaries and the removal of a dove or handkerchief tree (identified as T32 on the arboricultural report plans). Officers sought amended plans to retain more vegetation along the boundaries and the retention of the dove tree; this tree is an unusual tree that has a positive impact on the public realm. The amended plans retain these trees and it is recommended that the development is now acceptable in terms of its impact on trees. Landscaping proposals have been provided with the application.

Impact on neighbours

Overlooking

15. The proposed development would be separated from 18 Hawkswell Gardens by the front gardens and parking areas of the proposed dwellings and the rear garden of No. 18; the overall distance between the nearest windows of a proposed dwellinghouse (House 3) and the rear windows of No. 18 Hawkswell Gardens would be 22m. This distance would be sufficient to protect the privacy of the occupiers of that property and their rear garden amenity space.
16. To the north of the application site lies No. 23 Lucerne Road, four rooflights are proposed for House 1 facing towards that property. Officers recommend that these rooflights could be conditioned to be obscure glazed or be required to be installed at a height to avoid overlooking if

planning permission is granted. The privacy of the rear garden of No. 23 Lucerne Road would be protected by existing and proposed vegetation along the boundary as well as the lower ground level of the application site (compared with Lucerne Road).

17. To the south of the application site lies the communal gardens; this is land that is used as an amenity space by occupiers of various properties in Hawkswell Gardens and is the only outdoor amenity space for the occupiers of Hawkswell House. This space is a shared space that is open to occupiers of a number of properties. There would be some overlooking from first floor bedrooms into the shared riverside garden; though as this is a shared space it is not considered that this would be unacceptable.

Impact on Light

18. The proposed development would not have an adverse impact on light for neighbouring occupiers. The properties proposed would be in line with houses on Lucerne Road and would be situated below the ground level of the neighbouring property to the north (No. 23); there would be no impact from House 1 on the south elevation windows of that property. There is sufficient separation between the proposed dwellings and neighbouring properties to ensure no material impact on habitable rooms as a result of the proposed development. In reaching this view, Officers have been mindful of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).
19. On the above basis, Officers recommend that the development would likely be acceptable in terms of its impact on the amenity of neighbours and meets the requirements of Policy HP14 of the Sites and Housing Plan (2013).

Access and Parking

20. The Highway Authority has indicated that they are not able to object to the proposals due to the access being an existing private access and road; proposals for further accesses onto that road are not the subject of an assessment from the Highway Authority. Officers regard that the proposals for a single carriageway access with the passing places that are proposed would likely be acceptable in terms of providing a functional access to the site; given the relatively small number of vehicle movements that are likely to arise from the development.
21. The proposed parking amount and arrangements proposed would be acceptable in the context of Policy HP16 of the Sites and Housing Plan (2013).

Biodiversity

22. There are no objections in principle to the development from the Council's ecology officer but the recommendations and mitigation proposed in the submitted bat survey would be required by condition if approval had been

recommended. Biodiversity enhancement measures, in relation to hedgehogs would also be required by condition.

Archaeology

23. Comments have been received from the Council's archaeologist that indicates that the application site is a known site of potential archaeology. If planning approval were granted, Officers would recommend conditions requiring archaeological investigation, recording and mitigation as appropriate.

Flooding and Drainage

24. The majority of the site (including the areas proposed for the dwellings) would be in areas at a low risk of flooding. The eastern part of the site would fall within flood zones 2 and 3 as identified on the Environment Agency floodplain maps (and contained within the Flood Risk Assessment report). The application site is at a low risk of surface water flooding. The flood risk assessment report provides details confirming that the proposed development would be outside of the 1 in 100 (plus climate change) flood event area. Parts of the garden would lie within more flood prone areas but there are no proposals to develop these areas. Officers recommend that if planning permission was granted then conditions could be included to ensure that all hard surfaced areas are proposed to have permeable surfacing.

Conclusion

25. On the basis of the above, for the reasons set out above the application is recommended for refusal.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 15/02352/FUL

Contact Officer: Robert Fowler

Extension: 2104

Date: 21st July 2016

Appendix 1

15/02352/FUL – 18 Hawkswell Gardens



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Ordnance Survey 100019348



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West Area Planning Committee

2 August 2016

Application No: 15/03633/FUL;

Decision Due by: 12.02.2016; Agreed Extension till 01.06.2016;

Proposal: Erection of 2 storey side extension to No. 30A Union Street to create 1 x 3-bed semi-detached dwellinghouse (Use Class C3). Provision of private amenity space, bin and cycle store;

Site Address: Land Adjacent 30A Union Street, Oxford;

Ward: St Clement's Ward;

Agent: Mrs. Jayne Norris

Applicant: Mr. Robin Popham

Recommendation:

The West Area Planning Committee is recommended to remove the requirement for an affordable housing contribution.

1. Reasons for referral to committee:

1.1. This application was debated at West Area Planning Committee on 25 May 2016 (Appendix 3: Extract from Minutes). Committee resolved to grant planning permission for the development, subject to conditions and the prior completion of a legal agreement to secure an appropriate contribution for affordable housing.

