

Agenda

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West Area Planning Committee

Date: **Tuesday 31 October 2017**

Time: **6.30 pm**

Place: **The Old Library, 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 Louise Upton	North;
Vice-Chair	Councillor Colin Cook	Jericho and Osney;
	Councillor Jamila Begum Azad	St. Clement's;
	Councillor Jean Fooks	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Tom Landell Mills	St. Margaret's;
	Councillor Jennifer Pegg	Northfield Brook;
	Councillor Bob Price	Hinksey Park;

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

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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- viewed on our website – mycouncil.oxford.gov.uk
- downloaded from our website
- viewed using the computers in the Customer Services, St Aldate's, or
- subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

Pages

1 Apologies for absence and substitutions

2 Declarations of interest

3 16/02689/CND, Unither House, 15 Paradise St

11 - 20

Site Address: Unither House 15 Paradise Street

Proposal: Details submitted in compliance with Condition 13 (Construction Traffic Management Plan (CTMP) revised Required) of planning permission 16/02689/FUL.

Recommendation:

West Area Planning Committee is recommended to approve the submitted Construction Traffic Management Plan in compliance with Condition 13 of planning permission 16/02689/FUL.

4 17/01941/FUL: 225-229 Banbury Road Oxford OX2

21 - 40

Site Address: 225-229 Banbury Road, OX2 7HQ

Proposal: Erection of 3 x 3-bed dwellings (Use Class C3). Provision of private amenity space, cycle parking and refuse storage. (Amended plans)

Recommendation:

West Area Planning Committee is recommended to:

(a) 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.

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

5	17/02052/CT3: 40 Morrell Avenue, Oxford, OX4 1ND	41 - 48
	Site Address: 40 Morrell Avenue Oxford OX4 1ND	
	Proposal: Erection of single storey rear conservatory extension.	
	Recommendation: West Area Planning Committee is recommended to: (a) 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 (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.	
6	17/02392/FUL: 8 West St	49 - 60
	Site Address: 8 West Street, Oxford, OX2 0BQ	
	Proposal: Change of use from dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis) (amended plans)	
	Recommendation: West Area Planning Committee is recommended to: (a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 10 of this report and grant planning permission (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.	
7	17/02109/FUL: Bardwell Court, Bardwell Road, Oxford, OX2	61 - 80

6SX

Site Address: Bardwell Court, Bardwell Road, Oxford,

Proposal: Partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores. Removal of trees and landscaping. (amended plans)

Recommendation:

West Area Planning Committee is recommended to:

(a) 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

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

8 Minutes

81 - 84

To approve as a true and accurate record the minutes of the meeting held on 12 September 2017.

9 Forthcoming applications

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

Chiltern Line - East West Rail link - all applications	
17/00860/FUL: Greyfriars Court, Paradise Square, Oxford, OX1 1BE	Major application
16/02745/CT3: Seacourt Park And Ride, Botley Road, Oxford	Major application - Council application. Awaiting planning addendum. Will be subject to consultation before coming to WAPC. Possible consideration autumn 2017.
15/03524/FUL: Oxford Spires Four Pillars Hotel, Abingdon Road, Oxford, OX1 4PS	Major application - awaiting response from applicant

16/01220/FUL: 16 Northmoor Road, Oxford, OX2 6UP	Called in by Cllrs Wade, Goff, Landell Mills and Fooks. Linked to determination of 17/00758/FUL
16/01221/FUL: 16 Northmoor Road, Oxford, OX2 6UP	Called in by Cllrs Wade, Goff, Landell Mills and Fooks. Linked to determination of 17/00758/FUL
17/02280/VAR - Land To The Rear Of 200 Woodstock Road, Oxford, OX2 7NH	Called in by Cllrs Fooks, Wade, Wilkinson and Goddard.
17/01965/FUL: 22 Charlbury Road Oxford OX2 6UU	Called in by Cllrs Wade, Fooks, Goff and Wilkinson
17/02229/FUL: 12 Crick Road, Oxford, OX2 6QL	Called in by Cllrs Upton, Pressel, Fry, and Clarkson
17/02109/FUL: Bardwell Court, Bardwell Road, Oxford, OX2 6SX	Called in by Cllrs Wade, Goff, Wilkinson and Gant
17/02519/VAR: The University Club, 11 Mansfield Road, Oxford, OX1 3SZ	Variation to Condition
17/02537/FUL: St Hilda's College, Cowley Place, Oxford, OX4 1DY	Major application

10 Dates of future meetings

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

2017	2018
14 November 2017	16 January 2018
12 December 2017	21 February 2018
	13 March 2018
	10 April 2018
	21 May 2018
	12 June 2018

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.

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West Area Planning Committee

31st October 2017

Application Number: 16/02689/CND

Decision Due by: 31st October 2017

Proposal: Details submitted in compliance with Condition 13 (Construction Traffic Management Plan (CTMP) revised Required) of planning permission 16/02689/FUL.

Site Address: Unither House 15 Paradise Street , Site Plan **Appendix 1**

Ward: Carfax Ward

Agent: Mr Adrian Stewart

Applicant: Dominvs Project Company
3 Ltd

Recommendation: The West Area Planning Committee is recommended to approve the submitted Construction Traffic Management Plan in compliance with Condition 13 of planning permission 16/02689/FUL.

1.0 Background to Proposals:

1.1 Planning permission was approved for the demolition of existing building and construction of new hotel building (use class C1), with associated vehicle and cycle parking, landscaping, plant and engineering works. Condition 13 of the approval requires the submission of an updated Construction Traffic Management Plan (CTMP). The Condition states:

'Notwithstanding the submitted Construction Traffic Management Plan (CTMP) a revised CTMP shall be submitted to the Local Planning Authority and agreed prior to commencement of works on site including demolition and should identify the following;

- i The routing of demolition and construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman;*
- ii Access arrangements and times of movement of demolition and construction vehicles (to minimise the impact on the surrounding highway network);*
- iii Details of wheel cleaning / wash facilities to prevent mud etc. from migrating on to the adjacent highway;*
- iv Contact details for the Site Supervisor responsible for on-site works,*
- v Travel initiatives for site related worker vehicles;*
- vi Detail of hours of working;*
- vii Details of times for demolition and construction traffic and delivery vehicles, which must be outside network peak and school peak hours;*
- viii Engagement with local residents and neighbours including Considerate Contractors Scheme;*
- ix Details of hoarding, storage of materials and craneage'.*

- 1.2 The Applicant has undertaken pre-application discussion with the Highway Authority (HA) and Officers. During the process of this application submission the CTMP document has been revised twice; once to address issues raised by the Lion Brewery Residents Association in respect of hours of working and secondly to vary the wording in respect of abnormal loads and axel load weight restriction over Swan Bridge.

3.0 Details of the CTMP:

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

i. Routing of vehicles & Banksmen:

Deliveries will gain access to the site by:

a) Paradise Street via the main arterial routes (New Road/Castle Street or A420/Norfolk Street). For larger lorries using this route an abnormal load permit will be requested. Larger lorries are effectively entering a 'dead end' street as they cannot physically turn left onto St. Thomas' street (too narrow) or turn right onto Quaking Bridge (too narrow + max 7.5T weight restriction). In order to manage the exit, the Lorries will have to reverse back to the junction of Paradise Square/Castle Street and turn. This manoeuvre will be managed with the aid of fully trained, qualified and certified Traffic Marshalls in direct contact with each other (2-way radios) employed by McAleer & Rushe.

b) St Thomas Street via Hollybush Row. Due to the narrow turning circle at the junction of St Thomas Street and 7.5T Weight Restriction on Quaking Bridge the type of delivery vans that will be allowed to exit via Quaking Bridge and onto Tidmarsh Lane using this route will be restricted.

Abnormal loads will be applied for to the County HA who have indicated that following the recent weight assessment for Swan Bridge applications for vehicles with axel load weight exceeding 12.5 tonnes are likely to be rejected.

ii. Access arrangements and times of movement of demolition and construction vehicles (to minimise the impact on the surrounding highway network):

In order to avoid any lay up on any part of the highway network, McAleer & Rushe will effectively manage the timings of deliveries to and from the site. By creating a vehicle booking or management plan it will be possible to reduce the number of failed deliveries and prevent deliveries arriving simultaneously. Delivery and collection times will be rigidly enforced within the agreed working times set out by OCC. If required however we have identified 2No key lay over points at the Oxford Welcome Stations:

1. North - Welcome Break Service Station off Peartree Roundabout,

2. South - Welcome Break Service Station, London Road.

McAleer & Rushe will encourage suppliers to make as few deliveries as is feasibly possible, by consolidating deliveries in order to reduce the delivery frequencies. Given the restricted nature of the site the design team will also be encouraged to incorporate as much 'off site' solutions as possible to further reduce delivery frequencies. All Sub-contractors & suppliers required to access the site will be issued with a copy of the TMP containing all the above details and advised of vehicle size limits. Where possible all Suppliers will be requested to deliver their materials on vehicles less than 7.5T.

During the construction phase half of Paradise St will be closed off to allow for site storage and deliveries etc. It is proposed to operate a stop/go system managed by Traffic Marshalls to ensure traffic can still flow efficiently in both directions. They will encourage site operatives to use public transport or pay and display parking given there is no parking available.

For times of movement within the hours of working see vi. below.

iii. Details of wheel cleaning / wash facilities:

A road sweeper will be deployed on a regular basis for sweeping and cleaning the roads adjacent to the development when necessary. There will be an operative at the site entrance at all times to regularly brush the footpath and immediate area of road to avoid any build-up of dust and debris from site vehicles. This operative will also be responsible for inspecting Lorries' wheels and cleaning if required before the vehicle leaves site. McAleer & Rushe will review the condition of the roads surrounding the site on a regular basis to ensure that any dirt arising does not cause any inconvenience to nearby residents or businesses.

iv. Contact details for the Site Supervisor:

These details will be available within the monthly letter and also on the site hording.

v. Travel initiatives for site related worker vehicles:

As there is no parking on site or nearby, Operatives and sub-contractors will be informed and given detail of public transport links and pay and display car parks nearby. The sub-contractors will be managed through the appointment process. A security guard will be on site who have the responsibility of ensuring that no site vehicles are parked on either street at any time. There will be secure cycle parking provided too.

vi. Detail of hours of working:

Hours of working will be:

- a. Mon – Fri working hours 8.00am to 6.30pm with restricted deliveries outside peak hours between:
- i. School peak times 7.30am – 9.30am and 15.00pm to 16.00pm
 - ii. Traffic peak hours. No vehicles will be permitted between 0730-0930 and 1630-1830 unless approved by OCC
 - iii. Before 8.00am – due to the need to reverse large vehicles and to keep noise (reverse scanning sound) within reasonable hours [i.e. there will be no deliveries before 8am]; and
- b. 8.00am- 1pm on Saturdays

vii. Details of times for demolition and construction traffic and delivery vehicles, which must be outside network peak and school peak hours:

Any work to take place outside of the hours of working set out above will be subject to agreement with Oxford City Council and notifications of any other relevant parties. Certain activities may need to be completed outside normal hours to assist with minimising disruption e.g. installation of cranes.

viii. Engagement with local residents and neighbours including Considerate Contractors Scheme:

The Site will be registered under the Considerate Constructors Scheme. Prior to commencement of the works McAleer & Rushe shall provide information to residents, landowners, landlords, local businesses likely to be affected by the works. This information will contain:

- The nature, timing and phasing of the works
- Changes to the local roads – layout and temporary access arrangements
- The likely impact of the works on adjoining properties
- The mitigating actions being undertaken by McAleer & Rushe in relation to these activities
- Contact details for the relevant staff from McAleer & Rushe (this will also be displayed on the Site hoarding.)

McAleer & Rushe will circulate a monthly letter drop among the neighbours including details of the work completed so far, work planned for the following weeks and the relevant contact details for those involved in the project. A record will be maintained of any complaints and their resolution. Local residents and businesses will be informed of any significant deliveries. Any specific activities affecting a certain business or resident will be discussed in person with McAleer & Rushe's Project or Site Manager.

ix. Details of hoarding, storage of materials and craneage:

Materials will be stored within the designated areas within the site boundary in accordance with the Site Waste Management Plan. During the project McAleer & Rushe will organise the works and respective deliveries so that there will never be a large amount of materials required to be stored on site at any one time. Hazardous materials will be securely stored to prevent access

by unauthorised persons and other materials will be stored/stacked in a safe and secure manner.

The site during Main Construction Phase will be secured by a plywood hoarding, 2.4m - 2.6m metres will be erected around the boundary of the site. During demolition heras type temporary fencing will be erected during this phase along the back edge of the existing footpath.

It is proposed to service the site with the use of a Luffing Tower crane. Over sailing of neighbouring residential properties Lions Brewery, Woodins Way & Fisher Row will be avoided by fitting a load restriction and anti-collision system onto the crane. The system will be pre-set with the neighbouring buildings coordinates in which the hook block cannot operate over. This will ensure the operator cannot physically move a load outside of this restricted zone. Should the operator attempt to move beyond the boundary with a load the crane will automatically 'cut out'. A strict management regime will be enforced (and detailed in the lifting plan) to ensure the system is inspected and tested on a daily basis.

