

Agenda

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West Area Planning Committee

Date: **Tuesday 11 December 2018**

Time: **6.00 pm**

Place: **The Old Library - Oxford Town Hall**

For any further information please contact the Committee
Services Officer:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: democraticservices@oxford.gov.uk

If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

West Area Planning Committee

Membership

Chair	Councillor Colin Cook	Jericho and Osney; apologies
Vice-Chair	Councillor Michael Gotch	Summertown; apologies
	Councillor Lubna Arshad	Cowley Marsh;
	Councillor Nadine Bely-Summers	Holywell;
	Councillor Tiago Corais	Littlemore;
	Councillor Paul Harris	St. Margaret's;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Louise Upton	North;
	Councillor Mary Clarkson	Marston; as substitute for Councillor Cook

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

Copies of this agenda

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AGENDA

Pages

1 Apologies for absence and substitutions

2 Election of Chair for this meeting only

As both the Chair and Vice Chair have sent apologies the Committee will be required to appoint a chair for this meeting only.

3 Declarations of interest

4 17/02817/FUL: 472-474 Banbury Road, Oxford, OX2 7RG

11 - 34

Site address: 472 - 474, Banbury Road, Oxford, OX2 7RG

Proposal: Demolition of 2no. semi-detached dwellings and detached garage. Erection of building to provide 9no. residential units (3 x 3-bed, 5 x 2-bed and 1 x 1-bed). Provision of covered and secure bicycle parking and refuse/recycling storage. Provision of communal and private amenity areas and car parking. Closure of existing vehicular access on to Elsfield Way (A44/northern ring road).

Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.
2. **agree to delegate authority** to the Acting Head of Planning Services to:
 - a. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

5 18/02400/FUL - 7 St Michael's Mansions Ship Street Oxford OX1 3DE

35 - 46

Site address: 7 St Michael's Mansions, Ship Street, Oxford

Proposal: Temporary change of use of ground floor and basement of no. 7 St Michael's Mansions from (Use Class A1) retail use to Sui Generis

(Betting Shop). (Amended description)

Reason at Committee The application is before the committee because it was called in by Councillors Clarkson, Munkonge, Tanner, Pressel and Simm because the proposal is not a like for like replacement and no marketing evidence has been provided to demonstrate that an A1 use cannot be found.

Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission
2. **agree to delegate authority** to the Acting Head of Planning Services to:
 - a. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary

6 18/02540/FUL - 13 Dale Close, Oxford OX1 1TU

47 - 58

Site address: 13 Dale Close, Oxford, OX1 1TU

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

Reason at Committee: Called in by Councillors Tidbull, Tanner, Clarkson, Pressel and Curran because of concerns that the application property is situated on a small estate where there are already a number of HMOs and there is a perception that the area would be ill-suited to accommodating additional HMOs.

Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.
2. **agree to delegate authority** to the Acting Head of Planning Services to:
 - a. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or

deletions as the Acting Head of Planning Services considers reasonably necessary.

7	18/02431/FUL: 9B North Parade Avenue, Oxford, OX2 6LX	59 - 70
Site address:	9B North Parade Avenue, Oxford, OX2 6LX	
Proposal:	Installation of extraction flue with external outlet grill to front elevation. (Retrospective).	
Reason at Committee:	Called in by Councillors Fry, Upton, Taylor and Pressel because of concerns that the ventilation system at the application property does not accord with DEFRA advice and that the A3 use of the property has not previously included deep fat frying or cooking large quantities of meat.	
Recommendation:		
The West Area Planning Committee is recommended to:		
<ol style="list-style-type: none">1. Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.2. Agree to delegate authority to the Acting Head of Planning Services to:<ol style="list-style-type: none">a. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.		
8	16/02689/CND7: Cooper Callas, Unither House, 15 Paradise Street, Oxford, OX1 1LD	71 - 80
Site address:	Cooper Callas, Unither House, 15 Paradise Street, Oxford, OX1 1LD	
Proposal:	Details submitted in compliance with conditions 8 (Travel Plan), 9 (Travel Information Packs), 12 (Delivery and Service Management Plan (revised)) of planning permission 16/02689/FUL.	
Recommendation:		
The West Area Planning Committee is recommended to:		
<ol style="list-style-type: none">1. approve the submitted Travel Information Pack and Delivery and Service Management Plan in compliance with conditions 9 and 12 respectively of planning permission 16/02689/FUL; and		

2. **delegate** to the Acting Head of Planning Services to approve the Travel Plan on occupation of the Hotel in compliance with condition 8 of planning permission 16/02689/FUL having first consulted with the County Council and secured any revisions to the submitted Travel Plan as deemed necessary following the first Travel Surveys and feedback as required by the Travel Plan.

9 Planning appeals summary December 2018

81 - 98

The Acting Head of Planning Services has submitted a report which provides a summary of recent appeal decision and the key issues raised in the appeals. The purpose of this report is to ensure that members of the planning committee are aware of the appeals that are allowed and dismissed and the potential implications this has on the determination of future applications.

Recommendation:

That West Area Planning Committees notes the contents of the report.

10 Minutes

99 - 102

Recommendation

To approve as a true and accurate record the minutes of the meeting held on 13 November 2018.

11 Forthcoming applications

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

18/02065/OUTFUL: Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout, Northern By-Pass Road, Wolvercote, Oxford, OX2 8JR	Major application
18/02774/OUT: Land Forming The Site Of Former Cold Arbour Filling Station, 281 Abingdon Road, OX1 4US	
18/02809/POM - Millbank Mill Street Oxford Oxfordshire	Committee level application
18/02899/CT3: 6 White House Road, Oxford, OX1 4NA	Council application
18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ	Called in
18/02742/FUL: 12 Fyfield Road, Oxford, OX2 6QE	Called in
18/02645/FUL: 5 Chadlington Road Oxford OX2 6SY	Called in
18/02981/FUL: Oxford Cellars Ltd, Frewin Court, Oxford, OX1 3HZ	Called in

12 Dates of future meetings

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

2019
15 January 2019
20 February 2019
12 March 2019
9 April 2019

Councillors 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. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

At the meeting

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 (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may 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.

Preparation of Planning Policy documents – Public Meetings

4. 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.

Public requests to speak

5. Members of the public wishing to speak must notify the Democratic Services Officer by noon on the working day before the meeting, 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 in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

Written statements from the public

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give 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. Any such material will not be displayed or shown at the meeting.

Exhibiting model and displays at the meeting

7. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

Recording meetings

8. 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 place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. 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.

Meeting Etiquette

10. 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.
11. 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.

Code updated to reflect Constitution changes agreed at Council in April 2017.

WEST AREA PLANNING COMMITTEE

11th December 2018

Application number:	17/02817/FUL		
Decision due by	1 January 2018		
Extension of time	20 December 2018		
Proposal	Demolition of 2no. semi-detached dwellings and detached garage. Erection of building to provide 9no. residential units (3 x 3-bed, 5 x 2-bed and 1 x 1-bed). Provision of covered and secure bicycle parking and refuse/recycling storage. Provision of communal and private amenity areas and car parking. Closure of existing vehicular access on to Elsfield Way (A44/northern ring road).		
Site address	472-474 , Banbury Road, Oxford, OX2 7RG – see Appendix 1 for site plan		
Ward	Summertown Ward		
Case officer	Julia Drzewicka		
Agent:	Mr Julian Philcox	Applicant:	Keble Homes Limited
Reason at Committee	The application is before the committee because the proposal is for more than 5 units.		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of two existing semi-detached properties and a detached garage and erection of 9no. residential units (3 x 3-bed, 5 x 2-bed

and 1 x 1-bed), provision of covered and secure bicycle storage and refuse/recycling storage, provision of communal and private amenity areas, car parking and the closure of an existing vehicular access on to Elsfield Way (A44/northern ring road). The proposed development would be part three, part four storey.

- 2.2. The ground floor flats would each have a small private garden area and the upper floor flats would each have a balcony or roof terrace. The vehicular access to the side would be from Banbury Road. A pedestrian access is proposed from Banbury Road and Elsfield Way. The proposal provides 10 parking spaces (one for each flat, plus one for visitor), bin storage and two bike stores.

3. LEGAL AGREEMENT

- 3.1. The proposal will not provide any affordable housing contribution and therefore a legal agreement is not required.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. The total amount required is £103,913.23.

5. SITE AND SURROUNDINGS

- 5.1. The application site comprises two semi-detached properties. The site is located on a prominent corner of Banbury Road and Elsfield Way. The properties are located in close proximity to the Cutteslowe Roundabout. The three storey housing estate on Hawksmoor Road lies to the East of the application site. The application site also shares a boundary with No. 470 Banbury Road.
- 5.2. There are four key frontages around the Cutteslowe Roundabout on the junction between Banbury Road and A40. The application site is the south east corner. The south west corner features a part two, part three storey development consisting of 9 x 2 bedrooms flats (Churchill House), the development was approved in 2007 (ref. 06/02085/FUL). The north west corner features a dwellinghouse (Summers Place). The north east corner features a three storey 6 x 2 bedrooms flats and 2 x 3 bedrooms flats, this development was approved in 2009 (ref. 09/00356/FUL). The area is characterized by a variety of architectural styles. The properties in close vicinity to the site are mostly two and three storey. However, the Meadow Gardens development located on Elsfield Way is part three, part four storey.
- 5.3. The existing properties are set back from the street. The site features a small garden area at the front of the properties and large driveway at the side and rear, which can be access from Banbury Road and Elsfield Way.

5.4. See block plan below:



6. PROPOSAL

6.1. The application proposes the demolition of two existing semi-detached dwellings and a detached garage and the erection of a building to provide 9no. flats (3 x 3-bed, 5 x 2-bed and 1 x 1-bed), provision of covered and secure bicycle parking and refuse/recycling storage, provision of communal and private amenity areas and car parking and closure of existing vehicular access on to Elsfield Way (A44/northern ring road).

6.2. The ground floor plan shows 3 x 2 bedrooms flats (indicatively shown to be occupied by four people), the first floor shows 2 x 2 bedrooms flats (indicatively shown to be occupied by four people) and 1 x 1 bedroom flat (indicatively shown to be occupied by two people). The third and fourth floors show 2 x 3 bedroom flats (indicatively shown to be occupied by six people) and 1 x 3 bedrooms flat (indicatively shown to be occupied by five people). The 3 x 3 bedrooms units are proposed to be over two floors as maisonettes.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

<p><u>472 Banbury Road</u></p> <p>01/01908/FUL - Demolition of garage. Erection of double garage.. PER 14th December 2001.</p> <p>63/13596/A_H - Vehicular crossing and garage base. PER 10th December 1963.</p> <p>63/14167/A_H - Vehicular access and garage base (revised). PDV 10th December 1963.</p> <p>67/19216/A_H - Garage for private car. PDV 12th September 1967.</p> <p>70/22425/A_H - Conversion of existing storeroom into lavatory. PDV 27th January 1970.</p> <p>96/00359/NF - Change of use from house to Community Police Office.. PER 29th April 1996.</p> <p><u>474 Banbury Road</u></p> <p>87/01284/NF - Change of use from house to interview suite. PER 12th January 1988.</p> <p>08/01527/FUL - Formation of new access ramp with handrail and alterations to doors and windows all in connection with the requirements of the Disability Discrimination Act.. PER 22nd September 2008.</p> <p><u>472-474 Banbury Road</u></p> <p>17/03436/FUL - Temporary change of use to form operation of a hand car wash for a period of 6 months (retrospective).(Amended description). REF 7th March 2018</p>

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	124-132	CP1 CP8 CP9	CS18,	HP9,	

Housing	59-72	CP6 CP10		HP4, HP10, HP12, HP13, HP14	Balance of Dwellings SPD, Affordable Housing and Planning Obligations, Space Standards TAN
Natural environment	133-147 148-169 170-183	CP11, CP22, NE15, NE16	CS9, CS11, CS12	HP11	Natural Resource Impact Analysis SPD
Transport	102-111	TR13		HP15, HP16	Parking Standards SPD
Environmental	117-121				Energy Statement TAN
Miscellaneous	7-12	CP.13		MP1	

9. CONSULTATION RESPONSES

9.1. Three site notices were displayed around the application site on 13th November 2017, two along Banbury Road and Elsfield Way and one in Hawksmoor Road.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The proposal seeks to demolish existing buildings at 472-474 Banbury Road and replace with 9 apartments. Pre-application advice was given on the 1st March 2016. The site is situated on the Cuttleslowe roundabout and has existing vehicular access from A40 Elsfield Way and Banbury Road. The site is within the North Summertown Controlled Parking Zone (CPZ). Elsfield Way is to be residential only and vehicles looking to enter/exit the site will do so from Banbury Road following demolition of the existing garage. Whilst this is preferred as an access point to the existing access off the A40 Elsfield Way, a safety audit is required to show if turning into the site through this access is satisfactory. Adequate vision splays must also be provided before this application can be deemed acceptable for safety reasons. It is unclear from the Design & Access Statement and submitted plans where the refuse pick up will be. If it is to be from adjacent to the bin store shown then the refuse vehicles must enter the site and turn in the car park so not to reverse onto Banbury Road. Whilst this is acceptable in principal, a swept path analysis of how these vehicles will turn is required before this can be accepted. The cycle parking provided as shown on plan 17037 - PP0010 - C is in line with OCC's adopted policy (HP15) and is therefore accepted. In the pre-application advice given, it was stated that 1 of the parking bays (in this case the most north-easterly bay) is obstructed on 1 side,

meaning the width needs to be extended to 2.7 metres. This has been provided therefore all bays are of the correct dimensions. The number of bays is below the maximum number of spaces allowed within the adopted standards (HP16) therefore if granted permission; the dwellings must be excluded from eligibility from parking permits in the CPZ so not to create additional pressure on the local network. Due to the lack of information regarding vision splays and safety concerns over the access without a safety audit having been completed, Oxfordshire County Council recommends refusal until more detail has been submitted.

9.3. Please note that the applicant provided an additional plan (Access visibility PP0012). The County provided additional comments stating that the application will not create significant highway safety concerns and withdrew their objections.

Public representations

9.4. No comments received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing contribution
- Balance of dwellings
- Residential amenity
- Design
- Outdoor space
- Trees and landscaping
- Impact on neighbouring amenity
- Car parking and Vehicular Access
- Cycle store and bin store
- Sustainability and energy
- Flooding and drainage
- Biodiversity
- Contaminated land

a. Principle of development

10.2. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. Policy CS2 of the Core Strategy states that development will be focused on previously developed land.

- 10.3. In 1988, planning permission was approved for 474 Banbury Road for a change of use from a house to an interview suite, ref. 87/01284/NF. In 1996, a planning application was approved for 472 Banbury Road for a change of use from a house to community police office, ref. 96/00359/NF. The conditions attached to these permissions state that upon Thames Valley Police ceasing the use 472 and 474 Banbury Road for the purpose granted permission the properties would have to revert back to single family houses.
- 10.4. It is considered that there would not be loss of family units as the development proposes a mixed density, which some of the to have 3-bedrooms, which could be used by a family. Therefore, in principle, the demolition of the existing properties and erection of a new residential development would be acceptable.

b. Affordable housing contribution

- 10.5. Policy HP4 of the Sites and Housing Plan states that planning permission will only be granted for residential development on sites with capacity of 4 to 9 dwellings, if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution required will be 15% of the total sale value of the development. The policy also states that if it can be demonstrated to the City Council that the full contribution would make the development unviable, the City Council will accept a lower contribution. The policy also states that planning permission will be granted if generally a minimum 50% of dwellings on the site are provided as affordable homes (in situations where on-site provision is offered as an alternative to an affordable housing payment).
- 10.6. The proposed development is over the threshold for a small site (1-3 dwellings) and therefore is required to make a financial contribution towards affordable housing provision in the City. This application indicated that they cannot provide a financial contribution towards affordable housing.
- 10.7. The applicant has submitted a viability report suggesting that the provision of a financial contribution towards delivering affordable housing elsewhere in Oxford would make the proposed development unviable. Oxford City Council has appointed White Land Strategies to undertake an assessment of the viability appraisal of the proposed development. The assessment of the viability appraisal is an independent assessment and allows conclusions to be drawn about whether or not the viability information submitted by the applicant is acceptable in the context of the Council's policies.
- 10.8. The Existing Use Value (EUV) and unit sizes had the majority impact on viability even though there are cost savings in the appraisal. The applicant sought an opinion of the EUV from 6No. professional surveyors. After a long scrutiny of the viability assessment, the report prepared by White Land Strategies concluded that:
- The new NPPF allows applicants the use of EUV as the Benchmark Land Value even though it is clearly incompatible with achieving its aim of residualising land value of the scheme to enable a policy compliant scheme.