1.2. The officers report (Appendix 2) stated that

The applicant has agreed to a financial contribution in the form of a Section 106 legal agreement, meeting the requirements for the affordable housing policy HP4 of the Sites and Housing. A CIL contribution of £9,705.19 shall also be required.

1.3. Policy HP4 (Affordable Homes from Small Sites) of the Sites and Housing Plan states

'Planning permission will only be granted for residential development on sites with a capacity for 4 to 9 dwellings, if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford.'

1.4. With the proposed development being for a 1 x 3-bed semi-detached dwellinghouse, this policy cannot apply in this instance as the number of units

proposed is below the threshold for 'Small Housing Sites' as set out in Policy HP4.

1.5. Paragraph 204 of the National Planning Policy Framework (2012) states:

Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

1.6. The requirement of an affordable housing contribution would not meet the above tests set out in national planning policy. The requirement to secure a legal agreement would not be necessary to make the development acceptable in planning terms as the relevant development plan policy (HP4) regarding developer contributions from small sites towards affordable housing would not apply in this instance.

1.7. In summary, the provisions of Policy HP4 of the Sites and Housing Plan do not apply to this proposed development meaning that it would not be necessary to request an affordable housing contribution to be secured through a legal agreement to make the development acceptable in planning terms.

2. Conclusion:

2.1. The requirement for a legal agreement for a contribution towards affordable housing does not meet the tests in national planning policy for the seeking of developer contributions due to the provisions of Policy HP4 of the Sites and Housing not applying to the proposed development in this instance.

2.2. Committee is therefore requested to remove the need for a legal agreement for a contribution towards affordable housing.

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: 15/03633/FUL

Contact Officer: Matthew Watson

Date: 19th July 2016

1.10. The principle of a dwelling in this location has been accepted. The only outstanding issue relates to the enforceability of parking in the access road. This has now been resolved to Oxfordshire County Highways satisfaction. For these reasons it is considered that the proposal complies with the relevant policies of the Oxford Local Plan 2016, Core Strategy 2026 and Sites and Housing Plan 2026. As such it is recommended that the application is approved.

4. Conditions:

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. Development in accordance with specified materials;
4. Further details on bin storage;
5. Further details on cycle parking;
6. Boundary details before commencement;
7. Ground resurfacing - SUDS compliant;
8. Variation of road traffic order;
9. Bollards;
10. Construction Travel Plan;
11. Street lighting;
12. No additional windows;

5. Principle Policies:

5.1. This application has been assessed against the following policies:

National

National Planning Policy framework 2012 (paragraphs 57, 61, 69, 186-187, 196-197, 203-206);

National Planning Policy Guidance

Oxford City Council's 'Local Plan' 2005 (as amended 2013)

CP.1 - Development proposals;

CP.6 - Efficient use of land and density;

CP.8 - Design development to relate to its context;

CP.10 - Siting development to meet functional needs;

Oxford City Council's 'Core Strategy' 2011

CS9 - Energy and natural resources;

CS18 - Urban design, townscape character and the historic environment;

CS23 - Mix of housing;

Oxford City Council's 'Sites and Housing Plan' 2013

MP1 - Model policy;

HP2 - Accessible and adaptable homes;
HP9 - Design, character and context;
HP10 - Developing on residential gardens;
HP11 - Low Carbon Homes;
HP12 - Indoor space;
HP13 - Outdoor space;
HP14 - Privacy and daylight;
HP15 - Residential cycle parking;
HP16 - Residential car parking;

Oxford City Council's Supplementary Planning Documents

High Quality Design 2015;
Affordable Housing and Planning Obligations 2013;
Balance of Dwellings 2008;

Oxford City Council's Technical Advice Notes

Accessible Homes 2013;
Energy Statements 2013;
Waste Bins 2014;

- 5.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan and relevant supplementary documents unless material considerations indicate otherwise.

6. Relevant Site History:

- 6.1. A planning history search exercise has been carried out, one submission is considered of material relevance with this application, and this summarised below:
- 112/03195/FUL - Erection of a two storey extension to 30A Union Street to create a semi-detached dwelling (class C3) – Refused. Dismissed at appeal.

7. Comment:

- 7.1. Eight letters of objection were received during the public consultation period, comments from a material planning perspective are summarised as follows:
- Inadequate access;
 - Too many vehicles using the access road;
 - Neighbours will be negatively impacted during the construction period;
 - Impact on drainage/flooding;
 - The site is cramped;
 - Impact of short term lets;
 - Overshadowing of the gardens of numbers 20 and 21 Princes Street;

- Overbearing impact and loss of privacy for number 21 Princes Street;;
- Inadequate garden area

7.2. East Oxford Community Association, no comment.

7.3. Jeune Street Residents' Association, no comment.

7.4. Oxford Civic Society, objection, comments in part state:

'This proposal constitutes over-development, with inadequate provision for access. Although it is proposed that the development would be 'car free', this does not of course eliminate vehicular traffic generated by the construction, visitors to and the servicing of the property. The property would potentially accommodate 6 persons, generating significant traffic, and the configuration of the cul-de-sac access road would necessitate two trips for each visit. This level of traffic along the narrow access road, together with the parking for deliveries, loading and unloading etc. would have an unacceptable effect on the amenity of the existing properties lining the narrow access road. We would urge refusal of this application.'