4.0 Statutory Consultee response

4.1 The Highway Authority has been consulted and has commented as follows:

Following a full assessment of the weight capacity of Swan Bridge, St Thomas Street, the County Council can now agree the access route to the site as set out in the Construction Traffic Management Plan (CTMP). This route will avoid Quaking Bridge.

The county council's Network Management team has also agreed all other measures set out in the CTMP following meetings on the site.

Therefore the county council considers that the condition can be discharged.

5.0 Comments from Residents:

5.1 Comments have been received via the Ward Councillor in relation to the following issues:

i. Hours of working:

Lion Brewery residents wanted a later start on site, 8am, rather than 7.30am as originally submitted and would be content with a later finish at 6.30pm.

In response the Applicant and McAleer & Rush adjusted the hours of working as set out above in the report.

ii. Routing:

Concern was expressed that larger vehicles would have difficulty exiting via St Thomas St and currently large vehicles have to make several runs to do so, this has resulted in the blocking up of the highway and in particular Woodin's Way.

The way in which the routing and management of deliveries/ construction traffic and parking of contractors/ operators is set out in the CTMP and summarised above.

In response the Agent advised that *'McAleer & Rushe are fully wedded to the requirements of the CTMP and have provided written assurance that they will continue to write to neighbours of the site'*. A letter to residents was sent in August, copy attached at **Appendix 2**. The Agent also has forwarded the following comments from McAleer & Rush:

"Our Site Manager is fully familiar with the CTMP and has been very mindful of the traffic restrictions in the vicinity of the site. He has reiterated the no parking regime etc. today again to all personnel attending site and will continue to do all within his power to minimise traffic disruption to Paradise street.

We did send out a letter to the neighbours in the vicinity of the site in August and another update letter to local neighbours is currently being distributed; following formal approval to the CTMP a full update will be issued to interested parties in the middle of next month.

Our site manager has also attended Woodin's Way Resident Group meetings and has also liaised with other residents in Lions Brewery and other adjacent properties. This action has been warmly received.

ii. Piling:

Whilst outside the remit of this condition, residents have been concerned about noise from piling. The Applicant has advised that Continuous Flight Auger (CFA) Piling will be used. This is the quietest form of piling and is a fast and very economical technique. This will reduce any potential impact on residents in terms of noise and vibration.

6.0 Conclusion:

- 6.1 The Applicant and Contractor (McAleer & Rush) are fully aware of the sites' location in terms of routing, weak bridges and difficult access at junctions (e.g. Paradise St to St Thomas Street) and sensitive to the potential of impact on neighbouring residents and local businesses.
- 6.2 Officers consider that the details of the CTMP Final (Rev 5) submitted are acceptable in compliance with Condition 13 of planning permission 16/02689/FUL and recommend that West Area Committee approve the CTMP accordingly.

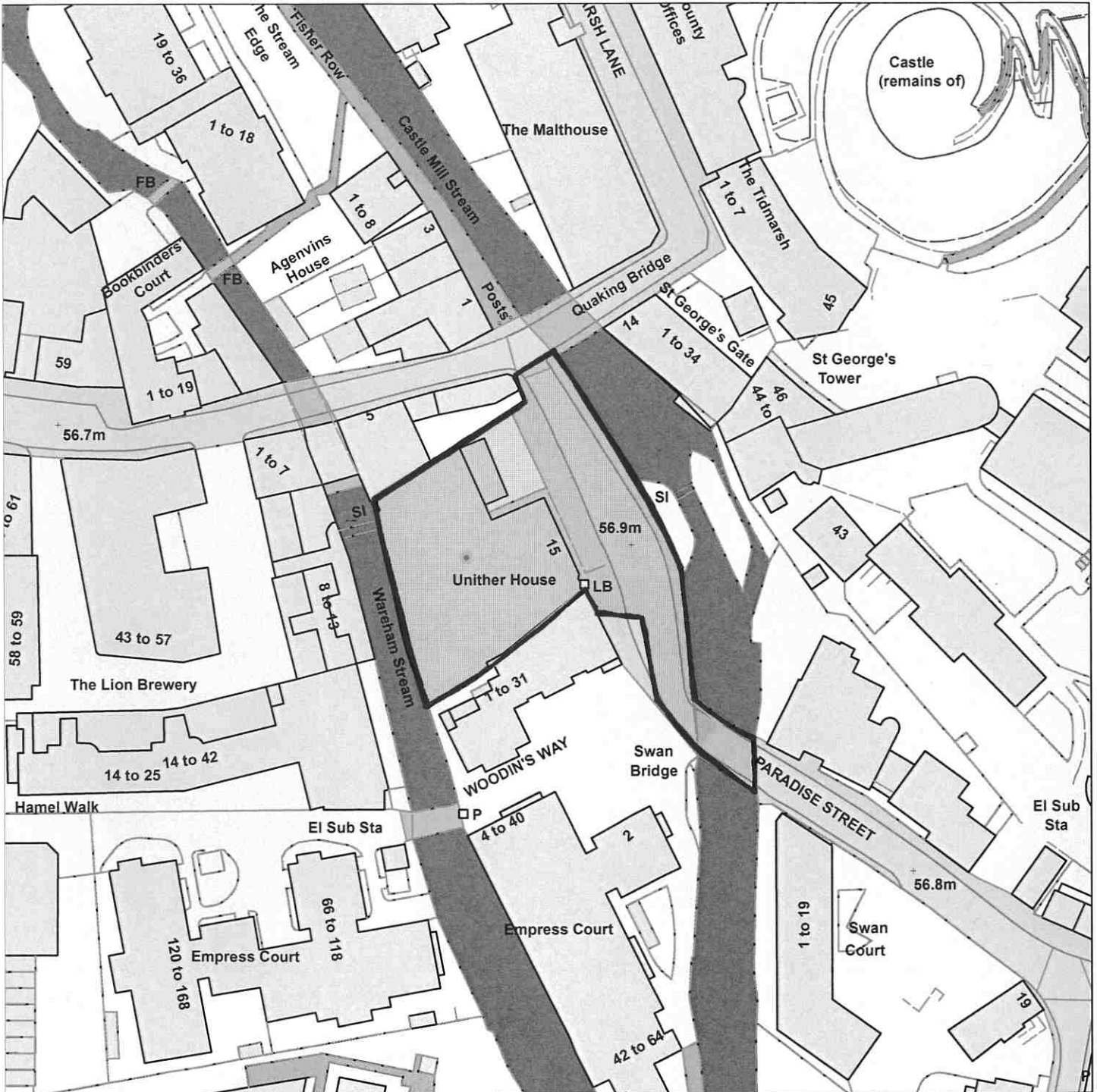
Background Papers: 16/02689/FUL & 16/02689/CND

Contact Officer: Felicity Byrne

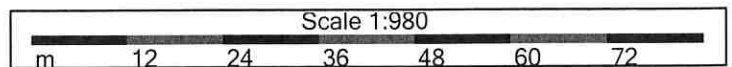
Date: 20th October 2017

Appendix 1

Unither House, 15 Paradise Street (16/02689/FUL)



1:980



Organisation	Oxford City Council
Department	City Development
Comments	Not Set
Date	03 April 2017
SLA Number	100019348

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16th August 2017

Dear neighbours,

New Hotel at 15 Paradise Street, Oxford OX1 1LD

We are delighted to announce that McAleer & Rushe have been appointed as the Principal Contractor to undertake the construction of the **New Hotel at 15 Paradise Street, Oxford OX1 1LD**.

Our Works are planned to on the **18th September 2017** with a planned completion date of **September 2019**

The first activity that you will see on site is the setting up of the site compound. Following this the initial works on site will include:

Demolition of the existing Unither House/ Cooper Callas Building at **15 Paradise Street, Oxford**

The main site entrance will be from **Paradise Street** and will be staffed at all times during working hours, with access only permitted for site vehicles and plant movements when necessary, in accordance with our Traffic Management Plan for this project.

The site is registered with the Considerate Constructors Scheme and we will provide information and updates throughout the works. Our Project Newsletter will be issued monthly during the construction period. If you would like to register for a digital copy please email jimmy.donnelly@mcaleer-rushe.co.uk.

If you have any queries please contact our Site Manager, by email: michael.doherty@mcaleer-rushe.co.uk or alternatively by phone: 07973 978543

Yours sincerely,

JB Donnelly

Jimmy Donnelly
Project Manager

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WEST AREA PLANNING COMMITTEE

31st October 2017

Application Number: 17/01941/FUL

Decision Due by: 26th September 2017

Extension of Time: 7th November 2017

Proposal: Erection of 3 x 3-bed dwellings (Use Class C3). Provision of private amenity space, cycle parking and refuse storage. (Amended plans)

Site Address: 225-229
Banbury Road
Oxford
OX2 7HQ

Ward: Summertown Ward

Agent: JPPC

Applicant: Tarwood Properties Ltd

Reason at Committee: The application is before the committee because it was called in by Councillors Fooks, Goff, Wilkinson, Wade and Landell Mills because of concerns that the development would have on the access arrangements, the impact on neighbours and the adequacy of the amenity space.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

(a) 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.

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

2.1. This report considers the erection of 3x3 bedroom dwellinghouses, provision of private amenity space, cycle parking and refuse storage. The plans also show new staircases for the access to flats of No. 227 and No. 229 Banbury Road. The proposal is a car-free development, which is very welcomed in this well-connected and accessible location. The access to the site will be via the existing narrow alleyway located between Nos 227 and 229 Banbury Road. The proposal

is set away from the properties along Stratfield Road and will be located within close proximity to the properties along Banbury Road. It is considered that the development would not detrimentally affect the residential amenity of the neighbouring properties. Each dwelling would have a reasonable size garden and balcony, which would be south facing. Each garden would have a gated entrance, which would give future occupiers more flexibility in terms of cycle storage and access to their property. The proposal due to its size, scale, layout, location would make an efficient use of land. The design of the proposed development is considered to be acceptable.

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

- Principle of development;
- Design;
- Residential amenity
- Impact on the neighbouring properties
- Landscaping;
- Cycle and bin storage;
- Car parking;
- Flooding;
- Energy/ Sustainability
- Archaeology

2.3. Officers consider that the proposal would be acceptable in all regards and would be in accordance with the relevant National and Local Policies.

3. LEGAL AGREEMENT

3.1. Not applicable.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL. The total amount required is £38,568.56.

5. SITE AND SURROUNDINGS

5.1. The site is located behind Nos. 225, 227 and 229 Banbury Road. The site is accessed via a passage between Nos. 227 and 229 Banbury Road. Nos. 225-229 Banbury Road comprises three storeys Victorian buildings, which face directly onto the Banbury Road. The properties feature retail units on the ground floor and the upper levels of the buildings are residential. To the West, the application site shares the boundary with gardens serving properties 14-18 Stratfield Road, to the North with No. 231 Banbury Road and to the South 223 Banbury Road.

5.2. The existing land is reported as being previously used as a gravel surface parking area, which has become overgrown.

5.3. Site location plan: attached at Appendix 1.

6. PROPOSAL

- 6.1. The application proposes the erection of 3x3bedrooms dwellings (Use Class C3) and provision of private amenity space, cycle parking and refuse storage. The plans also show new staircases for the access to flats on the first floor of No. 227 and No. 229 Banbury Road.

7. RELEVANT PLANNING HISTORY

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

Application Reference	Description of Development	Decision
08/01984/FUL	Alterations to nos. 225, 227 and 229 Banbury Road and extensions to provide additional retail floorspace. Conversion and alterations to the first and second floors to provide 2x1 bed flats and 1x2 bed flats at 225 and 227 and 2-bed maisonette at 229. 4x2 bed flats to rear above the retail areas, cycle parking, bin storage and landscaping.. REF 18th December 2008.	REFUSED 18th December 2008

8. RELEVANT PLANNING POLICY

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

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7 [paragraphs 56, 57, 58, 60, 61]	CP.1, CP.8, CP.9,	CS18	HP9	
Housing	6	CP.5, CP.6, CP.10	CS23, CS24,	HP4, HP10, HP12, HP13, HP14	Balance of Dwellings SPD, Affordable Housing and Planning Obligations, Space Standards TAN,

Natural Environment	9, 11, 13	CP.11,	CS9, CS11, CS12	HP11	Natural Resource Impact Analysis SPD
Transport	4			HP15, HP16	Parking Standards SPD
Environmental	10	CP.22			Energy Statement TAN
Misc	5			MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 5th September 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. No objection subject to a conditions requiring cycle parking, parking permits, drainage details and construction traffic management plan.

Flood Mitigation Officer

9.3. Oxford City Council's Flood Mitigation Officer raised no objections to the proposal subject to a condition requiring drainage details be submitted prior to commencement.

Archaeological Officer

9.4. No objections subject to a condition requiring details of the implementation of the programme of archaeological work.

Land Quality Officer

9.5. No objections subject to informative on any unexpected contamination.

Public representations

9.6. One letter received from residents of 18 Stratfield Road. The writer did not object to the proposal in principle. However, comment has been made regarding the proposed boundary treatment.