- The opinion stated by the Applicant doesn't confirm that this represented the value at the date of purchase/viability assessment but would confirm it is the current EUV. There is no suggestion of a premium and there shouldn't be one as it is effectively residential to residential.
 - The average would be £1,472,500 not £1,500,000 based on the above list but in reality the variance is de minimus in terms of making a sufficient saving on the costs to enable a payment.
 - It will likely be a difficult exercise to aim to backdate the pricing relative to the date of the assessment – the only alternative being a wholly updated assessment based on the current EUV with current costs and values but that may not yield any more substantive gains to make the exercise worthwhile.
 - The applicant submitted a scheme whereby the unit sizes (being larger than expected) ran contrary to the agent's opinions received during the market research for the scheme.
 - It is clear that new comparables are now available some of these having come on stream since the research was undertaken but what it does substantiate more importantly is that whilst, at face value, it appears illogical to build larger units (hence pay more costs) but not sell them for more value (thereby creating a relative revenue to cost reduction) there is clearly local precedent that would support the Applicant's approach.
 - The unit size issue would on this basis be more a planning matter than a viability matter concerning the development density of the site / unit numbers. The density of development and unit sizes are considered in more detail in Sections c and d of the report.
- 10.9. The White Land Strategy Report concluded that on balance, there is a strong argument to fix the EUV at £1,472,500 rather than aim to residualise on the basis of redevelopment which would suggest there is a valid viability argument. The appraisal was run and the result was that a profit of 8.538% of Gross Development Value (GDV) (or 9.34% of costs). At this level the viability argument would be upheld as the profit would be deemed to be below benchmarked developer returns expected. Based on the updated evidence provided, the EUV approach being the adopted approach in the updated NPPF (July 2018) the land value allowance does impact on the viability conclusions. The scheme would be deemed unviable against the benchmarked profit target.
- 10.10. Oxford City is the most unaffordable area of the Country with a high number of smaller sites and therefore it is important that the affordable housing contribution is sought from smaller sites such as this one. Officers challenged the assessment of the viability throughout the appraisal process, however based on the findings it has been concluded that the development would not be viable if an affordable housing contribution was made.

c. Balance of dwellings and density

- 10.11. Policy CS23 states that planning permission will only be granted for residential development that delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The Balance of Dwellings Supplementary Planning Document (BoDSPD) seeks to ensure that an appropriate mix of dwelling size will be provided in new developments. Policy CP6 of the Oxford Local Plan states that planning permission will only be granted where development proposals make maximum and appropriate use of land.
- 10.12. The application site lies within the 'Amber' Neighbourhood Area as specified in the BoDSPD. The 'amber' light shows that the pressure is considerable, so the Council needs to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new developments. For the Neighbourhood Areas identified as 'amber' where underlying pressure is growing, the mix required is as follows:

Dwelling types	Residential development 4-9 units (percentage range)	Proposed development
1 bed	0-30%	11%
2 bed	0-50%	56%
3 bed	30-100%	33%
4+bed	0-50%	0%

- 10.13. The proposed mix of dwellings is 11% 1-bed, 56% 2-bed and 33% 3-bed. The application complies with the provision of 3-bed units however the proposal over provides 2-bed units. The policy safeguards the family units and as the proposal provides 3- 3beds it would meet these requirements. Taking into consideration the size of the site, site constraints, on balance the proposal would provide an acceptable mix density. As stated in the report above, the density and provision of units was carefully considered as part of the viability assessment. There is an argument that the site can fit more units by only reducing the footprint of some of the units, which would consequently change the mix of dwellings. However, if more units would be proposed, the site would automatically have to provide more car parking spaces, bin and cycle spaces and larger outdoor amenity spaces. Some of the flats are large, however due to constrain of the site, it is considered that the proposal makes the efficient use of the site and therefore complies with policy CP6 of the Oxford Local Plan.

d. Residential amenity

- 10.14. Policy HP12 states that planning permission will only be granted for new dwellings that provide good-quality living accommodation if each dwelling has its own lockable entrance, its own kitchen and at least one bathroom; the space provided within each room allows for reasonable furnishing, circulation and use of household facilities in each part of the house; each dwelling provides adequate storage space. Planning permission will not be granted if

the proposed dwelling does not comply with the minimum space standard and if inadequate ceiling height, lack of natural lighting or natural ventilation, or restricted outlook prevents proper use and enjoyment of the dwelling. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development states that the Government set out how they wished local planning authorities to implement the New National Standard. In cases where a Local Plan already included internal space standards, the internal space should be interpreted by reference to the nearest equivalent new national technical standard.

- 10.15. The minimum gross internal floor area for 2 bedrooms, 1 storey, 4 people dwelling described in the National Space Standard needs to be 70sqm including 2sqm built-in storage. The minimum gross internal floor area for 1 bedroom, 1 storey, 2 people needs to be 50sqm including 1.5sqm built-in storage. The minimum gross internal floor area for 3 bedrooms, 2 storey, 5 people needs to be 93sqm including 2.5sqm built-in storage. The minimum gross internal floor area for 3 bedrooms, 2 storey, 6 people needs to be 102sqm including 2.5sqm built-in storage.
- 10.16. The proposed units 1 and 4 (2bed/4people) would measure approximately 81sqm and would have 4.2sqm built-in storage. Unit 2 (2bed/4people) would be approximately 84sqm and would have 3.8sqm built-in storage. Unit 3 (2bed/4people) would be approximately 84sqm and would have 5sqm built-in storage. Unit 5 (1bed/2people) would be approximately 84sqm and would have 6.97sqm built-in storage. Unit 6 (2bed/4people) would be approximately 84sqm and would have 5sqm built-in storage. Unit 7 (3bed/6people) would be approximately 136sqm and would have 7.7sqm built-in storage. Unit 8 (3bed/5 people) would be approximately 151sqm and would have 6.7sqm built-in storage. Unit 9 (3bed/6people) would be approximately 163sqm and would have 6.9sqm built-in storage.
- 10.17. The floor areas of the proposed units significantly exceed the minimum space standard set out by the Government and are therefore considered acceptable in relation to this requirement and Policy HP12 of the Sites and Housing Plan (2013).

e. Outdoor amenity space

- 10.18. Policy HP13 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space. The following factors will be material in assessing whether adequate space has been provided: the location and context of the development in relation to the layout of existing residential plots, and proximity to public open space; orientation of the outdoor area in relation to the sun; the degree to which enclosure and overlooking impact on the proposed new dwellings and any neighbouring dwellings, and the overall shape, access to and usability of the whole space to be provided. The preamble to policy HP13 states that new homes should also provide some open space which allows the people living there to enjoy fresh area and light in privacy. Where appropriate, balconies or private terraces should be provided for flats, which must have a minimum dimension of 1.5m depth by 3m length.

Private outdoor area should allow space for table and chairs, and/or clothes drying space, plus reasonable circulation.

10.19. The ground floor flats would feature private gardens, which would be used exclusively by the occupants of those flats. The flats on the upper floor feature balconies or roof top terraces. There would also be a small communal garden by the entrance to the building. Due to the busy road the location of the ground floor gardens is not ideal, however various landscaping is being proposed to improve this space for future occupiers. The balconies and terraces will have a reasonable space. The 3 bedroom units feature roof terraces with 1.8m high privacy screen between them to secure their privacy. The floor plan submitted shows that each of the terraces will provide space for table and chairs.

10.20. The proposed outdoor space is considered to be acceptable and it complies with the requirements set out in Policy HP13 of the Sites and Housing Plan

f. Design

10.21. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupiers of buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of the area and the way it functions. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP7 of the Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development and creates an appropriate visual relationship with the form of the existing buildings and the surroundings. Policy HP9 of the Sites and Housing Plan states that planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features. Policy CP8 states that planning permission will only be granted where the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area. Furthermore, the Policy CP8 of the Local Plan states that the planning permission will only be granted where building design is specific to the site and its context and should respect, without necessarily replicating, local characteristics, and should not rule out innovating design.

10.22. The area consists of various architectural styles. The area features semi-detached and detached properties, blocks of flats with different finishes of materials, height, form and style. As previously stated in the report the surrounding developments are mostly part two, part three storey. The proposed development would be part three, part four storey. Some elements of the proposed design are contemporary. The overall height of the proposed development would be approximately 13m and it would exceed the height of the neighbouring properties. It is considered that the proposed development would be high, however due to the location of the site, distance between the existing developments and the application site and the existing buildings within the close vicinity, it is considered that the proposed development is on a site

where a higher building could be appropriate. Some parts of the fourth storey would be set back from the front elevation to create a terrace area on the roof. This would also reduce the bulk and mass of the building. The set back element of the fourth storey, due to its contrasting material would read as a roof extension, rather than an additional storey and this would reduce the visual mass of the building.

- 10.23. Officers consider that the weakest aspect of the proposed design is the east elevation of the proposed building. This elevation would appear rather large because the visual mass of this elevation would not be broken up or reduced by a fourth floor terrace or other details.
- 10.24. The proposed development, due to its corner location and angled layout would create a different appearance from each side. The proposed development does not try to replicate the existing surrounding properties, which is welcomed. The materials proposed would be grey fibre cement cladding, red brickwork and composite timber aluminium windows and doors. The proposed materials are considered to create an acceptable visual appearance in the area. The different materials brake down the mass of the proposed development.
- 10.25. The proposed development would be set back from the edge of the site to create gardens at the front of the ground floor units. Some planting is proposed along the boundary to soften the visual appearance of the proposed development.
- 10.26. Overall, on balance, it is considered that the design of the proposed development would be considered visually acceptable and it would comply with policies in terms of design.

g. Trees and landscaping

- 10.27. There is a large chestnut tree located outside of the red line application site boundary. Due to the close proximity to the existing mature tree, a tree report has been submitted with the application. It is considered that the details submitted with the application are acceptable subject to condition for landscaping, a Tree Protection Plan, Arboricultural Method Statement and details of the location of all underground services and soakaways.
- 10.28. The proposed development would be set back form the site boundaries to accommodate hedging and tree planting and gardens. The boundary treatment along Banbury Road would be a low level brick wall with iron railings above, hedging and tree planting behind, which would be considered acceptable.
- 10.29. The communal garden area would be located by the entrance to the flats. Landscaping details of this area should be included in the landscaping plan, to ensure that this area is well planted and creates a great outdoor space for future occupiers.

- 10.30. Officers recommend that the proposed development would provide sufficient opportunities for landscaping subject to conditions and therefore meets the requirements of Policy CP11 of the Oxford Local Plan 2001-2016.

h. Impact on neighbouring amenity

- 10.31. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes. The preamble to Policy HP14 states that potential for unacceptable overlooking will depend on the proximity of windows to neighbours' habitable rooms and gardens, and the angles of views between windows. There should be at least 20 metres' distance between directly facing windows to habitable rooms in separate dwellings.
- 10.32. The proposed building would be located to the north of No. 470 Banbury Road and to the west of Hawksmoor Road flats and garages. The garages are located along the boundary of the application site. The distance between the proposed development and the side elevation of No.470 Banbury Road would be approximately 19m, the distance between the proposed building and the rear elevations of the flats on Hawksmoor Road would be approximately 30m.

Privacy

- 10.33. The proposed building features windows and balconies/terraces facing the neighbouring properties. Due to the distance (approximately 19m from 470 Banbury Road and approximately 30m from Hawksmoor Road) between the properties and layout of the proposed building, it is considered that the proposed development would not cause loss of privacy of the neighbouring properties.

Overbearing

- 10.34. The proposed development would change the outlook afforded to the neighbouring properties. However as stated in the report above, the distance between the properties is significant, the existing boundary treatment and the layout of the building, the proposal would not be considered unacceptable in terms of outlook and it would not be considered overbearing.

Loss of light

- 10.35. The proposed development due to the distance from the neighbouring habitable windows, the existing impact from the existing buildings and the sun orientation, is considered to not cause unacceptable level of harm to the amenities of the neighbouring properties in term of loss of light. As a result, Officers recommend that the development complies with the requirements of the Policy HP14 of the Sites and Housing Plan (2013) and specifically the requirements of the 45/25 degree guidance set out in that policy.

i. Transport

Car Parking and Vehicular Access

- 10.36. Policy HP16 of the Sites and Housing Plan states that planning permission will only be granted for residential development where the relevant maximum car parking standards are complied with. Policy CS13 of the Core Strategy states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport.
- 10.37. The site is located close to the Cuttleslowe roundabout and has existing vehicular access from A40 Elsfield Way and Banbury Road. The development proposed 10 car parking spaces- one for each unit and one for visitor. The site is located in an area with great public transport links.
- 10.38. The Highways Authority commented on the proposal. The application proposed 10 off-street parking spaces associated with 9 flats. The site is located within the North Summertown Controlled Parking Zone (CPZ). The Highway Authority stated that all the parking bays are of the correct dimensions. The number of bays is below the maximum number of spaces specified in Policy HP16 of the Sites and Housing Plan, therefore if planning is granted, the dwelling must be excluded from eligibility from parking permits in the CPZ to ensure that the proposed development does not create an additional pressure on the local network.
- 10.39. The additional plan has been submitted showing the visibility splays, which is considered acceptable. A condition is recommended to be imposed to ensure that prior to occupation of the building, the visibility splays measuring 2m by 2m shall be provided to each side of the access.
- 10.40. The access from A40 Elsfield Way is to be pedestrian only and vehicles will enter/exit the site from/to Banbury Road. The Highways Authority stated that the proposed development will not create significant highway safety concerns.

Cycle parking

- 10.41. Policy HP15 of the Sites and Housing Plan sets out minimum cycle parking standards. For houses and flats up to 2 bedrooms at least 2 spaces per dwelling is required, for houses and flats of 3 or more bedrooms at least 3 spaces per dwelling is required. All residential cycle storage must be secure, undercover, preferable enclosed, and provide level, unobstructed external access to the street.
- 10.42. The plans submitted with the application show the location of two large cycle stores. The layout shows 24 bike stands. They need to provide at least 21 cycle stands for the future occupiers. The locations of the cycle stores are considered to be acceptable. However, no details of the stores have been provided, therefore a condition is recommended to be imposed to provide details of the type and design of the new cycle stores. Additionally the proposal should also incorporate cycle stands for visitor. The cycle stands for visitors do not have to be covered, for example Sheffield bike stands should be sufficient.

j. Bin storage

- 10.43. Policy HP13 of the Sites and Housing Plan states that planning permission will not be granted for residential dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling.
- 10.44. The plans submitted show the location of the bin store. The location of the storage is considered to be acceptable, however no details of the store have been provided, therefore if the application is to be approved details of the store a condition is recommended to be imposed to provide details of the bin storage.

k. Sustainability and energy

- 10.45. Policy CP18 of the Oxford Local Plan states that Natural Resource Impact Analysis (NRIA) would be required for all major developments. For the purpose of this policy a major development is defined as 10 or more dwellings or 2000sqm or more of floorspace.
- 10.46. As the proposal is for 9 units and the proposed internal floor space is below 2000sqm the NRIA is not required.
- 10.47. Policy CS9 of the Core Strategy states that all developments should seek to minimise their carbon emissions. Proposals for development are expected to demonstrate how sustainable design and construction method will be incorporated. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments.
- 10.48. The Design and Access Statement submitted with the application includes information regarding energy and water efficiency (section 5.3 and 5.4). The Statement states that energy consumption across the site will be minimised by employing all or in part the following measures: high performance double glazing, high level of insulation to floors, walls and roofs, high level of natural lighting and ventilation, integrated energy management controls within individuals units, where necessary- passive flue gas heat recovery devices will be installed to all gas-fired boilers.
- 10.49. The conditions regarding water efficiency and energy efficiency are recommended to be imposed to ensure that the new development incorporates sustainability measures.

l. Flooding and drainage

- 10.50. The site is not at significant floor risk from any sources of flooding. Given the overall increase in impermeable area, details of the drainage infrastructure will be required prior to commencement if planning permission is granted. In line with Policy CS11 of the Core Strategy, it is expected that Sustainable Drainage Systems (SuDS) would be used unless shown not to be feasible.

m. Biodiversity

- 10.51. Policy CS12 of the Core Strategy states that opportunities will be taken (including through planning conditions or obligations) to ensure the inclusion of features beneficial to biodiversity (or geological conservation) within new developments throughout Oxford.
- 10.52. In addition to local policy, the NPPF sets out that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity. It is a requirement to encourage the incorporation of biodiversity in and around developments.
- 10.53. Therefore, a condition is proposed to be imposed to provide details of biodiversity enhancement measures in the interests of improving the biodiversity of the City in accordance with the NPPF and Policy CS12 of the Core Strategy.
- 10.54. Furthermore, scrub, trees and buildings on site offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended), therefore an informative is recommended to ensure that removal of vegetation shall be undertake outside of bird nesting season.

n. Contaminated land

- 10.55. The development involves the creation of residential dwellings. Residential dwellings are considered to be sensitive uses. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore an informative is recommended to be placed with the permission.

o. Accessibility

- 10.56. Policy CP1 (d), CP13 of the Oxford Local Plan and CS23 of the Oxford Core Strategy states that planning permission will only be granted for development which provides buildings and spaces with suitable access arrangements and facilities for use by all members of the community with special access needs, makes reasonable provision for access by all members of the community, including people with children, elderly people and people with disabilities, and people with specialist housing needs. Policy HP2 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings where all the proposed new dwellings meet the Lifetime Homes standard, and on sites of 4 or more dwellings, at least 5% of all new dwellings (or at least 1 dwelling for sites below 20 units) are either fully wheelchair accessible or easily adapted for full wheelchair use.
- 10.57. As the proposed is for 9 units, a condition is recommended to be imposed to ensure that new housing meets the needs of all members of the community.