8. Consultation:

8.1. Oxford County Council Highway Department, no objection subject to the imposition of condition.

8.2. Environmental Development, no comment.

8.3. Natural England, no comment.

9. Site Description and Surrounding Area:

9.1. In terms of its immediate context, the application site is on the western side of Union Street and relates to the side garden of one of three houses. These houses, along with the proposed site, are accessed from Union Street. The surrounding area is predominantly residential consisting mainly of terraced dwellings although opposite the access to the site is East Oxford Primary School.

10. Proposed Development:

10.1. Permission is sought for the erection of a two storey side extension to number 30a Union Street to create a new, three bedroom dwelling. It is proposed to be a car free development.

11. Main Issues:

11.1. Officers consider that the determining issues with regards to the proposal are as follows;

- Principle;
- Highways;

12. Principle of Development:

12.1. Planning permission for an identical scheme was refused in February 2013. There was one reason for refusal and this related to an unacceptable and dangerous intensification of the access road that could not be controlled by parking controls. This decision was then dismissed at appeal on the same basis.

12.2. Issues relating to design, residential amenity and impact on neighbouring dwellings was assessed at the time of the previous application and considered to be acceptable. When considering the appeal in November 2013 the Inspector considered that the site would be acceptable for car free housing. It is considered that the principle of development in this location is acceptable providing issues relating to highways and parking can be addressed.

13. Highways:

13.1. The only issue to be considered as a result of the previous refusal and dismissal at appeal relates to highways. In his conclusion the Inspector stated:

'In conclusion, whilst the site would be suitable for car free housing, having regard to the criteria contained in policy HP16 of the adopted Sites and Housing Plan 2011-2026, the appellants have failed to provide a suitable and enforceable mechanism for preventing additional vehicular use of the private access road. Such additional use would inevitably follow if the development went ahead and this would be detrimental to highway safety, contrary to policy CP1 of the adopted Local Plan 2001-2016.'

13.2. The main issue therefore is that although the proposed development is to be car free, it is also required that parking restrictions can be enforced.

13.3. Oxfordshire County Highways have made the following comments regarding the highways issues and enforceability.

- It is noted that a restricted parking zone sign has been erected and that the majority of the private access road is subject to parking enforcement.

- There are no objections to car-free development for this proposed dwelling.
- The proposed dwelling is located within the East Oxford Controlled Parking Zone (CPZ) where on-street parking is currently over-subscribed. The applicant is advised that the LHA requests a condition to exclude a dwelling in the location from eligibility for resident and visitor parking permits in order to minimise the impact of this proposal on on-street parking and to encourage car-free development.
- The LHA seeks a condition requiring an improved scheme of bollards or other measures which could include planting to be submitted for review and approval by the Local Highway Authority (LHA), prior to any occupation of the dwelling.
- A Construction Traffic Management Plan is required in light of the proposed developments location;
 - Within close proximity to East Oxford Primary School,
 - Semi-permanent vehicle access restriction on Union Street (adjacent to public car park)
 - The narrow constrained nature of the private access road from which the proposed development would be accessed.

14. Observations:

- 14.1. The development site is located in the corner of Union Street, a narrow unmade private road, where vehicular access is bounded by terrace residential properties.
- 14.2. The proposed dwelling is in a sustainable location to the east of Oxford City Centre, where it is situated in a Transport District Area (TDA) with access to a wide range of shops and facilities and regular bus services to Oxford City Centre. The location of the proposed dwelling provides good opportunities for walking and cycling.'
- 14.3. The access road serving 25 to 31 Union Street (including the application site at 30a) is un-adopted. The East Oxford Residents Parking Zone Traffic Order was introduced in the early 1970s and includes both the adopted and un-adopted sections of Union Street.
- 14.4. The private access road has a gravelled surface which means that it was not possible to place double yellow lines in the normal manner. A recent technical and legal review of the order revealed this anomaly and a suitable sign plate has been provided as recommended by the Dept for Transport and with the agreement of County Highways to allow the restrictions to be enforced without the need for yellow lines. This was erected under contract with the City Council on 19 November 2015. This option was not available at the time the original order was introduced. The sign which reads 'Restricted Parking Zone' replaces the need for double yellow lines.