Officer Response

9.7. The comment made by Oxfordshire County Council Highways Authority

regarding provision of cycle spaces is no longer relevant as amended plan has been provided to add one additional cycle space per dwelling.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Residential amenity
- iv. Impact on the neighbouring properties
- v. Landscaping;
- vi. Cycle and bin storage;
- vii. Car parking;
- viii. Flooding;
- ix. Energy/ Sustainability
- x. Archaeology

i. Principle of Development

10.2. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. Policy CS2 of the Oxford Core Strategy states that development will be focused on previously developed land. Policy HP10 of the Sites and Housing Plan states that planning permission will be granted for new dwellings on residential garden land provided that the proposal responds to the character and appearance of the area, taking into account the views from streets, footpath and the wider residential and public environments and the size of plot to be developed is of an appropriate size and shape to accommodate the proposal, taking into account the scale layout and spacing of existing and surrounding buildings, and the minimum requirements for living conditions set out in Policies HP12, HP13 and HP14 of the Sites and Housing Plan. Policy CP6 states that planning permission will only be granted where development proposals make maximum and appropriate use of land. Policy CS23 states that planning permission will only be granted for residential development that delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The Balance of Dwellings Supplementary Planning Document (BoDSPD) seeks to ensure that an appropriate mix of dwelling sized will be provided in new developments.

10.3. The site was probably historically used as residential gardens. However, due to the change of uses of the properties on the ground floor the use of the land changed. Looking at the application site's history there is an application at 225 Banbury Road (Ref. 77/00797/A_H) for a change the use for garage to ancillary to adjacent shop and formation of parking at rear. The site is not currently used as a car park and is overgrown and largely disused. As a result of its previous use for car parking it is likely that the site (or large parts of it) would be considered to be previously developed land. Policy CS2 together with the National Planning Policy Framework (NPPF) require that previously developed

land should be the focus of new development. As a result, the proposed development would be broadly acceptable in principle.

- 10.4. Following on from the above the application site also lies in a District Centre and therefore benefits from excellent access to a range of local services and facilities as well as good access to public transport. The site is therefore a sustainable location for housing.
- 10.5. The application site lies within the District centre (Summertown). BoDSPD does not specify the specific mix of unit sizes for development of 1-9 units. The BoDSPD states that the District centres have the potential to provide for higher densities, which would allow for a grates properties of smaller units but at the same time encourages 'family housing'. The promotion of residential accommodation in these centres will add to their overall vitality and viability. The existing District centres are accessible and have good public transport links. There would also be opportunity for car-free or at least limited car-parking facilities. Therefore provision of 3x3 bedrooms dwellings would not conflict with the Policy CS23 and the BoDSPD.
- 10.6. Officers consider that the proposal is acceptable in principle.
- 10.7. The proposed development provides less than four dwellings and the site is smaller than 0.25 hectares, therefore no financial contribution towards the provision of affordable housing in Oxford is required.

ii. **Design and Impact on Character of Surrounding Area**

- 10.8. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character.
- 10.9. The proposed development would only be partially visible from Banbury Road. Therefore, it is considered that due to the narrow alleyway and the distance from the main road, the proposed development would not have an adverse impact on the streetscene.
- 10.10. Each dwelling would be two storey, with a pitched roof, balcony and solar panels installed on the western roofslope. The proposed dwellings would be approximately 7.3m in height. The height of the proposed development is lower than the properties in the area, however the development would sit comfortably within this area. The proposed solar panels would not be visible from the streetscene and from the site entrance as they would be located on the roofslope facing Stratfield Road. The proposed eastern elevation features a red-brick soldier course and some planting to soften the visual appearance of this blank

elevation.

- 10.11. The scale and size of the proposed development is considered to be appropriate. The proposed dwellings, due to their sympathetic design, would provide a good visual appearance. The design of the proposed development is considered visually acceptable and not overly dominant. The proposal is considered to make appropriate use of the space available. The form, scale and appearance of the proposed dwellings and their relationship with the surrounding built environment is considered to be appropriate.
- 10.12. A condition is recommended to be imposed to provide samples of the exterior materials to ensure that the materials are of a high quality and visually appropriate.

iii. Residential Amenity

- 10.13. Policy HP12 states that planning permission will only be granted for new dwellings that provide good-quality living accommodation if each dwelling has its own lockable entrance, its own kitchen and at least one bathroom; the space provided within each room allows for reasonable furnishing, circulation and use of household facilities in each part of the house; each dwelling provides adequate storage space. Planning permission will not be granted if the proposed dwelling does not comply with the minimum space standard and if inadequate ceiling height, lack of natural lighting or natural ventilation, or restricted outlook prevents proper use and enjoyment of the dwelling. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development states that the Government set out how they wished local planning authority to implement the New National Standard. In cases where a Local Plan already included internal space standards, the internal space should be interpreted by reference to the nearest equivalent new national technical standard. Policy HP13 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space.
- 10.14. The minimum gross internal floor area for a 3 bedroom, 2 storey, 5 person dwelling described in the National Space Standard needs to be 93sqm and the dwelling needs to also have a minimum of 2.5sqm built-in storage. A single bedroom has to be at least 7.5sqm and at least 2.13m wide. A double bedroom has to be at least 11.5sqm and at one bedroom has to be at least 2.75m wide and every other double bedroom has to be at least 2.55m wide.
- 10.15. Each dwelling would have an internal floor area of approximately 106sqm, which exceeds the National minimum standard.
- 10.16. Each single bedroom would be approximately 7.7sqm and 2.3m wide, therefore the proposal complies with the space standard.
- 10.17. Each double bedroom would be approximately 12.6sqm and 3.1m wide, therefore the proposal complies with the space standard.

- 10.18. Various built-in storage for each dwelling would be provided including storage under stairs, built-in cupboard by the entrance and built-in wardrobes in each double bedrooms. The provision of the built-in storage exceeds the minimum standard.
- 10.19. Each dwelling would have a south facing garden and a balcony on the first floor. All gardens could be accessed without the need to go through the properties they serve. The sizes of the gardens would vary between approximately 44sqm to 52sqm. It is acknowledged that the size of the gardens would be small, however it is considered that due to the location and layout of the plots, sun orientation, design of the dwellings and the additional balcony, the provision of the private amenity space would be sufficient. It is recommended that permitted development rights for extensions and outbuildings be removed by condition to ensure that the gardens are retained with the size as proposed.

iv. Impact on Neighbouring Amenity

- 10.20. 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.
- 10.21. The proposed development would impact on the properties along Stratfield Road and Banbury Road. The distance between the rear extension of No. 18 Stratfield Road, which is located the closest to the proposed development would be approximately 22m. The distance between the side elevation of No. 233 Banbury Road and the front elevation of the proposed development would be approximately 11m. The distance between the flats on first floor level of 229, 227 and 225 Banbury Road would be approximately 7.9m. The distance between the side elevation of the 223 Banbury Road and the proposed development would be approximately 7.8m. The distance between the side elevation of 221 Banbury Road and the proposed development would be approximately 13.2m. The proposed development would sit lower than the properties along Banbury Road and Stratfield Road.

Privacy

- 10.22. The proposed development does not feature any side windows facing Nos. 225-229 Banbury Road and Nos.14-18 Stratfield Road, therefore it is considered that the proposed development would not create any overlooking issue in this respect.
- 10.23. The proposed development features balconies at the first floor level. The balconies would feature a brick wall to the side, therefore the views out onto the gardens of No.14 and No. 16 Stratfield Road would be restricted. The balconies would allow a view out further onto the gardens along Stratfield Road, however the views would be restricted by the existing boundary treatment, extension at No. 221 Banbury Road and the store building at No. 223 Banbury Road. The view would also be restricted as it would be of an acute angle. Therefore no

direct overlooking onto the neighbouring windows would occur. The proposed balconies would directly look out at the rear of properties 223 and 221 Banbury Road. No. 221 features a very long extension and it does not have any side windows and No. 223 features a ground floor extension with windows serving a commercial property, therefore the proposed development is not considered to be detrimental in terms of loss of privacy to the neighbouring properties. The impact of the balconies, due to the location of each proposed dwelling would be different from each property. The impact of the balconies for the proposed dwellings closer to the Banbury Road would be minimal due to the acute angle, existing boundary treatment and existing extensions at the neighbouring properties.

- 10.24. The proposed closed-boarded fence and vegetation along the boundaries would create an additional level of privacy on the ground floor.
- 10.25. The proposed windows for each property would be either north or south facing to reduce the overlooking onto habitable rooms of the properties along Stratfield Road and the residential units along Banbury Road.
- 10.26. It is not considered, that the proposed development would have an unacceptable level of overlooking or cause of loss of privacy, due to the distance between the neighbouring properties and design of the proposed dwellings. Officers recommend that the proposed development is therefore acceptable in terms of its impact on privacy as required by Policy HP14 of the Sites and Housing Plan (2013).

Overbearing

- 10.27. The proposed development would be located close to the boundary with properties along Stratfield Road and to the properties along Banbury Road. The proposed development would change the outlook afforded to the neighbouring properties. However it is considered that due its scale, size, design and distance, the proposed development would not be considered overbearing or unduly affect the outlook to the occupiers of the neighbouring properties and the additional impact is not significant enough to refuse the application. Due to the pitched roof of the proposed dwellings, a lot of the bulk of the roof will be set away from the neighbouring properties, which would reduce the impact.

Loss of light

- 10.28. The existing properties along Banbury Road already affect the light in the alleyway and the proposed courtyard. The proposed development due to its layout and design would impact on sun/daylight for the rear of 231 Banbury Road and the bottom of the rear gardens of properties along Stratfield Road. However, due to the sun orientation, the size and scale of the proposed development, distance from the neighbouring habitable windows and the design, it is not considered that the proposed development would cause unacceptable levels of harm to the amenities of the neighbouring properties in term of loss of light. As a result, Officers recommend that the development complies with the requirement of Policy HP14 of the Sites and Housing Plan (2013) and specifically the

requirements of the 45/25 degree code set out in that policy.

v. Landscaping

Landscaping and lighting

- 10.29. The preamble to Policy CS11 of the Oxford Local Plan states that hard and soft landscape make a major contribution to the attractiveness of a development. The layout and treatment of the surrounding space will determine the way people use and move through the space and how it will contribute to the character of an area. All outdoor spaces should be landscape designed as an internal part of the development proposal to enhance the function and character of the spaces and help integrate the development into its surroundings.
- 10.30. The submitted plans show very limited landscaping design. It is considered that to enhance the overall setting of the proposed dwellings and to integrate it with the surrounding area, a condition is recommended to be imposed to ensure that the landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. To improve the security within the development, a condition is recommended to be imposed in terms of provision of outdoor lighting.
- 10.31. The boundary treatment along Stratfield Road needs to be carefully designed so that this very narrow space, does not become an unusable space, however at the same time will have to provide screening to provide additional level of privacy.
- 10.32. Details of the landscaping, lighting and boundary treatment are recommended to be secured by condition.

vi. Transport

Car Parking

- 10.33. The proposed development would be 'car-free'. The development is in a very sustainable location within a Transport District Area. Policy HP16 of the Sites and Housing Plan states that planning permission will be granted for car-free or low-parking houses and flats in locations that have excellent access to public transport, are in a controlled parking zone, and are within 800metres of a local supermarket or equivalent facilities.
- 10.34. The site is located in an area with excellent public transport links and a good range of shops and services within walking distance.
- 10.35. The Highways Authority commented on the proposal. The area is within the Summertown Controlled Parking Zone; therefore a condition is proposed to be imposed to exclude the proposed dwellings from eligibility of parking permits.
- 10.36. Therefore, it is considered that the proposal is acceptable in this respect and it complies with policies CP1, TR3 of the Oxford Local Plan and HP16 of the Sites and Housing Plan.

Cycle Parking

- 10.37. Policy HP15 of the Sites and Housing Plan sets out minimum cycle parking standards. For houses and flats of 3 or more bedrooms at least 3 spaces per dwelling will be required. All residential cycle storage must be secure, undercover, preferable enclosed, and provide level, unobstructed external access to the street.
- 10.38. The plans submitted are showing the location of the cycle storages at the front of the proposed dwellings and additional cycle spaces are proposed to be located next to the staircases close to the entrance to the site. The amended plans have been submitted to include one additional cycle space per dwelling, therefore each dwellinghouse would have three cycle spaces, which complies with policy HP15. Additionally the submitted plan shows six cycle storage spaces next to the staircases, which could be used by the residents of the existing flats or by visitors. The proposal therefore complies with Policy HP15 of the Sites and Housing Plan.