11. CONCLUSION

- 11.1. The proposed development would not be detrimental to the amenities and living conditions of the neighbouring properties. As stated in the report above, on balance, the proposed development complies with the National and Local policies. The viability assessment concluded that the site is not viable to contribute to provide affordable housing somewhere else in Oxford.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

12. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with an allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 5 Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained. The development is to be maintained in accordance with the approved Sustainable Drainage (SUDs) Maintenance Plan.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011- 2026.

- 6 The development hereby permitted shall not be occupied until the Order governing parking at 472-474 Banbury Road has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

- 7 Prior to the commencement of the development, details of biodiversity enhancement measures including at least 8 x bird nesting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 8 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before substantial completion of the development. The plan shall show existing retained trees and new tree plantings, showing sizes and species. The plan shall show in detail all proposed shrub and hedge planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Local Plan 2001-2016.

- 9 The development shall be carried out in strict accordance with the approved tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 10 A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 11 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1,CP11 and NE15.

- 12 Prior to occupation of the dwelling visibility splays measuring 2m by 2m shall be provided to each side of the access. This visibility splay shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with policy.

- 13 Prior to the occupation of the approved development, a detailed scheme showing the design of a secure, covered cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be installed prior to first occupation of the approved development and thereafter retained solely for the purposes of cycle storage.

Reason: To ensure that the development provides adequate cycle parking as required by Policy HP15 of the Sites and Housing Plan 2011-2026.

- 14 Prior to the occupation of the approved development, a detailed scheme showing the design of a bin store including means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall be installed prior to first occupation of the approved proposal and thereafter retained as a bin store.

Reason: To promote recycling in accordance with policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

- 15 The dwelling(s) shall not be occupied until at least 8 of the dwellings hereby approved the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

- 16 The dwelling(s) shall not be occupied until at least 1 of the dwellings hereby approved the Building Regulations Part M access to and use of building, Category 3 wheelchair user dwellings, Optional requirement M4(3) including optional requirement M4(3) (2) (a) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

- 17 The dwelling(s) shall not be occupied until the Building Regulations Part G sanitation, hot water safety and water efficiency, Category G2 water efficiency, Optional requirement G2 36 (2) (b) has been complied with.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

- 18 The dwelling(s) shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Home have been met and the details of compliance provided to the local planning authority.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable

development.

- 2 You attention is drawn to the provisions of the Party Wall Act 1996. A copy of an explanatory booklet is available to download free of charge from the following website
<http://www.communities.gov.uk/publications/planningandbuilding/partywall>
- 3 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 4 Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.
- 5 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.
- 6 The applicant is advised that conditions 15 and 16 impose optional requirements from the Building Regulations which the development must meet. The applicant must make their Building Inspector aware that these conditions have been applied to this planning permission.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the

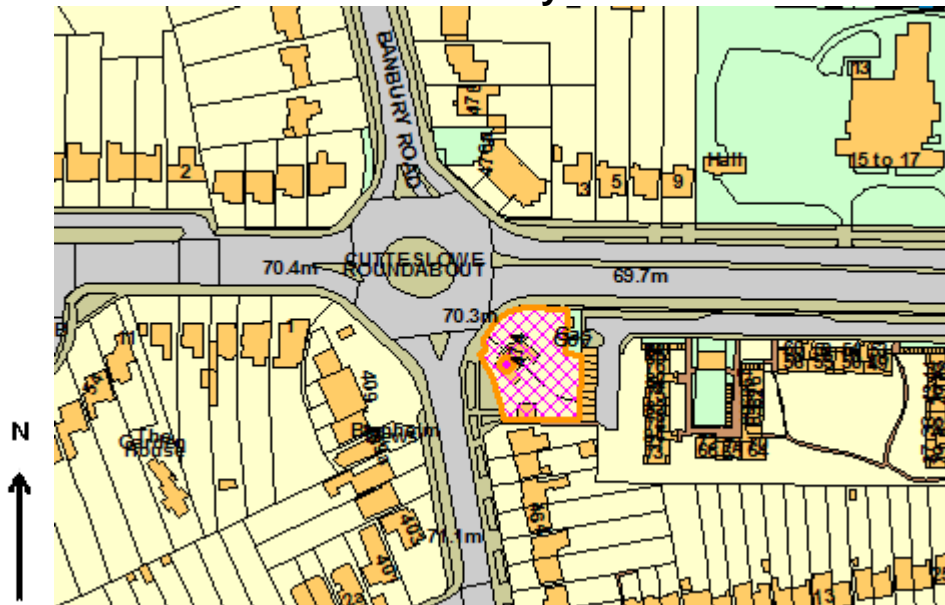
interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. 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.

Appendix 1

17/02817/FUL - 472-474 Banbury Road



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Ordnance Survey 100019348



Proposed site plan

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WEST AREA PLANNING COMMITTEE

11 December 2018

Application number:	18/02400/FUL		
Decision due by	8 November 2018		
Extension of time	19 December 2018		
Proposal	Temporary change of use of ground floor and basement of no. 7 St Michael's Mansions from (Use Class A1) retail use to Sui Generis (Betting Shop). (Amended description)		
Site address	7 St Michael's Mansions, Ship Street, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Carfax Ward		
Case officer	Julia Drzewicka		
Agent:	Mr Simon Sharp	Applicant:	Mr David Stevenson
Reason at Committee	The application is before the committee because it was called in by Councillors Clarkson, Munkonge, Tanner, Pressel and Simm because the proposal is not a like for like replacement and no marketing evidence has been provided to demonstrate that an A1 use cannot be found.		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

- 1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission
- 1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:
- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary

2. EXECUTIVE SUMMARY

- 2.1. This report considers a temporary change of use of ground and basement of No. 7 St Michael's Mansion from retail use (Use Class A1) to betting shop (Use Class Sui Generis).

- 2.2. The proposal is to relocate an existing betting shop from the first floor of Northgate House to the ground floor of a vacant unit on Ship Street. The planning permission has been granted earlier this year (ref. 18/00258/FUL) to redevelop the Northgate House and this application would allow starting work on Northgate House. The statement submitted with the application states that Jesus College want to secure vacant possession of Northgate House.
- 2.3. The temporary permission is sought for 5 years only, after which the unit shall revert back to retail (A1) use.
- 2.4. The proposal does not seek to convert the whole existing A1 unit. The proposal seeks to use less than half of the existing unit and therefore a major part of the unit would remain in A1 use.

3. LEGAL AGREEMENT

- 3.1. This application is not subject to a legal agreement.

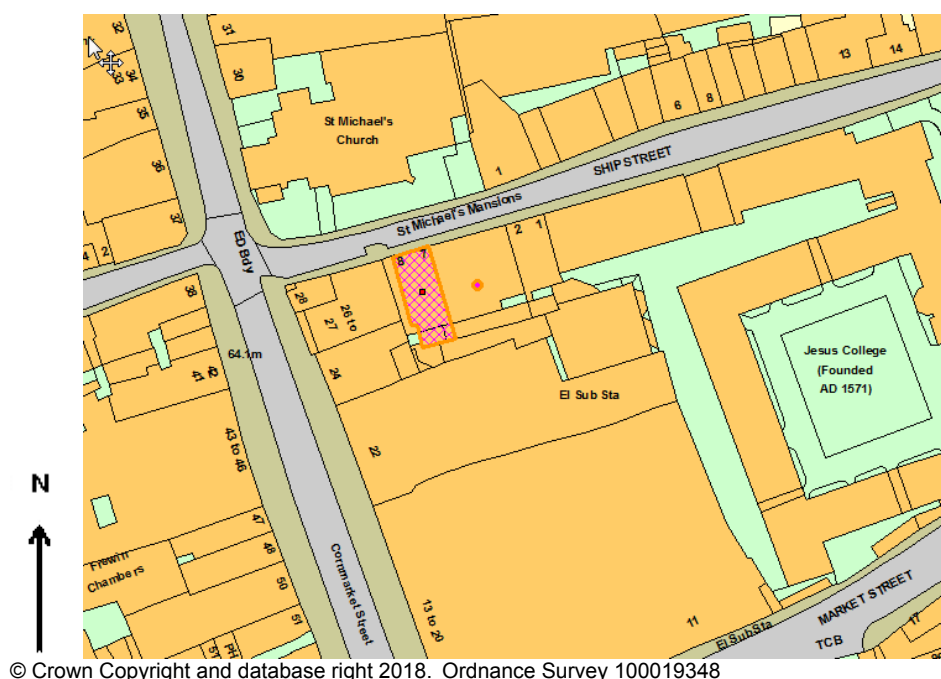
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within a Central Conservation Area. Ship Street is a quiet street located just off Cornmarket Street. The site is located opposite Grade I Church Of St Michael At The Northgate. The site lies within a close proximity to various Grade II* Listed Building for example building along Ship Street, part of Jesus College, 27-28 Cornmarket Street. The buildings along Ship Street make a significant contribution to the Conservation Area.
- 5.2. The site lies within a designated 'Secondary Shopping Frontage' within the City Centre central shopping area.

5.3. See block plan below:



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6. PROPOSAL

6.1. The application proposes a temporary change of use of the ground floor and basement of No. 7 St Michael's Mansion from retail use (Use Class A1) to betting shop (Use Class Sui Generis).

7. RELEVANT PLANNING HISTORY

7.1. There is no relevant planning history to this site.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy
Design	124-132	CP1 CP6 CP8 CP9 CP10	CS18_
Conservation/Heritage	184-202	HE3 HE7	

Commercial	1, 2	RC5	CS31_
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9. CONSULTATION RESPONSES

9.1. One site notice was display around the application on the 20th September and one on the 3rd October and an advertisement was published in The Oxford Times newspaper on the 27th September and on the 11th October 2018. The application had to be re-advertised as the site is affecting Conservation Area and Listed Buildings.

Statutory and non-statutory consultees

Historic England

9.2. Does not wish to offer any comments.

Public representations

9.3. 14 people commented on this application.

9.4. In summary, the main points of objection 14 residents were:

- No marketing evidence to support the change of use
- Located in prominent location within the Secondary Shopping Frontage where retail and other A class uses should be dominant
- Ship Street is a charming and tranquil street
- The Conservation Area would be harmed by the opening of a betting shop, eyesore and no public benefit which would outweigh this harm
- Relocation of the betting shop would result in an over-concentration of non-class A uses within the Secondary Shopping Frontage in Oxford City Centre
- Contrary to policies
- No weight can be given to the emerging local plan
- Not like for like relocation
- Would result in disturbance to the library
- Betting shop will cause disturbance, noise, anti-social behaviour, and enables an addiction, traffic
- Chain business would not help local, independent businesses
- Another betting shop in the city centre
- Opposite a church
- Little details on the proposed shopfront

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Noise and impact on the residents
- Parking

a. Principle of development

10.2. The National Planning Policy Framework (NPPF) was revised in July this year. In relation to retail uses and commercial development the NPPF states that planning policies should be positive, and promote competitive town centre environments.

10.3. Policy RC5 'Secondary Shopping Frontage' of the Oxford Local Plan states that planning permission for other than Class A uses will only be granted where the proportion of units at ground level in Class A uses does not fall below 95% of the total units in that frontage.

10.4. The existing betting shop is located on the first floor of Northgate House, which is visible from the streetscene, however as it is located on the first floor and the entrance door is located on Market Street it is not as easily accessible and visible as the proposed unit. No evidence has been provided that no alternative site, which is within the ownership of Jesus College, is available to relocate the betting shop. This is a concern for the Officers. However, the unit at No. 7 Michael's Mansions is vacant and therefore, the Officers recognise why the College is looking to relocate the tenant there.

10.5. The Council's November 2018 retail survey showed the level of units within the A Use Classes (which include retail, financial services and restaurants etc) within the secondary shopping frontage at 89.39%. The survey does not take into account the Westgate Shopping Centre. The policy objective is to safeguard A use classes in the secondary shopping frontage. The proposal seeks a temporary change to only part of the existing retail unit, therefore a majority of the unit will remain as A1. The creation of a new planning unit clearly falls under the requirement of Policy RC5. However, the applicant is seeking only a temporary permission to allow them to secure vacant possession of Northgate House. The statement submitted with the application that "the need for alternative facilities to house Ladbrokes has only come about as a result of the proposed redevelopment of Northgate House". It is considered that the new development of Northgate House will improve the retail within the City Centre and add to the vibrancy and viability of the City Centre's retail offering. This is a material planning consideration which officers have afforded significant weight. And whilst these proposals would result in the temporary loss of part of a retail unit they would facilitate retail enhancements within close proximity of the site.

10.6. As the proposal only involves a temporary change of use of part of the unit, there will be no actual complete loss of A1 use within the secondary shopping

frontage. The future tenant of No. 7 will be made aware that the use will only be for 5 years and they would need to seek an alternative location, preferably on the first floor rather than a ground floor if they wished to operate in the secondary shop frontage. An additional statement has been submitted, justifying why Jesus College is seeking permission for 5 years. Due to the expenditure of fitting out the unit and the rent, this cost must be written off over the period of years. On this basis a temporary permission for a period of five years is considered justified.

- 10.7. The agent provided additional information regarding marketing. He stated that No. 7 formed part (approximately one third) of the former Russell and Bromley unit. Though the unit has not been marketed individually, marketing was undertaken by Russell and Bromley's own agents just before they relocated to the Westgate last November. There was some interest in the whole unit, although in the main this came from non-A1 uses (especially A3).

b. Design

- 10.8. The development as submitted does not propose any external alterations as the applicant is aware that a separate application would have to be submitted for it. The new tenant of No.7 St Michael's Mansions is likely to want to display new signage. Due to the nature of the use and its branding, concerns have been raised regarding the impact of the new shopfront and signage on the surrounding area and whether it will fit with the character of the building. The site is located within the Central Conservation Area and is surrounded by several Listed Buildings and therefore careful consideration has to be given to the design and materials of the signage and shopfront. Officers are not convinced that the standard branding of a betting shop would successfully fit with the surrounding built environment and are therefore recommending that a condition is included with any permission that removes the eligibility to display signage without the express advertisement consent of the Local Planning Authority. This will ensure that any advertisements that are installed in this highly sensitive location are assessed by the Local Planning Authority and an assessment can take place to ensure that there is no harm to the Conservation Area or setting of nearby listed buildings as required by Policy HE3 and HE7 of the Oxford Local Plan 2001-2016 and Paragraphs 194-196 of the NPPF. The existing shopfront of the previous tenant (Russell and Bromley) is of a very high quality and therefore officers recommend that the shopfront should remain unchanged and only sympathetic new lettering should be installed.
- 10.9. Special attention has been paid to the statutory test of preserving the listed buildings in close proximity, their setting and any features of special architectural or historic interest which they possess and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 16 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed buildings and the character and appearance of the Conservation Area, and so the proposal accords with sections 16 and 72 of the Act.

c. Noise and impact on the residents

- 10.10. Comments were received regarding the impact of the proposed use on the amenities of surrounding properties. The building is located in the City Centre, which has a lot of late opening shops and facilities and experiences high levels of footfall late into the evening and overnight. However, a condition is recommended to be imposed to restrict the opening hours, in the interests of the amenities of nearby occupiers and the area generally.

d. Parking

- 10.11. The site is in a very sustainable location with good access to public transport and public cycle stands. It is considered that the proposed development would not result in a need for car or additional cycle parking provision.

11. CONCLUSION

- 11.1. Officers have carefully considered the acceptability of the proposals with regards to the Council's adopted planning policies, the NPPF and other material considerations and recommend that temporary planning permission is granted.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

12. CONDITIONS

- 1 This permission shall be for a limited period of five years only, expiring on 19th December 2023 when the use of the building revers back to Use Class A1.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis and would fail to preserve the character and appearance of the Conservation Area, in accordance with policies CP1, RC5 and HE7 of the Oxford Local Plan 2001-2016.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 no advertisement (including fascia signs, projecting signs or any other advertisement) shall be installed on any part of application site for the duration of the approved temporary use without the express advertisement consent of the Local Planning Authority.

Reason: To ensure that any advertisements that are installed in this highly sensitive location are assessed by the Local Planning Authority and specifically to ensure that there is no harm to the Conservation Area or setting of nearby listed buildings as required by Policy HE3 and HE7 of the Oxford Local Plan 2001-2016 and Paragraphs 194-196 of the NPPF.

- 5 Customers shall not be present on the premises during the following times: Monday to Sunday inclusive before 8.00 am and after 10.00 pm. A notice to this effect shall be displayed at all times on the premises so as to be visible from outside.

Reason: In the interests of the amenities of nearby occupiers and the area generally.

- 6 The use of first floor unit of 18-20 Cornmarket Street as a betting shop shall cease within 3 month from the date of this permission.