- 14.5. Prior to the erection of the sign and to ensure the restrictions were still relevant to local need a further consultation was carried out by the applicants earlier in 2015 of those properties likely to be affected. No objections were received in response to the proposal for the introduction of restrictions to prevent parking in the access road.
- 14.6. The imposition of traffic regulation orders on roads which are not adopted public highways is permitted within the provisions of the Road Traffic Regulation Act 1984, which allows their use generally on roads to which the public have (unrestricted) access. The enforcement of made orders under civil enforcement powers applies equally to all such qualifying roads and in Oxford this is vested in the County Council to undertake. This meets the concern of the Inspector at the previous appeal for the highway authority to be able to control any unwanted parking arising from the proposed car free use of the proposed new dwelling.
- 14.7. Oxfordshire County Highways have confirmed that they, or the police, are able to enforce parking on this private access road. Any requests for changes to the current East Oxford Residents Parking Zone Traffic Order, including possible changes to the access road, would be subject to a formal amendment or revocation procedure as prescribed in the Local Authorities' Traffic Order (Procedure) (England) Regulations 2012. This could not take action by someone in isolation with an interest in the ownership of the road. The traffic order amendment process remains entirely within the control of the County Council as the principal Traffic Authority.
- 14.8. The un-adopted section of Union Street has the status of a private carriage road providing access to frontage properties. Despite several public advertisements and searches of Land Registry and other sources during the past ten years by the applicant no title to the ownership of the road has been identified.
- 14.9. Oxfordshire County Highways are satisfied that any parking that takes place in the access road can be enforced against. There is an area of private parking to the front of 30a Union Street. Details of bollards will be required by condition to ensure that parking does not take place to the front of 30a or the new dwelling. The site is within the East Oxford CPZ and permits will be withheld from the new dwelling. A construction management plan will also be required in order to minimise disruption.
- 14.10. There are no objections from Oxfordshire County Highways and the proposal is therefore considered to comply with policy HP16 of the '*Sites and Housing Plan*'.

15. CIL Contribution:

- 5.1 The applicant has agreed to a financial contribution in the form of a Section 106 legal agreement, meeting the requirements for the affordable housing

policy HP4 of the Sites and Housing. A CIL contribution of £9,705.19 shall also be required.

16. Other Matters:

16.1. It is recognised that there have been a number of objections to the scheme from local residents. A number of concerns are not planning matters (for example the use of the property for lets). Apart from the highways issues and impact on the access which has been addressed earlier in this report, it has been previously considered that the dwelling is acceptable and that there will not be any undue harm caused to neighbouring dwellings. There has been no change in planning policy since the Inspector's decision in November 2013. Where appropriate, conditions have been applied in order to protect the privacy of neighbours.

17. Conclusion:

17.1. The principle of a dwelling in this location has been accepted. The only outstanding issue relates to the enforceability of parking in the access road. This has now been resolved to Oxfordshire County Highways satisfaction.

17.2. For these reasons it is considered that the proposal complies with the relevant policies of the Oxford Local Plan 2016, Core Strategy 2026 and Sites and Housing Plan 2026. As such it is recommended that the application is approved.

18. Recommendation:

18.1. Application be approved subject to condition and CIL payment;

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: 15/03633/FUL

Contact Officer: Ms. Caroline Longman

Date: 21st March 2016

Appendix 3 – Extract from the Minutes of 25 May 2016 West Area Planning Committee

MINUTES OF THE WEST AREA PLANNING COMMITTEE

Wednesday 25 May 2016

www.oxford.gov.uk



COUNCILLORS PRESENT: Councillors Upton (Chair), Cook, Coulter, Fooks, Hollingsworth, Pegg, Price, Tidball and Wade.

OFFICERS PRESENT: Michael Morgan (Lawyer), Mehdi Rezaie (Planning Team Leader), Sarah Stevens (Planning Service Transformation Consultant) and Jennifer Thompson (Committee and Members Services Officer)

8. LAND ADJACENT TO 30A UNION ST: 15/03633/FUL

The Committee considered an application for the erection of a 2 storey side extension to No. 30A Union Street to create one 3-bed semi-detached dwellinghouse (Use Class C3); and provision of private amenity space, bin and cycle store on land adjacent to 30A Union Street, Oxford.

The Committee accepted the recommendation of the legal adviser to amend the resolution by removing reference to CIL and inserting reference to a legal agreement to secure an affordable housing contribution.

Mike Rant, representing the applicant, spoke in support of the application and explained how the relevant East Oxford Traffic Regulation Order applied to and impacted on this development.