Refuse, Delivery and Servicing Arrangements

- 10.39. Policy HP13 of the Sites and Housing Plan states that planning permission will not be granted for residential dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling.
- 10.40. Each dwellinghouse features bin storage at the front of the properties. The amended plan also shows an area for temporary bin storage on collection days.
- 10.41. The Highways Authority did not raise an objection regarding access for the emergency vehicles, noting that the plans would appear to comply with the Manual for Street guidance. The application is therefore considered acceptable in this regard.

vii. Sustainability and Energy

- 10.42. The applicant submitted a statement regarding the energy efficiency of the proposed development. The drawings and the energy statement show that it is practicable to install the photo-voltaic panels on the west facing roof slope and this would comply with policy HP11 to provide on-site renewables. A condition is recommended to secure this.

viii. Flooding

- 10.43. The existing land is reported as being previously used as a gravel surface parking area, which has become overgrown. The proposed development is located within Flood Zone 1 according to the Environmental Agency's Flood Maps. The site is at risk from Surface Water Flooding, however it is considered that the risk is low. No details of the proposed drainage system have been submitted for assessment. Considering the increase in impermeable area, the surface water flood risk category it is recommended that a condition requiring the provision of further Sustainable Drainage System design/plans be provided prior

to commencement of work.

ix. Archaeology

- 10.44. This site is of interest because of its scale and its location on the Oxford gravel terrace (Upper Thames second gravel terrace). Aerial photographs and evidence from archaeological excavations have demonstrated the presence of an extensive prehistoric ritual and agricultural landscape across the terrace, involving Neolithic/Bronze Age ritual and funerary monuments and Iron Age/Roman agricultural field systems and settlement. There is also evidence for subsequent Anglo-Saxon settlement in the Summertown area. The site lies within a poorly understood area of the Oxford gravel terrace 300m from evidence for Iron Age occupation (County HER No 15858) and 230m from evidence for an Anglo-Saxon inhuman cemetery (County HER No 6218).
- 10.45. In this case, bearing in mind the scale of the proposed development and the site constraints, a condition is recommended to be imposed requiring details of the archaeological investigation. The archaeological investigation should consist of trial trenching followed by further investigation if required. The archaeological investigation should be undertaken by a professionally qualified archaeologist.

x. Other

- 10.46. The development involves the creation of residential dwellings. Residential dwellings are considered to be sensitive uses. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore, an informative is recommended regarding unexpected contamination.
- 10.47. There are no protected trees on the application site.

11. CONCLUSION

- 11.1. The proposed dwellinghouses comply with the National Space Standard. The provision of cycle, refuse and amenity space are considered to be acceptable. The proposed development makes the efficient use of land available. The officers are satisfied with the form, scale and appearance of the proposed dwelling and its relationship with surrounding development in accordance with the requirements of policies CP1, CP8 of the Local Plan and HP9 of the Sites and Housing Plan. The impact of the proposed development on the neighbouring properties, especially on the properties along Banbury Road is considered acceptable.
- 11.2. On the basis of the above, the officer recommendation is to grant planning permission subject to the conditions listed below.

12. CONDITIONS

1. 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. 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

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

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

4. No permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking or enacting that Order), no structure including additions to the dwelling as defined in Classes A, B, C, D or E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the local planning authority.

Reason: The local planning authority considers that even minor changes in the design or enlargement of the development should be the subject of further consideration in order to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001 - 2016 and policies HP9 of the Sites and Housing Plan.

5. Landscaping and boundary treatment

A landscape plan of the gardens, courtyard and boundary treatments associated with the residential units shall be submitted to, and approved in writing by, the Local Planning Authority before development starts.

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

6. Landscape carry out by completion

The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

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

7. Lighting

Prior to the commencement of the approved development, details of any external or outdoor lighting to be installed on the application site shall be submitted to and approved in writing by the Local Planning Authority. The details of the lighting to be provided will include information about the specific location of any lighting, its output and type. Only the approved lighting shall be installed and no additional external or outdoor lighting shall be installed unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure adequate provision of lighting in order to reduce the risk of crime and to prevent the installation of unsuitable outdoor lighting that would have an adverse impact on the amenity of the area as required by Policy CP1 and CP20 of the Oxford Local Plan 2001-2016 and Policy CS19 of the Oxford Core Strategy (2011).

8. Bin and cycle store

The bin and cycle storage shall be provided within the site in accordance with the details submitted with the application hereby approved prior to the first occupation of the property and thereafter the areas shall be retained solely for the purpose of bin and cycle storage.

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

9. Construction Traffic Management Plan

A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify;

- The routing of construction vehicles,
- Access arrangements for construction vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

10. Traffic Order

The development hereby permitted shall not be occupied until the Order governing parking at 225-229 Banbury Road; has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

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

11. Drainage

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

I. The drainage system is designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event.

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

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

IV. All ground surfaces such as driveways and patios are to utilize permeable paving. Any proposal which utilizes infiltration via a soak away is to be based on onsite geotechnical testing. Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained and maintained.

Reason: To ensure a proposal specific drainage designs is submitted for the development and ensure compliance

12. Archaeology

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric and Roman remains (Local Plan Policy HE2).

13. Photo-voltaic panels

The photo-voltaic panels shall be installed as shown on the drawings hereby approved.

Reason: To avoid doubt and to ensure that the development complies with policy HP11 of the Sites and Housing Plan.

Informatives

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development
2. If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

3. APPENDICES

Appendix 1 – Site Location Plan

1. HUMAN RIGHTS ACT 1998

- 12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and

freedom of others or the control of his/her property in this way is in accordance with the general interest.

2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 12.2. 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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

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Appendix 1

17/01941/FUL - 225-229 Banbury Road



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Ordnance Survey 100019348

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WEST AREA PLANNING COMMITTEE

10th October 2017

Application Number: 17/02052/CT3

Decision Due by: 10th October 2017

Extension of Time: 14th November

Proposal: Erection of single storey rear conservatory extension.

Site Address: 40 Morrell Avenue Oxford OX4 1ND

Ward: St Clement's Ward

Agent: Mr Gary Long

Applicant: None

Reason at Committee: This application is being determined by the committee as the application has been submitted by Oxford City Council.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

- (a) 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.
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the erection of a single storey rear conservatory extension.

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

- Design;
- Residential Amenity;

2.3. The development is considered acceptable in terms of design and residential amenity and should therefore be approved.

3. LEGAL AGREEMENT

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

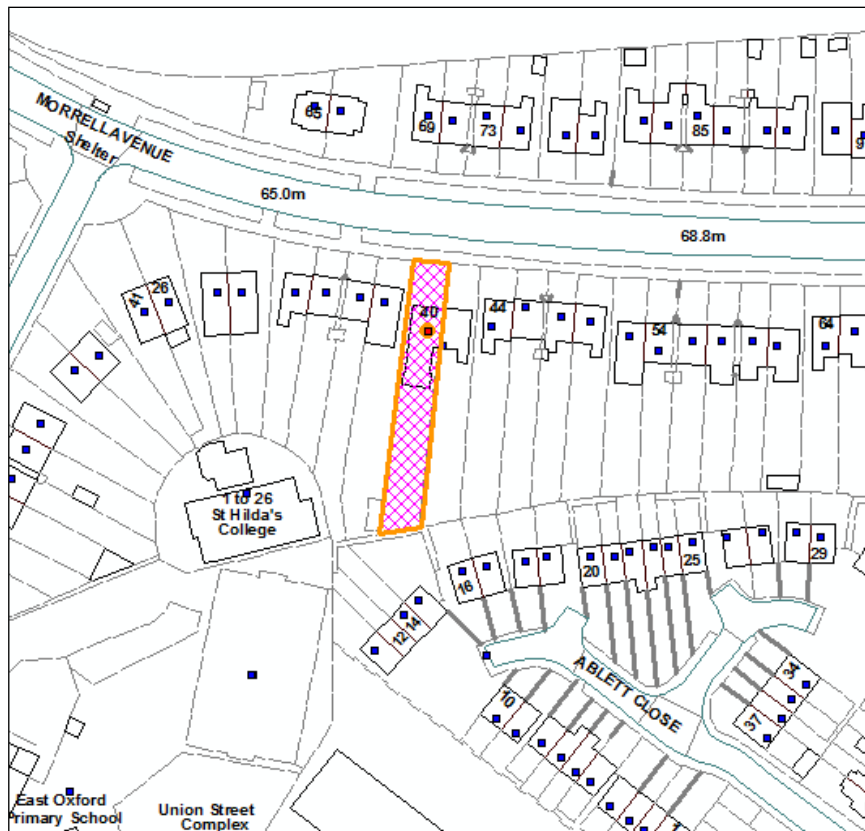
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located on the south side of Morrell Avenue, and is a semi-detached property that is currently nominated for listing as a building of local interest. The property is set back from the street with parking area to the front and modest sized garden to the rear. The property has existing rear extensions that have formed an external courtyard along the east boundary.

5.2. A site location plan is set out below:



6. PROPOSAL

6.1. The application proposes to erect a single storey rear conservatory in-fill extension to provide additional room, to meet the occupants' specific requirements.

7. RELEVANT PLANNING HISTORY

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

Application Reference	Description of Development	Decision
67/19078/A_H	Vehicular access	APPROVED 15 th August 1967
01/00302/GF	Single storey rear extension	PERMITTED DEVELOPMENT
10/01155/CT3	Single storey rear extension	APPROVED 17 th November 2010

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP1, CP6, CP8, HE6	CS18	HP9	
Conservation/Heritage					
Housing	6	CP10		HP14	
Misc	5,17			MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 23rd August 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. No comment.

Public representations

9.3. No comments have been received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Design
- ii. Residential Amenity

i. Design

- 10.2. 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.
- 10.3. Policy HE6 states that planning permission will only be granted for development that would have an adverse impact on a building of Local Interest where the development will make a more positive contribution to the character and appearance of the area.
- 10.4. The proposal has been designed to infill the existing courtyard formed from the erection of rear extensions to the property. It will only be partially visible from the rear garden of the host dwelling concealed against the existing rear extension at No.42 Morrell Avenue. It will be a glazed conservatory extension with mono-pitched roof sloping away from the neighbouring boundary, in-keeping with the character of the property. The extension projects approximately 4.7m from the original rear wall of the property with rear access, projecting no further than the existing projections to the property or that of the neighbouring extension. The eaves height of approximately 2.5m will enable the extension to sit subservient to the host dwelling, and below the eaves of the neighbouring extension, and is therefore not considered to be out of scale with the surrounding area.
- 10.5. The proposed exterior materials would be a rendered dwarf wall along the boundary with No.42 to match the original dwelling, and glazed UPVC framework for the structure of the conservatory, considered appropriate given its enclosed, relatively dark location.
- 10.6. The proposal is considered acceptable in design terms, and it is considered that the proposal will not impact on the important aesthetic aspect of the property from the streetscene, complying with policies CP1, CP6, CP8 and HE6 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

ii. **Residential Amenity**

- 10.7. 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.

- 10.8. The proposed extension will extend to a depth no greater along the boundary with No.42 Morrell Avenue than the existing single storey extension, at single storey height. The development will only be partially visible from the rear garden of the host property and a first floor window to the rear of No.42, but will not be visible from either neighbouring private amenity space. Given its enclosed location, the extension is not considered to have a detrimental impact on either neighbour in terms of loss of light, over bearing impact or loss of privacy.
- 10.9. The proposal is therefore considered to comply with policy CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

11. CONCLUSION

- 11.1. The development is considered acceptable in terms of design and residential amenity and as such is recommended for approval.
- 11.2. It is recommended that the West Area Planning Committee resolve to grant planning permission for the development subject to the conditions set out below.

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 those as specified in the application form. 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 Adopted Oxford Local Plan 2001-2016.

