

Agenda

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West Area Planning Committee

Date: **Tuesday 9 April 2019**

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;
Vice-Chair	Councillor Michael Gotch	Summertown;
	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;

The quorum for this meeting is five members. Substitutes are permitted. Substitutes for the Chair and Vice-chair do not take on these roles.

Copies of this agenda

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

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- subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

Pages

Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the search box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

1 Apologies for absence and substitutions

2 Declarations of interest

3 18/03322/FUL - 16 Northmoor Road, Oxford, OX2 6UP

11 - 34

Site address: 16 Northmoor Road, Oxford, OX2 6UP

Proposal: Sub-division of existing building to create 4 x 2-bed and 2 x-1 bed flats (Use Class C3). Demolition of existing rear extension and erection of a three storey extension to north elevation with external staircase and bin and cycle store (amended plans).

Reason at Committee: The application was called in by Councillors Harris, Roz Smith, Landell-Mills, Wade and Goddard due to concerns about overbuilding and damage to the character of the Conservation Area.

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 the report and grant planning permission
- 2) **agree to delegate authority** to the Acting Head of Planning Services to 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.

4 19/00249/FUL: 16 East St, Oxford, OX2 0AU

35 - 58

Site address: 16 East St, Oxford, OX2 0AU

Proposal: Demolition of existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2). Provision of cycle spaces. (Amended description)

Reason at Committee: The application has been called-in by Councillors Pressel, Fry, Tanner and Hollingsworth on the ground that there is a massive concern locally about the possible change of use to D2 in the middle of a residential area and the design of the proposed building.

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; and
- 2) **agree to delegate authority** to the Acting Head of Planning Services to:
 - a. consider and deal with any new material planning considerations that may be raised through public consultation, which expires on the 11th April 2019 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
 - b. 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; and
 - c. issue the planning permission.

5 Minutes

59 - 64

Recommendation: to approve the minutes of the meeting held on 12 March 2019 as a true and accurate record.

6 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These 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 development
18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ	Called in
18/02774/OUT: Land Forming The Site Of Former Cold Arbour Filling Station, 281 Abingdon Road, OX1 4US	Committee level decision
18/02809/POM: Millbank, Mill Street, Oxford	Committee level decision
18/02974/VAR: Greyfriars Court, Paradise Square, Oxford, OX1 1BE	Committee level decision
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ	Committee level decision
18/03369/FUL: Site Of Gibbs Crescent, Oxford, OX2 0NX	Committee level decision
18/03370/FUL: Simon House, 1 Paradise Street, Oxford, OX1 1LD	Committee level decision
18/03325/FUL: Old Toll House, Folly Bridge, Oxford, OX1 4LB	Called in
18/03326/LBC: Old Toll House, Folly Bridge, Oxford, OX1 4LB	
19/00140/LBC: Covered Market, Market Street, Oxford	Committee level decision
18/03254/OUT: 263 Iffley Road, Oxford, OX4 1SJ	
19/00301/FUL: The Lion Brewery, St Thomas Street, Oxford	Called in
19/00410/FUL: Falcon Rowing And Canoe Club, Meadow Lane, Oxford, OX4 4BJ	Committee level decision
18/03133/FUL: Linton Lodge Hotel, 11-13 Linton Road, Oxford, OX2 6UJ	Committee level decision
19/00316/FUL: 5 Warnborough Road, Oxford, OX2 6HZ	
19/00436/FUL: Convent of the Incarnation, Fairacres Road, Oxford, OX4 1TB	Major development involving listed building

7 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on:

2019

8 May
11 June
9 July
6 August
10 September
8 October
12 November
10 December

2020

21 January
11 February
10 March
7 April

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.
Unchanged in last Constitution update agreed at Council November 2018.**

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WEST AREA PLANNING COMMITTEE

9th April 2019

Application number:	18/03322/FUL		
Decision due by	13th February 2019		
Extension of time	To be agreed		
Proposal	Sub-division of existing building to create 4 x 2-bed and 2 x-1 bed flats (Use Class C3). Demolition of existing rear extension and erection of a three storey extension to north elevation with external staircase and bin and cycle store (amended plans)		
Site address	16 Northmoor Road, Oxford, OX2 6UP, – see Appendix 1 for site plan		
Ward	St Margarets Ward		
Case officer	Sarah De La Coze		
Agent:	Mr Mark Utting	Applicant:	Mr Richard Mutty
Reason at Committee	This application has been called in by Councillors Harris, Roz Smith, Landell-Mills, Wade, and Goddard due to concerns about overbuilding and damage to the character of the Conservation Area.		

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 extension and sub division of the existing building to create 4x2 bed and 2x1 bed flats with associated bin and cycle storage. Officers have considered the application to be acceptable in terms of the design, impact on neighbouring amenity and the North Oxford Victorian Suburb Conservation Area.

3. LEGAL AGREEMENT

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

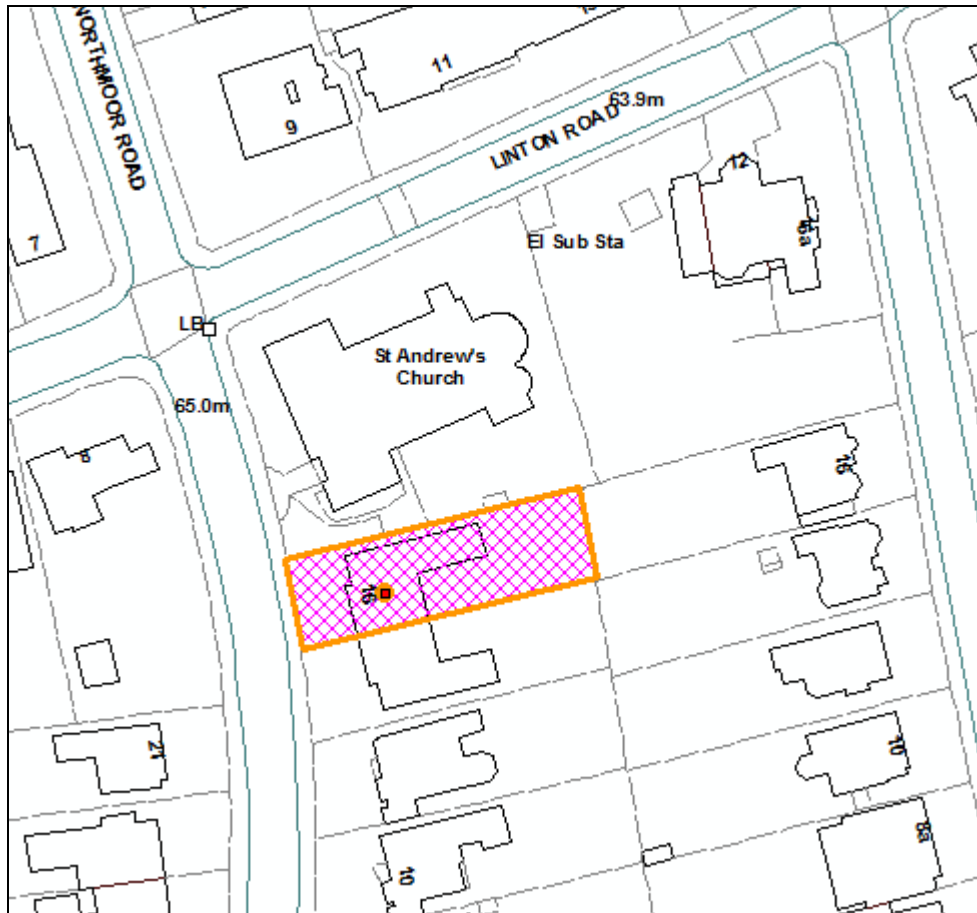
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL at an amount of £8,512.87.

5. SITE AND SURROUNDINGS

- 5.1. The application site is situated on the eastern side of Northmoor Road and comprises a three storey semi-detached property. No.16 was built, along with its immediate neighbour No.14 with which it forms a semi-detached pair, in 1912 by Frank Mountain. This building is designed by the architect A.R.G. Fenning and is designed in a Neo-Norman style.
- 5.2. The character of the area is mostly residential, with a variety of two storey and three storey dwellings with the exception of the Church next to the site. In the wider area there is a scattering of educational and tourist facilities. The residential dwellings located on the road benefit from parking areas to the front separated from the footpath by low boundary walls. Northmoor Road benefits from trees and hedges along the boundaries adding to its green residential character. The site is located within the North Oxford Victorian Suburb Conservation Area (NOVSCA). Northmoor Road is located within the Bardwell Character Area as set out in the Conservation Area appraisal.
- 5.3. The existing dwelling has been altered substantially in the past with the inclusion of an integral garage to the front and the removal and alteration to some of the original features. The external materials of the building comprise unpainted roughcast render, applied timber framing and painted window and clay tiles are used on the roof. The property benefits from a central gable and a first floor balcony to the front. The building currently contains 5 flats. At ground floor level the building includes Flat 1 and 2. Flat 1 comprises 2 bedrooms and has direct access to the rear garden. Flat 2 comprises 1 bedroom, the flat is small and would fall below the Council's minimum internal space standard with an internal area totalling 30m². At first floor level there are Flats 3 and 4. Flat 3 benefits from two bedrooms. Flat 4 benefits from 1 bedroom and would fall below the minimum internal space standards with an area of 20m², it is also only accessible via an external staircase. The second floor comprises Flat 5 the biggest of the flats which benefits from three bedrooms set over the whole floor. The upper floor flats have no direct access to outside space.
- 5.4. The application site is located next door to St. Andrew's Church which is not listed. The Church has been extensively extended on the boundary it shares with the application site. Views between the buildings are therefore limited although there are glimpses from the streetscene.

5.5. Site Location Plan



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application seeks planning permission for a three storey extension to the rear of the property to allow the creation of 4 x 2-bed and 2 x-1 bed flats, associated balconies, bin and cycle storage. The building currently comprises 5 flats over 3 storeys.
- 6.2. The rear extension would have an overall height of 10.5m stepping down to 5.7m where the second floor balcony would be located. The extension would then step down again to 3.1m where the first floor balcony and external staircase would be located. The overall depth of the extension would be 9.65m (exclusive of the steps) or 12m if you include the projection of the external access staircase.
- 6.3. The extension would include a dormer window on the north elevation and the addition of 5 windows. The plans also propose changes to the existing fenestration on the main building. The south elevation includes changes to the existing window sizes, the addition of rooflights and the addition of 6 windows and a set of double doors. The east elevation would include a triple door at second floor with access on to a balcony and a double door at first floor on to a balcony with the addition of an external staircase. The front elevation would see the removal of the integral garage and the insertion of two

windows in its place and a rooflight. The rear elevation would include the balconies and associated external staircase that will serve two of the flats.