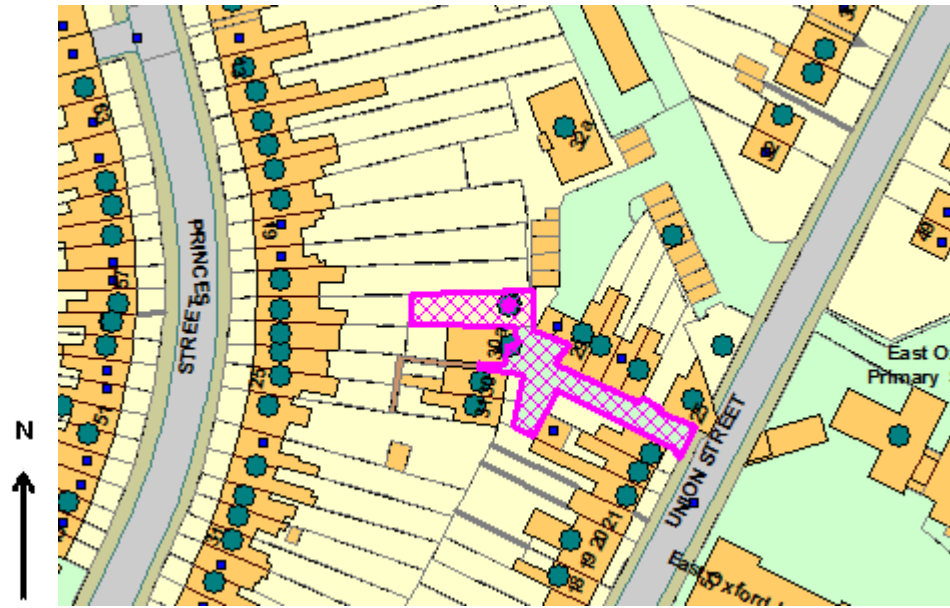
The Committee decided to modify condition 9 to include a requirement for suitable planting to improve the appearance of the front of the property and reduce the likelihood of this being used as a regular parking space.

The Committee resolved to grant planning permission for application 15/03633/FUL subject to conditions and the prior completion of a legal agreement to secure an appropriate contribution for affordable housing:

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

3. Development in accordance with specified materials.
4. Further details on bin storage.
5. Further details on cycle parking.
6. Boundary details before commencement.
7. Ground resurfacing - SUDS compliant.
8. Variation of road traffic order.
9. Bollards (and suitable accompanying planting).
10. Construction Travel Plan.
11. Street lighting.
12. No additional windows.

Appendix 1: Site Plan: 15/03633/FUL - Land Adjacent 30A Union Street, Oxford.



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West Area Planning Committee

2 August 2016

Application Number: 16/00746/FUL

Decision Due by: 17 May 2016

Proposal: Erection of single storey rear extension. Formation of decking area and steps at the rear.(Appendix 1 site plan)

Site Address: 55 Sunningwell Road Oxford Oxfordshire OX1 4SZ

Ward: Hinksey Park

Agent: Mr James Mackenzie

Applicant: Ms Becky Willis and Mr Jasper Smith

The application is to be considered by West Area Planning Committee as the applicant is an employee of Oxford City Council.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed alterations are acceptable in design terms and would not cause unacceptable levels of harm to the amenities of the neighbouring properties. Flood mitigation measures are also proposed. The proposal therefore accords with policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan, CS11 and CS18 of the Core Strategy and HP9 and HP14 of the Sites and Housing Plan.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

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

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

MP1 - Model Policy

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

82/00095/NF - Two storey rear extension. REF 15th April 1982.

82/00312/NF - Two storey rear extension. REF 15th July 1982.

04/00136/PDC - PERMITTED DEVELOPMENT CHECK - Rear dormer extension in connection with loft conversion. PNR 9th March 2004.

Representations Received:

No third party comments received.

Statutory and Non-Statutory Consultees:

Highways – no comment.

South Oxford Community Association – no comments received.

Issues:

Design

Residential Amenity

Flooding

Officers Assessment:

Site and proposal:

1. 55 Sunningwell Road is a two storey mid-terrace property which also benefits from accommodation in the loft. This section of the terrace is characterised with two storey rear outriggers. This property has been previously extended before with a single storey rear extension extending beyond the outrigger. This application relates to the erection of a single storey extension which wraps around the outrigger with decking and steps following demolition of the existing extension.
2. The application is to be considered by West Area Planning Committee as the applicant is an employee of Oxford City Council. The Monitoring Officer has confirmed that the application has not had any special treatment.

Design:

3. The proposed extension wraps comfortably around the existing outrigger and projects no further than the existing extension. The extension has a dual pitched roof which matches the pitch of the existing outrigger. Whilst it is proposed to use a brick to face the walls of the extension which will not match the render of the existing dwellinghouse, this is a material which is widely used in the terrace and the surrounding area. The proposal is therefore considered to comply with policies CP1, CP6 and CP8 of the Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

Residential Amenity:

4. The outrigger and existing extension to 55 Sunningwell Road already restrict the light available to No. 53 and compromise 45 degree guidelines from light sources to this neighbouring property. The extension has been designed with a low eaves height in order to comply with 25 degree guidelines. Due to this and the existing high boundary fence it is considered that the proposal is acceptable and will not detrimentally increase the loss of light or overbearing impact on this adjoining property.
5. The extension extends no further along the boundary with No. 57 than the existing extension. Whilst the overall height is greater, the eaves height is lower with a roof sloping away from the boundary.

The proposed fenestration is in the form of high level rooflights and glazing facing the rear garden. Due to the depth of the garden the proposal is not considered to overlook properties at the rear. Although new decking is proposed, the property already benefits from decking to the side and rear of the existing extension and due to the nature of the terrace there is already a degree of overlooking between gardens. The proposal is therefore not considered to detrimentally increase loss of privacy.