13. APPENDICES

Appendix 1 – Site Plan

1. HUMAN RIGHTS ACT 1998

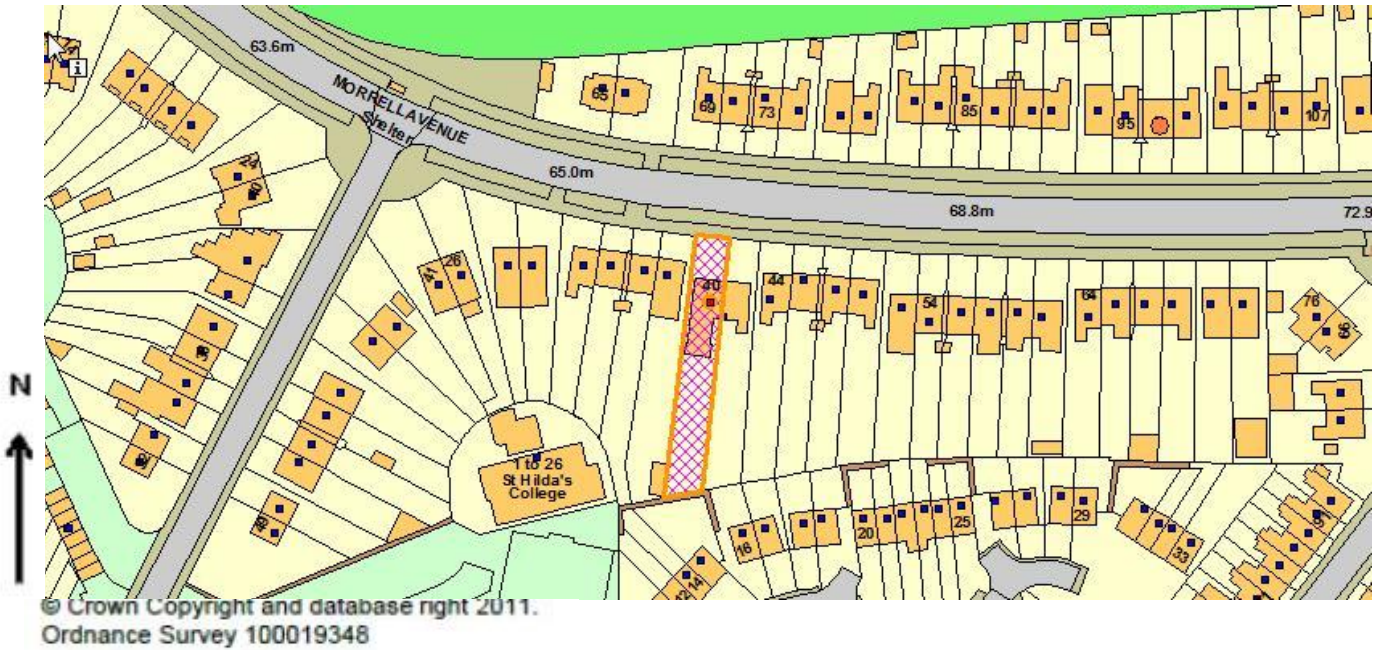
Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the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

2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

APPENDIX 1

17/02052/CT3 40 Morrell Avenue



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WEST AREA PLANNING COMMITTEE

31st October 2017

Application Number: 17/02392/FUL

Decision Due by: 6th November 2017

Extension of Time: 10th November 2017

Proposal: Change of use from dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis) (amended plans)

Site Address: 8 West Street Oxford OX2 0BQ

Ward: Jericho And Osney Ward

Agent:

Applicant: Mr John Yu

Reason at Committee: This application has been called in by Councillor's Susanna Pressel, John Tanner, Mike Rowley and James Fry on the grounds that a 7 occupant HMO is too many people for a small Osney property, with no front garden to store bicycles and bins for the property.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

- (a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 10 of this report and grant planning permission.
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the change of use from dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis).

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

- Proportion of HMOs
- Amenities and facilities
- Bin storage
- Car Parking

- Cycle Parking

2.3. The change of use to a 7-bed House in Multiple Occupation is considered acceptable in terms of policy and it is therefore recommended that planning permission is granted.

3. LEGAL AGREEMENT

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

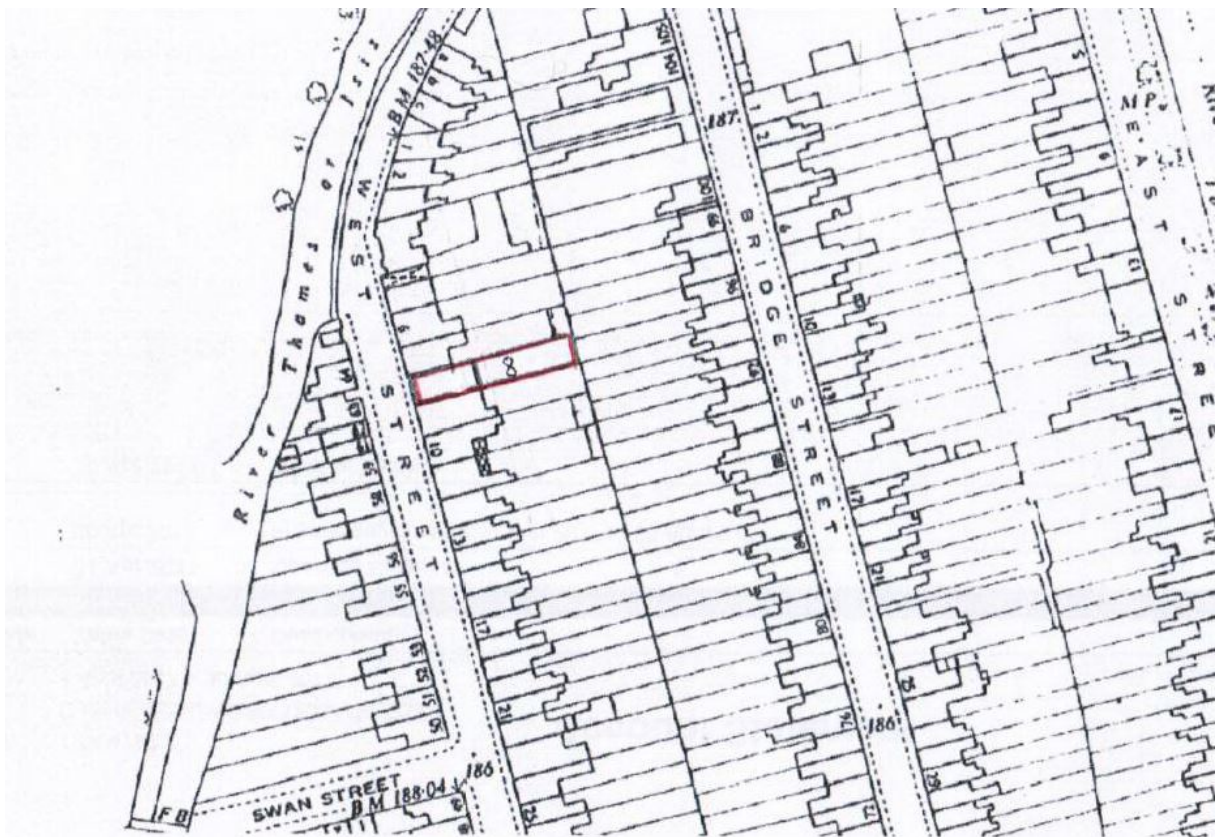
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

1. 8 West Street is a mid-terraced property fronting West Street in Osney Town Conservation Area. The property is in a very accessible location to the city centre. The property benefits from a modest rear garden, a recently approved single storey extension to the rear. The application is seeking planning permission for a change of use from dwelling house to large house in multiple occupation (Sui Generis) for 7 people.

1.1. A site location plan is set out below:



2. PROPOSAL

2.1. The application proposes to change of use from a 2-bed dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis), which based on the number and size of bedrooms provided, has a restricted use for up to 7 people.

3. RELEVANT PLANNING HISTORY

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

Application Reference	Description of Development	Decision
69/22269/A_H	Alterations to kitchen and lavatory.	PERMITTED DEVELOPMENT 9 th December 1969.
72/26002/A_H	Erection of rear porch.	PERMITTED DEVELOPMENT 26 th May 1972.
76/00372/A_H	Demolition of existing porch and erection of kitchen and toilet.	PERMITTED DEVELOPMENT 5 th May 1976.
17/00275/FUL	Erection of a single storey rear extension.	APPROVED 5 th April 2017
17/01287/FUL	Change of use from dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis).	WITHDRAWN 6 th July 2017.
17/01443/FUL	Change of use from dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4) (Amended plan).	APPROVED 13 th August 2017.
17/01798/FUL	Change of use from dwellinghouse (Use Class C3) to a large Housing in Multiple Occupation (Sui Generis). (Amended plan)	WITHDRAWN 30 th August 2017.
17/01801/FUL	Insertion of boiler flue to front elevation.	REFUSED 13 th September 2017
17/01748/FUL	Replacement of 2no. first floor windows and enlargement of 1no. ground floor window to front elevation.	APPROVED 18 th September 2017

4. RELEVANT PLANNING POLICY

4.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP1, CP6			
Conservation/ Heritage		HE7			
Housing	6	CP10		HP7, HP12, HP13, HP14, HP15, HP16	
Misc	5,17			MP1	

5. CONSULTATION RESPONSES

5.1. Site notices were displayed around the application site on 20th September 2017.

Statutory and Non-Statutory Consultees

5.2. Oxfordshire County Council (Highways) - No Objection:

The proposed plans show cycle parking for 7 bikes is to be located within the dwelling. The dimensions of the cycle parking area, as shown in the plans, are 1.6m x 2.8 m. According to manufacturer's calculations this is of sufficient dimensions to store 7 bikes vertically. The provision of 7 bikes is in line with the recommended number of cycle parking spaces for a 7-bed HMO under Policy HP15 of the Sites and Housing Plan. It is noted that additional cycle parking will be provided to the rear of the property.

We note that there are no off-street car parking spaces available at the property. However, West Street is currently within a Controlled Parking Zone and within that particular Controlled Parking Zone all properties whether C3 or C4 are restricted to 2 parking permits each. Therefore demand for on-street parking would be restricted to that which could currently be generated.

Public representations

5.3. 20 no. objections were received from residents.

5.4. In summary, the main points of objection were:

- Detrimental to the occupants (cramped, overcrowded conditions)
- Amount of development- overdevelopment
- Effect on adjoining properties
- Effect on traffic
- Light- daylight/sunlight
- Noise & disturbance
- Parking provision
- Effect on character of the area
- Effect on privacy
- General dislike or support for the proposal
- Local Plan Policies
- Access
- Effect on existing community facilities
- Effect on pollution
- Flooding risk
- On-street parking
- Local ecology, biodiversity.
- Bicycle and refuse arrangements
- No. of HMO's already on West Street exceeds 20%.
- Room sizes too small
- Layout and density of design
- Deficiencies in social facilities

6. PLANNING MATERIAL CONSIDERATIONS

6.1. Officers consider the determining issues to be:

- i. Proportion of HMOs
- ii. Amenities and Facilities
- iii. Bin Storage/outdoor space
- iv. Cycle Parking
- v. Car Parking

i. **Proportion of HMOs**

6.2. Policy HP7 of the Sites and Housing Plan (2013) states that planning permission will only be granted for the change of use of a dwelling in Use Class C3 to a HMO where the proportion of buildings used in full or part as a HMO within 100 metres of the street length either side of the application site does not exceed 20%.

6.3. A calculation of the street length as set out in Appendix 5 of the Sites and Housing Plan has been undertaken and the percentage of HMOs within 100 metres of the application site is under 20%. The proposal would therefore not result in an over concentration of Houses in Multiple Occupation within the relevant 100m area, which would not have a detrimental impact upon the balance and mix of dwelling types within the surrounding area, and retains the objective of creating balanced and sustainable communities. The development is therefore considered to comply with Policy HP7 of the Sites and Housing Plan

2011-2026.

ii. **Amenities and Facilities**

- 6.4. Policy HP7 states that planning permission will only be granted for the changes of use of a dwelling house in Use Class C3 to a HMO where the applicant has demonstrated compliance with the City Council's good practice guide "Amenities and Facilities for Houses in Multiple Occupation", and that the development would not therefore have detrimental impact upon the living conditions for the future occupants.
- 6.5. The proposed floor plan shows seven bedrooms that all marginally meet the minimum space standard of 6.5m² for a bedroom for 1 occupant; this is with the exception of bedroom 3, which is 0.1m² short of this. It is considered that this shortfall is too minimal and that the application would be unreasonable to refuse on this basis. The property has a combined kitchen/dining space that would also be used as shared living space, which does comply with space standards. The property has a shower and separate toilet at ground floor and shower room at first floor which are readily accessible.
- 6.6. The property is therefore considered to provide adequate living accommodation in line with the Council's good practice guide.

iii. **Bin store/Outdoor Space**

- 6.7. Policy HP13 of the Sites and Housing Plan states that planning permission will only be granted for dwellings where adequate provision is made for appropriate storage for refuse and recycling and access to private open space. Also Policy CP10 of the Oxford Local Plan states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage.
- 6.8. Due to the property facing on to West Street there is no space for a bin or cycle store to the front of the property and no side access to the rear garden. Bin storage is to be provided discretely to the rear of the property within undercover storage. The 360L proposed wheeled bins will have dimensions of height 1090 x width 625mm x depth 860mm. Access for the bins would be through the property and through the shared living accommodation to the front of the property, which although not ideal, is considered to satisfy policy.
- 6.9. The property has a rear garden with direct and convenient access through the ground floor lobby area, which would provide adequate outdoor amenity space for residents. It is therefore considered acceptable in terms of policy.

iv. **Cycle Parking**

- 6.10. Policy HP15 of the Sites and Housing Plan states planning permission will only be granted for residential development that complies with the following minimum cycle parking provision for HMOs at least 1 space per occupant. It also states all residential cycle storage must be secure, under cover

preferable enclosed, and provide level, unobstructed external access to the street.