- 6.4. A bin and cycle store is proposed be located in the rear garden.
- 6.5. Amended Plans were provided during the course of the application which sought to remove the cladding proposed and instead use a matching material. The amendments also include obscure glazing on the windows at first floor level on the south elevation.

7. RELEVANT PLANNING HISTORY

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

64/15774/A_H - Conversion of existing room into garage for private car and extension. PER 24th November 1964.

67/18741/A_H - Alterations to form bedsitting room with kitchenette on first floor and alterations to kitchen to form dining room and alterations to fuel store and utility room to form kitchen. PER 9th May 1967.

67/19371/A_H - Alterations and extensions to form self-contained flat on 1st floor. RBR 24th October 1967.

68/19598/A_H - Alterations and extension to form flat on first floor. PER 9th January 1968.

80/00141/NFH - Alterations and single storey extension at rear to form four self-contained flats.. PER 14th April 1980.

15/03632/CPU - Application to certify that proposed change of use to single dwellinghouse is lawful development.. REF 26th January 2016.

16/00786/CPU - Application to certify that the proposed conversion to 2no. units is lawful.. REF 26th May 2016.

16/01221/FUL - Demolition of existing extension and erection of rear extension. Conversion of existing building to provide 1 x 6-bed dwelling (Use Class C3) and conversion of extension to provide 2 x 1-bed flats (Use Class C3). (Amended description). WDN 12th January 2018.

17/00901/FUL - Conversion of garage into habitable space, with replacement of garage door for bay window. Alterations to windows and doors. Demolition of existing rear extension, and erection of a single storey rear conservatory extension in association with conversion of flats into 1 x 6-bed dwellinghouse (Use Class C3).. PCO .

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	Neighbourhood Plans: Summertown and St Margarets Neighbourhood	Draft Local Plan
Design	124,127, 128	CP1 CP6 CP8 CP10 CP9	CS18_	HP9_ HP10_		HOS2 HOS3 HOS4	DH1 H14 H15 H16 G6
Conservation/ Heritage	184,189, 190, 192, 193,196			HE7			DH3
Housing	68, 117, 118. 122		CS23_	HP4_ HP12_ HP13_ HP14_ HP15_ HP16_			
Commercial							
Natural environment	175	NE15 NE16	CS11_ CS12_				
Social and community							
Transport	105,106				Parking Standards SPD		M1 M3 M5
Environmental							
Miscellaneous		CP.13 CP.24 CP.25		MP1			

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on and an advertisement was published in The Oxford Times newspaper on 14th March 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The proposal seeks to demolish the existing extension at 16 Northmoor Road and erect new extension to create 4 x 2-bed and 2 x-1 bed flats (Use Class

C3). The site is in a highly sustainable location, within walking/cycling distance to the city centre and close to a number of bus stops and other local amenities. There are currently 2 off-street parking bays for the existing 5 flats. Despite the number of flats increasing, it is not considered that the impact of this will be severe. There are a number of on street parking bays in the vicinity with the restrictions only being in force to restrict commuter parking. The application states that 12 cycle spaces will be provided. This is in line with Policy HP15 and is accepted. – No objection

Oxfordshire Preservation Trust

- 9.3. The proposed extension, whilst reduced in height is still large in terms of its overall massing when considered against the host dwelling, and is in our view still out of proportion and fundamentally changes the overall character of the building. As a result we still hold objections to the scale of the proposed extension.
- 9.4. We are also very concerned about the choice of materials, and note that no changes have been made to the proposed materials as part of the revised scheme. Given the original architect's choice of roughcast render, which is also characteristic of the area, we still do not consider that wooden cladding is an appropriate material for any extension to the host dwelling. Should the principle of an extension be considered acceptable in principle it would be preferable for the materials used in the construction of any extension be in keeping with those found on the host dwelling, in addition to the wider surrounding development.
- 9.5. We would therefore urge the Council to refuse this application on the grounds of its overall scale and massing, which fundamentally change the character of the building and also on the grounds the proposed materials which do not have regard to the prevailing character of the building or the local area.

Linton Road Neighbourhood Association

- 9.6. Objection - The increased bulk of the rear extension (both as to height and length) destroys the sense of subordination to the main body of the house. The extant rear elevation of no. 14 shows the delicacy with which this was achieved in the original. It is critical that a new extension at no. 16 finds a way to reflect this successfully, while avoiding the proposed balconies, terraces and cedar-cladding of the present application.
- 9.7. Similarly, while the intention to remove the present garage door from no. 16 is to be applauded, the plan to do so is wholly inadequate. A restoration of the symmetry with no. 14 should be insisted on, as to both form and materials. The current plan will add a further cheap bodge to the fabric and in doing so will harm the conservation area.
- 9.8. We fully support the position of the Council's conservation officer, who stated "Any proposals for no. 16 should as a matter of course be based on the existing built form and the historic precedent at no. 14 so as to build on local significance... alterations to the front and side elevations should copy the form

and materials at no. 14". This application does not meet either of these requirements. The case for harm is therefore perfectly clear: Frank Mountain's work is important to the conservation area; this proposal damages the appearance and character of this building. Harm (whether or not substantial) is caused both to this building and the NOVSCA, both of them heritage assets.

- 9.9. Secondly, the provision for six flats in this property is excessive and amounts to overbuilding, contrary to Council policies HP9 (Design, Character & Context), HP10 (Developing on Residential Gardens) and HP12 (Indoor Space).

St Margaret's Area Society

- 9.10. Our objections are as follows:

- 9.11. The proposal involves a substantial amount of overdevelopment. The present extension is a structure that is itself much to be regretted in being out of scale with the attached house, number 14, with which Number 16 was conceived to be seen as a single, balanced building. Certainly, the existing extension is an eyesore that leaves much room for improvement. But the answer is not to cram six flats on to the site, extending yet further down the garden. The density and configuration of the development proposal is out of keeping with the building's context within the NOVSCA and thereby conflicts with policies CP8, CS18 and HP9. In addition, the extension would be overbearing from the position of number 14, in conflict with policy HP14. We acknowledge that the applicant has reduced the height of the three storey rear extension relative to the previous planning application. However, this reduction in height is minor and the overall overbearing impact is not significantly diminished, given that the proposition remains a 3 storey rear extension deep into the garden.
- 9.12. The application is deficient in that it has not properly assessed the impact in terms of privacy and daylight (as necessary to be sure to conform with policy HP14). In terms of daylight, the enlarged extension would be likely to interfere with the daylight enjoyed by the Jubilee building to the immediate north.
- 9.13. In terms of privacy, several aspects of the development would have very negative results for neighbours: Number 14 would be particularly badly affected. An already large number of flats, which are not now fully occupied throughout the year, would be increased, with the flats expected to be in use year around. There would be more windows facing number 14, with two new balconies and a circular staircase giving new vantage points from which to be overlooked. The increased number of people in residence would no doubt result in substantially increased noise. We acknowledge the introduction of rooflights (as opposed to the previous dormer windows) and the introduction of frosted glazed screens on the external second floor terrace & the first floor balcony, but these measures do not provide any great reduction in the potential for overlooking. Indeed, the frosted glazed screens would do more harm than good. They are themselves an obtrusive and unsightly element without precedent in the Conservation Area and simply go to highlight the misguided nature of the proposed design. For residents of neighbouring

buildings to the east, on the western side of Charlbury Road, the new building would, of course, be closer than the existing structure. More significantly, the two balconies that are proposed and the circular staircase would provide ready vantage points for overlooking and disturbing the Charlbury Road properties, as well as for generating light pollution. It should be borne in mind that the Northmoor Road properties are on land that is higher than the land to the immediate east, so that the overlooking is all the greater. Activities within the church's Jubilee building, including gym and exercise classes, would be overlooked from the extended development at 16 Northmoor Road, via the Jubilee building's windows and skylights. The children's playground at the back of the church would be overlooked by the new balconies and staircase.

- 9.14. The NOVSCA appraisal emphasises the vital importance of visual gaps between buildings in the area. The proposed development would completely close the visual gap between 16 Northmoor Road and the adjacent church building. See page 48 of the appraisal: "Infill development has reduced or removed the gaps between buildings that contribute to the low density character of the conservation area that is a legacy of its organic development with properties surrounded by private gardens. The loss of glimpsed views to greenery beyond the building line has, in places, removed a major feature of the suburb's character."
- 9.15. The arrangements for car and cycle parking remain inadequate and ill-conceived. Space for cars is inadequate in relation to the number of flats and their likely use. This would have a serious impact on the availability of on-street parking for neighbours and users of the church. The only viable solution would be for the number of flats to be reduced or, failing that, for some of the flats to be subject to a condition that no rights to off-street or on-street resident parking would be available. Cycle parking at the far back end of the garden is unrealistic. Cycle parking would need to be at the front, in which case there would need to be commensurately less parking space at the front for cars.

Oxford Civic Society

- 9.16. This application proposes to increase the number of flats on the site from five to six, the total number of bedrooms by one and the number of occupants from 15 to 20. The increase in the size of the rear extension, particularly at the second floor level, further destroys the design of the original house that was a mirror image of the adjoining house. This also increases the impact of the development on the privacy of 14 Northmoor Road. It clearly does not enhance the housing and visual environment of this Conservation Area. The Oxford Civic Society believes that it is not acceptable to increase the size of the development, and that the application in its current form should be rejected.