Reason: To ensure that there is no over- concentration of betting shops within the City Centre in accordance with policies CP1, RC5 and HE7 of the Oxford Local Plan 2001-2016.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

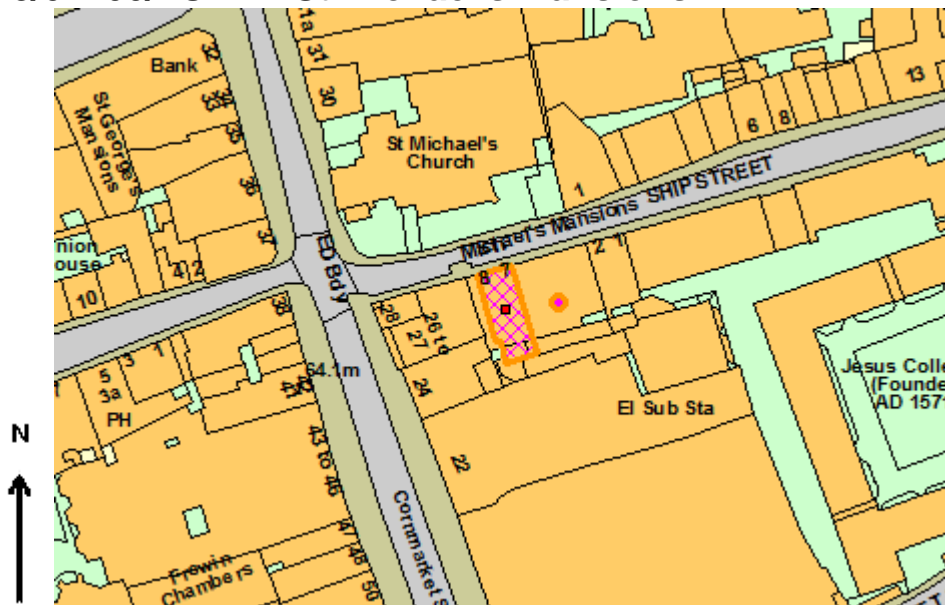
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

15.1. 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.

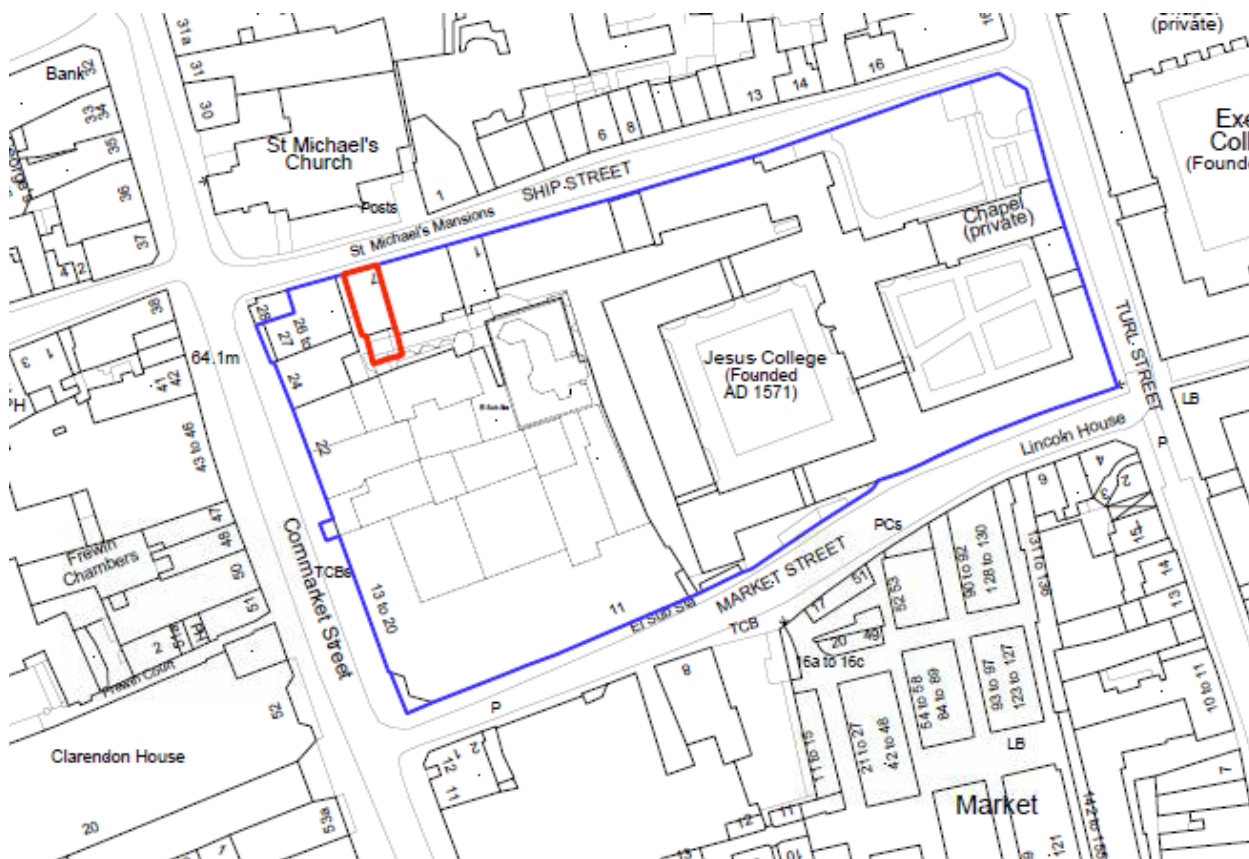
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Appendix 1

18/02400/FUL - 7 St Michael's Mansions



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WEST AREA PLANNING COMMITTEE

11 December 2018

Application number: 18/02540/FUL

Decision due by 28 November 2018

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

Site address 13 Dale Close, Oxford, OX1 1TU, – see **Appendix 1** for site plan

Ward Hinksey Park

Case officer Jeffrey Penfold

Agent: Mr Kieron Roberts **Applicant:** Miss Kirsti Brisk

Reason at Committee Called in by Councillors Tidbull, Tanner, Clarkson, Pressel and Curran because of concerns that the application property is situated on a small estate where there are already a number of HMOs and there is a perception that the area would be ill-suited to accommodating additional HMOs.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1 This report considers an application for planning permission seeking to change the use of No. 13 Dale Close, Oxford from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4). The report considers the density of HMOs within the vicinity of the site with specific reference to the Council's adopted planning policy HP7 of the Sites and Housing Plan. The report also considers the quality of accommodation proposed for the HMO,

provision of refuse and recycling storage and the impact of the proposed development on car parking and neighbouring occupiers.

- 2.2 It is considered that the proposed change of use would be acceptable having had regard to the relevant policies and the comments made in response to public consultation on this application. Officers recommend that the development would be acceptable in the context of Policy HP7 of the Sites and Housing Plan and Policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

3. LEGAL AGREEMENT

- 3.1. This application is not subject to a legal agreement.

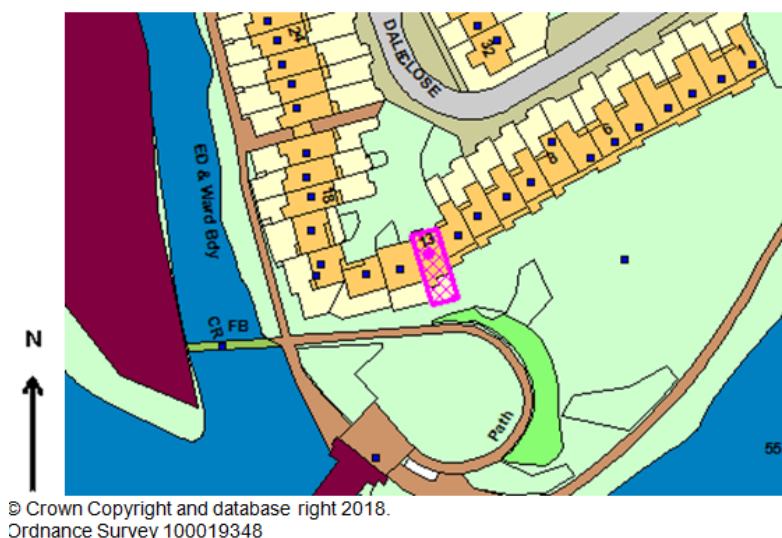
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The application site is situated on the southern side of Dale Close, a residential cul-de-sac in the 'St Ebbes New Development' Area. Despite the central location of the area it has a strongly residential character and includes mostly smaller dwellings with some houses backing onto areas of public open space and the river. The entire development benefits from road access from Thames Street/Oxpens Road. The site measures approximately 0.0114ha with the entrance to the property via a shared forecourt area which is predominantly used for shared car parking between the immediate, neighbouring properties. The character of the area is residential comprising mostly three-storey properties with short gardens. The garden of subject property measures approximately 0.002ha. The property is characteristic of the area. The site is flat and is level with adjoining land. The property is not located in a Conservation Area. The property is not a Listed Building.

- 5.2. See block plan below:



6. PROPOSAL

- 6.1. The application proposes to change the use of No. 13 Dale Close, Oxford from Dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). No external changes are proposed.

7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

77/00613/GO - Erection of 141 dwelling houses 29 flats and shop. Laying out of roads and recreation areas and alteration and construction of river bridges. PER 27th October 1977.

79/00900/A_H - Land adjoining Dale Close and Trinity Street - Erection of 102 houses, 17 flats, 1 shop, 14 garages associated roads and site works (deemed permission given 24/10/77). PER 7th November 1979.

77/00613/GR - Erection of 141 houses, 29 flats and shop. Laying out of roads and recreation areas, and alterations and construction of river bridges (Reserved Matters fencing condition no. 8, landscaping (Public Part) condition no.15)). PER 20th October 1978.

18/02540/FUL - Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4).. PDE .

8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	s.12	CP1 CP6 CP10	CS18		
Housing	s.5			HP7 HP13	
Transport	s.9			HP15 HP16	Parking Standards SPD
Miscellaneous	s.2			MP1	HMO – Landlords - Amenities and Facilities

					Guide.
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9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 17th October 2018.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2 The above proposals seek a change of use from a single dwelling to provide a House in Multiple Occupation (HMO) with 4 No. bedrooms. Cycle parking will be provided within an existing integral garage (which is not of sufficient size to park a vehicle) and a single car parking space provided on the adjacent driveway. When reviewing the development, it is noted that the site is located within the Transport Central Area as defined by the Oxford City Local Plan. Furthermore, there is no requirement to provide additional car or cycle parking facilities, in accordance with the council's adopted parking standards. Therefore, based on the above, it is considered that the proposals would not have a material impact along the adjacent highway network and an objection in relation to the highway and transportation aspect of the development is not raised in this instance.

Oxford City Council – Internal (HMO Licensing)

9.3 Summary of Advice :

Overall there is sufficient bedroom area and plentiful bathroom facilities. The kitchen/diner space would limit any occupancy to no more than five.

Public representations

9.9 11 local people commented on this application from addresses in: Dale Close only.

9.10 In summary, the main points of objection (11 residents) were:

- Lack of Bin / Recycling Storage
- Effect on Adjoining Properties
- Effect on Character of Area
- Effect on Traffic
- Parking Provision
- General Dislike or support for proposal
- Access

- Noise and Disturbance
- Internal Arrangement Inadequate
- Previous HMO application refused
- Obstruction to Emergency Services
- Noise
- Effect on existing Community Facilities
- Effect on Pollution
- Effect on Privacy
- Local Plan Policies
- On-street Parking.

9.11 Officer's Response: Officers note the above matters which are responded to in the report below.

10 PLANNING MATERIAL CONSIDERATIONS

10.1 Officers consider the determining issues to be:

- Sustainability
- Concentration of HMOs
- Design and Visual Impacts
- Residential Amenity
- Cycle Parking, Bin Storage and Car Parking.

11 Sustainability

11.1 When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants jointly to find solutions which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area.

12 Concentration of HMOs

12.1 As of 24 February 2012 planning permission is required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple

Occupation (Use Class C4) due to the removal of permitted development rights under an Article 4 Direction.

- 12.2 Policy HP7 of the Sites and Housing Plan stipulates that changes of use to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. This includes side roads and footpaths.
- 12.3 Within 100m either side of 13 Dale Close, there is a total of 50 properties (including the host property). The proposal would result in two of these buildings being classed as HMOs. This results in a total of 4%, well within the allowed 20% threshold set out in Policy HP7 of the Sites and Housing Plan (2013).
- 12.4 The proposal would therefore not result in an over concentration of Houses in Multiple Occupation within the relevant 100m area, which would not have a detrimental impact upon the balance and mix of dwelling types within the surrounding area and retaining the objective of creating balanced and sustainable communities. The development proposed is therefore considered to comply with Policy HP7 of the Sites and Housing Plan 2011-2026.

13 Design and Visual Impacts

- 13.1 Policy HP7 also states that the applicant needs to demonstrate they have complied with the Council's good practice guidance on HMO amenities and facilities.
- 13.2 The proposed plans confirm that no changes are proposed to the ground floor layout. At this level, a garage is accessible from the front elevation. When entering the property via the porch, the hallway leads to a WC followed by a kitchen / diner to the rear of the property. The garden is accessed via a single door to the rear of the dining room.
- 13.4 At first floor level, a large sitting room with balcony forms the bulk of the rear of this floor. To the front elevation, bedrooms 3 & 4 are situated. At second floor level, bedroom one is located above the sitting room, to the rear of the property and towards the front, bedroom two is located above bedrooms 3 & 4. A bathroom and cupboard is are also located at this level.
- 13.5 With regard to the two bedrooms on the first floor: bedroom three measures approximately 8.8m² and bedroom four measures approximately 6.5m². As such, bedrooms 3 and 4 would be of a satisfactory size to accommodate one occupant each.
- 13.6 The first floor sitting room has a floor area of 17.4m² and would be of a sufficient size to retain its use as a sitting room.
- 13.7 At second floor level, bedroom two located towards the front elevation has a useable floor area of 10.9m² - when ceiling height not below 150cm. As such, this bedroom falls just under the necessary 11m² required for a two person

occupancy. However, the difference of this bedroom is considered negligible and officers are satisfied that bedroom two would prove a satisfactory floor area for a two person occupancy.

- 13.8 Bedroom one, located to the rear of the property at second floor level, has a floor area of 17.7m² (minus the balcony area) and is therefore suitable for a two person occupancy.
- 13.9 The combined kitchen / diner of 8.8m² and 11.66m² equalling 20.46m² complies with the guidance and is considered of a sufficient size for up to 5 occupants.
- 13.10 Overall, officers are satisfied that the proposed floor layouts would be in accordance with the council's HMO guidance with sufficient bathroom facilities for up to 5 persons. The layout of the property is dealt with by a condition on the HMO license.
- 13.11 The proposal is therefore considered to comply with policies CP1 and CP10 and the Local Plan and HP7 of the Sites and Housing Plan.

14 Residential Amenity:

- 14.1 Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for development that has an overbearing effect on existing homes, and will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.
- 14.2 The application does not propose any external changes to the subject property and as such, no significant detrimental amenity impacts are considered likely.
- 14.3 The proposed size of the HMO may have negative impacts due to comings and goings, and nuisance, and could harm residential amenities of neighbouring property.
- 14.4 With regard to any nuisances that may arise as a result of the operation of the proposed HMO, officers recommend that where such instances occur, residents contact the relevant department of the Council for investigation.
- 14.5 It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.
- 14.6 As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with Policies CP10 of the Local Plan, HP14 and MP1 of the Sites and Housing Plan 2013.

15 Cycle Parking, Bin Storage and Car Parking:

- 15.1 With regard to cycle parking, the proposed HMO would seek to utilise the existing garage space to store bicycles. The garage would be secure and covered. It is considered that the existing garage is not large enough to park a modern car in.
- 15.2 A single car parking space is provided for the property on the front forecourt. The subject property is located within the Transport Central Area as defined by the Oxford City Local Plan. In this location there is a reduced requirement for car parking because of the excellent access to services and public transport in the City Centre. The St Ebbes area has double yellow lines and it is not possible to park a car on street in most locations. Officers are therefore satisfied that the proposed development would not lead to an increase in parking stress in the locality or compromise highway safety
- 15.3 As such, based on the above, it is considered that the proposals would not have a material impact along the adjacent highway network. Oxfordshire County Council as the Local Highway Authority have not raised an objection to these proposals.
- 15.4 The accompanying plans do not identify a specific area for bin storage. However, it has been confirmed with the applicant that the existing internal garage would prove a suitable location to provide covered bin storage of a suitable distance from the adjacent pavement. As such, officers are satisfied that the proposal would accord with Policies HP13, HP15 and HP16 of the Sites and Housing Plan 2013.

16 CONCLUSION

- 16.1 The application satisfies the criteria for changes of use from Dwellinghouses (Use Class C3) to HMO (Use Class C4) and specifically meets the requirements of Policy HP7 of the Sites and Housing Plan (2013). Officers have carefully considered the comments raised in the consultation and have concluded that the development would meet the requirements of the Council's adopted policies. It is recommended that the Committee resolve to grant planning permission for the development proposed.

17 CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Prior to the occupation of the dwelling as an HMO the bin storage on the approved plans shall be provided on site and retained for these purposes thereafter.