- 6.11. The proposal indicates that a covered cycle store will be located in the rear garden. This indicates 4 Sheffield bicycle stands that are of adequate size to store 8 bicycles. Due to the lack of external access from the rear garden, further provision for bikes has also been provided internally to the front lobby of the property. These will be stored vertically along the wall. Oxfordshire County Council Highways have noted that the dimensions on the plan accord to manufacturer's calculations, and this arrangement would allow sufficient space to store 7 bikes vertically side by side along the wall for easy, unobstructed access to the street. External bike storage is shown as undercover, and will be open fronted with bikes lockable to Sheffield stands. It is considered that cycle storage to the front lobby of the property would likely be used on a more frequent basis and this would therefore be considered acceptable. The provision of cycle parking is therefore considered acceptable in line with Policy HP15.

v. Car parking

- 6.12. In accordance with Policy HP16 of the Sites and Housing Plan planning permission will only be granted for residential development where the relevant maximum car parking standards set out in Appendix 8 are complied with. The maximum parking standards required by policy HP16 for this type of property is for 1 off-street car parking space per two habitable rooms.
- 6.13. There are no off-street car parking spaces serving the host property. However the proposed HMO is located within Osney Controlled Parking Zone, in which all properties in this area are restricted to two residents' parking permits per property, Oxfordshire County Council Highways Authority have noted therefore that any increase in on-street parking demand will be restricted, therefore, given the highly accessible location of the property (close to public facilities, public transport and city centre), the current car parking provision would be considered adequate. As a result the development complies with Policy HP16 of the Sites and Housing Plan.

7. Conservation Area

- 7.1 Policy HE7 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting. 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 area.
- 7.2 The impact of the proposal on the Osney Conservation Area has been considered in the determination of this planning application. There are no external building works proposed in this submission. It is therefore considered that with only internal alterations proposed, this is not considered to have a detrimental on the special character, appearance and significance

of the conservation area.

8. Other Matters

- 8.1 Many objections have been received and noted. Issues relating to noise and disturbance from the HMO would typically be addressed through the management of the property. Any issues with regards to potential fire risks would be the responsibility of the developer, and they would be required to provide a fire risk assessment through the HMO licensing procedure. Flood risk has not been considered within this application as no ground works have been proposed these cannot be considered as part of this application.

9. CONCLUSION

- 9.1. The development is considered acceptable, and as such is recommended for approval.
- 9.2. It is recommended that the West Area Planning Committee resolve to approve planning permission for the development.

10. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of the approved use, the cycle store/bin store shown on approved plans shall be completed and made available for the occupiers of the dwellinghouse, and built in accordance with details submitted and correspondence received on 18th October 2017.

Reason: To ensure that there is adequate covered and secure cycle storage and refuse and recycling storage as required by Policy HP15 and HP13 of the Sites and Housing Plan (2013).

11. APPENDICES

Appendix 1 – Site Plan

1. HUMAN RIGHTS ACT 1998

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

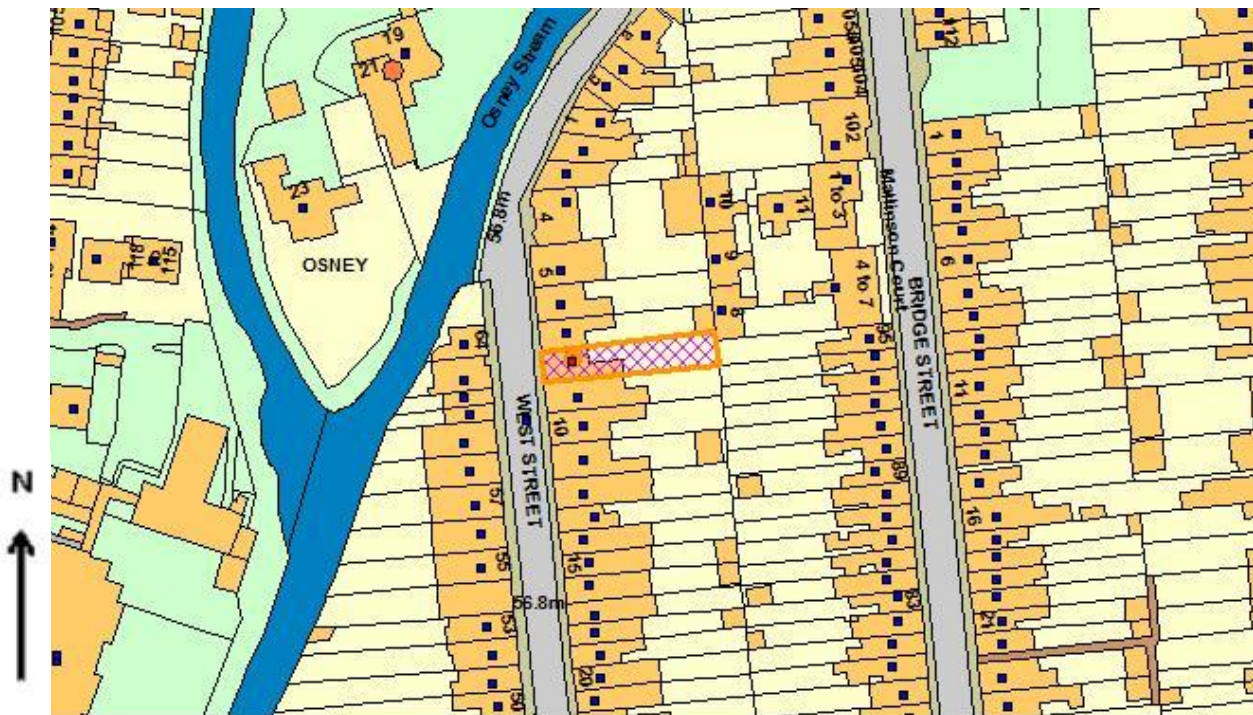
2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Appendix 1

17/02392/FUL – 8 West Street



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Ordnance Survey 100019348

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WEST AREA PLANNING COMMITTEE

31st October 2017

Application Number: 17/02109/FUL

Decision Due by: 18th October 2017

Extension of Time: 7th November 2017

Proposal: Partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores. Removal of trees and landscaping. (amended plans)

Site Address: Bardwell Court, Bardwell Road, Oxford, Oxfordshire

Ward: St Margarets Ward

Case Officer: Robert Fowler

Agent: Peter Brampton **Applicant:**

Reason at Committee: Called in (agreed by Head of Planning, Sustainable Development and Regulatory Services)

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

(a) 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

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

2.1. This report considers the proposals to substantially alter and extend Bardwell Court, provide new bin, cycle stores and landscaping. The proposed development would be acceptable in principle and would represent an improvement in terms of the appearance of the application site in the streetscene and in terms of its impact on the Conservation Area. The proposed development would not give rise to an unacceptable impact on the amenity of surrounding residential occupiers. Other aspects of the development including its impact on

biodiversity, surface water and trees are either acceptable or can be resolved through the recommended conditions.

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

- Principle of development;
- Design;
- Impact on the Conservation Area
- Impact on neighbours
- Trees and landscaping
- Biodiversity
- Access and parking
- Flooding and surface water drainage

3. LEGAL AGREEMENT

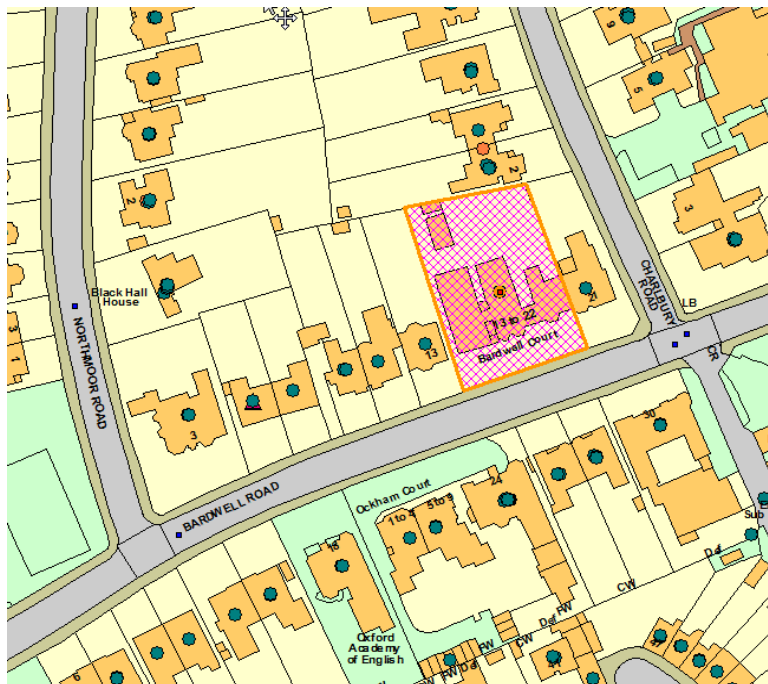
3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal would not be liable to a CIL payment.

5. SITE AND SURROUNDINGS

5.1. The site is located within North Oxford and is within the North Oxford Victorian Suburb Conservation Area. The area is characterised by larger properties (detached and semi-detached) usually with large front and rear gardens.



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application site is composed of what were once three original houses (converted into flats in the 1930s). The links between these houses are of a lower quality than the original houses. Planning permission is sought to demolish the existing links and to replace one of the links with a new link and entrance. The demolition of the other link would create a new gap (with access into the garden at the rear).
- 6.2. The existing flat roofed extensions to the rear of the properties are proposed to be improved and altered. Dormer windows at the rear are also proposed to be removed (to re-instate a more sympathetic and original roofscape).
- 6.3. The proposals also include extensive internal alterations to the flats with no change in the overall number of flats but improvements to provide layouts that are more suited to modern living. The improved flats would also benefit from improved communal areas, some of the flats are also proposed to benefit from private gardens or terraces at the first floor level.
- 6.4. It is proposed to replace existing windows with slimline double glazing to all units. A new lift is proposed within the building to provide improved accessibility to the flats.
- 6.5. An existing coal store and cycle store are proposed to be demolished in the rear garden.
- 6.6. The proposals include alterations leading to a reduction in car parking at the front of the building. It is proposed for the front gardens to be partially re-instated with new landscaping.
- 6.7. New cycle and refuse and recycling stores are proposed to the front and sides of the buildings.

7. RELEVANT PLANNING HISTORY

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

57/06034/A_H - Conversion and alterations of one flat into two. PER 28th May 1957.

61/10251/A_H - Store shed, cycle shelters and coal store.. PER 10th January 1961.

77/00284/AH_H - Conversion of existing 1 flat into 3 self-contained flats.. PER 16th June 1977.

12/01518/CAT - Fell dead tree in the North Oxford Victorian Suburb Conservation Area.. NNR 9th July 2012.

13/00749/CAT - Fell Cedar tree and prune 2no Cypress trees (reduce height by 1m approx) in the North Oxford Victorian Suburb.. RNO 24th April 2013.

17/02109/FUL - Partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores. Removal of trees and landscaping. (amended plans). PDE .

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	11, 14, 17, 56	CP1, CP6, CP8, CP10, CP11	CS18, CS9	HP14	
Conservation/ Heritage	128, 131, 139	HE7			
Housing	49	CS23	CS2	HP2, HP4, HP9, HP10	
Commercial					
Natural Environment		NE16			
Social and community					
Transport	29			HP15, HP16	Parking Standards SPD
Environmental					Energy Statement TAN
Misc		CP19, CP20, CP21		MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 12th October 2017 and an advertisement was published in The Oxford Times newspaper on 7th September 2017.
- 9.2. The application has been subject to re-advertisement with new site notices displayed for amended plans from 12th October until 27th October.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 9.3. No objections subject to conditions relating to cycle parking and car parking layout.

Public representations

- 9.4. 6 no. objections were received from residents in Bardwell Road

The Victorian Group of Oxfordshire Architectural and Historical Society, Linton Road Neighbourhood Association and Oxford Preservation Trust have commented.

In summary, the main points of objection were:

- Concerns about impact on amenity of neighbouring occupiers
- Privacy and overlooking
- Noise and disturbance (particularly from first floor terrace areas)
- Concerns that buildings would extend beyond building line (at rear)
- Lack of consultation with neighbours
- Concerns that a precedent for terraces could be established
- Impact on character of area
- Impact on trees
- Concerns about impact on biodiversity
- Impact on transport provision and accessibility
- Concerns about proposed use of materials
- Design
- Lack of traditional appearance of aspects of scheme
- Lack of landscaping details
- Impact on car parking
- Impact on highway safety
- Impact on noise during construction
- Impact of dust during construction
- Impact of prolonged building work (if construction phase overruns)
- Impact on Conservation Area
- Concerns about bin and bike store in front garden

Some positive comments were received about the potential improvements to the appearance of the building that would result from the proposed development.

The proposed creation of the gap in the terrace was also raised as a positive contribution of the proposals.

NB. Following the submission of amended plans to include privacy screening at the rear the application has been subject to further public consultation for a two week period expiring on 27th October. The above comments included above are up to date as of 23rd October (when the report was published). Any comments received between the agenda publication and 27th October will be presented as verbal updates at committee.