Public representations

- 9.17. 37 letters of representation were received from addresses in Banbury Road, Bardwell Road, Belbroughton Road, Chadlington Road, Charlbury Road, Crick

Road Fyfield Road, Linton Road, Marston Ferry Road, Northmoor Road and St Andrew's Church

9.18. The comments can be reads in full as part of the application, in summary, the main points of objection were:

- Overdevelopment of the site
- Too many flats for the site
- Adverse impact on the Conservation Area
- Adverse impact on heritage assets
- Increase overlooking to neighbouring properties and to the Church
- Will impact on wildlife
- Will have an overbearing impact on the neighbouring property
- Loss of privacy for the Church and neighbours
- Impact on outlook from neighbouring property and Church
- Lack of parking for new occupiers
- Cramped development
- Poor design
- Scheme hasn't materially changed from the last application
- Increased noise pollution
- Impact on neighbouring amenity
- Increase traffic and parking along the road
- Inappropriate materials
- Overshadowing to St Andrews Church
- Overbearing to neighbouring properties
- Will unbalance the pair of houses
- Will contravene the 45 degree guidance
- Will change the character of the area
- Extends beyond the neighbouring building line

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design and Impact on the Historic Environment
- iii. Residential Amenity

- iv. Impact on Neighbouring amenity
- v. Highways
- vi. Biodiversity and Flooding

i. Principle of development

- 10.2. The application site comprises a building containing 5 residential flats, the application seeks to extend the building to provide 4 x 2-bed and 2 x-1 bed flats.
- 10.3. Policy HP10 of the Sites and Housing Plan and G6 of the emerging Local Plan relates to development taking place on residential garden land. The policy states that planning permission will be granted for new dwellings on residential gardens provided that the proposal responds to the character and appearance of the area, the size of the plot is of an appropriate size and any loss to biodiversity will be mitigated. Policy RE2 of the emerging Local Plan supports the efficient use of land.
- 10.4. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.
- 10.5. The application site benefits from large proportions which can accommodate a development of this scale. The development would not adversely reduce the level of garden space available to the property and would not be out of keeping with the pattern of development in the area. Due to the scale of the property, the level of additional built form can be accommodated without detracting from the overall scale and massing of the main dwelling. The existing use already accommodates this residential use type and the proposal seeks to improve the levels of internal and external amenity space for future occupiers, whilst allowing for the overall scale of the development to reflect the surrounding context. The development would see an efficient use of existing garden land and would bring with it biodiversity enhancements that would be secured through a condition.
- 10.6. The application site currently contains five dwellings. The proposals would involve the re-configuration of the building to provide six dwellings. Policy HP4 of the Sites and Housing Plan deals with contributions towards affordable housing on sites with a capacity for 4-9 dwellings. Officers would recommend that whilst the site has a capacity for six dwellings the proposals only relate to the net gain of one additional dwelling and it therefore not reasonable to require an affordable housing contribution. As a result, the proposals would meet the requirements of Policy HP4 of the Sites and Housing Plan.
- 10.7. The principle of developing the site is therefore considered acceptable subject to compliance with the other relevant policies of the development plan which will be explored in more detail below.

ii. Design and Impact on the Historic Environment

- 10.8. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and policies CP1 and CP8 of the adopted Oxford Local Plan and Policy DH1 of the emerging Local Plan require that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings. Policy HE7 of the Oxford Local Plan and Policy DH3 of the emerging Local Plan refers to Conservation Areas and states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the Conservation Areas or their setting.
- 10.9. Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and section 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 196 of the NPPF then goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.10. A statement of significance and heritage impact assessment was submitted along with the application. The building is an unlisted building located within the North Oxford Victorian Suburb Conservation Area. It was built alongside no.14 as a pair of semi-detached dwellings. The building is designed in a Neo-Norman style. In 1980 the building was granted planning permission to change the single dwelling house in to flats. The conversion of the dwelling in to flats has resulted in unequal levels of amenity between the flats. The two smaller flats have poor levels of internal amenity and access to the upper floor flat via an external staircase is not ideal or practical. The overall conversion has not been carried out sympathetically to the building and has not allowed for the site to be utilised to its full potential with regard to ensuring good quality space for future occupiers.
- 10.11. The building is located in a visible position on the street scene and due to the gaps between the buildings there are glimpses available along the side elevation of the building. The existing building has been extended and altered over the years and is in need of refurbishment. Elements such as the integral garage to the front and the external staircase to the side detract from the overall appearance of the building and this part of the Conservation Area.
- 10.12. The application site is located between St Andrews Church to the west and residential properties to the south. In 2012 planning permission was granted for an extension to the Church adjacent to the site. The Church alterations have significantly changed this part of the street scene and the way the street is experienced in this location. The extension to the Church is prominent in the street scene and is read as a modern extension set back from the main Church building. When viewed from inside the application site, the

neighbouring Church extension is even more prominent with its use of materials and fenestration detailing. The transition between the Church and the application site is therefore unique to the street, and benefits from a different relationship than those that only have residential neighbours. The windows positioned on the east of the Church extension are prominent and allow for a high level of perceived overlooking in to the application site. The prominence of the windows provides a more commercial relationship with the application site. This relationship is visible from the street scene and identifies a change in scale of development in this part of the street.

- 10.13. The site falls within the Bardwell Character Area as identified in the NOVSCAA. The appraisal states that in this area the “houses are large with only small gaps between on the main street frontages, though larger gaps are sometimes found on side roads at the end of a run of houses.”.. “From the street, building plots seem small for the size of the houses, there are however, large spaces behind houses. There are no public open spaces. A general feeling of space in the public realm is created by the broad roads, pavements and front gardens. The contribution of gardens is greatest where the original modest height of front boundary treatments is retained.”
- 10.14. The proposed rear extension would have a depth of 9.6m which would extend out 2.9m further than the existing rear extension. It would have an eaves height of 7.1m and an overall ridge height of 10m. The upper floors would include balconies. The first floor balcony would measure 4m x 1.1m and the second floor balcony would measure 5.4m x 2.2m. The height of the existing extension is 6.3m.
- 10.15. The extension has been designed to be subservient to the main dwelling by being set down from the main ridge. Amended plans were provided changes the external materials so they are now matching those of the main building.
- 10.16. A large number of objections have been received regarding the design and scale of the extension and its relationship with the main house and the Conservation Area.
- 10.17. The north elevation would see a change to the fenestration detailing of the existing building, 5 new windows in the elevation of the extension and the addition of a dormer window. The dormer would be of a size that would complement the existing dormers and would sit comfortably within the roof slope. The south elevation would also see changes to the existing fenestration as well as 4 new roof lights and the extension would include 6 windows and a double door. The west (front) elevation proposes a new roof light and would see the garage replaced with two windows. The changes proposed to the garage area would allow the frontage to be more in keeping with the original design as well as the neighbouring property and would be a benefit of the scheme. The east (rear) elevation proposes two new balconies and an associated external staircase.
- 10.18. In terms of scale, the extension would project further in to the garden and due to the balconies would be a more prominent extension. Officers acknowledge that this would change the character of the site and would impact on the

overall design of the existing building. It is also noted that a reduced scheme would lessen the impact of the development and form a better relationship with the host dwelling.

10.19. Notwithstanding the above, whilst views of the side of the extension would be visible from the street scene, the overall scale and massing would not be visible and therefore would not adversely impact on the street scene. In addition the Church next door has been extensively extended and the extension would be read alongside the massing and proportions of the Church extension. The application site acts as a transitional point between the commercial scale of the Church and the neighbouring residential property and therefore the scale of the extension would not be wholly out of keeping with the pattern and scale of development in the near vicinity. In addition the properties along Northmoor Road are large with spacious gardens. In terms of fenestration detailing the extension would form a visually appropriate relationship with the main building and the elevations would be appropriately detailed with openings so not to create a blank oppressive massing. Amendments have also been made to the materials proposed and the matching materials now proposed would allow the extension to be read more successfully against the main building and would appear less intrusive on the street scene.

10.20. The existing arrangement is of poor quality and design and the application seeks to improve the visual appearance as well as the quality of space for future occupiers. The extension would not be highly visible from the street scene and where it is visible from the neighbouring properties it would be viewed against the background of the Church extension. The extension would continue to be subservient to the main house and would allow for sufficient circulation space around the building.

10.21. With regard to paragraph 196 of the NPPF, it is considered that the development would lead to less than substantial harm due to the position of the extension to the rear of the site, the relationship between the application site and the Church and lack of direct views on to the extension from the street scene. It is important that members of the committee are aware that there are concerns in the context of the conservation impacts of the proposed development. The benefits of the proposal include removing visible clutter from the building in the form of the garage to the front and the staircase to the side. In addition the proposal would allow for an additional dwelling to be provided in a sustainable location as well as improving the quality of space for any future occupiers of the site allowing for the site to fulfil its optimum viable use. Given this it is recommended that on balance, the harm to the Conservation Area which is considered less than substantial is outweighed by the overall benefits of the scheme.

iii. Residential Amenity and Impact on Neighbouring Amenity

10.22. Policy HP12 of the Sites and Housing Plan and H15 of the emerging Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development

details the requirements. The proposed flats comply with the requirements of the space standard and officers are satisfied that they would allow for sufficient internal space for any future occupiers.

- 10.23. Policy HP13 of the Sites and Housing Plan and Policy H16 of the emerging Local Plan refer to outdoor space requirements. It states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space as well as detailing a number of other requirements. The proposed private amenity space has been separated in to a combination of private balconies, private garden areas and a communal garden area. The two ground floor flats would benefit from private garden areas accessed directly from the flats. Flat 3 would have access to the communal garden area, flat 4 would have direct access to a balcony, flat 5 would have access to the communal garden and flat 6 would have direct access to a balcony. The outside amenity space is considered to be an acceptable size for the occupiers of the flats and would allow for a good level of quality amenity space.
- 10.24. A number of objections have been raised with regard to the impact of the development on neighbouring amenity. Policy HP14 of the Sites and Housing Plan and Policy H14 of the emerging Local 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.
- 10.25. The nearest residential property is 14 Northmoor Road, with regard to the assessment for impact on light, the 45/25 degree guidance Appendix 7 of the Sites and Housing Plan is an important consideration. When measured from the main habitable window the proposed development would break the 45 degree line towards the end of the building at a distance of circa 16m from the windows when measured on a 45 degree angle. When you then apply the 25 degree guidance the development would comply. Notwithstanding this, there are other factors that should be considered when determining the impact of development on sunlight and daylight. The extension would be located to the north of 14 Northmoor Road so would not largely impact the amount of sunlight available to no.14, furthermore as it is set away from the boundary and would be viewed against the Church extension, the proposed extension is not considered to have an adverse impact on light available to no.14 from this area. With regard to the extension being overbearing, whilst the extension would project further in to the garden, the extension is proposed to be set away from the boundary it would share with no. 14 by 7.4m. Given the separation distance between the properties the extension would not be considered to be overbearing or to have an unacceptable impact on outlook available to the neighbouring property.
- 10.26. With regard to the Church building, the extension would be in closer proximity with a distance of 3.4m at the closest point. There have been a number of objections relating to this relationship between the buildings. As the Church is not a residential building there is no requirement for it to comply with the 45/25 degree guidance. Notwithstanding this the amenity of future users of the Church is an important consideration. Given the nature of a Church and

community building it is used for a variety of uses over shorter periods of time such as nursery groups and youth groups, and therefore it is acceptable to expect a lower level of amenity for a building in such a use (unlike a residential building which is occupied continuously by the same people for prolonged periods of time). A number of the rooms in this part of the Church benefit from large windows with a number of the rooms benefiting from more than one window. Due to the proximity between the buildings there would be a reduction in light available to some of the Church windows located on this elevation due to overshadowing, furthermore the outlook between the properties would be compromised. As it is not a residential property it is likely that those who use the rooms would be doing so for shorter periods of time and at various times in the day, and would not use the space as primary habitable spaces. As those rooms form part of the wider Church site and do not benefit from a residential use, the reduced level of amenity is considered acceptable.

10.27. With regard to the residential properties located to the rear of the site, the properties are considered to be a sufficient distance with the balconies being located 13m away from the rear boundary so would not be overbearing or impact on the outlook available.