Reason: In the interests of the character and appearance of the area and promoting sustainable modes of transport in accordance with policies HP13 and HP15 of the Sites and Housing Plan.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

18 APPENDICES

- **Appendix 1** – Site location plan.

19 HUMAN RIGHTS ACT 1998

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

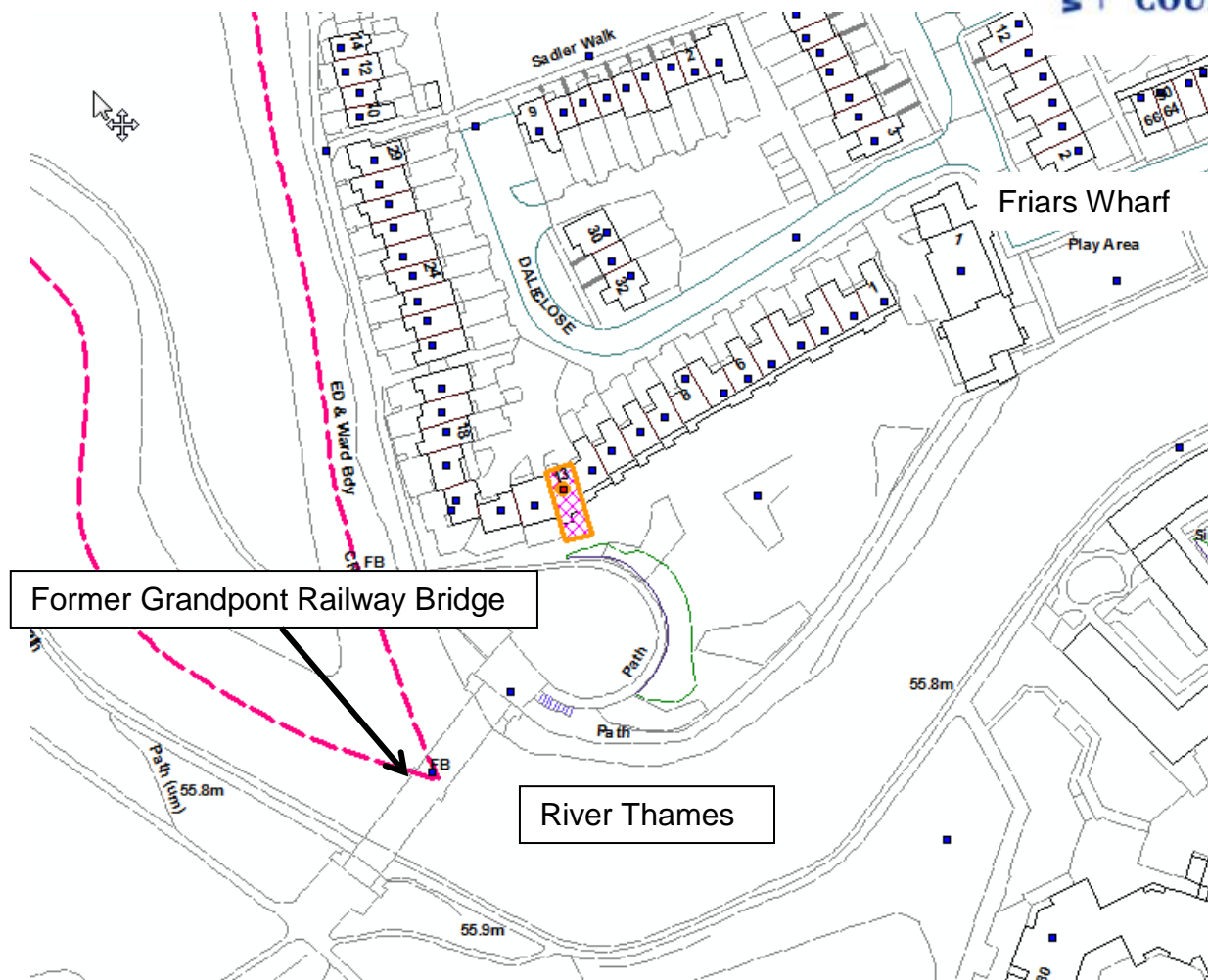
20 SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 20.1 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.

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Appendix 1 -

18/02540/FUL – 13 Dale Close



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WEST AREA PLANNING COMMITTEE

11 December 2018

Application number:	18/02431/FUL		
Decision due by	26 November 2018		
Extension of time	11 December 2018		
Proposal	Installation of extraction flue with external outlet grill to front elevation. (Retrospective).		
Site address	9B North Parade Avenue, Oxford, OX2 6LX, – see Appendix 1 for site plan		
Ward	North Ward		
Case officer	James Paterson		
Agent:	Mr Graham Soame	Applicant:	Mrs Yoko Fusa
Reason at Committee	Called in by Councillors Fry, Upton, Taylor and Pressel because of concerns that the ventilation system at the application property does not accord with DEFRA advice and that the A3 use of the property has not previously included deep fat frying or cooking large quantities of meat.		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **Agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the retrospective alterations to the front elevation of the property to install an external outlet grill for the restaurant's ventilation system. The proposal would have an acceptable impact in terms of design. Officers have carefully considered the impact of the proposed development on the amenity of the neighbouring properties in terms of odour nuisance. It is considered that the proposal would not have a significant odour impact and would not lead to

unacceptable nuisance. The proposal would not cause unacceptable harm to the North Oxford Victorian Suburb Conservation Area, which is a designated heritage asset. Nor would it harm the setting of 16 Winchester Road, a listed building and designated heritage asset.

2.2. The key matters for assessment set out in this report include the following:

- Design
- Impact on conservation area
- Impact on listed building
- Nuisance
- Other matters

3. LEGAL AGREEMENT

3.1. A legal agreement is not required for this application

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

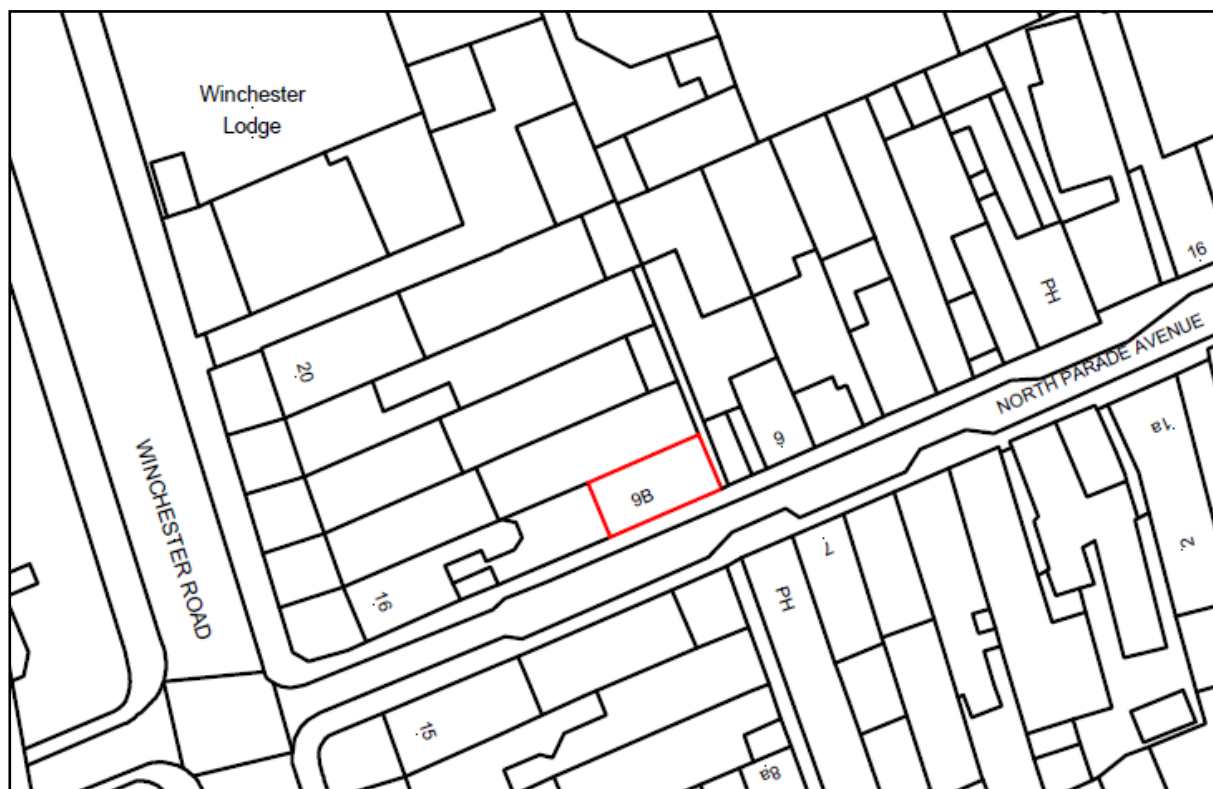
4.1. The proposal is not CIL liable as the amount of floorspace gained would be below the threshold where CIL would be required.

5. SITE AND SURROUNDINGS

5.1. 9B North Parade is a single storey building which has a front façade that faces directly onto the street. It is located opposite The Gardiner's Arms and near the junction with Winchester Road. The building is distinctive in that its character has the appearance of a building associated with horticulture while the building also features a distinctive roofline with three pitched roofs and three gables forming its front façade. The property is within the 'North Parade' character area in the North Oxford Victorian Suburb. The lawful use of the property is as an A3 restaurant, this use was formally recognised as the lawful use of the property when a Certificate of Existing Use was issued in 2016, as the evidence suggested the property had been in use as such since the early 1980s.

5.2. The site was subject to an appeal decision for a short, steel chimney flu which was to be used as extraction for the A3 use at the time. The appeal was dismissed. Although the inspector found the impact on the Conservation Area to be acceptable, being as the flue would have been located towards the rear of the roof, he found it to be unacceptable in terms of its impact on the amenity of the neighbouring properties, specifically in terms of cooking smells.

5.3. See block plan below:



6. PROPOSAL

- 6.1. The application seeks retrospective planning permission for an external outlet grill on the front elevation of 9b North Parade Avenue, currently in A3 use as the Japanese restaurant 'Koto'. The grill is grey in appearance with vertical vent louvres; the grill is approximately 60cm in height and width and sits approximately 5cm proud of the façade. The grill is sited in the right-most gable end which also features the main entrance to the building
- 6.2. Following an enforcement investigation, it was found that there was insufficient evidence to show that the outlet vent in question had been in situ for four years, which would have made it immune from enforcement (as set out in Section 171B of the Town and Country Planning Act, 1990, (as amended)). Therefore retrospective planning permission is required in order for the breach of planning control to be regularised.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

92/00777/NFH - Retention of extract duct. REF 1 September 1993.

16/02193/CEU - Application to certify that the existing use as restaurant (Use

Class A3) is lawful. PER 11 October 2016.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	8, 11, 127, 128, 130	CP1, CP6, CP8, CP10	CS18		
Conservation/ Heritage	189, 192, 196	HE3, HE7			
Social and community		CP10			
Environmental		CP19			
Miscellaneous	47, 48			MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 15 October 2018 and an advertisement was published in The Oxford Times newspaper on 11 October 2018.

Statutory and non-statutory consultees

None Received

Public representations

9.2. 15 local people commented on this application from addresses in North Parade Avenue, Acer Walk, Winchester Road and Banbury Road.

9.3. In summary, the main points of objection (15 residents) were:

- Nuisance caused by the odour exuded by the ventilation which the proposed external grill serves.
- The detrimental visual impact of the proposal on the Conservation Area

Officer response

- 9.4. 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. Officers have sought the specific advice of the Council's environmental health officers when making this recommendation.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Design
- ii. Impact on Conservation Area
- iii. Impact on listed building
- iv. Nuisance
- v. Other matters

i. Design

- 10.2. Policy CP1 of the Oxford Local Plan 2001-2016 states that a development must show a high standard of design, including landscape treatment, that respects the character and appearance of the area; and the materials used must be of a quality appropriate to the nature of the development, the site, and its surroundings. Policy CS18 of the Core Strategy states that planning permission will be granted for development that demonstrates high-quality urban design through responding appropriately to the site and its surroundings; creating a strong sense of place; and contributing to an attractive public realm.
- 10.3. The proposed grill is not an especially high quality feature but has been installed to meet a functional requirement in terms of providing extraction for an existing lawful restaurant unit. Officers consider that the slender nature of the grill in conjunction with the condition requiring the grill to have a painted finish matching the existing façade would on balance mean that the grill is as discrete as it can be. It is considered that the grill would, overall, not give rise to a materially harmful impact on the streetscene.
- 10.4. Therefore, the proposal is considered to be acceptable in terms of design and therefore Policies CP1 and CS18.

ii. Impact on Conservation Area

- 10.5. Policy HE7 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the Conservation Areas its setting. Furthermore, planning permission will not be granted for proposals involving the substantial

demolition of a building or structure that contributes to the special interest of a conservation area.

- 10.6. In the assessment of Character Area 7 (North Parade) 9b North Parade is not singled out as being of particular note in its contribution to the significance of the Conservation Area. However, it does contribute to the significance of the Conservation Area as it serves as a reminder of the historic horticultural use of the land, much like the listed building 'Gees Restaurant.' Likewise, more generally, the building makes a positive contribution to the conservation area it adds to the eclectic variety of buildings and businesses that make up North Parade Avenue.
- 10.7. While siting the external outlet grill on the front elevation is not ideal, it is accepted that it would be impossible to site the outlet either through a flue on the roof, following an inspector's decision in 1994 which found this unacceptable, or on the side elevation, as this would extract fumes directly into the amenity space of 9A North Parade Avenue. The front elevation is therefore the only elevation where an external extraction system would be possible in order to continue the lawful use of the building as a restaurant.
- 10.8. It is worthwhile to consider that normally a change of use from a retail premises to a restaurant would often include consideration of extraction equipment; with a scheme either being specified as part of the determination of the application or a condition being included that required the extraction equipment details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use. This site is unusual in that it operated for many years without planning permission before gaining a certificate of lawful use for the existing use on the basis that it was immune from enforcement action; this has meant that there has not been the normal consideration of the extraction equipment in planning terms. It is important to consider that because the use of the property is lawful these proposals are just relating to the flue but that flue is necessary for the property to function for its established lawful use.
- 10.9. While the grill would not have a large impact in terms of the Conservation Area, it is considered that the external grill would cause less-than-substantial harm, of a low order, to the Conservation Area due to its slight visual intrusion to an otherwise attractive façade.
- 10.10. However, on balance, it is considered that due to the necessity of the grill in terms of being able to viably operate the lawful A3 use of the premises (and there being no other alternative location), the grill would have the public benefit of enabling its continued use as such. This would constitute a public benefit due to the North Parade character area drawing much of its significance from a variety of buildings housing a variety of businesses and eateries. Preserving this use will protect this significance.
- 10.11. The proposal is therefore considered acceptable in terms of its impact on the Conservation Area and therefore Policy HE7.

- 10.12. Regard has been paid to Paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in Paragraph 196 of the NPPF, it is considered that the proposal would cause less-than-substantial harm to the significance of the Conservation Area. However, this would be balanced by the public benefit of the continued use of the premises which contributes to the vibrant character of North Parade Avenue. Therefore, the proposal is acceptable in terms of its impact on this designated heritage asset in terms of the NPPF.
- 10.13. However, in order to minimise conflict with the preservation of the special character of the Conservation Area, a condition will be imposed which will require the grill to have a painted finish which matches the existing front façade. This is in order to minimise the visual intrusiveness of the grill. While a grill which sits flush with the façade would be preferred in order to further minimise its visual impact, it was considered unnecessary to require this as the existing grill only extends approximately 5cm from the front elevation of the premises, which is considered reasonable.
- 10.14. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the Conservation Area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.

iii. Impact on Listed Building

- 10.15. Policy HE3 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for works involving an alteration or extension to a listed building that is sympathetic to and respects its history, character and setting. Policy HE3 notes that planning permission will only be granted for development which is appropriate in terms of its scale and location, and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building.
- 10.16. The site is adjacent to 16 Winchester Road which is a Grade II listed building. The site therefore lies within the setting of the listed building. It is considered that the significance of the listed building stems from its relatively unaltered state since its erection circa 1840, with the exception of the various 20th Century additions to the rear such as the two storey rear extension and contemporary conservatory. The proposal would not affect the significance of the building in these terms. 16 Winchester Road is also significant due to its prominent location on the junction between North Parade Avenue and Winchester Road which the proposal would likewise not impact. The significance of the listed building is not particularly linked with its setting; in any case, it is considered that the minor nature of the proposal would mean that the setting of the listed building would not be impacted.
- 10.17. The proposal is therefore considered acceptable in terms of its impact on listed buildings and therefore accords with Policy HE3.

10.18. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the adjacent Listed Buildings and would therefore be acceptable in terms of its impact on these designated heritage assets.

