

Agenda

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West Area Planning Committee

Date: **Tuesday 11 June 2019**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

For any further information please contact the Committee
Services Officer:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: democraticservices@oxford.gov.uk

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

West Area Planning Committee

Membership

Councillor Colin Cook	Jericho and Osney;
Councillor Michael Gotch	Summertown;
Councillor Tiago Corais	Littlemore;
Councillor Alex Donnelly	Hinksey Park;
Councillor Paul Harris	St. Margaret's;
Councillor Alex Hollingsworth	Carfax;
Councillor Dan Iley-Williamson	Holywell;
Councillor Louise Upton	North;
Councillor Dick Wolff	St. Mary's;

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

Copies of this agenda

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AGENDA

Pages

Planning applications - background papers and additional information

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

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

1 Apologies for absence and substitutions

2 Declarations of interest

3 Election of Chair for the Council year 2019-20

4 Election of Vice Chair for the Council year 2019-20

5 19/00410/FUL: Falcon Rowing And Canoe Club, Meadow Lane, Oxford, OX4 4BJ

11 - 40

Site address: Falcon Rowing and Canoe Club, Meadow Lane, Oxford, OX4 4BJ

Proposal: Demolition of existing boat house and ancillary boat storage. Erection of two storey clubhouse and boat storage.

Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission; and
2. **agree to delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

6	<p>18/03254/OUT: 263 Iffley Road, Oxford, OX4 1SJ</p> <p>Site address: 263 Iffley Road, Oxford, OX4 1SJ</p> <p>Proposal: Outline application (seeking the approval of access, appearance, layout and scale) for the demolition of single storey building to southeast side of 3 storey building. Construction of new 3 storey above ground building comprising premises for ground floor club D1/D2/social club use class and two upper floors for separate student accommodation. Alterations to layout of retained building and parking areas including relocation of parking to Percy Street only and closure of Iffley Road vehicle access and landscaping. (Amended Plans)</p> <p>Recommendation:</p> <p>The West Area Planning Committee is recommended to:</p> <ol style="list-style-type: none"> 1. approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission; and 2. agree to delegate authority to the Acting Head of Planning Services to: <ul style="list-style-type: none"> consider and deal with any new material planning considerations that may be raised through public consultation, which expires on the 20th June 2019 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission; finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and issue the planning permission. 	41 - 70
7	<p>18/03325/FUL: Old Toll House, Folly Bridge, Oxford, OX1 4LB</p> <p>Site address: Old Toll House, Folly Bridge, Oxford, OX1 4LB</p> <p>Proposal: Proposed change of use from A1 retail to A3 cafe use together with internal and external refurbishment of the building (amended description) (amended plans)</p>	71 - 94

Reason at Committee: The application was called in by Councillors Tidball, Kennedy, Pressel, Munkonge and Lygo due to concerns as to the possible impact of the development on the amenity of the neighbouring occupiers.

Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission; and
2. **agree to delegate authority** to the Acting Head of Planning Services to:

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

8 18/03326/LBC: Old Toll House, Folly Bridge, Oxford, OX1 4LB

95 - 114

Site address: Old Toll House, Folly Bridge, Oxford, OX1 4LB

Proposal: Proposed change of use from A1 retail to A3 cafe use together with internal and external refurbishment of the building (amended description) (amended plans)

Reason at Committee The application was called in by Councillors Tidball, Kennedy, Pressel, Munkonge and Lygo due to concerns as to the possible impact of the development on the amenity of the neighbouring occupiers.

Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required listed building consent conditions set out in section 11 of this report and grant listed building consent; and
2. **agree to delegate authority** to the Acting Head of Planning Services to:
 - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

9 Minutes

115 -
120

Recommendation: to approve the minutes of the meeting held on 8 May 2019 as a true and accurate record.

10 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

18/02065/OUTFUL: Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout, Northern By-Pass Road, Wolvercote, Oxford, OX2 8JR	Major application
18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ	Called in
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ	Committee Level Decision
18/03369/FUL: Site Of Gibbs Crescent, Oxford, OX2 0NX	Committee Level Decision
18/03370/FUL: Simon House, 1 Paradise Street, Oxford, OX1 1LD	Committee Level Decision
18/03133/FUL: Linton Lodge Hotel, 11-13 Linton Road, Oxford, OX2 6UJ	Committee level application
18/02982/FUL: Old Power Station, 17 Russell Street, Oxford, OX2 0AR	Committee Level Decision
19/00436/FUL: Convent of the Incarnation, Fairacres Road, Oxford, OX4 1TB	Major development involving listed building
19/00715/CT3: Town Hall, St Aldate's, Oxford, OX1 1BX	Council application
19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	Committee level decision
19/00481/FUL: 367 Iffley Road, Oxford, OX4 4DP	Committee Level Decision
19/01123/FUL: land to rear of 167 Howard Street, Oxford, OX4 3BA	Called in

11 Dates of future meetings

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

2019

9 July

6 August

10 September

8 October

12 November

10 December

2020

21 January

11 February

10 March

7 April

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

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

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

Members' Code of Conduct and public perception

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

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

Code of practice for dealing with planning applications at area planning committees and planning review committee

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

At the meeting

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

Preparation of Planning Policy documents – Public Meetings

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

Public requests to speak

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

Written statements from the public

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

Exhibiting model and displays at the meeting

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

Recording meetings

8. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. The Council asks those recording the meeting:
 - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
 - To avoid recording members of the public present unless they are addressing the meeting.