10.28. Objections have also been raised regarding overlooking and loss of privacy. The application proposes a number of new windows as well as balconies to the rear. Amended plans have been provided to address concerns raised regarding overlooking on the south elevation at first floor level between flat 4 and no.14 Northmoor Road. Obscure glazing is now proposed on these side windows at first floor level. The use of obscure glazing in this elevation is considered to be acceptable to overcome the issue of overlooking and a condition is recommended to ensure they stay obscurely glazed in perpetuity. The other windows follow the arrangement of the existing windows or are located at ground floor where there will be a boundary wall separating the properties. The rooflights are considered to be located in such a position in the roof that they would not give rise to overlooking or loss of privacy due to their height. The cill of the lower level rooflights would be located 2.25m from the inside finished floor level and the cill of the upper rooflights would be located 2m from the finished floor level.

10.29. The east elevation would see the introduction of a number of new windows in the elevation which faces on to the Church. The addition of windows on this elevation will increase the level of overlooking between the flats and the Church but due to the level of windows on the Church, the overlooking would be mutual. As mentioned given the non-residential use of the Church it is considered that the direct overlooking would be minimal given that the Church benefits from a range of users over a range of day and times.

10.30. The rear elevation proposes to have two balcony areas. A number of objections relate to this specific design element and its impact on neighbouring privacy. The balconies would include 1.7m high obscure glazed balustrading on the side with this reducing to 1.1m at the centre. The obscure glazing would allow for a good level of privacy to be maintained between the balcony and the neighbouring properties. The Church benefits from a small

play area to the rear of the Church that would be visible from the application site. Views in to the play area are likely to be available from the balconies especially if the external staircase is used. As with any relationship between properties in a built up residential area there is the potential for overlooking between gardens and relationships such as what is proposed is not unusual. It is common to have schools which back on to residential gardens and parks that are located in close proximity to residential properties. By the nature of being in a built up area it is unlikely to be able to avoid these relationships entirely. Given that the balconies would benefit from obscure glazing it is considered that the proposal would not give rise to an unacceptable level of overlooking between the users.

- 10.31. Concerns have also been raised regarding overlooking from the balconies to the properties to the rear. The balconies would be located 13m from the rear boundary and further from the back of the houses located to the rear. Given the separation distances the balconies would not be considered to give rise to unacceptable levels of overlooking or loss of privacy.

iv. Highways

- 10.32. The application site benefits from a driveway to the front which can accommodate two cars. Objections have been raised regarding the lack of parking on the site to accommodate the scheme. Oxfordshire County Council highways have been consulted on the application and raise no objection. The site is located in a highly sustainable location and there are a number of on street parking bays in the vicinity with restrictions to restrict commuter parking. The combination of these factors means that the development is unlikely to cause harm with regard to highway safety and therefore the parking arrangement is considered acceptable.

- 10.33. The scheme proposes 12 cycle parking spaces in accordance with policy HP15 of the Sites and Housing Plan. The cycle parking would be located to the rear of the site along with the bin storage. The location of the cycle parking is considered acceptable and a condition requiring the details of the cycle and bin store is recommended to be required by condition to ensure an appropriate structure is erected.

v. Biodiversity and Trees

- 10.34. A Bat survey has been provided as part of the application. The surveys undertaken confirm the presence of a Soprano Pipistrelle bat roost within the building given this the development must be undertaken in accordance with the recommendations of the bat survey report, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features. Furthermore a scheme of ecological enhancements should be provided to include provision of bat and bird boxes in order that an overall net gain in biodiversity is achieved. Conditions to secure this are recommended by officers.

- 10.35. There are a number of trees located in the rear garden which are proposed to be retained as part of the development which would help screen the

development as well as preserve the character of the Conservation Area. The trees would also need to be protected during the construction of the development, a number of conditions are recommended by officers to ensure that adequate protection for trees is required.

vi. Flooding

- 10.36. The development is not at significant risk of flooding from any sources, however the development may increase the impermeable area leading to increased surface water runoff and therefore all impermeable areas of the proposed development would have to be drained using Sustainable Drainage measures (SuDS). Officers recommend a condition to ensure that this is the case.

11. CONCLUSION

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Compliance with Development Plan Policies

- 11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.4. The proposal is considered to comply with the development plan as a whole. Where issues have been raised with regard to the harm to the historic environment in line with the NPPF paragraph 196 has been engaged and whilst there has been some harm identified to the Conservation Area, taking in to account all the material considerations it is considered that the benefits to

the scheme would outweigh the less than substantial harm that has been identified.

Material considerations

- 11.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.6. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8. The proposal seeks to provide improved accommodation in a highly sustainable location, the proposal will not have an unacceptable impact on neighbouring amenity and conditions have been included to ensure this remains in the future. The proposal will allow for sufficient car and cycle parking and will provide biodiversity enhancements.
- 11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

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 The materials to be used in the new development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016, CS18 of the Oxford Core Strategy 2026, HP9 of the Site and Housing Plan 2011-2026.

- 3 Except where indicated otherwise on the drawings hereby approved, all new external works and finishes, and works of making good, shall match the existing original work in respect of materials used, detailed execution and finished appearance.

Reason: To ensure a satisfactory appearance and in the interests of the special character of the area and/or building in accordance with policies CP1, CP7, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 4 The windows in the South elevation at first floor level shall be obscurely glazed as shown on the plans and retained in this condition thereafter.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-20

- 5 The balcony privacy screen shall be obscurely glazed and erected in accordance with the approved plan and retained thereafter .

Reason: To ensure that the details are acceptable in visual and amenity terms and to accord with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016 and policy HP14 of The Sites and Housing Plan.

- 6 Prior to the occupation of the development, a detailed scheme showing the design of a secure, covered cycle store for the storage of at least 12 pedal cycles 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 dwellinghouse. Prior to the occupation of the 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 dwellinghouse.

Reason: To ensure that the development provides adequate cycle parking as required by Policy HP15 of the Sites and Housing Plan 2011-2026 and to promote recycling in accordance with policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

- 7 Prior to the commencement of development, an arboricultural method statement to ensure the protection of trees on the site during construction shall be submitted to and approved in writing by the Local Planning Authority. No works shall be carried out on site (including any demolition works) before the arboricultural method statement has been approved. The arboricultural method statement shall include details of the following:

1. - The location, materials and means of construction of temporary tree - protective fencing and/or ground protection measures (in accordance with BS 5837/2005 'Trees in relation to Construction');
2. - The programme for implementing and retaining such tree protection measures;
3. - Any works to trees (in accordance with BS 3998/1989 'Tree Works') to be carried out to prevent accidental damage by construction activities.

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

- 8 Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 9 The development shall be undertaken in accordance with the recommendations provided within the Bat Survey Report produced by Ecology By Design (September 2018). No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and to protect species of conservation concern.

- 10 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall and net gain in biodiversity will be achieved. The scheme will include details of native landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes and a minimum of two dedicated swift boxes.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

- 11 All Impermeable areas of the proposed development, including roofs, driveways, and patio areas should be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of

the Building Regulations. The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026

13. APPENDICES

Appendix 1 – Proposed Site plan and 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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WEST AREA PLANNING COMMITTEE

9th April 2019

Application number:	19/00249/FUL		
Decision due by	1st April 2019		
Extension of time	18th April 2019		
Proposal	Demolition of existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2). Provision of cycle spaces.(Amended description)		
Site address	16 East Street, Oxford, OX2 0AU, – see Appendix 1 for site plan		
Ward	Jericho And Osney Ward		
Case officer	Julia Drzewicka		
Agent:	Adrian James	Applicant:	Mr James Pritchard
Reason at Committee	The application has been called-in by Councillors Pressel, Fry, Tanner and Hollingsworth on the ground that there is a massive concern locally about the possible change of use to D2 in the middle of a residential area and the design of the proposed building.		

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; and

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

- consider and deal with any new material planning considerations that may be raised through public consultation, which expires on the 11th April 2019 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
- 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; and
- issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of the existing workshop (Use Class B1) and the erection of a two storey yoga workshop (Use Class D2) and provision of cycle spaces. Less than substantial harm would be caused to the special interest of the Conservation Area by the loss of the existing building. However, this harm is considered justified and outweighed by the public benefits associated with the proposed use and the need to ensure a viable use for the site. The design of the new building responds well to the context and would be of an appropriate high quality that would not detract from the character and appearance of the Conservation Area.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL. The total amount is £1,925.84.

5. SITE AND SURROUNDINGS

5.1. The site is located within the Osney Town Conservation Area, an area of predominantly residential buildings laid out in the mid-19th century by G.P. Hester, the Town Clerk of Oxford. East Street has a riverside setting, facing directly onto the Thames and with the public footpath alongside, the site is in a relatively prominent location in the Conservation Area. On the opposite side of the river is The Old Power Station, a locally important building which is listed on the Oxford Heritage Asset Register; the building is a reminder of the industrial heritage of this part of the city.

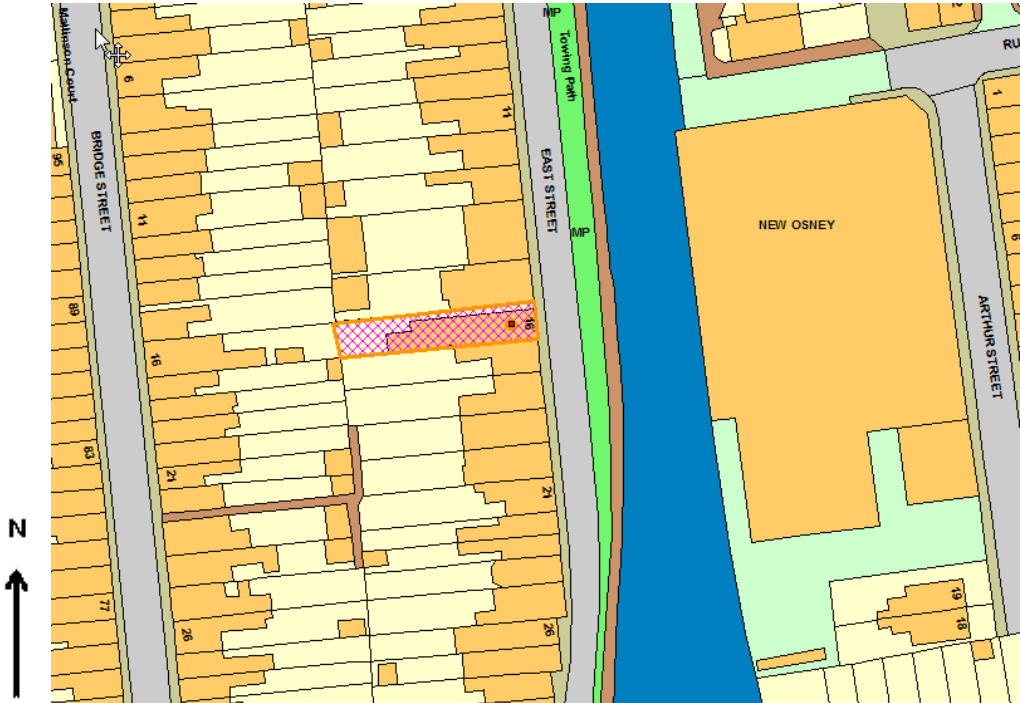
5.2. A single-storey workshop building occupies the plot of 16 East Street, which in contrast to the two-storey residential buildings either side of it and as identified in the Osney Town Conservation Area Appraisal creates 'an important break in the uniformity of the street scene'. The building has white painted brick walls and a corrugated sheet double pitched roof, and features a pair of timber doors with casement window in the gable on its front elevation. There is a gated pedestrian access running along the north side of the building to the rear of the site.