6. The proposal is therefore considered to comply with policies CP10 of the

Local Plan and HP14 of the Sites and Housing Plan.

Flooding:

7. The proposed development lies within Flood Zones 2 and 3a. Flood level data has been obtained from the Environment Agency which was compared to a topographical survey of the area to determine the existing extent and depth of flood water to determine the volume of flood storage lost by the development.
8. As a result of this, the use of under flood voids to cater for the design flood level of the 1 in 100 year + climate change flood level from existing ground level was proposed. Drawing SUN55028 was then submitted to confirm the flood mitigation measures demonstrating the flood void, the proposal was then considered acceptable on flood risk grounds in accordance with policy CS11 of the Core Strategy.

Conclusion:

APPROVE subject to conditions

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

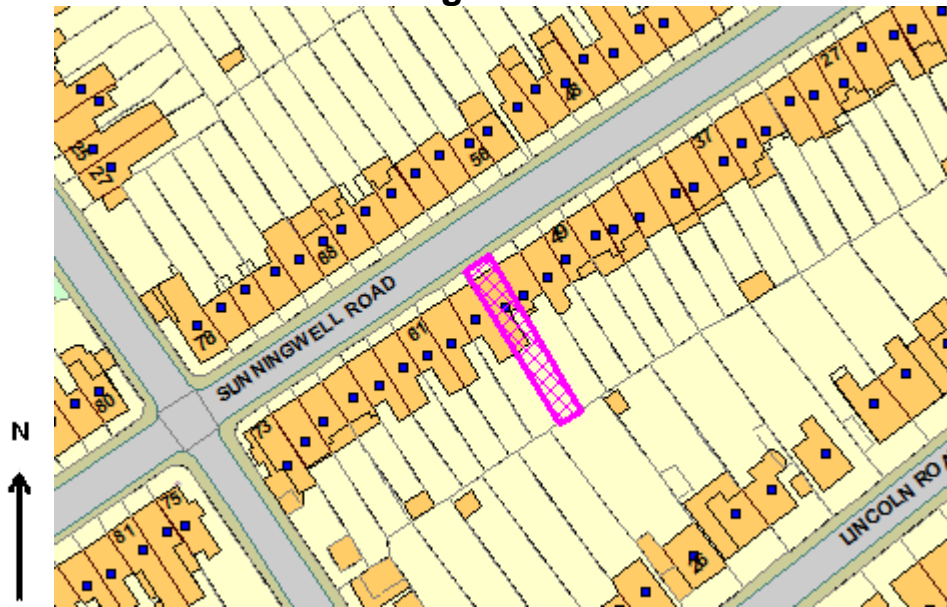
Background Papers: 16/00746/FUL

Contact Officer: Sarah Orchard

Date: 19th July 2016

Appendix 1

16/00746/FUL - 55 Sunningwell Road



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-3rd August 2016

Application Number: 16/01026/FUL

Decision Due by: 10th June 2016

Proposal: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use class C4) for 5 persons

Site Address: 118 Southfield Road Oxford Oxfordshire OX4 1PA

Ward: St Clement's Ward

Agent: Mr J Webb

Applicant: Mrs J Strawson

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The application is not in an area subject to an overconcentration of Houses in Multiple Occupation and subject to the conditions proposed would provide an acceptable level and standard of amenities and facilities, capable of accommodating the likely number of occupants within the house. The application therefore complies with Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 - 2016, CS11 of the Core Strategy and Policies HP7, HP12, HP13, HP15 and HP16 of the Sites and Housing Plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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 Bin and bike stores

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS23_ - Mix of housing

Sites and Housing Plan

MP1 - Model Policy

HP7_ - Houses in Multiple Occupation

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

16/00486/CPU - Application to certify that the proposed formation of a dormer roof extension to rear roofslope and insertion of 1No. front rooflight in association with loft conversion is lawful development – refused 12.05.2016

Representations Received:

12 neighbour objections have been received including one objection from the Divinity Area Residents Association. 15 appear on the website however 2 of these are duplicates from Mr Jenkins and one is a duplicate from Kathryn Barrett.

The objections primarily raise concern that this proposal will result in additional pressures upon parking and result in the loss of a family dwelling (contrary to Policy HP7).

There is also concern over the additional refuse created by 5 individuals being an eyesore and also the potential impact upon swifts that may be roosting in the rafters.

Statutory Consultees:

Highways

The property is situated within the Divinity Road CPZ. Since parking permits within this CPZ are limited to two per property, it is not considered that the change of use to HMO would have a detrimental impact on parking. The site is also situated in a highly accessible location.

The provision of secure and covered cycle storage is not set out on the plans submitted. This provision is required under policy HP15 of the Sites and Housing Plan Therefore, the County Council would not object to the application, subject to the following condition:

Cycle Parking

Prior to use or occupation, covered and secure cycle parking for a minimum of 6 bicycles in accordance with Policy HP15 of the Sites and Housing Plan shall be provided within the curtilage of the dwelling.