10.19. Special attention has been paid to the statutory test of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed building, and so the proposal accords with section 66 of the Act.

iv. Nuisance and impact on neighbouring amenity

10.20. Policy CP19 of the Oxford Local Plan 2001-2016 states that planning permission will not be granted for any development unacceptable nuisance. It is also outlined that where such nuisance is controllable, appropriate planning conditions will be imposed. Sources of noise, dust, fumes, vibration, light or proximity to hazardous materials constitute a nuisance.

10.21. Oxford City Council's Environmental Health Team was first contacted in 2016 in respect to an alleged nuisance in relation to the odour emitted through the external grill. A nuisance investigation was opened as a result and pursued by Environmental Health Officers, with An Intention To Serve An Abatement Notice was issued based on odours detected at the premises by officers in 2017. A new ventilation system was subsequently installed by a competent contractor in order to address these concerns. Following continued complaints, further investigation was undertaken with officers noting a general improvement. Indeed, Koto made changes to their operations as advised by the Environmental Health Team and a competent contractor despite being under no obligation to do so. As a result of this investigation, it is now considered by Environmental Health Officers that no statutory nuisance could be substantiated in terms of noise or odour. Given their technical expertise, substantial weight was given to this view. It is considered that this expert opinion outweighs unsubstantiated comments of many of the objecting parties. Indeed, during the case officer's various unannounced visits to the site, no offensive odour was noted. It is therefore considered that, as there is no statutory nuisance, the proposal is acceptable in terms of any alleged nuisance. The proposal is therefore considered to be in accordance with Policy CP19.

10.22. Regard has been paid to DEFRA's guidance document: *Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems* which was referred to in the councillors' request to de-delegate this decision. However, this advice was withdrawn in 2017. As a result, the Environmental Health Officers that have assisted with the consideration of the acceptability of the extraction equipment have referred to the most recent guidance when providing their advice. They have concluded that the functioning of the extraction equipment would be acceptable.

v. Other Matters

- 10.23. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.
- 10.24. It is not within the power of the Local Planning Authority to require a business to change their menu, nor is it the duty of the Council in its capacity as the Local Planning Authority to comment on the restaurant's method of preparing food.
- 10.25. Planning permission was not granted for the current use of No. 9B, the use is lawful due to the issuing of a Certificate of Existing Use in 2016 due to the premises having been in A3 use for not less than 10 years. Indeed it appears the property has been in use as such since the 1980's. There were no conditions attached to this that precluded the sale of fried food (the issuing of a lawful development certificate does not allow the Council to add conditions).
- 10.26. While objectors disagreed with elements of the Design and Access Statement submitted by the applicant, it is considered sufficient information was available to make a balanced recommendation.

11. CONCLUSION

- 11.1. The proposed development would be acceptable having had regard to the design, the impact on designated heritage assets and impact as a potential nuisance. The proposal is considered to comply with all relevant local and national planning policy including Policies CP1, CP8, CP10, CP19 HE3 and HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011), Policy MP1 of the Sites and Housing Plan (2013) and Paragraphs 195-197 of the NPPF. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions as set out below.

12. CONDITIONS

1. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

2. Notwithstanding the approved plans, the outlet grill shall hereby have a painted finish of a colour to match the existing facade. The work shall be carried within 6 months of a decision being issued.

Reason: To ensure that the development is visually satisfactory as required by policy CP1 of the Oxford Local Plan 2001-2016 and does not cause harm to

the significance of the conservation area as required by policy HE7 of the Oxford Local Plan 2001-2016

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

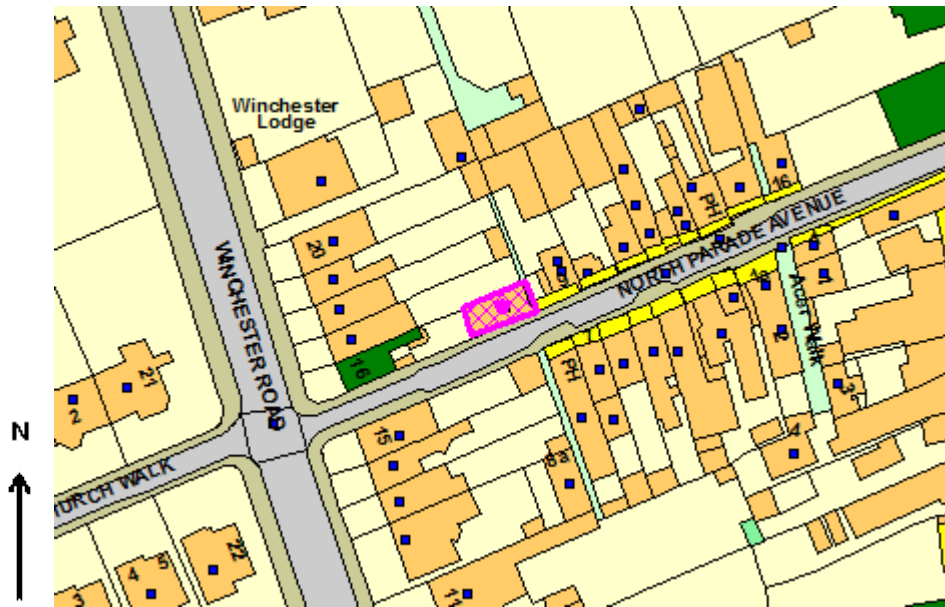
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. 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.

Appendix 1

18/02431/FUL - 9B North Parade Avenue



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Ordnance Survey 100019348

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West Area Planning Committee

11 December 2018

Application number:	16/02689/CND7		
Decision due by	27th August 2018		
Extension of time	n/a		
Proposal	Details submitted in compliance with conditions 8 (Travel Plan), 9 (Travel Information Packs), 12 (Delivery and Service Management Plan (revised)) of planning permission 16/02689/FUL.		
Site address	Cooper Callas, Unither House , 15 Paradise Street, Oxford, OX1 1LD – see Appendix 1 for site plan		
Ward	Carfax Ward		
Case officer	Felicity Byrne		
Agent:	Mr Martin Lennon	Applicant:	Dominvs Project Company 3 Limited
Reason at Committee	Committee determination.		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

- 1.1.1. **approve** the submitted Travel Information Pack and Delivery and Service Management Plan in compliance with conditions 9 and 12 respectively of planning permission 16/02689/FUL; and
- 1.1.2. **delegate** to the Acting Head of Planning Services to approve the Travel Plan on occupation of the Hotel in compliance with condition 8 of planning permission 16/02689/FUL having first consulted with the County Council and secured any revisions to the submitted Travel Plan as deemed necessary following the first Travel Surveys and feedback as required by the Travel Plan.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the appropriateness of the submitted information in respect of conditions 8, 9 and 12 respectively of planning permission 16/02689/FUL.

3. BACKGROUND TO THE CONDITIONS

- 3.1. Planning permission was approved for the demolition of existing building and construction of new hotel building (use class C1), with associated vehicle and cycle parking, landscaping, plant and engineering works by West Area Planning Committee on 9th May 2017. Various conditions were imposed, some at the

request of the County Council including conditions 8, 9 & 10 which are set out below. West Area Planning Committee in resolving to approve the application required that submission of information in compliance with these conditions be determined by Committee and not under delegated authority to the Head of Planning Services.

- 3.2. Condition 8 of the approval requires the submission of a Travel Plan. The Condition states:

'Notwithstanding the submitted and approved draft Travel Plan, a revised travel plan shall be submitted to and approved by the Local Planning Authority once the development is occupied. The hotel shall be occupied in strict accordance the approved Travel Plan at all times thereafter or as otherwise agreed in writing by the Local Planning Authority.'

Reason: In the interests of highway and transport network of Oxford in accordance with TR1 and TR2 of the Oxford Local Plan 2001-2016'.

- 3.3. Condition 9 of the approval requires the submission of a Travel Information Pack. The Condition states:

'The Travel Information Packs (TIP) for employees and visitors must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to first occupation. The hotel shall be occupied in strict accordance with the approved TIP.'

Reason: To encourage the use of sustainable modes of transport in accordance with CP1 TR1 and TR2 of the Oxford Local Plan 2001-2016'.

- 3.4. Condition 12 of the approval requires the submission of a revised Delivery and Service Management Plan. The Condition states:

'Notwithstanding the submitted Delivery and Service Management Plan an updated Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the hotel and shall include contact details for staff responsible for delivery management. Only the approved Plan shall be implemented and thereafter the hotel occupied and managed in accordance with that plan unless otherwise agreed in writing by the Local Planning Authority.'

Reason: In the interests of highway safety and to mitigate the impact of delivery and service vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with CP1 and TR1 of the Oxford Local Plan 2001-2016'.

- 3.5. During the process of this application submission the Travel Plan, Travel Information Pack and the Delivery and Servicing Management Plan documents have been revised to respond to comments made by Oxfordshire County Council as Highways Authority and Officers, in particular regarding hours of delivery.

4. CONDITION 8 – TRAVEL PLAN

- 4.1. The details submitted under the requirements of the condition can be summarised as follows:
- 4.2. The TP has been prepared in support of a new 'car free' hotel development that benefits from a central location and as such is located within close proximity of frequent public transport services, with bus stops within 400m and Oxford Railway Station within a 10 minute walking distance. Oxford is also recognised as a 'cycling city', and along with Cambridge has one of the highest levels of cyclists in the UK. Therefore the development site has excellent existing cycle infrastructure in place.
- 4.3. The main focus of the TP is to advise hotel users on the sustainable transport options available to them before they make their journeys to the site. It sets out various measures and actions which will ensure that sustainable travel will be implemented at the site from opening, across the life span of the development. A TP is a live document and as such, will change and adapt to reflect any changes across the development or any changes to local transport conditions.
- 4.4. Staff will be given Travel Information Packs (TIP) during the induction process providing detailed information of up-to-date public transport services, cycle routes, other sustainable transport opportunities and measures (see condition 9 below). Similarly, hotel guests will be sent a TIP alongside their booking confirmation (see also condition 9 below). Public transport information and directions to the site will be given on the hotel website. The TIP will seek to offer choice to the hotel guest with the objective of promoting sustainable travel to and from the site, and within Oxford itself. Other TP measures include Travel information Notice Boards, Discounted Bikes (staff), Website information and staff facilities (changing rooms/showers etc)
- 4.5. The hotel operator will appoint a Travel Plan Coordinator (TPC) who will be required to implement and manage the Travel Plan. This individual will be responsible for the following:
- Implementation of the Travel Plan, including preparation of initial travel surveys;
 - Act as point of contact for travel advice, including preparation and distribution of travel information for staff and guests;
 - Liaising with public transport operators, planning or highway authorities and other stakeholders where appropriate;
 - Liaising with staff and customer services regarding travel issues to highlight any problems and devise solutions;
 - Promoting and marketing the Travel Plan to staff and guests within the building, including provision of up to date information on regional and national initiatives/ promotional events, e.g. National Bike Week;
 - Monitoring progress of the Travel Plan through co-ordinating repeat surveys and using the findings to develop new measures as necessary to encourage sustainable travel; and
 - Annual review of the progress of the Travel Plan with Oxfordshire County Council.

- 4.6. To gauge the effectiveness of the Travel Plan, milestones have been identified at which the assessment of travel habits will be made with targets set out in accordance with the SMART system (specific; measurable; achievable; realistic; timebound). Within the first 3 months of occupation, the TPC will ensure that Travel Surveys are carried out to establish baseline travel patterns and obtain views of staff and guests with regard to existing barriers to sustainable travel, and any measures that could potentially be implemented to encourage sustainable travel. The Co-ordinator will co-ordinate the implementation of any necessary measures in response to the data collected and make the findings available to the Travel Plan Team at the County Council.
- 4.7. There on, Annual Travel Surveys will be undertaken for both staff and visitors. An Annual Monitoring Report will be submitted to the County Council which includes results, analysis of trends against previous surveys, brief details of marketing and promotional events during the past year and details of any new measures proposed, if any. It will also include details of relevant changes in personnel or key providers associated with the Travel Plan. Ongoing Travel targets will be set, in agreement with the County Council.

5. CONDITION 9 – TRAVEL INFORMATION PACK

- 5.1. The details submitted under the requirements of the condition can be summarised as follows:

TIP - Staff

- 5.2. The TIP will be given to all staff and includes, amongst other things, the following information:

- Details of the Travel Plan Co-ordinator
- Subsidised taxi fare (after 11pm shift workers)
- Free personal alarm
- Comment through staff meetings
- Discounted Cycle scheme (and Parts)
- Nearest repair shop
- Train & Bus times
- Details of Car Share schemes
- Nearest Park & Rides

TIP – Visitors

- 5.3. This will be sent to all visitors on booking and it clearly states at the beginning it is a car free hotel. It includes information, amongst other this on:

- Taxis
- Walking,
- Train & Bus times (nearest bus stops)
- Nearest Park & Rides

6. CONDITION 12 - DELIVERY AND SERVICE MANAGEMENT PLAN

6.1. The details submitted under the requirements of the condition can be summarised as follows:

6.2. The Delivery and Service Management Plan (DSMP) states that the proposed hotel will be serviced from a suitably designed and designated loading bay, which will form part of the public realm improvements on Paradise Street adjacent to the hotel service entrance, see **APPENDIX 1**.

6.3. Service vehicles will have access/ egress to the hotel loading bay on Paradise Street from two directions; St Thomas' Street to the north west, and Castle Street to the south east.

6.4. The hotel will be serviced Monday to Saturday between the hours of 10:00 and 16:00 with 7-8 deliveries per day on average.

6.5. Table 3.1 of the DSMP, extracted below, sets out the size of vehicles servicing and delivering to the Hotel and anticipated frequency per week below:

Table 3.1 – Servicing Arrangements Summary

Purpose	Frequency	Typical Vehicle Size
laundry 7.5t box van	collection 6 days a week	7.5t box van
laundry delivery	6 days a week	7.5t box van
refuse collection	4 times a week	refuse lorry
mineral water / soft drinks / alcoholic drinks	weekly	7.5t box van
bakery (unless baked on site)	daily	3.5t / 4.6t light van
fruit/veg /fresh meat/fresh fish /dry goods / dairy goods	3 times /week	3.5t / 4.6t light van
toiletry items (for rooms) / cleaning materials	monthly	3.5t / 4.6t light van or 7.5t box van
flowers	Weekly	3.5t / 4.6t light van
news / magazines	daily	3.5t / 4.6t light van or 7.5t box van
dry cleaning	daily	car derived van /3.5t light van
mail	daily	car derived van /3.5t light van
drinks dispense gases 3.5t /	Monthly	4.6t light van or 7.5t box van

6.6. Deliveries and collections will be scheduled and managed by the hotel operations team via a daily schedule log/booking system to avoid congestion and blockages and to ensure smooth operation of the loading bay. Only one vehicle will utilise the bay at any one time. It will not be necessary or acceptable for deliveries to take place by full sized HGV greater than 7.5 tonnes and those

Suppliers using HGVs will be instructed to deliver using a smaller van instead. Regular reviews of the delivery and servicing will take place and measures put in place with Suppliers where improvements are needed. This will also avoid harm to the Quaking Bridge. The Plan is 'live' and will be expanded and adapted throughout the lifetime of the development.

6.7. Waste collection will be undertaken by a local provider and will take place four times a week.

6.8. Monitoring of the plan is overseen by the Hotel Duty Manager and therefore any issues or queries regarding deliveries should be discussed with them via the main hotel phone number. If there are continuing issues the Chief Operating Officer for the Hotel Group (Dominvs Hospitality) can be contacted (details within the Plan).

7. PUBLIC CONSULTATION RESPONSE:

7.1. None received.

8. STATUORY CONSULTEE RESPONSE

8.1. The County Council has been consulted and has commented that, following their initial comments, the revised Travel Plan (TP), Travel Information Pack (TIP) and the Delivery and Servicing Management Plan (DSMP) are acceptable in compliance with the conditions.

8.2. In respect of the TP, whilst the condition requires the submission post occupation, the County Travel Plan team have commented that no additional information is required at this stage in support of the Travel Plan for this site. In the future it will be the responsibility of the appointed Travel Plan Coordinator for the site to submit travel plan monitoring reports following travel plan surveys within the agreed timescales. In this case Travel Surveys must be undertaken within 3 months following first occupation of the hotel, as set out at paragraphs 4.6 and 4.7 above, and the Plan amended as necessary.

9. CONCLUSION

9.1. It is considered that the information provided within the submitted documents is considered satisfactory in compliance with Conditions 8, 9, and 10.

9.2. It is recommended that the Committee resolve to approve the submitted Travel Information Packs and Delivery and Service Management Plan in compliance with conditions 9 and 12 respectively of planning permission 16/02689/FUL.

9.3. In respect of condition 8 of planning permission 16/02689/FUL it is recommended that Committee support the Travel Plan as submitted and delegate to the Acting Head of Planning Services to approve the Travel Plan on occupation of the Hotel having first consulted with the County Council and secured any revisions of the Travel Plan as deemed necessary following the first Travel Surveys and feedback.