5.3. A comprehensive Heritage Statement, has been prepared by John Moore Heritage Services, and contains a detailed assessment of the building. The building is of four main phases; the earliest phase is the front original garage building from 1926; the second phase is the extension to the rear dating from 1950-52 associated with its change of use from a garage to a dairy; the third is the creation of a small boiler room; and the fourth the construction of a small outbuilding to the rear and the change of use to an artist's studio circa 1970. From 1970-2016, the building was occupied by Hugh Powell, an artist and sculptor, who lived at 16 Bridge Street for the same period.

5.4. The heritage significance of the building lies predominantly in its historic, evidential and communal value as representing and illustrating the former light industrial uses that operated in the area, and the development of the local community and small businesses in the latter half of the 20th century.

5.5. The existing depth of the building is approximately 23.8m. The roof ridge height of the pitched roof is approximately 4.5m and then the latest addition to the building has a sloping roof and its ridge height is approximately 2.9m.

5.6. See block plan below:



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6. PROPOSAL

6.1. The application proposes demolition of the existing single storey building to erect a two storey contemporary yoga workshop. The proposed development would be sited on a slightly larger footprint to the existing building, extending over the existing pedestrian side access to infill the entire plot width and would be two-storeys in height.

6.2. The overall depth of the ground floor would be approximately 23.5m, the ridge height of the ground floor extension would be approximately 4.7m, the eaves height of the extension along No. 15 would be approximately 2.2m and the eaves height of the extension along No. 17 would be approximately 2.7m. The depth of the first floor would be approximately 12.3m. The overall height of the whole building measuring from ground level would-be approximately 7.4m, the eaves height of the first floor extension from the ground level along No. 15 would be approximately 4.8m and the eaves height of the first floor extension measuring from ground level would be approximately 5.4m. The ground floor extension would feature rooflights and PV panels. The building would be two-storey in height, with a ridge height to match that of the terrace to the north, a two-storey rear wing element and lower single-storey rear extension with asymmetrical pitched roof. The front building line is being proposed to be set back from the street. The aged copper would be installed as a bright copper but in a matter of days it will oxidise to chestnut brown and then a dark-purple brown. The

information provided with the application states that copper is a naturally weathering material, with an expected life expectancy in excess of 100 years, which has excellent corrosion resistance, and requires no special maintenance regime requirements. The manufacturer stated that given the location and nature of the cladding, the dark-purply brown cladding will not go the green patina. The aged copper would have a weathered finish, with a texture and quality which would bring interest to the streetscene without resulting in an overly dominant building that would detract from the character and appearance of the Conservation Area. Similarly, the subtle use of the artificially chemically oxidised copper (greened copper) for the chamfered window and door reveals would create interest and a welcomed contrast to the aged copper, whilst not appearing garish alongside the surrounding terraces.

- 6.3. The proposed building comprises an entrance lobby, disabled WC/male changing space, female changing room, private consultation room, staff, admin and reception area on the ground floor and yoga studio on the first floor.
- 6.4. The application form states that 2 full time and 20 part-time, equivalent of 3 full-time employees are being proposed. The hours of opening has been specified in the application form: Monday to Friday: 7.00- 21.30, Saturday, Sunday, Bank Holidays: 9.00- 17.00.
- 6.5. The development is proposed to be car-free and space for bikes has been incorporated within the building.
- 6.6. See proposed elevations below (please note that larger version of these plans will be circulated prior to the committee meeting):



PROPOSED FRONT (EAST) ELEVATION



PROPOSED REAR (WEST) ELEVATION

Angle subtended by existing roof retained for daylight.
 Flood valves behind grille positioned as agreed by the Environment.
 Outline of existing building.
 Angle subtended by existing roof retained for daylight.

7. RELEVANT PLANNING HISTORY

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

60/00035/N_H - Change of use from garage for vehicles to repair and sale of parts. REF 25th October 1960.

18/01712/FUL - Demolition of existing workshop to erect a three storey workshop (Use Class D2). Provision of cycle spaces.. WDN 3rd September 2018.

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	Emerging Local Plan 2016-2036
Design	8, 11, 124-132	CP1, CP6 CP8, CP10	CS18	HP14	RE2, DH1, D5
Conservation/Heritage	189, 192, 196	HE7			DH3, DH4, DH5
Commercial	20, 80,	EC1	CS28_ CS27_		E1
Natural environment	148-165, 170-183	CP22	CS11		RE3
Social and community	91-93	CP13	CS20_ CS21_		V6, V7
Transport	102- 111	TR3, TR4 TR12			M1, M5
Miscellaneous	7-12, 47, 48	CP.13, CP.24 CP.25		MP1	

**Only limited weight can be given to policies in the emerging Oxford Local Plan 2036 as the plan is only at Proposed Submission Draft stage.*

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 19th February 2019 and an advertisement was published in The Oxford Times newspaper on 14th February 2019. Amended site notice was published on the 18th March 2019 and an advertisement and site notice was published in The Oxford Times newspaper on 21st March 2019. The re-advertisement was necessary as the application is a departure from the development plan.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. Secure and enclosed cycle storage is noted in the floor plan and the development is to remain car-free. There appears to be no highway impact with regard to this application. As such, Oxfordshire County Council does not object to this application.

Environmental Agency

9.3. The proposed development will only meet the National Planning Policy Framework's requirements if the planning condition specifying that the development shall be carried in accordance with the submitted flood risk assessment and mitigation measures are included.

Public representations

9.4. 52 representations were received from 41 addresses in the local area, from further afield in Oxford and from beyond Oxford. Oxford Preservation Trust also commented on the proposal. One customer made comment neither objecting to nor supporting the planning application.

9.5. In summary, the main points of 29 objections were:

- Amount of development on site
- Effect on adjoining properties
- Loss of privacy
- Daylight/sunlight
- Effect on character of area
- Effect on conservation area and article 4
- Loss of the visual break, dominant addition within the streetscene
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Noise and disturbance
- On-street parking
- Uses under D2
- Effect on existing community facilities
- Excess of yoga studios in the area
- Design
- Out of keeping
- Materials

- The site is not suitable for commercial use
- The site is suitable for residential use
- Local plan policies
- Height of proposal
- Hours of opening
- little evidence of local need
- flooding
- Access
- Information missing from plans
- Local ecology, biodiversity
- Open space provision
- Parking provision

9.6. In summary, the main points of 23 support were:

- Need for a dedicated yoga studio
- Modern design
- Osney should have a limited number of small scale commercial properties – economic activity
- If it cannot be used for a residential use, yoga studio would be better than a potentially far more disruptive use
- Effect on character of area
- Effect on existing community facilities
- Public transport provision/accessibility
- No parking
- Environmentally friendly
- Cycling
- Prana studio is closing down
- Positive impact on the local area
- No disturbance from either traffic or noise

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design and impact on the conservation area

- iii. Neighbouring amenity
- iv. Transport
- v. Flooding

i. Principle of development

- 10.2. The heritage statement identified that the building is of four main phases. The first is the original garage, built in 1926; the second phase comprises an extension undertaken in 1950-52 associated with a change of use from garage to dairy; the third is the construction of a small room to house a boiler at the rear of the building and the change of use of the former garage into a boiler room and the fourth is a change of use to an artist's studio and the construction of the small outbuilding. Prior to the construction of the building, the plot was vacant with direct access from East Street to the rear of 16 Bridge Street (which was in use as a public house). The heritage statement states that the "Ordnance Survey map of 1921 shows the site prior to the construction of the building. The rear yard of 16 Bridge Street extends through to East Street; because of this building's use as a public house greater access to the rear of the building may have been desirable, resulting in a planned gap in the terraces of East Street. The building now known as 16 East Street was built as a garage in February 1926.
- 10.3. Planning permission was granted in 1950 (ref. 50/00984/A_H) for an extension to the existing garage for use as a dairy at 16 Bridge Street. That permission was approved as a temporary permission. In 1952 (ref. 52/02437/A_H) temporary planning permission was granted for a boiler fuel store. This permission had been renewed under permissions 53/02437/A_H, 54/02437/A_H and 57/01454/A_H. In 1960 (ref. 60/01454/A_H) planning permission was granted for a garage. In 1960 (ref. 60/02437/A_H) planning permission was submitted for renewal of temporary consent for the boiler fuel store and shed. Those permissions were in relation to No. 16 Bridge Street. Planning permission was refused in 1960 (ref. 60/00035/N_H) for the change of use from garage for vehicles to repair and sale of parts, this is the first record of the planning history of 16 East Street (as a separate entity). Between 1970 and 2016 the property was occupied by Hugh Powell who used the dairy/garage as an artist's studio. However, there is no record that the site benefited from planning permission for a change of use from garage to artist studio. The building has never been in domestic use and it has always been in an employment use (or arguably used in an unauthorised way as an incidental building to No. 16 Bridge Street). The Land Use Gazetteer lists uses "dairy products making place" as B2, "garage" either as B2 or Sui Generis use" and "art and layout artist's studio" as B1 use.
- 10.4. The assessment has been made in terms of the change of use, and whether there are any benefits to the character and appearance of the Conservation Area in terms of the proposed use. Given the history of the use of the site, officers would consider it an employment site for the purposes of Policy CS28 of the Core Strategy. The site is not a key protected employment site. The preamble to Policy CS28 states that the term employment sites refers only to

land and premises in Class B or closely related Sui Generis uses, such as builders yards; transport operators; local depots; and retail warehouse clubs. Policy CS28 states that planning permission will only be granted for the change of use or loss of other employment sites (i.e. those not key protected employment sites), subject to the following criteria:

- overriding evidence is produced to show the premises are presently causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated;

or

- no other future occupiers can be found despite substantial evidence to show the premises or site has been marketed both for its present use and for potential modernisation or regeneration for alternative employment-generating uses; and the loss of jobs would not reduce the diversity and availability of job opportunities; and
- it does not result in the loss of small and start-up business premises, unless alternative provision is made in Oxford.