Issues:

Principle

Density of HMOs

Facilities and amenities

Bin and bike storage

Parking

Officers Assessment:Application site

1. 118 Southfield Road is a semi-detached property located on the south east side of Southfield Road, toward of the end road where it meets Hill Top Road.

Proposal

2. Planning permission is sought for the change of use from a dwellinghouse (use class C3) to a house in multiple occupation (HMO) (use class C4)

Principle of development

3. Ordinarily, changes of use between use classes (C3 dwelling houses and C4 HMO's) 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.
4. 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 and as of 24 February 2012 planning permission is required to change the use of a C3 dwelling house to a shared rented house (C4 HMO).

Density of HMOs

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. The Sites and Housing Plan states that the Council will use its planning responsibilities to prevent any further over-concentration of HMOs in areas where there are already significant numbers. Policy HP7 of the Sites and Housing Plan 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%.
6. The records indicate 50 buildings within a 100m street length of 118 Southfield Road. There appears to be HMO licencing records for 4 of these buildings. The actual number of HMOs in the area may be higher, due to some HMOs not being licenced, but the records indicate that 8% of buildings in the relevant area will be HMOs, well below the 20% concentration defined in Policy HP7.

7. It is noted that a number of representations have been made referring to an overconcentration of HMO's within a 100m radius of the dwelling. For clarification, compliance with Policy HP7 is not calculated on radius it is calculated on a 100m street length either side of the dwelling in all directions.
8. The Divinity Road Residents Association have indicated that numbers 67, 75, 95, 117, 123 and 126 Southfield Road as well as 16 and 18 Hilltop are HMOs that Oxford City Council may not have record of.
9. For the avoidance of doubt and checking records the following is noted:
 - 67 Southfield Road – outwith 100m street length
 - 75 Southfield Road - included in calculations as a record is held for that property
 - 95 Southfield Road - no record held
 - 117 Southfield Road - included in calculations as a record is held for that property
 - 123 Southfield Road - no record held
 - 126 Southfield Road - included in calculations as a record is held for that property
 - 16 Hill Top Road - included in calculations as a record is held for that property
 - 18 Hill Top Road - included in calculations as a record is held for that property
10. Based on the above, potentially 2 additional properties could be considered as HMO's. If added to the calculations this would take the number of buildings used as an HMO within a 100m street length to 6 making a total of 12% of the buildings, still underneath the threshold set by Policy HP7.
11. The proposal is not therefore likely to result in a further over-concentration of HMOs in the immediate area and complies with Policy CS23 of the Core Strategy and Policy HP7 of the Sites and Housing Plan in this regard.

Facilities and amenities

12. 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 application complies with the City Council's good practice guide "Amenities and Facilities for Houses in Multiple Occupation" and that the development would not therefore have a detrimental impact upon the living conditions for the future occupants.
13. The proposed plan show five bedrooms. Whilst all bedrooms are of an appropriate size for double occupancy, the combined kitchen / living space at 18.3m² is only suitable for an HMO of up to 5 occupants.
14. Whilst the actual arrangement of rooms may be the subject of conditions of any HMO licence that might be granted, the building has the potential to provide a good level of internal facilities five occupants.

Bin and cycle storage

15. The accompanying text to Policy HP7 makes it clear that adequate provision should be made for refuse storage and collection, cycle and car parking. Policy HP13 of the SHP states that permission will not be granted for dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling. Policy HP15 requires an appropriate provision of covered cycle parking.

16. The plans show the specification of the proposed bike storage in the rear garden however no location is identified. The bin storage location is shown on the plans but no specification provided. As it is considered that as there is adequate, accessible space within the plot for appropriate bin and bicycle storage, the additional details can be secured by a condition of planning permission to ensure the development complies with Policies HP7, HP13 and HP15.

Parking

17. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that C4 HMOs should be subject to the same parking standards as for C3 dwelling houses and provide a maximum of two parking spaces.
18. No off street parking is proposed as part of this application. Concern regarding the impact upon parking has been raised in representations from neighbours.
19. This site is located in the Divinity Road Controlled Parking Zone that restricts residents to two permits per household. Oxfordshire County Council, as the Local Highway Authority, has not objected to the development as the restriction to two permits will not add additional pressure to on street parking provision.
20. Having the taken above into account it is considered that the proposal is in accordance with Policy CP1 of the oxford Local Plan and HP16 of the Sites and Housing Plan.

Other matters

1. Concern has been raised at the potential impact upon nesting swifts at the property. Swifts and their nests are fully protected by the Wildlife and Countryside Act 1981. This protection makes it an offence to intentionally kill, injure or take a swift; take, damage or destroy the eggs of a swift or a nest whilst it is being built or in use.
2. However, as no physical alterations that require planning permission are proposed as part of this application so it is not considered that there will be a detrimental impact upon nesting birds as a result of this proposal.