Officer Response

- 9.5. The above points were taken into account when drafting this report. Specific amendments were sought in relation to the provision of privacy screening to overcome the impact on privacy for neighbouring occupiers. Whilst the design concerns are noted the proposals were the subject of detailed pre-application.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Impact on the Conservation Area
- iv. Impact on Neighbours
- v. Trees and Landscaping
- vi. Access and Parking
- vii. Flooding and Surface Water Drainage
- viii. Biodiversity

i. Principle of Development

Principle

- 10.2. The application proposes substantial alterations to the inside of the property. Despite these changes there would no overall change in the number of residential units and as a result there would not be a loss of dwellings (which would require consideration of Policy HP1). The proposals would also not involve the loss of a family dwelling and would therefore be acceptable in the context of the Council's policies dealing with the loss of family dwellings (Policy CS23 of the Core Strategy (2011) and the Balance of Dwellings Supplementary Planning Document (SPD)).
- 10.3. The proposed development would involve the extension of the building at the ground floor (along with substantial rebuilding). The application site is considered to be largely composed of previously developed land; though some of the proposals would involve development on residential garden land. Policy CS2 together with the National Planning Policy Framework (NPPF) require that previously developed land should be the focus of new development. Whilst residential garden land is not considered to be previously developed land for the

purposes of the NPPF the proposals would only involve a small area of garden land being used and the residual garden land that would remain (including the area that would be gained through the demolition of ancillary structures) would be acceptable.

- 10.4. In addition to the above, the proposals would provide a more updated quality of amenity space for the flats on the site and would provide a more efficient use of the space. As a result, it is considered that the proposed development would be broadly supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016.

Affordable Housing

- 10.5. The application site currently contains ten dwellings and there would be no change in the number of units. Whilst the proposals would slightly increase floor area in some of the flats there is a fairly modest amount of floorspace gained. The overall capacity of the site is for more than four units where we would normally require an affordable housing contribution (on the basis of the requirements of Policy HP4 of the Sites and Housing Plan (2013)), despite this the bulk of work to re-arrange the units internally would not require planning permission. As a result, an affordable housing contribution would not be required.

ii. Design and Impact on Character of Surrounding Area

- 10.6. The proposed demolition of the existing links between the terraces would represent an improvement in design terms. These elements of the existing building are later interventions and lack the detailing that is seen elsewhere on the building and the quality of materials used is of a lower quality. The existing entrance to the site (which is within one of the link sections) is of particularly poor quality. The design response to the removal of these link sections is to re-instate a gap which is welcomed in the context of the historical development of the site (by re-instating detachment between the dwellings that was lost by the joining of the units). The gap will create glimpses into the rear garden and vegetation which would have a positive impact on the appearance of the site, the streetscene and the Conservation Area.
- 10.7. The demolition of the other link is proposed to create space for a new contemporary link. This link would facilitate a new entrance to some of the residential units as well as provide the communal staircase etc. needed to access upper floors. The proposed link would be set in from the front and rear elevations and would be set down in height from the ridge of the roof. The resultant link would therefore have a more discrete and subservient presence. The proposed materials to be used with the link are a bronze roof and copper clad walls (with a bronze finish). The link would be perforated with glazing behind which would give it a lighter finish. Whilst the proposed use of materials would not match the rest of the building it would have a complementary appearance as the bronze finish would soften to a colour that would harmonise with the surrounding brick. Officers consider that this link is better constructed with a contemporary design as it would ensure that there is a clearer delineation

between the plots which would assist in ensuring that the buildings have the appearance of being individual large properties that are a feature of the Conservation Area. The choice of detailing on the front elevation of the link, specifically the lack of windows and the perforations would further establish this link as a lighter weight gap and the perforations themselves have a resemblance to the hanging tiles on the dormers on the front elevation (therefore forming a continuity with existing architectural details on the front elevation).

- 10.8. At the rear it is proposed to rebuild parts of the rear extension elements and provide more sympathetic fenestration design. The existing roofline would be altered to be more sympathetic and a dormer and chimney (which do not positively contribute to the appearance of the rear elevation) would be removed. The rear of the new link would have a light weight glazed appearance. The overall appearance of the rear elevation would be substantially improved and would have a more cohesive and less muddled appearance.
- 10.9. Officers recommend that conditions are included to ensure that the submission of material samples are required prior to the commencement of development on site if planning permission is granted.
- 10.10. New terraces are proposed at the rear of the site; this would be on top of the ground floor elements (and provide private amenity spaces for the first floor flats). The proposed terraces would not extend across the whole of these roof areas and so would not dominate the rear elevation. Whilst there are not extensive balcony or terrace areas in the surrounding area one neighbouring property does have a small balcony. The proposed terrace areas would be acceptable in design terms especially considering the overall size of the buildings and the plot which means that these features would not be visually dominant or appear out of character.
- 10.11. The proposed demolition of the existing coal store and cycle store would be acceptable as these buildings are of limited architectural merit and this would create a more pleasant garden space on the site.
- 10.12. The internal living spaces within the flats would be substantially improved as a result of the proposed development. Whilst the degree to which this can be considered in terms of the acceptability of the development is arguably not relevant as the proposals do not amount to the creation of new dwellings (only the reconfiguration of existing dwellings) it is worthwhile to consider that the application would bring about higher living conditions for occupiers of the building. The resultant configuration of the building would mean that the flats would be compliant with national space standards and the requirements of Policy HP12 of the Sites and Housing Plan (2013).
- 10.13. Further to the above, in addition to the improvements of internal amenity to the flats there would be improvements to the access to amenity space for some of the flats. The existing flats share a rear garden. The proposals would be for the rear garden to be divided into three private gardens for use by the ground floor units. Three first floor flats would also benefit from the creation of three terraces (which are mentioned above). The other flats in the building would not have

outdoor amenity space but having considered the overall provision of amenity spaces it is considered that the proposals would amount to an improvement in the context of outdoor space and the requirements of Policy HP13. Further to this, whilst some of the flats would lose the benefit of a shared amenity space they would be the smaller upper floor flats that would be less likely to be occupied by as many people as the larger ground floor units (with some of the ground floor units being capable of being occupied by families benefiting from the new private amenity spaces).

- 10.14. It is not clear from the proposals whether there is any external lighting proposed as part of the scheme. Given that the area is surrounded by residential gardens it is recommended that a condition dealing with the provision of external lighting is required.
- 10.15. The proposed development would include the installation of refuse and recycling stores for the use by the occupiers of the flats. The proposals for refuse stores would be an improvement in terms of providing screened refuse provision. Whilst the provision of one of the refuse stores at the front elevation is not a preferable option in terms of its appearance in the Conservation Area it would need to be in this location so that it is accessible and practical for all the flats (as bin stores at the rear would not be possible if these gardens would be private). On balance, having considered the overall improvements that would take place at the front of the building it is considered that the small-scale refuse store at the front would be acceptable and it would be partially screened by a wall and vegetation.
- 10.16. Overall it is considered that the proposed development would be acceptable in design terms having had regard to the impact of the proposed development on the streetscene and the character of the area. The proposed development has been carefully considered and represents high quality development that complies with the Council's requirements set out in Policy CP1 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

iii. Impact on the Conservation Area

- 10.17. The application site lies within the North Oxford Victorian Suburb Conservation Area. The proposals have already been considered in design terms but it is necessary to consider their specific impact on the Conservation Area. The existing building contains some features which neither complement the appearance of the existing building nor do they have a positive impact on the character, appearance or special significance of the Conservation Area. The proposed development proposes to remove the existing links (and their poorly considered fenestration) together with the existing entrance area which is particularly obtrusive as it draws attention to a part of the existing building which is not visually harmonious. The proposed development would re-instate a gap which would be a benefit to the appearance of the Conservation Area as it would create a glimpse into the garden (and trees to the rear) which is a feature of the Conservation Area.
- 10.18. The proposed development would also be beneficial in terms of restoring aspects of the original plot layouts so that the constituent parts of the site would

read as larger detached and semi-detached villas and thereby would appear more in character with surrounding properties. This would be achieved through the re-instatement of the front gardens; specific landscaping is proposed to delineate the original plots. The new link would be visually subservient and have a light and elegant design which would also mean a gap would be created in part between those two original villas.

- 10.19. At the rear of the site the proposals would remove poorly considered aspects of the site including the outbuilding, dormers and the unsympathetic roofslope. The more carefully considered rebuilding at the rear (along with the rear elevation of the proposed new link) would mean that the proposed development would have a design and quality that would be more in keeping with the surrounding area and specifically with the Conservation Area.
- 10.20. The proposed additions of the terrace and more contemporary link elements are more modern features. Whilst the Conservation Area is Victorian in character and this is an important part of its special significance it is considered that the small-scale introduction of the link and terrace areas (which would have a more contemporary appearance) would be acceptable additions that would not detract from the appearance of the site as a whole nor would they lead to a harmful impact on the Conservation Area.
- 10.21. The proposed development would result in the loss of seven trees at the rear of the site. It is considered that the contribution of these trees to the Conservation Area is low. The proposed development would also propose the removal of three trees on the frontage; these trees have not established themselves well since planting and therefore their replacement could be beneficial. Officers consider that the loss of any trees on the site would be acceptable and the proposals represent an opportunity to provide improved landscaping by condition. The re-instatement of the garden at the front of the building would be a particular enhancement to the Conservation Area and the streetscene as the mature planting at the front of plots is a positive feature of the Conservation Area.
- 10.22. Officers consider that the proposed development would not amount to substantial harm to the Conservation Area, specifically the Conservation Area's character, appearance and special significance. Any harm that would be caused to the Conservation Area would be less than substantial harm (as set out in Paragraph 134 of the NPPF). Officers recommend that there are enhancements that would be brought about as a result of the proposed development and these outweigh any less than substantial harm that would arise from the development. Further to the public benefits that would arise from the improvements to the appearance of the building and Conservation Area there are also public benefits in terms of providing a more viable use of the site that would provide better accommodation.
- 10.23. Officers recommend that the development would be acceptable in terms of its impact on the Conservation Area. The development complies with the requirements of Policy HE6 of the Oxford Local Plan 2001-2016, Policy CS18 of the Conservation Area and the NPPF.

iv. Impact on Neighbouring Amenity

Visual Impact

10.24. The surrounding properties benefit from mature vegetation along the boundaries on either side and this means that the visual impact of the proposed development would be reduced and softened. It is already stated above that the proposed development represents a design improvement as a whole. The outlook from adjacent properties would not be substantially altered by the proposed development. The proposed rebuilding at the rear would only increase the length of the ground floor elements slightly. Alterations at the upper floors would not alter the outlook for neighbouring properties. Privacy screening is proposed for the terrace areas but these would be set in from the boundaries and would therefore not substantially alter the outlook from neighbouring properties.

Impact on Privacy

10.25. The proposed development would not incorporate any windows at upper floor levels that would give rise to an adverse impact on neighbouring privacy.

10.26. The main consideration in terms of privacy impacts from the proposed development would be from the first floor terraces. These terraces could give rise to a loss of privacy from overlooking into the adjacent gardens of neighbouring properties (as well as compromise the privacy of the private gardens for ground floor units). The proposals have been altered to include privacy screens that would be sufficiently high to ensure that there would be no overlooking into neighbouring properties. The proposed terraces would also not extend across the whole ground floor roofs and would be set in from the boundaries which would limit the views from these terraces further. The proposed roofs around the terraces would include parapet walls which would also provide increase privacy for neighbours (and limit the overlooking that could be provided from first floor terraces down to ground floor private gardens). Officers recommend a condition is included to ensure that the privacy screening is provided prior to first occupation.

10.27. It is considered that the proposed development would not lead to an adverse impact on privacy for surrounding occupiers and the development complies with the requirements of Policy HP14 of the Sites and Housing Plan (2013).

Impact on Light

10.28. The proposed development does involve the raising of the height (and in places the length) of the ground floor elements of the building. Whilst these additions are fairly small they have been considered in terms of their impact on light for neighbouring amenity. The proposed development would not lead to a materially harmful impact on light for neighbours and Officers consider that the proposed development complies with the requirements of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).