10.5. As the proposal is for a change of use from Class B1 to Class D2, the proposed development would be contrary to Policy CS28 as there would be a loss of Class B1 use. The site has been vacant since 2016. No marketing evidence has been provided with the application. The Statement of Need submitted with the application states that “16 East Street was originally marketed as a site for residential development, but it quickly became clear that the Environmental Agency would not approve a new dwelling because of the danger to life during a (notional) future flood”. It is assumed that the artist was the sole occupier and did not employ anyone else, however there is no evidence of that. The application demonstrated that the site will employ 2 full time and 20 part-time, therefore the equivalent number of 3 full-time employees. The objective of the Policy CS18 is to safeguard employment sites. Granting consent would not preclude the site from providing a level of employment as the proposed use would create employment opportunities. The proposed employment use would therefore continue to deliver economic development objectives to continue to provide employment. Given the small scale of the site, its location and constraints, the proposed increase in number of employees, history of the site, the proposed yoga studio is on balance considered acceptable.

10.6. The emerging Local Plan 2036 would classify this site as a Category 3 employment site. The preamble to policy E1 states that Category 3 sites mainly comprise smaller sites and those not performing as well as Category 2 sites, for example because they are not as well located, or because they do not perform such an important economic function, nor are likely to be able to in the future. Should these sites become available for redevelopment, they will be first required to explore the potential for other employment uses, and then subject to criteria to explore alternative uses in order to help deliver the broader aims and strategy of this Local Plan. Policy E1 of the emerging Local Plan states that planning permission will only be granted for the loss of any

employment floorspace on Category 3 sites to residential development subject to criteria. The application is not proposing to change to residential development and therefore those criteria are not relevant. The policy E1 goes on stating that beyond this approach, in all cases the suitability of the proposed use will be assessed against the site specific circumstances.

- 10.7. Policy E1 is an emerging policy to which little weight can be given. However, as stated in the report the proposal will still allow some employment use.
- 10.8. Policy CS20 of the Core Strategy states that City Council will seek to protect and enhance existing cultural and community facilities. Artist's studios are considered cultural facilities. A yoga studio could be considered a community facility for the purpose of Policy CS20 of the Core Strategy. Members may consider that this further supports the principle of development.

ii. Design

- 10.9. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP8 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 building and its surroundings. The site lies within the Osney Town Conservation Area, therefore Policy HE7 of the Oxford Local Plan 2001-2016 applies, which states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting. The policy also states that planning permission will not be granted for proposals involving the substantial demolition of a building or structure that contributes to the special interest of the conservation areas. Paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.10. The heritage significance of the building lies predominantly in its historic, evidential and communal value as representing and illustrating the former light industrial uses that operated in the area, and the development of the local community and small businesses in the latter half of the 20th century. Although not of any particular special architectural merit, its heritage significance is evidenced through its architectural qualities and appearance, giving its aesthetic value in the context of the street scene. For these reasons, the building is considered a positive addition to East Street and the Conservation Area, contributing to its special character and appearance.
- 10.11. The loss of the existing building would result in some harm to the special character and appearance of the Conservation Area, as it makes a positive

contribution to its special interest and would thus be contrary to Local Plan Policy HE7 which states that 'planning permission will not be granted for proposals involving the substantial demolition of a building or structure that contributes to the special interest of the conservation areas'. However the NPPF post-dates this Local Plan policy and as such, where the policies differ from one another, greater weight should be given the NPPF on this matter. NPPF Paragraph 194 states that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. In line with the NPPF considerations, it is considered that the level of harm to the Conservation Area caused by the loss of the building would be less than substantial. The existing building due to its current condition and construction would require a substantial amount of work to bring it up to current building standards, resulting in the loss of a substantial amount of fabric. It is therefore, inevitable that substantial loss and alteration to the building fabric would need to occur as part of any new viable use occupying the site. Officers recommend that the principle of losing the existing building is therefore acceptable.

- 10.12. Paragraph 196 goes on to state that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The principle of a yoga workshop occupying the plot is considered to be an appropriate use for the site, which would ensure it is retained in a use other than residential which benefits and serves the local community and continues the story and evolution of small businesses within this part of the Conservation Area into the 21st century.
- 10.13. Paragraph 127 of the NPPF states that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'. The proposed development would be sited on a slightly larger footprint to the existing building, extending over the existing pedestrian side access to infill the entire plot width, and would be two-storeys in height. It is accepted that the increase in floorspace is necessary to ensure the viability of the proposed use, and that the current scheme has reduced the amount of floorspace and height as proposed in comparison to previous schemes. The proposed building is considered to respond successfully to its context, relating to the traditional built form of properties in the vicinity. The proposal is two-storey in height, with a ridge height to match that of the terrace to the north, a two-storey rear asymmetrical roof element and lower single storey rear extension are proposed. The development would be set back from the front building line, it is considered that the proposed building would fit comfortably within the street and maintain the visual gap in the uniformity of the residential terraces either side.
- 10.14. The visual break in the streetscene would be further maintained through the elevation design and materials proposed for the building which include aged copper cladding for the walls and roof, recessed window and door openings with artificially chemically oxidised copper (greened copper) for the chamfered

reveals, powder-coated metal for the window frames and flood grates, and unfinished timber for the front door. The fenestration proportions reflect the domestic scale of the surrounding properties which would help to integrate the building into the streetscene.

- 10.15. The aged copper would be installed as a bright copper but in a matter of days it will oxidise to chestnut brown and then a dark-purply brown. The information provided with the application states that copper is a naturally weathering material, with an expected life expectancy in excess of 100 years, which has excellent corrosion resistance, and requires no special maintenance regime requirements. The manufacturer stated that given the location and nature of the cladding, the dark-purply brown cladding will not go the green patina. The aged copper would have a weathered finish, with a texture and quality which would bring interest to the streetscene without resulting in an overly dominant building that would detract from the character and appearance of the Conservation Area. Similarly, the subtle use of the artificially chemically oxidised copper (greened copper) for the chamfered window and door reveals would create interest and a welcomed contrast to the aged copper, whilst not appearing garish alongside the surrounding terraces.
- 10.16. Samples of the materials have been provided with the application. There are concerns the grey colour for the window frames and flood grate as they would appear quite dull and flat, and would not work well alongside the copper finishes. Therefore a condition is recommended to be imposed to require that material sample for the window and door frames and flood grating be submitted to and approved in writing by the local planning authority.
- 10.17. Great weight and importance has been given to the desirability of preserving the special character and appearance of the Osney Town Conservation Area as a designated heritage asset. It is considered that the less than substantial harm that would result from the loss of the existing building is justified and outweighed by the need to ensure a viable use for the site and the public benefits that would result, namely the continued use of the site in a business use, beneficial to the community and vitality of the area. The proposed replacement building is considered to be of an appropriate and high design quality that would not detract from the character and appearance of the Conservation Area. The proposal would comply with NPPF paragraphs 127, 193, 194 and 196. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 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 neighbouring amenity

- 10.18. 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.

- 10.19. The building is located between No. 15 and No.17 East Street. The existing building already extends beyond the neighbouring properties. The existing building runs along the boundary with No. 17 and due to the existing side passage the existing building is set back from the boundary with No. 15 by approximately 1m. The existing roof ridge at 4.5m height runs for approximately 19.2m (from the front elevation) and then the roof drops to 2.9m. The existing building features side windows on the ground floor level and rear facing window and door and rooflights. The existing building already impacts on the neighbouring properties in terms of light, outlook and privacy.
- 10.20. The proposed building does not feature any side windows facing the neighbouring properties. The building proposes a large door, opening out to the garden, which would serve the staff/admin/reception area and a rear window, which would serve the staircase. It is acknowledged that due to the proposed use more people would use the building, however the proposed rear door and window would not be considered harmful in terms of overlooking or loss of privacy as this relationship with terraced properties is not unusual and it would not be necessary to impose a condition to obscure the window serving the staircase. Any overlooking would be very limited and not harmful.
- 10.21. The ridge height of the ground floor extension would be approximately 4.7m, the eaves height of the extension along No. 15 would be approximately 2.2m and the eaves height of the extension along No. 17 would be approximately 2.7m. The depth of the first floor would be approximately 12.3m. The overall height of the whole building measuring from ground level would be approximately 7.4m, the eaves height of the first floor extension from the ground level along No. 15 would be approximately 4.8m and the eaves height of the first floor extension measuring from ground level would be approximately 5.4m. The proposed eaves height of the ground floor level would not be higher than the eaves of the existing building. The proposed building would extend the full width of the plot and therefore the existing 1m wide side passage would be lost. The existing boundary treatment consists of a high brick boundary wall and some vegetation. In terms of the impact on No. 15, the proposed eaves height would not extend higher than the eaves of the existing extension of No. 15. As the building would run along the boundaries with No. 15 and No.17 the building has been designed to have the eaves height as low as possible and due to the pitched-roof a lot of the bulk of the roof would be set away from the boundaries. The proposal would change the outlook afforded to the neighbouring properties, however due to the low eaves, current situation, existing boundary treatment and visually light materials the proposed building would not be considered overbearing or unduly affect the outlook to the occupiers of the property and the additional impact is not significant enough to refuse the application.
- 10.22. The 45/25 degree guidance set out in Appendix 7 of the Sites and Housing Plan has been applied to the neighbouring properties. The proposed first floor extension complies with the 45 degree line. In terms of the ground floor level, the proposed building would breach the 45 degree line, drawn from the rear windows. However the 45 degree line is breached already by the existing building. The uplifted 25 degree line has been applied to the neighbouring rear windows and the proposed development complies with the 25 degree line. It is

considered that due to the existing building, current impact, the height of the proposed building, its size and scale and the orientation of the proposals relative to the sun it is considered that the proposed development would not have an unacceptable impact on the amount of light afforded to both neighbouring properties.