10. APPENDICES

- **Appendix 1 – Site Location & Block Plan**

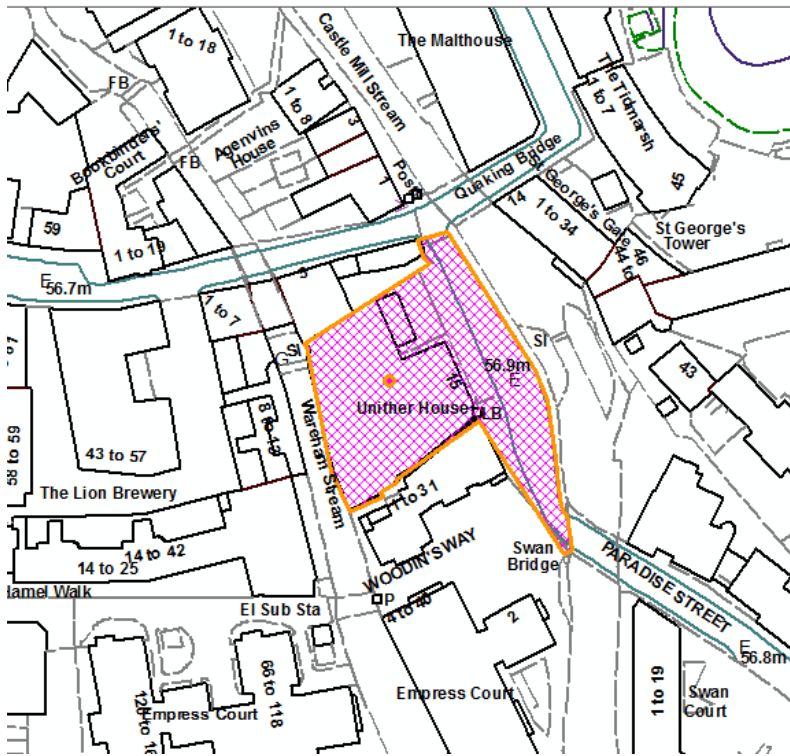
11. HUMAN RIGHTS ACT 1998

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

12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

12.1. 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.

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Site Location Plan  NSite Block Plan  N

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To: East and West Area Planning Committees
Date: 5 and 11 December 2018
Report of: Acting Head of Planning Services
Title of report: Appeals Summary December 2018

Summary and recommendations	
Purpose of report:	To provide an overview of recent appeal decisions and key issues raised in the appeals.
Recommendation:	That the East and West Area Planning Committees note the contents of the report.

Appendices	
Appendix 1	Appeal Decision - 202 Cowley Road
Appendix 2	Appeal Decision – 468 Cowley Road
Appendix 3	Appeal Decision - 304 London Road
Appendix 4	Appeal Decision – 67 Abingdon Road

Introduction and background

1. This report provides a summary of recent appeal decision and the key issues raised in the appeals. The purpose of this report is to ensure that members of the planning committee are aware of the appeals that are allowed and dismissed and the potential implications this has on the determination of future applications.

202 Cowley Road - 17/02765/FUL - Dismissed

2. A planning application was submitted to convert a 4 storey house into 3 x flats (2 x 1 bed and 1 x 2 bed flat) with a shared private amenity space to the rear. The application was refused for the following reasons:
 - (i). *The proposed extension by virtue of its height, depth and proximity to the boundary with 200A Cowley Road would result in an overbearing form of development and would lead to an unacceptable loss of outlook and of sunlight/daylight to the basement flat. This would be detrimental to the residential amenity and living conditions of the current and future occupants of that property. The development is therefore contrary to policies CP10 of*

the Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan 2011-2026.

- (ii). The proposals would fail to provide a quality and quantity of appropriate amenity space for all proposed dwellings. The proposed shared garden space would provide an inadequate amenity space for the number of occupiers proposed and would give rise to a poor relationship and layout on the plot to the detriment of the occupiers. The proposals are therefore contrary to Policies CP1 and CP10 of the Oxford Local Plan 2001-2016 and HP13 of the Sites and Housing Plan.*
 - (iii). The proposed development would result in the net loss of a family dwelling as defined by the Sites and Housing Plan and is therefore contrary to policy CS23 of the Oxford Core Strategy and the policy guidance in the Balance of Dwelling Supplementary Planning Document.*
 - (iv). It is considered that the design, form and layout of the extensions proposed would result in incoherent additions which do not relate to the original dwelling house or its surrounding and would result in a cramped form of development. The proposals would not represent high quality design and the development is contrary to policies CP1, CP6 and CP8 of the Adopted Oxford Local Plan 2001 to 2016, policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan 2026.*
 - (v). The covered secure cycle storage would not be accessible to users because of the narrow access to it from the street. As a result this would deprive the future occupiers to cycle storage provision. The screened refuse storage area would impede access to the side and rear of the house and would not be practical for future occupiers. As a result, the development fails to address the need to provide appropriate cycle and refuse storage and does not meet the requirements of Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP15 of the Sites and Housing Plan (2013).*
- 3. The appeal site had already been the subject of two previously dismissed appeals.
 - 4. The Inspector agreed with the Council's view that the extension would significantly harm the living conditions of the occupants of the adjacent property (200A Cowley Road) with regard to loss of light and outlook. In reaching this view, the Inspector did take into account that there was an extant permission for a prior approval extension that would have a height only 1m lower than the proposed development; they did not consider that this was a fallback position where they could afford much weight.
 - 5. The Inspector did not consider that there was a deficiency in amenity space that would be provided as a result of the units all having to share the rear garden. The Inspector also considered that the loss of a family dwelling would not be relevant in this case as there would be sufficient space in the flats to provide space for a family dwelling.
 - 6. The Inspector agreed with the Council's refusal reason that the proposed development is not high quality design and that the failure to provide sufficient refuse and cycle storage meant that the proposals did not meet the requirements of Policies HP13 and HP15 of the Sites and Housing Plan (2013).
 - 7. The Inspector dismissed the appeal and the decision was issued on 19th October 2018.

468 Cowley Road – 17/02716/FUL – Dismissed

8. A planning application was submitted for a change of use of a dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). The application was retrospective. The Council refused the application for the following reasons:
 - (i). *The proportion of buildings used in full or part as a House in Multiple Occupation HMO within 100 metres of street length either side of the application site exceeds 20% and therefore the proposal will not deliver a balanced mix of housing to the detriment of the objective of creating sustainable communities. The development proposed is therefore contrary to policy HP7 of the Sites and Housing Plan 2011 - 2026 and policy CS23 of the Oxford Core Strategy and the City Council finds no basis for making an exception to this policy based on other site- specific considerations.*
 - (ii). *The car parking spaces would not be easily accessible and a vehicle would not be able to safely enter and leave the site. For this reason and because of the location of the proposed car parking spaces, the pressure for parking in the immediate local area and the likelihood that an increased number of adult occupants would lead to an increased number of cars associated with the site compared with use as a single family dwelling, the proposal would be detrimental to highway safety and contrary to Policies CP1 of the Oxford Local Plan 2001 - 2016 and HP16 of the Sites and Housing Plan.*
9. The Inspector agreed with the Council's assessment relating to the concentration of HMOs being unacceptable (as there were marginally more than 20% of properties in use as HMOs within 100m of the site).
10. The second refusal reason related to car parking. The existing site was partially constrained by the presence of a tree that would preclude parking for more than one vehicle on the site. As the proposed HMO would be for five bedrooms it would be deficient in parking and the Inspector agreed that it would not be acceptable as it would lead to an increase in on-street car parking.
11. The Inspector dismissed the appeal and the decision was issued on 12th November 2018.

304 London Road - 18/00266/FUL - Dismissed

12. A planning application was submitted for a change of use of a dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). The Council refused the application for the following reasons.

The proposal would result in an overconcentration of Houses in Multiple Occupation (HMOs) within 100 metres of street length either side of the property leading to an unbalanced community contrary to the aims of policy HP7 of the Sites and Housing Plan.
13. There was some dispute between the appellant and the Council about the calculation of the concentration of HMOs. The Inspector agreed with the Council's approach that took in all the buildings within the vicinity of the site. The Inspector considered that the buildings identified in the Council's assessment were close to the application site and therefore influenced the character of the area; an overconcentration of HMOs is the reasoning behind Policy HP7 and the Council's assessment of the harm was therefore correct.

14. The Inspector dismissed the appeal and the decision was issued on 12th November 2018.

67 Abingdon Road – 18/00684/H42 - Dismissed

15. A prior approval application (made under Part 1, Class A of the GPDO) was refused by the Council. The application sought prior approval for a larger householder extension with a depth of 6m and a width of 3.2m and a height to the eaves of 2.85m. The Council's decision was the development would not constitute permitted development and the following reason was given:

The proposed extension extends from the rear and side wall of the original dwellinghouse. The proposed development would therefore constitute a side extension as well as a rear extension.

16. It is important to note that this type of application needs to be considered permitted development (within the restrictions set out in Part 1, Class A of the GPDO) and if it meets those requirements then it must also either not be the subject of any objection from an adjoining neighbour (then prior approval is not required) or if an objection from a neighbour is received then it must be assessed as not having a detrimental impact on amenity (prior approval required and approved). In this case, the development was not considered to be permitted development so regardless of whether or not an objection was received the Council considered that the development could not proceed. The appeal was submitted to challenge this assertion.
17. The Inspector does not appear to conclude whether or not he agrees with the Council's reason for refusal that the development would extend beyond a side wall of the original house (and because the development would be more than half of the width of the existing house would therefore require planning permission). However, the Inspector did agree that planning permission was required because the development had already commenced. It is a requirement of the prior approval regime for larger householder extensions that the prior approval of the Council is sought before the commencement of development. As a result, the appeal was dismissed as planning permission is required.
18. The Inspector dismissed the appeal and the decision was issued on 12th November 2018.

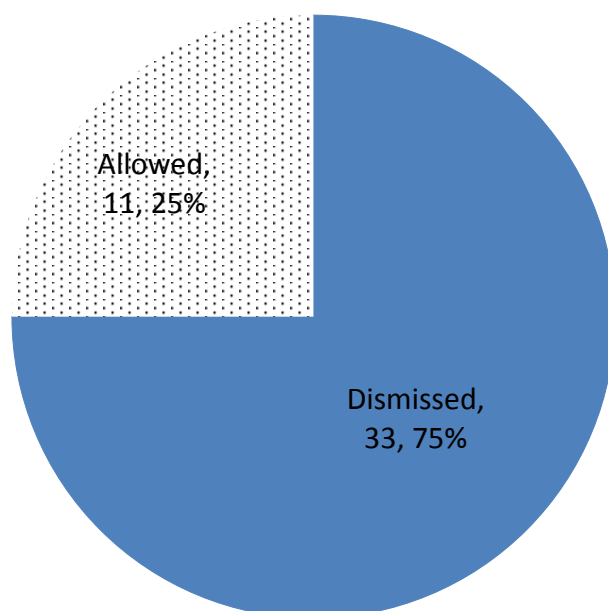
19. Conclusion

Officers recommend that the members of the committees note the contents of the report and the attached appendices.

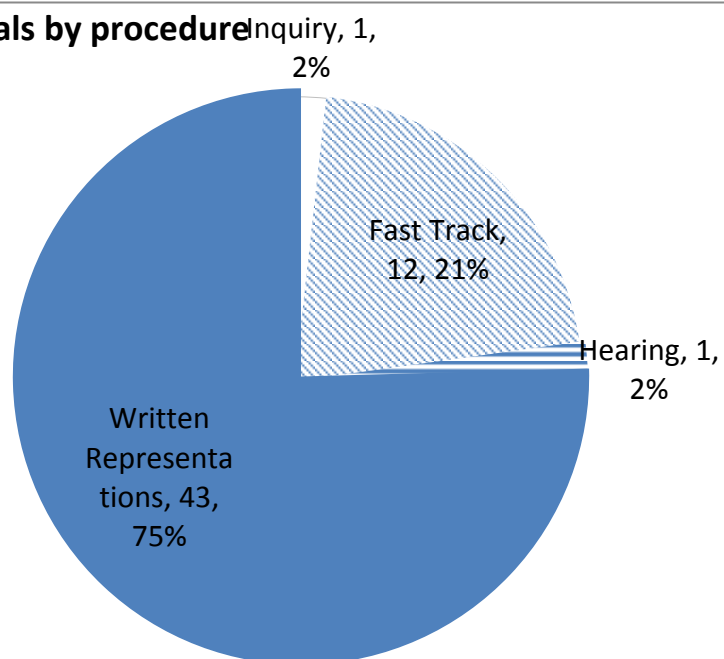
Appeals Statistics Summary

November 2017 to November 2018 (44 appeals)

Appeals by Decision



Appeals by procedure



Report author	Rob Fowler
Job title	Development Management Team Leader (West)
Service area or department	Planning
e-mail	rfowler@oxford.gov.uk

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Appeal Decision

Site visit made on 18 September 2018

by J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 19th October 2018

Appeal Ref: APP/G3110/W/17/3192363
202 Cowley Road, Oxford OX4 1UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mori Neshat against the decision of Oxford City Council.
 - The application Ref 17/02765/FUL, dated 17 October 2017, was refused by notice dated 22 December 2017.
 - The development proposed is described as to convert 4 storey house into 3 x flats (2 x 1 bed and 1 x 2 bed flat) of use class C3 With shared private amenity space to the rear. Screened and covered refuse storage for 6 x wheelie bins (2 per flat) Screened and covered bicycle storage for 6 bikes (2 per flat) Retain 2 on street parking permits for 2 bed flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018. Parties were able to comment on any changes associated with this revised version.

Main Issues

3. The main issues are the effect of the development on: a) the living conditions of adjacent occupiers with regard to outlook and daylight; b) the living conditions of the proposed flats in respect of amenity space; c) the provision of family housing in the area; d) the character and appearance of the area; and d) the adequacy of the bicycle and refuse storage facilities.

Reasons

4. The property has been the subject of two previously dismissed appeals. I have taken into account those decisions but only in so far as they relate to aspects of this appeal which are the same.

Living conditions of adjacent occupiers

5. The internal ground floor level of the property is well above the garden. This would mean the floor level of the single storey extension would be raised well above that level which would in turn result in the height of the flat roof being around 4 metres at the boundary.

6. The basement flat in the adjoining property has a rear window which is close to ground level and this is already impacted by the two storey outrigger at the appeal property. The impact of the proposed extension to the outrigger would affect the amount of light reaching that accommodation and would have a detrimental impact on the living conditions of the occupiers. My findings are consistent with that of the Inspector in the 2016 appeal decision where I note the depth of that single storey extension was smaller than that now proposed.
7. I attach little weight to the appellants' suggested fall-back position as the prior approval referred to an eaves height of 3 metres whereas this appeal proposal would be around 1 metre higher in relation to the boundary than the maximum dimensions indicated in the earlier prior approval.
8. For the above reasons the extension would significantly harm the living conditions of the occupants of 200A Cowley Road, with regard to loss of light and outlook. It would therefore conflict with Policy CP10 of the Oxford Local Plan 2001-2006 (2005) (the Local Plan) and HP14 of the Sites and Housing Plan 2011-2016 (2013) (S&HP) and to the aims of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to ensure that the amenity of other properties is safeguarded and that planning permission is refused for any development that has an overbearing effect on existing homes.

Living conditions and amenity space

9. It is intended that the three flats in this scheme would share a communal amenity space of 130m². This space is also to be used for the communal bike store and would be directly accessed from the ground floor unit which has folding door opening directly onto the communal space. The Council raise concerns that this arrangement would be insufficient to accommodate the competing demands of the three units.
10. Policies CP1 and CP10 of the Local Plan require that outdoor needs are properly accommodated including private amenity space and access thereto. Policy HP13 of the S&HP specifies that adequacy is affected by: the location and context; the orientation; and the degree of enclosure. Whilst the shared space would not be ideal for use by a family unit particularly given the proposed accessibility on the upper floors and the conflict with the proximity to the private indoor space of the ground floor flat, I have not been pointed to any specific deficiency with regard to adopted policy.
11. The amenity space was found to be acceptable provision by my colleague in the earlier appeal¹ to serve two of the flats and the appellant argues that sharing this with the third and smallest unit would not conflict with Local Plan Policy or the Framework requirements. I find nothing in the Councils' evidence to demonstrate that this would be harmful. I therefore find that there is no substantive conflict with Policies CP1 and CP10 in so far as they relate to amenity space.

Provision of family housing

12. The Councils concern is that the conversion of the building into three smaller units would prevent the property being used again as a family home. The current use as an HMO is easily reversible whereas the physical works to

¹ APP/G3110/W/17/3166963

achieve three separate units would not be so easily reversed. The house has been used for some time as an HMO and to that effect the likelihood of it being used again as a family home is relatively small.

13. The Council refer to the publication of an SPD however this appears to be the same one considered by my colleague in the 2017 appeal. That appeal, whilst dismissed, concluded on this issue that on the basis that the larger unit had more than the required floor space for a family unit and whilst showing only two single bed spaces it was capable of providing bed spaces to accommodate a small family. The layout and arrangement of the larger unit (Flat C) is identical to that outlined in the earlier appeal and I have no evidence before me to demonstrate that the proposal or the policy context has changed which would lead me to reach a different conclusion. I therefore also find, as my colleague did, that the proposal would not undermine the supply of family housing in the area and would not conflict with Policy CS23 of the Oxford Core Strategy in the delivery of a balanced mix of housing to meet the projected needs across Oxford.