Other Matters

- 10.29. Some concerns have been expressed about the proposed development in terms of the amount of noise that could arise from the terrace areas. It is understood that the specific concerns are that these terraces would be elevated and their size could mean that they could be more intensively used than a small balcony. Officers suggest that the rear of the site is currently in use as a garden; the proposals would provide terraces that would in effect form spaces that would be used in a similar way. The intensity of use that would result would not be out of character with a domestic rear garden and there would not be an increase in the number of residential occupiers. Any excessive noise from terraces would have to be dealt with as a statutory noise complaint and Officers consider that it would not be reasonable to refuse planning permission for the terraces as a result of noise concerns in this case.
- 10.30. Concerns have also been raised by local residents in relation to the noise and dust impacts that would arise during construction. Whilst there are opportunities to include Construction Traffic Management Plans which can dictate working hours and practices this has not been recommended by the Local Highway Authority and Officers do not consider that the scale of development proposed would justify this condition. Further to this, noise and dust arising from construction can be investigated by environmental health if it is excessive and if good practice is not being followed and this is the appropriate regulatory regime for dealing with these concerns.
- 10.31. The existing outbuilding in the rear garden has a roof which Officers have been told by local residents may contain asbestos or asbestos containing materials. Whilst this is not a planning matter, an appropriately worded informative is recommended that brings this matter to the applicant's attention and refers to the Health and Safety Executive's website where further details of asbestos requirements can be found.

v. Trees and Landscaping

- 10.32. The loss of existing trees on the site (ten) has already been dealt with in relation to the proposed development's impact on the Conservation Area. The proposals represent an important opportunity to improve and soften the appearance of the building through landscaping. The creation of the private rear gardens at the rear would lead to a better used rear amenity space by occupiers as the shared garden is currently under-used. The improvements made as a result of the re-instatement of the front garden has already been mentioned. Officers recommend that specific conditions are included if planning permission is granted that relate to adherence with the Arboricultural Method Statement to protect trees etc. and the submission and implementation of a landscaping scheme.
- 10.33. Subject to the recommended conditions, Officers recommend that the development complies with the requirements of Policies CP11 and NE16 of the Oxford Local Plan 2001-2016.

vi. Access and Parking

- 10.34. The proposed development would make use of existing accesses onto the highway. The Local Highway Authority has not raised objections in relation to the impact of the proposed development on highway safety.
- 10.35. The proposed development would involve a reduction in the amount of car parking on the site. The resultant development would have three car parking spaces (which would be suitable for disabled users) and sufficient space on the site for vehicles to turn and manoeuvre safely. The Local Highway Authority have agreed that the existing entitlement of the occupiers to on-street car parking permits can be acceptably retained despite the loss of on-site car parking because it is considered that there is insufficient parking stress or impact on highway safety to justify removal of eligibility for parking permits. Officers have not therefore recommended a condition to exclude occupiers to permits. Further to this it could be argued that there may be lower car use by occupiers of the flats as a result of the close proximity of the site to the City Centre and good public transport links on Banbury Road.
- 10.36. The proposals include plans for covered secure cycle parking which would represent an improvement in terms of the requirements of Policy HP15 of the Sites and Housing Plan (2013). The design and appearance of the cycle parking is recommended to be subject to a condition and its provision required to be installed prior to the occupation of the flats following the substantial completion of the development. Officers consider that whilst one of the proposed cycle stores would be located at the front elevation which is not ideal from a design point of view it would be partially screened by vegetation and would therefore be acceptable. Officers recommend that it would be preferable to seek individual cycle stores in the rear gardens for the use of ground floor flat occupiers as these would be more suitable and arguably better used than those occupiers relying upon shared facilities; this can be dealt with by condition.

vii. Flooding and Surface Water Drainage

- 10.37. The application site does not lie in an area of high flood risk. Officers consider that the proposed development would not increase the amount of impermeable surfacing on the site to the detriment of surface water drainage. A scheme to manage surface water drainage is recommended to be required by condition, subject to this requirement the development would comply with Policy CS11 of the Core Strategy (2011).

viii. Biodiversity

- 10.38. The proposed development and the information provided in relation to on-site ecology and protected species is considered acceptable. A minor bat roost was found as part of the development and so appropriate mitigating measures are required and can be secured by condition. It is also recommended that specific biodiversity enhancement measures (including swifts) are also recommended to be required by condition. On the basis that the recommended conditions are included the development would comply with the requirements of Policy CS12 of the Core Strategy (2011).

11. CONCLUSION

- 11.1. The proposed development would be acceptable in design terms and would not lead to significant harm to the character, appearance and special significance of the Conservation Area. Any harm to the Conservation Area would be less than substantial and is offset by enhancements to the Conservation Area that would arise from the scheme as well as securing a more viable use of the site through improvements to the accommodation provided. The development would not harm the amenity of neighbouring residential occupiers and would not give rise to negative impacts on access, highway safety or car parking. All other matters can be adequately addressed through the recommended conditions. In reaching the view that the development is acceptable in planning terms, Officers have been mindful of all the comments raised in relation to the application.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

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

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.
- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.
- 3 Samples of exterior materials proposed to be used shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with policies CP1, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.
- 4 The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

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

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

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

- 6 The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

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

- 7 Prior to the commencement of the approved development, bat roost compensation shall be installed as specified on page 19 of the Ecology and Protected Species Appraisal (James Johnstone Ecology, July 2017)

Reason: To ensure that appropriate compensation measures are provided as required by Policy CS12 of the Core Strategy (2011).

- 8 During the construction phase of the approved development, on-site ecological advice to be provided as specified in the Ecology and Protected Species Appraisal (James Johnstone Ecology, July 2017), Section 5 to cover bat advice, installation of enhancement and mitigation measures, and nesting bird advice.

Reason: To ensure that appropriate compensation measures are provided as required by Policy CS12 of the Core Strategy (2011).

- 9 Prior to the commencement of the development, details of biodiversity enhancement measures including 2 x built-in swift nesting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

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

- 10 Prior to the first use of the development following its substantial completion, bat box and sparrow box as specified in the Ecology and Protected Species Appraisal (James Johnstone Ecology, July 2017) (page 22) to be installed as shown on sketch plan on page 27 of that report.

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

- 11 Before the development permitted is commenced details on the number of cycle parking spaces, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport.

- 12 Prior to the commencement of the approved development, a detailed plan showing the proposed surface water drainage for the site and any hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The detailed proposals for surface water drainage and hard surfacing shall show how the proposals would ensure that there would be no detrimental impact on surface water conditions and shall include SUDs measures where appropriate. The development shall be built in accordance with the approved plans unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development provides a satisfactory scheme for surface water drainage in order that the development does not lead to adverse levels of surface water runoff as required by Policy CS11 of the Core Strategy (2011).

- 13 Prior to the commencement of the approved development details of the privacy screening to be installed on the terraces at the rear of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include specifications of the privacy screening's height, materials and external finish. The privacy screening shall be installed prior to the first occupation of the approved development following its substantial completion and retained thereafter.

Reason: To ensure that the privacy of the neighbouring residential occupiers is protected and the development does not lead to an adverse impact in terms of overlooking as required by Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

- 14 Prior to the commencement of the approved development, details of any external lighting to be installed in the application site shall be submitted to and approved in writing by the Local Planning Authority. Only the approved

external lighting shall be installed and no additional external lighting shall be installed unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development does not lead to a proliferation of outdoor lighting that would have a detrimental impact on the character, appearance and special significance of the Conservation Area as required by Policy HE7 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.
- 3 Landscaping schemes should preferably use non-double, non-hybrid plant species which flower over a range of months to provide the maximum opportunities for pollinating insects.
- 4 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.
- 5 It has been brought the attention of the Council that there may be asbestos or asbestos containing materials within some of the buildings or structures on the site that are subject to demolition. It is will therefore be necessary to seek professional advice in relation to the demolition and disposal of any asbestos or asbestos containing materials on the site. There is further information about the legal requirements at <http://www.hse.gov.uk/asbestos/>

13. APPENDICES

Appendix 1 – Site Location Plan

14. HUMAN RIGHTS ACT 1998

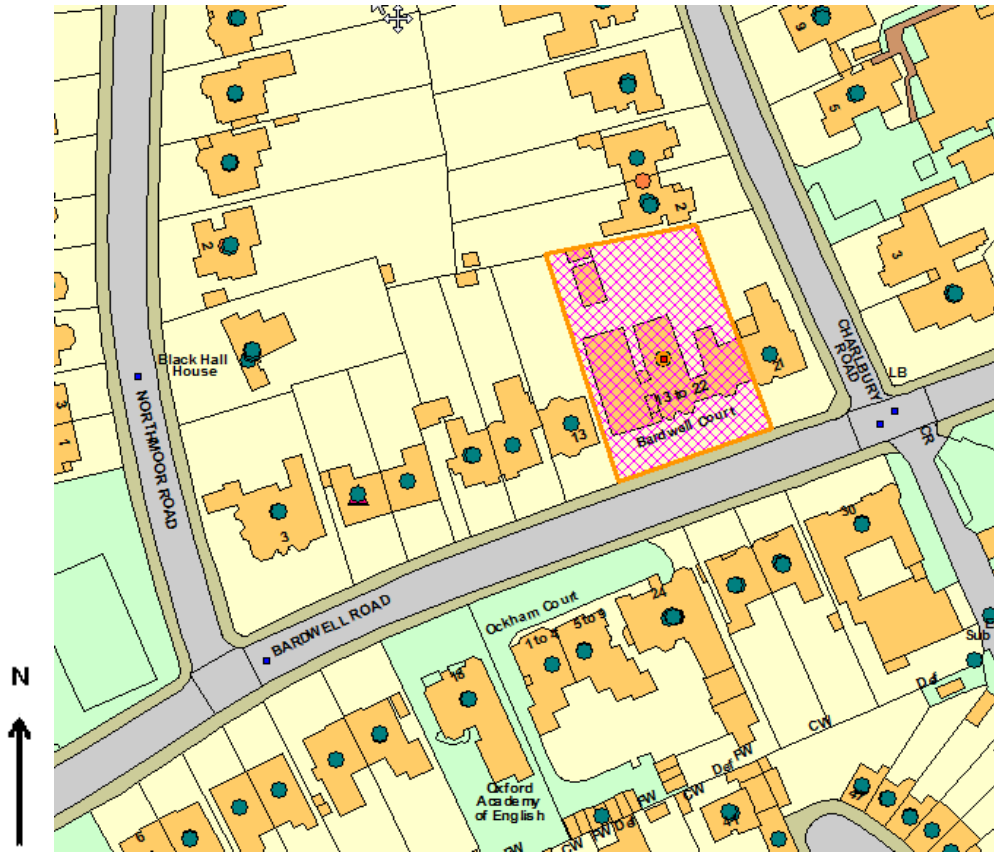
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Appendix 1

17/02109/FUL – Bardwell Court, Bardwell Road



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Ordnance Survey 100019348

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Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 12 September 2017

www.oxford.gov.uk



Committee members:

Councillor Upton (Chair)	Councillor Cook (Vice-Chair)
Councillor Azad	Councillor Fooks
Councillor Hollingsworth	Councillor Iley-Williamson
Councillor Lygo (for Councillor Price)	Councillor Pegg
Councillor Wade (for Councillor Landell Mills)	

Officers:

Patsy Dell, Head of Planning, Sustainable Development & Regulatory Services
Philip Devonald, Planning Legal Locum
Rachel Drinkwater, Committee Services Support Officer
Robert Fowler, Planning Team Leader
Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillor(s) Landell Mills and Price sent apologies.

22. Declarations of interest

17/00758/FUL: Cllr Upton stated that she was an employee of the University of Oxford and from October 2017 she would be employed on a casual basis by St Catherine's College. She stated that although she had no predetermined view in relation to the application she would not participate in its determination.

Cllr Upton left the room and Cllr Cook took the Chair for the duration of this item.

23. 17/00758/FUL: St Catherines College, Manor Road, Oxford, OX1 3UJ

The Committee considered an application (17/00758/FUL) for planning permission for the erection of 78 student bedrooms (4 with disabled access) arranged in clusters of 8, over three floors in three 'pavilion' style buildings connected by glazed stairwells; together with a three storey Graduate Centre, landscaping, flood compensation, and

associated infrastructure; and including the demolition of staircase 23 at St Catherine's College, Manor Road.

The Planning Officer presented the report; set out the key points in relation to the special circumstances of this development which justified the low degree of harm to the Green Belt; and confirmed that there was no material impact on the views from the designated view cones at Headington Hill.

Roger Ainsworth, representing the college, spoke in favour of the application and Paul Semple, agent, was available for questions.

The Committee asked questions of the officers and public speakers about the details of the application.

The Committee discussion included, but was not limited to, a request that officers and the college be mindful of that cycle racks across the site should be of adequate quantity and quality and provide secure parking for a variety of types of cycle.

In reaching its decision, the Committee considered all the information put before it. On being put to the vote the Committee agreed with the officer recommendation.

The West Area Planning Committee resolved to:

(a) grant planning permission for application 17/00758/FUL subject to:

1. Confirmation from the Secretary of State that the application will not be 'called in', following the referral of the application in accordance with The Town and Country Planning (Consultation) (England) Direction 2009;

(b) delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

2. Finalise the recommended 25 conditions and 1 informative as set out in section 11 of this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

24. 17/01860/FUL: 9 Union Street, Oxford, OX4 1JP

The Committee considered an application (17/01860/FUL) for planning permission for the erection of a single storey rear extension.

The Planning Officer presented the report. In reaching its decision, the Committee considered all the information put before it.

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

The West Area Planning Committee resolved to approve planning permission for application 17/01860/FUL subject to the 3 conditions listed in section 12 of the officer's report.

25. 17/02073/CT3: 410 To 448 Banbury Road, Oxford, OX2 7RT

The Committee considered an application (17/02073/CT3) for planning permission for alterations to the existing balcony railing design and colour.

The Planning Officer presented the report and reported that no further comments had been received since the publication of the agenda. The Committee asked questions about the details of the application.

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

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

The West Area Planning Committee resolved to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to grant planning permission for application 17/02073/CT3 subject to the conditions included in Section 10 of this report and subject to no additional adverse comments being received in response to public consultation.

26. Minutes

The Committee resolved to approve the minutes of the meeting held on 11 July 2017 as a true and accurate record.

27. Forthcoming applications

The Committee noted the list of forthcoming applications.

28. Dates of future meetings

The Committee noted the dates of future meetings and that there was likely to be an additional meeting on 31 October to discuss application 16/02745/CT3: Seacourt Park and Ride.

The meeting started at 6.00 pm and ended at 6.55 pm

Chair

Date: Tuesday 10 October 2017

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