- 10.23. The proposed use of the building would increase the footfall to the building. However the opening hours would be limited to Monday-Friday 7.00-21.30 and Saturday, Sunday and Bank Holiday 9.00-17.00. Those opening hours would be considered acceptable having had regard to the predominantly residential uses that take place in surrounding properties. As the proposed development would be car-free, it is considered that the proposed use would not disturb the neighbourhood in this respect. There are a limited number of openings which would further reduce noise coming out from the building. Furthermore as the building would be new it would benefit from better sound attenuation and insulation than older properties and this would facilitate less disturbance from the proposed use.
- 10.24. Use Class D2 includes yoga studios; other uses falling within that use class include cinemas, concert halls, bingo halls, skating rinks, gymnasiums, other areas for indoor and outdoor sports or recreations not involving motorised vehicles or firearms. A condition is recommended to be imposed to restrict the use to a yoga studio only so that the local planning authority can make an assessment of a different use and prevent a permitted change to a less suitable use; in this way the amenity of neighbouring occupiers would be safeguarded.
- 10.25. Overall, the proposed building and use is considered to be acceptable in terms of neighbouring amenity.

iv. Transport

Car parking

- 10.26. Policy TR3 of the Oxford Local Plan states that planning permission will only be granted for development that provides an appropriate level of car parking spaces no greater than the maximum car-parking standards. Appendix 3 of the Oxford Local Plan states that car-free development will be considered favourably anywhere in Oxford provided that there are excellent alternatives to the car, that shops and services are provided near-by, and that the car-free status of the development can realistically be enforced by planning condition, planning obligation, on-street parking controls or other means.
- 10.27. The site lies just outside of the Central Transport Area. The site is located within the West Oxford Controlled Parking Zone. Due to the location of the development site in a sustainable location within close proximity of excellent public transport services, close proximity to city centre and controlled parking restrictions, it is considered that car-free development would be welcomed and it would comply with Policy TR3 of the Oxford Local Plan.

Cycle parking

- 10.28. Policy TR4 of the Oxford Local Plan states that the City Council will only grant planning permission for development that: a) provides good access and facilities for pedestrians and for cyclists, and b) complies with the minimum cycle parking standards. Appendix 4 of the Oxford Local Plan states that provision of cycle space for “other development” will be treated on their individual merits, guided by the general principle of 1 space per 5-people (this number is based on staff and students within the building at any one time). There is no specific standard in relation to yoga studios within the Local Plan. The statement of need states that to accommodate classes at popular times and provide a viable include a practice/teaching room would need to be large enough for 16 students plus a teacher.
- 10.29. The submitted floor plan shows 7 cycle spaces within the building. Taking into consideration that each class can accommodate 16 students plus a teacher a minimum of 3 spaces should be provided. As the proposal comprises a consultation room, admin room and yoga studio it is considered that more people would be in the building at any one time therefore 7 cycle spaces is considered to be acceptable. The cycle stands would be located inside the building, within the entrance lobby. The provided location for bikes is considered to be secure and due to its close proximity to the entrance would provide a level access to the street. As there is no car parking available for the property, it is considered that the proposal and its facilities (changing rooms) would encourage people to cycle to the site.
- 10.30. The Local Highways Authority commented on the proposal and did not object. Secure and enclosed cycle storage is noted on the floor plan and the development would be car-free. Officers suggest that there would be no highway impact with regard to the proposal.

v. Flooding

- 10.31. Policy CS11 of the Oxford Core Strategy states that planning permission will not be granted for any development in the functional flood plain (Flood Zone 3b) except water-compatible uses and essential infrastructure. The policy also states that development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding. The National Planning Policy Framework (NPPF) paragraph 163 states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c)it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. Paragraphs 164 of the NPPF states that applications for some minor development and changes of use (this includes householder

development, small non-residential extensions- with a footprint of less than 250m², and changes of use) should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.

- 10.32. The site lies within Flood Zone 3b, and as such there is an in principle objection as this is not in accordance with Policy CS11 of the Oxford Core Strategy. However, there is an existing large building, which the development is proposing to replace and the submitted Flood Risk Assessment proposes a number of measures to mitigate the risk. The proposed use falls under the classification of “less vulnerable” land use. A Flood Risk Assessment including mitigation measures has been submitted.
- 10.33. There is an existing single storey building, therefore the assessment below is divided into the extension (any new floor space) and the existing floor space (existing building). The finished floor level of the new (extension) part of the building is raised above the 1 in 100 year (1% of an annual exceedance probability (AEP)) + Climate Change level, and the space below this is to be left open as a floodable void. The grilles are shown on the submitted drawings. The remainder of the building (i.e. the existing part) is designed to be floodable, as to reduce off site flood risk compared to current arrangements. The finished floor level of the ground floor admin area is 57.25m AOD (Above Ordnance Datum). The entrance is floodable at a finished floor level of 56.65m AOD to allow for no loss of flood plain storage.
- 10.34. The Environment Agency commented on the application. They have no objection to the proposal subject to condition. The development shall be carried out in accordance with the submitted flood risk assessment (ref. Flood Risk Assessment (FRA) Job No. X172008 dated January 2019 by AKS Ward Construction Consultants). The Environment Agency states that the proposed development would only meet the National Planning Policy Framework’s requirements if the planning condition is included. The condition is proposed to include the following details: 1. The finished floor level of the ground floor admin area is 57.25m AOD. The entrance is floodable at a finished floor level of 56.65m AOD to allow for no loss of flood plain storage; 2. There shall be no raising of existing ground levels on the site; 3. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water; 4. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change. The Oxford City Council found this condition to be necessary and reasonable and therefore in accordance with paragraph 163 of the NPPF, and Policy CS11 of the Oxford Core Strategy to reduce the risk of flooding to the proposed development and future occupants, the condition is recommended to be imposed.
- 10.35. Therefore, based on the proposed mitigation measures and the fact that there is an existing building on the site, it is considered that the proposed development would not increase flood risk on or off site, subject to the inclusion of the proposed mitigation measures.

vi. Other matters

10.36. The Contamination Questionnaire has been submitted. Although it states within the questionnaire that no fuels or chemicals have been stored at the site, this is considered unlikely based on the historical potentially contaminative uses of the site as a garage and also as a dairy. Both of these former uses have the potential for oils, fuels and chemicals to be stored and utilised on site. In this regard and on the basis that no evidence has been provided to demonstrate absence of contamination risks at the site, it is considered that an appropriate contamination site investigation should be carried out. Therefore two planning conditions are recommended to be imposed to ensure that potential contamination risks are properly addressed and appropriate remedial works are completed to mitigate against any potentially significant contamination risks identified.

10.37. Comments have been made that the site should be developed as a residential property. However, the officers have to make an assessment of the proposed development submitted to the local planning authority.

11. CONCLUSION

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPPF. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

Compliance with Development Plan Policies

11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.

11.4. Although the requirements of policy CS28 of the Core Strategy are not, strictly speaking, fully complied with, the employment opportunities would be provided through this change of use.

11.5. The application is consistent in all other respects, subject to conditions, with local and national planning policy. Therefore officers consider that the proposal would accord with the development plan as a whole.

Material considerations

- 11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.7. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.8. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.9. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.10. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

12. CONDITIONS

1 Development begun within time limit

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 Develop in accordance with approved plans

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 Materials

The materials to be used for the door, wall and roof cladding and window reveals shall be as submitted with the application. The material sample for the window and door frames, and flood grating shall be submitted to and approved in writing by the Local Planning Authority. The approved material and colour for the window and frames and flood grating shall be thereafter used.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1, CP8 and HE7 of the Oxford Local Plan 2001-2016 and CS18 of the Oxford Core Strategy 2026.

4 Rooflights and solar panels

Details of the colour finish of the rooflight frames and finished appearance of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter used.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1, CP8 and HE7 of the Oxford Local Plan 2001-2016, CS18 of the Oxford Core Strategy 2026, HP9 of the Site and Housing Plan 2011-2026.

5 No demolition before rebuilding contract

The building(s) shall not be demolished before a legally binding contract for the carrying out of the works of redevelopment of the site has been entered into and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative timescale for commencement of the development has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area, in accordance with policies CP1 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

6 Flood plan

Prior to occupation/usage, a flood plan shall be submitted to and approved in writing by the Local Planning Authority. This should provide guidance owners/users as to what actions should be taken in the event of a flood, and after a flood to ensure it is safe to occupy/use the facility.

Reason: To manage flood risk in accordance with Policy CS11 and the NPPF.

7 Flood risk assessment

The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment (FRA) Job No. X172008 dated January 2019 by AKS Ward Construction Consultants and the following mitigation measures it details:

1. The finished floor level of the ground floor admin area is 57.25m AOD. The entrance is floodable at a finished floor level of 56.65m AOD to allow for no loss of flood plain storage.
2. There shall be no raising of existing ground levels on the site.
3. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
4. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In accordance with paragraph 163 of the National Planning Policy Framework (NPPF), to reduce the risk of flooding to the proposed development and future occupants.

8 Contamination

Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground and water contamination is identified and

adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

9 Remedial works

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

10 Only yoga studio

The building hereby approved, shall only be used as a yoga studio and for no other use within use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises and to ensure that there is no long term loss of employment space within the City in accordance with policy CS28 of the Oxford Core Strategy 2026.

INFORMATIVES :-

- 1 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
- 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 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.

- 4 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.

11 APPENDICES

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

12 HUMAN RIGHTS ACT 1998

- a. 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.

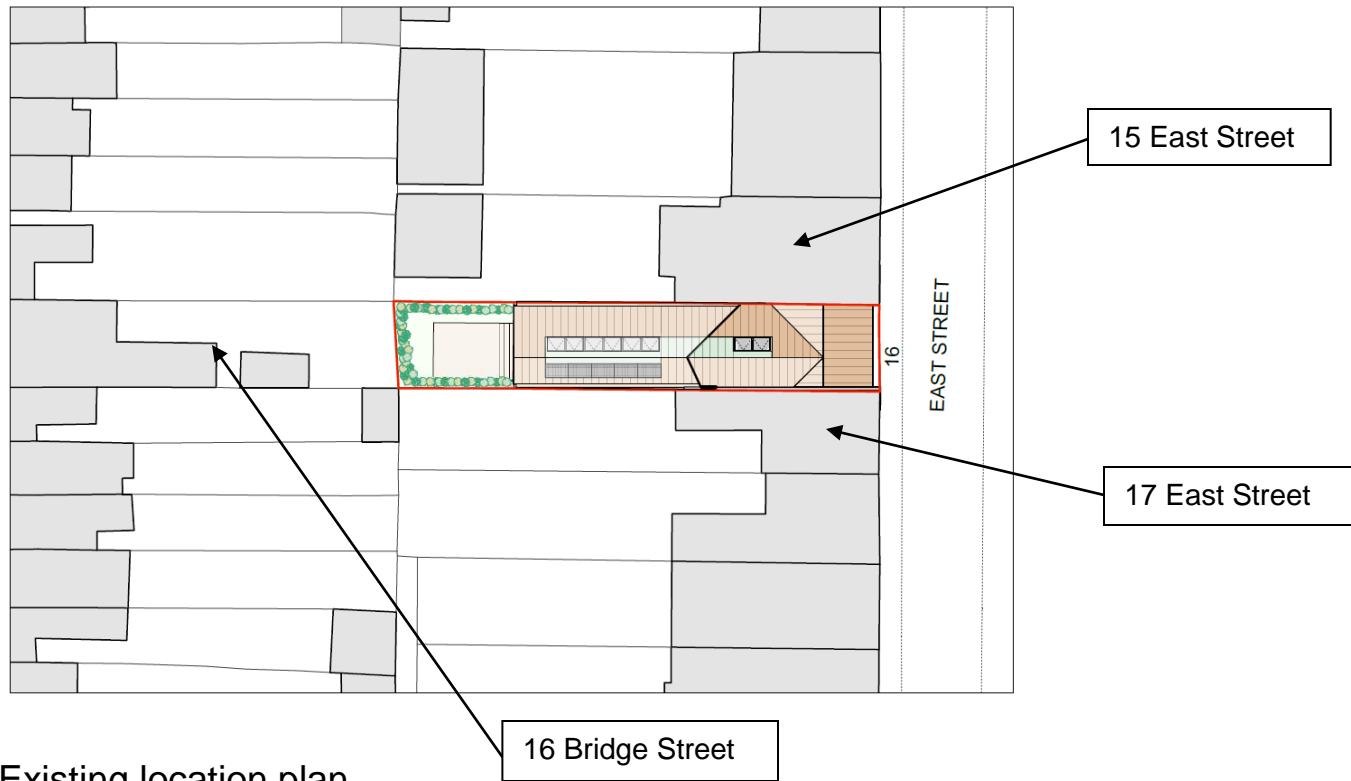
13 SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