Character and appearance

14. The proposed additions at the rear of the property in comparison to the main building are relatively modest being single storey (albeit a high single storey). Nonetheless their form and layout is contrived having been designed around the intended rear access formed by the external stair. The extent of the bulk, massing and alterations proposed would, in my view, result in a poor design in relation to the host property and be seen as an unfortunate appendage to the building rather than one of integrated design. In this case the property is an attractive period terraced building and the proposal does little to integrate the design in terms of form, detail and materials.
15. I am mindful that the scheme is the same as that previously dismissed at appeal in which design did not form a reason for refusal. My colleague was not therefore required to make an assessment on the design of the proposal and this detail is contrary to the Councils' delegated report on this appeal which suggests that the Inspector opined on the issue of character and appearance.
16. The appellant argues that the scheme was found to be acceptable to the planning officer, through application 16/02893/FUL and by a previous inspector however there is no evidence to support these assertions. In fact the FUL application referred to was refused by the Council and subsequently dismissed at appeal. There is no evidence to clarify what the council officers' view was on this proposal though it is the Council decision which is material and not the informal view of an officer.
17. A further suggested fall-back position of a larger homes extension granted in 2016 by way of a prior approval is also not detailed and I am unable therefore to give it weight in my deliberations. In any event the extensions in this scheme form part of a larger scheme which together require permission and which I have to consider as a whole.
18. For the above reasons the extensions proposed would conflict with Policies CP.1, CP.6 and CPO.8 of the Local Plan; Policy CS18 of the Oxford Core Strategy (2016); and Policy CS18 of the S&HP and with the design objectives of the Framework. These policies, amongst other things, seek high quality

design and to ensure that permission is only granted for development which strengthens, enhances and protects local character.

Bicycle and refuse storage

19. Policy HP15 of the S&HP sets a requirement of 6 bicycle spaces for the development which would be provided. The Council raises concern with the narrow access from the street on the basis that this conflicts with the requirement for unobstructed access from the street. I saw on my visit that the side passage is narrow particularly given the position of bin storage. This would mean that manoeuvring bicycles in and out to the store at the rear would be severely impeded. The appellant has mentioned relocation of the bin store to the rear of the garden however this would affect the convenience for flat users and access for waste collections would be compromised. As proposed the arrangement is deficient and would be in conflict with Policy HP15 of the S&HP.
20. Reference is also made in the Council report to Local Plan Policy HP13 which states that "Planning permission will not be granted for residential dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling..." though it is not reflected in the reason for refusal it does have relevance in respect of the content of Policy HP15.

Conclusion

21. Whilst I have not found there to be any conflict in relation to the provision of family housing or in relation to the amenity provision for the three proposed units, I have found conflict in relation to: the living conditions of neighbouring properties; the character and appearance of the rear alterations and additions and in relation to the provision of cycling and refuse provision. Consequently for these reasons and having taken all other matters into account, the appeal should be dismissed.

Janet Wilson

INSPECTOR

Appeal Decision

Site visit made on 22 October 2018

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Appeal Ref: APP/G3110/W/18/3205246
468 Cowley Road, Oxford OX4 2DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Manzoor Begum against the decision of Oxford City Council.
 - The application Ref 17/02716/FUL, dated 11 October 2017, was refused by notice dated 14 December 2017.
 - The development proposed is change of use from C3 to C4.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since determination of the planning application the revised National Planning Policy Framework (NPPF) was published on 24 July 2018, replacing the version published in March 2012. The revised NPPF is applicable to planning decisions from the date of publication and is a material consideration in the determination of this appeal. The main parties have been provided with an opportunity to comment on the revised NPPF and its relevance to the determination of the appeal.
3. The application seeks retrospective planning permission having already been converted into a House in Multiple Occupation (HMO). I have dealt with the appeal on that basis.

Main Issues

4. The main issues are:
 - Whether the development would result in an overconcentration of HMO's within the locality.
 - Whether the proposal would make adequate provision for off-street car parking.

Reasons

Concentration of HMOs

5. The appeal site is a semi-detached property in a residential area. The property is set back from the road behind a shallow front driveway and garden within

which a tree is planted. The property is bounded by a partially demolished brick wall and the gap created by the demolished wall is served by a dropped kerb.

6. Policy HP7 of the Oxford City Council Sites and Housing Plan (SHP) seeks to ensure the proportion of buildings used as HMOs does not exceed 20% within 100 metres of street length either side of the application site. The purpose of this, alongside Policy CS23 of the Oxford Core Strategy (Core Strategy) is to secure a balanced mix of housing.
7. There is some dispute between the parties regarding how many of the 63 buildings within 100 metres either side of the appeal site are a HMO, in part due to expired licenses at some of the properties. However, whether the current number is 13 or 14 dwellings it would still exceed the 20%, albeit marginally. I note that the figure is likely to be higher than the minimum given delays in renewing licenses. Even if as the appellant suggests the 20% has already been exceeded, this does not justify exacerbating the situation further.
8. The proposal would conflict with Policy CS23 of the Core Strategy and Policy HP7 of the SHP which seeks to avoid an overconcentration of HMOs and an unacceptable unbalancing in the mix of housing in the locality.

Car Parking Provision

9. Policy HP16 of the SHP requires 2 off street car parking spaces for HMOs with 5 bedrooms. On the basis of my observations from the site visit I consider that the location of the tree and front boundary wall would make it difficult to manoeuvre and park 2 vehicles. This is even with the separate provision of bicycle and recycle storage which would avoid their obstruction on the driveway. The inadequate provision would necessitate on street parking, increasing the risk to highway safety.
10. The appellant has identified that the driveway at the appeal site is larger than the neighbouring property which is also a HMO. Be that as it may, the neighbouring property is different in that whilst only part of the kerb is dropped, the full extent of the driveway is exposed facilitating easier access and egress. In any event, I do not know the circumstances in which the neighbouring property was granted planning permission for a HMO and moreover each case is determined on its own merits. My assessment of the case has been based on the evidence before me.
11. The appellant has identified a willingness to make amendments to the driveway and kerb to facilitate adequate parking provision for 2 vehicles. However, I am only able to consider the scheme that is before me.
12. I conclude therefore that the appeal proposal would fail to make adequate provision for off-street parking. It would conflict with Policy HP16 of the SHP, the requirements of which are noted above. It would also conflict with saved Policy CP1 of the Oxford Local Plan 2001-2016, the relevant part of which only supports new development that is acceptable with regards car parking.

Other Matters

13. I note the personal circumstances of the appellant. However, I have been provided with little evidence to substantiate that a HMO use represents the only means of generating an income from the property or that the size of the property renders it too expensive to be let as a family home.

14. Whilst the appellant identifies a risk of the property being let unlawfully, there is separate legislation available to address this.

Conclusion

15. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR

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Appeal Decision

Site visit made on 22 October 2018

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Appeal Ref: APP/G3110/W/18/3204066

304 London Road, Headington, Oxford OX3 8DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Dogar against the decision of Oxford City Council.
 - The application Ref 18/00266/FUL, dated 1 February 2018, was refused by notice dated 29 March 2018.
 - The development proposed is alterations of 3 bedroom class C3 (single dwelling house) to 4 bedroom class C4 (HMO).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since determination of the planning application the revised National Planning Policy Framework (NPPF) was published on 24 July 2018, replacing the version published in March 2012. The revised NPPF is applicable to planning decisions from the date of publication and is a material consideration in the determination of this appeal. The main parties have been provided with an opportunity to comment on the revised NPPF and its relevance to the determination of the appeal.

Main Issue

3. The main issue is whether the development would result in an overconcentration of Houses in Multiple Occupation (HMO) within the locality.

Reasons

4. The appeal site is a 2 storey semi-detached property fronting onto the A40 London Road, close to a roundabout. The site is accessed off a slip road in a mixed use area comprising residential and commercial uses.
5. Policy HP7 of the Oxford City Council Sites and Housing Plan (SHP) seeks to ensure the proportion of buildings used as HMOs does not exceed 20% within 100 metres of street length either side of an application site. The purpose of this, alongside Policy CS23 of the Oxford Core Strategy (Core Strategy) is to secure a balanced mix of housing.
6. The Council identifies using a map and list of addresses that 3 of the 11 properties including the appeal site would along the length of the qualifying distance be designated a HMO. This equates to 27.27%.

7. The appellant has stated that the proposal should not be included in the calculation and consequently that the proportion of HMOs would be 18%, below the threshold. I disagree. The Council is clear that they consider that more than 20% of buildings in HMO use within a 200 metre length of street is likely result in over concentration. This is clarified and exemplified in appendix 5 of the SHP, which accompanies the policy. As such I am of the view that the appeal site should be included in the calculation.
8. There are a number of ways in which the identification of buildings falling within the 200 metres could be calculated, as demonstrated by the appellant in the different scenarios identified. However, appendix 5 of the SHP sets out the approach that should be taken in the application of the policy. I acknowledge that the example used is a more simplified road layout than the appeal site but the location of the scheme in a mixed use area and adjacent the A40 London Road does not in isolation provide justification for taking a different approach. I have been provided with little evidence to substantiate taking an alternative approach. The approach taken by the Council encompasses the buildings closest to the appeal and those whose uses would influence the character of the area in the context of the appeal site.
9. The proposal would lead to an over concentration of HMOs and as such would conflict with Policy HP7 of the SHP, the provisions of which are identified above.

Conclusion

10. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR



Appeal Decision

Site visit made on 22 October 2018

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Appeal Ref: APP/G3110/D/18/3203498

67 Abingdon Road, Oxford, Oxfordshire OX1 4PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr Nathan Pike against the decision of Oxford City Council.
 - The application Ref 18/00684/H42, dated 9 March 2018, was refused by notice dated 16 April 2018.
 - The development proposed is described as a single storey extension to the rear of the existing house with a rearwards extension of no greater than 6m and a width of 3.2m (which is no greater than half the width of the original house (6.5m)). Matching construction materials will be used. The ridge height of the roof of the proposed extension will be 3.15m (no greater than 4m) and the height of the eaves will be 2.85m (no greater than 3m).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal constitutes permitted development under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the GPDO).

Reasons

3. The appeal relates to the erection of what is described as a single storey rear extension which would have a depth of some 6 metres and a maximum height of some 3.15 metres. At the time of my site visit it was evident that construction of the extension had begun.
4. Schedule 2, Part 1, paragraph A of the GPDO allows for the enlargement, improvement or other alteration of the original dwelling house. The GPDO states that development is not permitted by Class A if 'the enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original dwellinghouse and would (i) exceed 4 metres in height; (ii) have more than a single storey; or (iii) have a width greater than half the width of the original dwelling'.
5. However, paragraph A.4(1) applies conditions to development permitted by Class A in the above circumstances, as set out in paragraph A.4.(2)(a) to (e).

Important to these conditions is the requirement at paragraph A.4.(2) that the requirements of (a) to (e) must be provided before the beginning of development. Paragraph A.4.(10) confirms the circumstances in which the development may begin.

6. Under the provisions of the GPDO if work has commenced on the development it would no longer benefit from approval granted by Class A.

Conclusion

7. For the reasons identified, and having regard to all other matters raised, the scheme cannot benefit from deemed permission under Schedule 2, Part 1, Class A of the GPDO. I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR

Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 13 November 2018

www.oxford.gov.uk



Committee members:

Councillor Cook (Chair)

Councillor Bely-Summers

Councillor Harris

Councillor Upton

Councillor Arshad

Councillor Corais

Councillor Iley-Williamson

Councillor Tanner (for Councillor Hollingsworth)

Officers:

Robert Fowler, Planning Team Leader

Andrew Murdoch, Development Management Service Manager

Sally Fleming, Lawyer

Catherine Phythian, Committee Services Officer

Apologies:

Councillor(s) Gotch and Hollingsworth sent apologies.

44. Declarations of interest

Cllr Cook - as a Council appointed trustee for Oxford Preservation Trust and a member of the Oxford Civic Society stated that he had taken no part in those organisation's discussions or decision making regarding any of the applications before the Committee and that he was approaching them with an open mind.

Cllr Upton - as a Council appointed trustee for Oxford Preservation Trust and a member of the Oxford Civic Society stated that she had taken no part in those organisation's discussions or decision making regarding any of the applications before the Committee and that she was approaching them with an open mind.

45. 18/01687/FUL - St Edward's School Woodstock Road OX2 7NN

The Committee considered an application (18/01687/FUL) for planning permission for the erection of 2.5 storey boarding house with House Master's House, tutor flat and assistant House Master's Flat and associated facilities to accommodate 70 students (aged 13-18) in 55 bedrooms over three floors (Amended Plans).

The Planning Officer presented the report and made the following points of clarification:

The objection from Natural England related very specifically to the drainage impact of the proposed development on SSSIs to the west of the application site. Officers consider that these matters were largely addressed with the submission of additional information and further correspondence following the publication of the committee report; and are confident that these issues are likely to be resolved. On that basis the recommendation before the Committee was to approve the application subject to confirmation of the withdrawal of Natural England's objection.

Although the report refers to students the proposals are for a boarding house and not student accommodation. The occupiers of the building would be pupils aged 13-18 plus the staff. Officers recommend that a condition is added specifying that the student occupiers should be aged 13-18 and attend the school to ensure that the use of the building is not changed in the future and remains tied to the school.

Paragraph 10.22: that the scheme was substantially changed following the ODRP workshop and that those changes included alterations to the landscaping and materials which addressed the concerns of the ODRP as set out in the letter at Appendix 2.

Nick Hardy (agent) was present to answer questions from the Committee.

The Committee noted that discussions had taken place as part of the pre-application process regarding a community use agreement between the school and Sports England. This agreement to give local community and sports clubs access to the facilities would be secured by condition which would be approved by planning officers, in consultation with colleagues from the Council's leisure services.

The Committee also noted the officer's advice, as set out in paragraphs 10.18 – 10.21, that the proposed development would merge with the existing built form and would not introduce new or changed views, including from Port Meadow.

In reaching its decision, the Committee considered all the information put before it.

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

The West Area Planning Committee resolved to:

- a) **approve the application** and grant planning permission for the reasons given in the report and subject to:
 - i. the 22 required planning conditions set out in section 12 of the report;
 - ii. an additional condition specifying that the student occupiers would be aged 13-18 and attend the school to ensure that the use of the building is not changed in the future and remains tied to the school; and
 - iii. confirmation being received from Natural England that their objection is withdrawn.
- b) **delegate authority** to the Acting Head of Planning Services to:
 - i. finalise the recommended conditions as set out in the report including such

refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

46. 18/02211/FUL - 31A Charlbury Road, Oxford, OX2 6UX

The Committee considered an application (18/02211/FUL) for planning permission for the formation of 1no. dormer to front roofslope, formation of 2no. dormers and 2no. rooflights to rear elevation and formation of 2no. rooflights to both side elevations in association with loft conversion (amended plans).

The Planning Officer presented the report and highlighted the changes made to the application plans in response to public consultation and officer advice.

The rooflights in the west elevation roofslope have been raised to 1.9m from the finished floor level, having originally been proposed to be at a height of 1.7m. The Planning Officer explained that although the public consultation on the amended plans closed after the Committee report had been published no additional comments were received.

A further amendment was made to remove the rooflight at the front elevation. As this amendment for the removal of a new feature had been requested by officers it was considered acceptable to not re-consult on that specific change.

The Planning Officer referred the Committee to the assessment of the impact of the proposed development on designated and non-designated heritage assets (paragraphs 10.7 - 10.10) and the detailed assessment of the impact of the proposed development on neighbouring amenity (paragraphs 10.11 – 10.20).

The Planning Officer referred the Committee to paragraphs 10.17 – 10.18 of the report which addressed the specific concerns raised during the public consultation about the perceived overlooking on neighbours and loss of privacy as a result of the development. Officers had considered whether a condition should be imposed to require that the rooflights in the west elevation roofslope should be obscure glazed and non-opening (or partially obscure glazed with limited opening). Having taken into account the height and angle of the roofslope and the height of the rooflights at 1.9m they concluded that the perceived loss of privacy through overlooking would be reduced to an acceptable level and that a condition would not be necessary.

Alison Daly (applicant) spoke in favour of the application.

In reaching its decision, the Committee considered all the information put before it. They concurred with the Planning Officer's conclusion that an additional condition requiring obscure or partially obscure glazing to the rooflights would not be necessary.

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

The West Area Planning Committee resolved to:

- a) **approve the application** for the reasons given in the report and subject to the 3 required planning conditions set out in section 12 of the report and grant planning permission
- b) **delegate authority** to the Acting Head of Planning Services to:
 - i. Finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

Councillor Iley-Williamson, Councillor Corais and Councillor Bely-Summers all arrived during the consideration of this agenda item and therefore took no part in its determination.

47. Minutes

The Committee resolved to approve the minutes of the meeting held on 9 October 2018 as a true and accurate record.

48. Forthcoming applications

The Committee noted the list of forthcoming applications.

49. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 6.30 pm

Chair

Date: Tuesday 11 December 2018