Conclusion: Officers recommend that Committee approves the application.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 16/01026/FUL

Contact Officer: Sarah Jones

Extension: 2186

Date: 22nd July 2016

Appendix 1 – Site Location Plan

16/01026/FUL – 118 Southfield Road



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MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 12 July 2016



COUNCILLORS PRESENT: Councillors Upton (Chair), Landell Mills (Vice-Chair), Cook, Fooks, Iley-Williamson, Pegg, Price, Tanner and Tidball.

OFFICERS PRESENT: Michael Morgan (Lawyer), Mehdi Rezaie (Planning Team Leader), Sarah Stevens (Planning Service Transformation Consultant), Amy Ridding (Senior Conservation Officer) and Catherine Phythian (Committee Services Officer)

23. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Alex Hollingsworth (substitute Cllr Dan Iley-Williamson).

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

25. OXFORD CITY COUNCIL – HAMILTON ROAD (NO.1) TREE PRESERVATION ORDER, 2016

The Chair took this item first.

The Committee considered an application for the confirmation of a Tree Preservation Order at 68 Hamilton Road, Oxford.

The Planning Officer presented the report.

Mr Peter Young and Ms Claire Goodson (property owners) addressed the Committee, explaining their desire to retain the tree and objecting to the need for a TPO.

The Committee acknowledged the commitment of the current property owners to safeguard the tree but concluded that the TPO would be a light touch protection measure to ensure the future preservation of a community amenity.

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to confirm the Oxford City Council – Hamilton Road (No.1) Tree Preservation Order 2016 without modification.

26. 16/00752/FUL: 9 CHALFONT RD

The Chair took this item next.

The Committee considered an application for the erection of part single, part two storey rear extension and the erection of single storey side extension (amended plans) at 9 Chalfont Road Oxford Oxfordshire OX2 6TL.

The Planning Officer presented the report. He noted that objections had been raised regarding:

- loss of privacy
- Increased light pollution due to extent of glazing
- overall design

He advised the Committee that the amended plans addressed these objections and that there were no unacceptable levels of harm to the Conservation Area or amenities of neighbouring properties.

Mrs Ruth Jones (neighbour) spoke against the application. Ms Valerie Lambrechts (agent) spoke in support of the application.

In response to questions from the Committee the agent (Ms Lambrechts) indicated that her client would be prepared to agree to an increase in the height of the en-suite bathroom window.

On being put to the vote the Committee agreed the resolution as set out below.

The Committee was minded to approve application 16/00752/FUL subject to the conditions set out below, as amended, and the receipt of amended plans showing the window height and alignment) and the decision was delegated to the Head of Planning & Regulatory Services.

1. Development begun within time limit
2. Develop in accordance with approved plans **with the exception of the en-suite window – amended plans to be submitted to show the alignment and increased height to take account of the neighbours comments**
3. Samples in Conservation Area
4. Amenity no additional windows

27. 15/03464/FUL AND 15/03465/LBC: FLAT 1, CAUDWELLS CASTLE, 5 FOLLY BRIDGE

The Committee considered a retrospective application for the erection of timber balustrading, trellis, platform and access ladder to form roof terrace with alterations to the colour of the roof top extension (15/03464/FUL - retrospective) and the retention of timber balustrading, trellis, platform and access ladder

forming roof terrace (15/03465/LBC - retrospective) at Flat 1, Caudwells Castle, 5 Folly Bridge, Oxford.

The Planning Officer presented the report, noting that this was a retrospective application for a listed building and that there was an associated enforcement case.

In debate the Committee noted the following points:

- the balustrade was in keeping with the spirit of Caudwell Castle
- there was no impact on neighbouring amenity

Notwithstanding the officer recommendation for refusal and on being put to the vote, the Committee resolved to grant planning permission for applications 15/03464/FUL and 15/03465/LBC for the reasons noted above.

In reaching this decision the Committee did not condone the actions of the applicant in breaching normal development control rules and found no fault with the actions or advice of the Council officers involved.

28. 16/01511/FUL: 9 UNION STREET, OXFORD, OX4 1JP

The Committee considered an application for the erection of single-storey rear extension at 9 Union Street, Oxford, OX4 1JP.

The Planning Officer presented the report. He said that the report was before the Committee as the applicant was an employee of the Council.

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to grant planning permission for application 16/01511/FUL subject to the following conditions:

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

29. PLANNING APPEALS 2016/17

The Committee noted the report on planning appeals received and determined during May 2016.

The Committee suggested that the report might be amended to include:

- an analysis of the “lessons to be learnt” from those appeals found against the Council
- a performance indicator that benchmarked the Council against other local authorities

30. MINUTES

The Committee resolved to approve the minutes of the meeting held on 14 June 2016 as a true and accurate record.

31. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications.

32. DATES OF FUTURE MEETINGS

The Committee noted the dates of future meetings and the intention to take the Network Rail applications at the meeting on 13 September 2016 and that there would be a public briefing on the technical issues scheduled in advance of that meeting.

The meeting started at 6.00 pm and ended at 7.00 pm