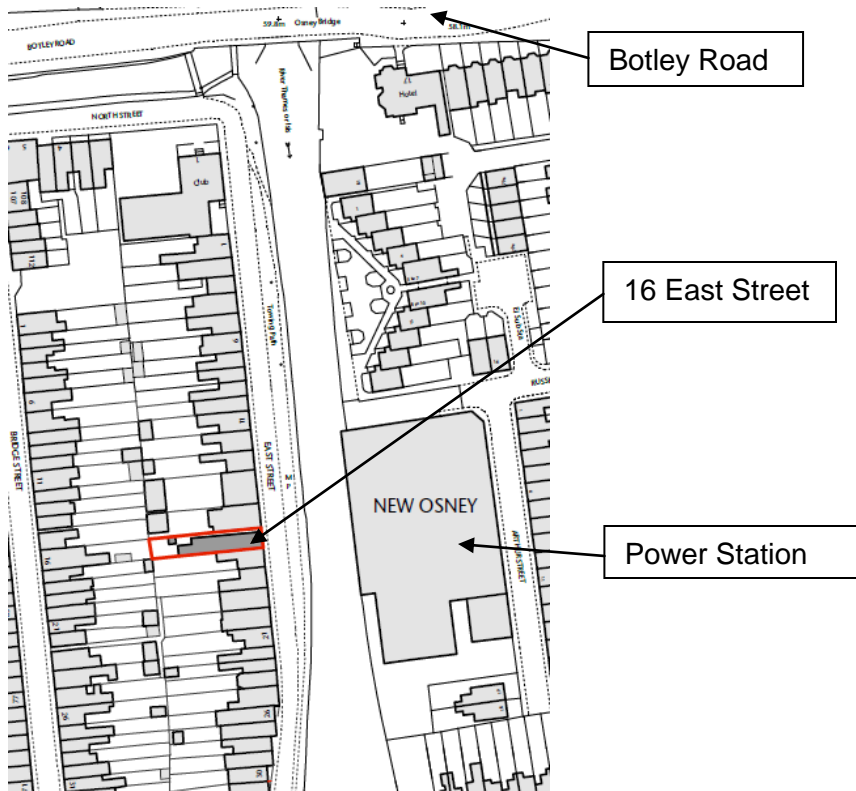
Appendix 1

19/00249/FUL - 16 East Street

Proposed block plan



Existing location plan



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Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 12 March 2019

www.oxford.gov.uk



Committee members:

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Arshad	Councillor Corais
Councillor Harris	Councillor Hollingsworth
Councillor Azad (for Councillor Upton)	

Officers:

Anita Bradley, Monitoring Officer
Andrew Murdoch, Development Management Service Manager
Robert Fowler, Planning Team Leader
Mike Kemp, Senior Planning Officer
Nadia Robinson, Principal Planning Officer
Catherine Phythian, Committee Services Officer

Apologies:

Councillor(s) Iley-Williamson and Upton sent apologies.

75. Declarations of interest

Councillor Cook stated that he was a Council appointed trustee for Oxford Preservation Trust, a member of Oxford Civic Society and an employee of the University. However, he had taken no part in those organisations' discussions or decision making regarding any of the applications before the Committee and that he was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

18/03384/FUL: Councillor Hollingsworth stated that, through his position on the City Executive Board, he was a shareholder of Oxford City Housing Group. Although he did not have a disclosable pecuniary interest, as he had no personal benefit from the outcome of the application, to avoid any public perception of bias he would not take part in the determination of the application and he would leave the meeting for that item.

Councillor Hollingsworth left the meeting.

76. 18/03384/FUL - 15-17 Elsfield Hall, Elsfield Way Oxford OX2 8EP

The Committee considered an application (18/03384/FUL) for planning permission for the demolition and relocation of the existing Cadet Hut (D2 Use Class) and the

redevelopment of the site to include the erection of a 3 storey apartment block providing 26 residential flats (C3 Use Class), comprising nine 1-bed and seventeen 2-bed apartments with associated access, parking and landscape arrangements.

The Planning Officer presented the report and gave the following updates:

- Revised plans, received on 8 March 2019, included a widening of the footpath access onto Elsfield Way and an enlargement of the pedestrian gated access onto Elsfield Way.
- On 6 March 2019 the East Area Planning Committee granted a resolution to approve the linked planning application for 9 dwellings at Cumberlege Close.
- The Council's Flood Mitigation Officer had confirmed that the updated FRA's/drainage strategies have demonstrated that there is a feasible indicative drainage strategy, the details of which could be obtained via condition.
- Thames Water had confirmed that they had no objection subject to a planning condition that no piling should take place until a piling method statement has been provided to prevent damage to sewerage infrastructure.
- Oxfordshire County Council (Highways) had raised concerns about the lack of safe pedestrian access to Elsfield Hall (paragraph 9.5 of the report). Following clarification that Elsfield Hall would be accessed principally from the north as the new main access to the office building, they had confirmed that they would no longer be objecting on the basis of pedestrian access to the site.

Alison Noel, on behalf of the Harefields and Marriott Close Residents' Group, spoke against the application.

Lila Haracz (on behalf of the applicant, Oxford City Housing Limited), Simon Lea (Architect) and James Cogan (Planning Consultant) spoke in favour of the application.

In discussion the Committee noted the following points:

- That there was no legal reason why the assessment of affordable housing for this application could not be linked with the affordable housing provision at the development at Cumberlege Close
- That the gated access for the office accommodation at Elsfield Hall was a requirement of the covenant on the site but that it would not be appropriate, or necessary, for the remainder of the development.
- That the site was located on a very sensitive area for air quality due to the proximity with the A40 and Cutteslowe roundabout. The application included an Air Quality Assessment which the City Council's Air Quality Officer had judged to be acceptable subject to appropriate measures which would be secured by planning condition.

In reaching its decision, the Committee considered all the information put before it. The Committee welcomed the proposed development as it would make an important contribution to the much needed provision of affordable accommodation in the city

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application subject to the inclusion of two additional conditions on piling and air quality.

The West Area Planning Committee resolved 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 the report and two further conditions on piling and air quality mitigation as identified above; and
2. **delegate authority** to the Acting Head of Planning Services to:
 - a. decide the best means of controlling the provision of affordable housing across both this site and the site at Cumberlege Close whether through a planning condition and/or a legal agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers; and
 - b. 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 and if necessary, the terms of any legal agreement referred to above.

Councillor Hollingsworth returned to the meeting at the conclusion of this item.

77. 18/03383/FUL: The Observatory, South Parks Road, Oxford, OX1 3RQ

The Committee considered an application (18/03383/FUL) for planning permission for the installation of a welfare compound and erection of modular buildings for a temporary period in connection with Biochemistry Phase 2 construction works.

The Planning Officer presented the report and advised that, since the agenda was published, the applicant had provided a construction travel management plan (CTMP) as requested by the County Council. The County Council had approved the CTMP so Condition 10 would be amended accordingly by officers.

Steven Roberts (agent) and Richard Jones (on behalf of the applicant) spoke in favour of the application.

The Committee noted the following points:

- The harm of the visual impact of the modular cabins was limited because it was for a temporary period only and they would be set against the backdrop of the University Science buildings.
- The material planning considerations that weighed in favour of the application included the need for welfare facilities close to the building site, the contribution that the Biochemistry facility will make in social and economic terms, which is facilitated by this development, and the opportunity for the site area to have a

more sympathetic treatment at the end of the temporary period which would be a heritage benefit.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved 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 the report and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to:
 - a. 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; and
 - b. issue the planning permission.

78. 19/00128/CT3: Government Building, Floyds Row, Oxford, OX1 1SS

The Committee considered an application (19/00128/CT3) for planning permission for the change of use from job centre (sui generis) to emergency hostel accommodation together with associated communal facilities and services and a daytime assessment hub (sui generis) for a temporary period of five years.

The Planning Officer presented the report and advised the Committee that Thames Valley Police had submitted some comments on the application which had been received after the agenda was published. The comments related to suggested improvements to the site security and internal access and as such were not a material planning matter. The comments had, however, been forwarded to the applicant to consider.

Polly McKinley, Senior Commissioning Officer Housing Services, Oxford City Council spoke in support of the application.

The Committee endorsed the conclusions presented in the officer report that although the proposal did not fully align with local plan policies relating to employment uses, it was for a temporary period and there was an acute need for the facility to provide services for homeless people in the city and these two material planning considerations weighed in favour of the change of use.

The Committee noted that the final arrangements for car and cycle parking would be secured by conditions 3 and 6 and would be based on known operational need. Nevertheless, the Committee encouraged the applicant to provide sufficient secure cycle parking for residents, employees and visitors and to aim to reduce the car parking provision to single figures.

The Committee welcomed the application as it would provide a much needed facility to address the housing and homelessness situation in the city.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer’s recommendation to approve the application.

The West Area Planning Committee resolved 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 the report and grant planning permission; and
- 2. **delegate authority** to the Acting Head of Planning Services to:
 - a. consider and deal with any new material planning considerations that may be raised through public consultation up to 13 March 2019 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
 - b. 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; and
 - c. issue the planning permission.

79. Minutes

The Committee resolved to approve the minutes of the meeting held on 20 February 2019 as a true and accurate record.

80. Forthcoming applications

The Committee noted the list of forthcoming applications.

81. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.15 pm

Chair

Date: Tuesday 9 April 2019

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