Meeting Etiquette

10. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
11. Members should not:
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**Code updated to reflect Constitution changes agreed at Council in April 2017.
Unchanged in last Constitution update agreed at Council November 2018.**

West Area Planning Committee

11th June 2019

Application number:	19/00410/FUL		
Decision due by	16th April 2019		
Extension of time	16th May 2019		
Proposal	Demolition of existing boat house and ancillary boat storage. Erection of a two storey clubhouse and boat storage.		
Site address	Falcon Rowing And Canoe Club , Meadow Lane, Oxford, OX4 4BJ – see Appendix 1 for site plan		
Ward	Iffley Fields Ward		
Case officer	Natalie Dobraszczyk		
Agent:	Ms Joelle Darby	Applicant:	Mr Jeff Bethray
Reason at Committee	The application is before the committee because it is a major application		

1. RECOMMENDATION

- 1.1. West Area Planning Committee is recommended to:
- 1.2. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission and;
- 1.3. **agree to delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application for the demolition of an existing boat house and ancillary boat storage and the erection of a two storey clubhouse and boat storage at Falcon Rowing and Canoe Club, Meadow Lane.
- 2.2. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations on balance support the grant of planning permission.
- 2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises

that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposal is liable for a CIL contribution of £22,804.53.

4. SITE AND SURROUNDINGS

4.1. The application site is located on an open riverside plot to the north of Donnington Bridge. To the east of the site is a shared car park within the ownership of Oxford City Council. Meadow Lane is a quiet residential road sited to the east. To the north, immediately adjacent to the site is a two storey building in use by the Sea Scouts and to the south of the site is the Riverside Centre (youth centre). A towpath runs along the opposite side of the river and affords views towards the site from the west.

4.2. A block plan is shown below:



4.3. Currently, the site is occupied by a single storey dual pitched clubhouse constructed from timber. A number of metal shipping containers are present

and there is an enclosed area utilised for boat storage towards the east of the application site. The existing building is surrounded by open riverside grassland with trees and vegetation partially screening the site from views from Meadow Lane and the neighbouring car park. An informal pathway of loose gravel leads to the existing building for pedestrian access and there are 24 cycle stands as well as a small climbing frame situated on the grassed area.

- 4.4. The site is located within the Green Belt and is the site is within an area of high flood risk (Flood Zone 3b, which is functional floodplain).

5. PROPOSAL

- 5.1. The application proposes the demolition of the existing boat house and ancillary boat storage and the erection of a two storey clubhouse and boat storage.
- 5.2. The proposed clubhouse would include boat storage, changing rooms, social space and gym facilities on the north side of the site. Rowing sculls, boats and kayaks would be stored on the ground floor along with an equal access changing room, toilet, lift and stairs providing access to the upper level. The proposed first floor would include changing rooms, showers, a social space, kitchen and training gyms.
- 5.3. Following the proposed demolition of the existing boat house the resulting area would revert to open turfed meadow acting as informal social space for events, boat maintenance, picnics etc. This would effectively replace the adjacent land which is proposed to be used for the new clubhouse.
- 5.4. The existing boat house and storage measures 740m² (GIA) and the proposed clubhouse would measure 1230m² (GIA). The proposed clubhouse would measure approximately 7 metres in height to the eaves, 9 metres to the apex of the roof, 31 metres wide and 26 metres in depth.
- 5.5. The proposed building would broadly follow the traditional multi-pitch roof boathouse typology with a series of 4 pitched roofs and a material change from brick to wood to demarcate the plinth and the floor above. To the rear of the building a series of single storey pitched roof integrated boat stores would be sited. It is proposed that these would be constructed from perforated metal to both reduce their perceived bulk and to offer glimpses of the boat storage within. An external staircase is proposed to the rear of the building which would also feature a metal frame and perforated metal under an extruded roof form. To the front (riverside) elevation a wrap around balcony is featured to allow for wide views of the river.

6. RELEVANT PLANNING HISTORY

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

01/01279/NF - Erection of racking and two containers for storage of boats and

ancillary equipment for temporary period.. PER 4th September 2001.

03/01574/FUL - Permanent retention of racking and three containers for storage of boats and ancillary equipment.. REF 7th October 2003.

61/10793/A_H - Falcon Rowing Club Meadow Lane - Extension of existing club premises.. TEM 12th September 1961.

64/10793/A_H - Falcon Rowing Club Meadow Lane - Renewal of temporary consent for extension of club premises.. TEM 22nd December 1964.

69/10793/A_H - Boathouse Meadow Lane - Renewal of temporary consent for use of boathouse as club premises.. TEM 23rd December 1969.

69/21815/AA_H - Restoration of Keble College barge for use as a club house with a single storey annexe containing lavatories, changing room and a rowing practice pool.. PER 23rd December 1969.

69/21815/A_H - Restoration of Keble College barge for use as a club house with a single-storey annexe containing lavatories, changing rooms and a rowing practice pool. (Outline application).. PER 19th August 1969.

72/26189/A_H - The Falcon Rowing Club Meadow Lane - Erection of temporary boat store/workshop.. REF 15th August 1972.

73/01418/A_H - The Falcon Rowing Club Meadow Lane - Outline application for extension to boathouse.. REF 27th November 1973.

79/00268/A_H - Adjacent to Falcon Rowing Club Meadow Lane - New boathouse.. PER 6th June 1979.

94/00817/NO - Falcon Rowing and Canoe Club Meadow Lane - Demolition of boathouse. Outline application (seeking approval for siting and means of access) to erect a 2 storey replacement boathouse with ancillary facilities (Amended plans). PER 17th August 1995.

04/00257/OUT - Demolition of existing single storey boathouse. Erection of 2 storey boat club building. PER 6th May 2004.

04/00441/FUL - Permanent retention of racking and 3 containers for the storage of boats and ancillary equipment. PER 19th April 2004.

08/00263/FUL - Proposed erection of fence to provide boat storage compound.. PER 10th April 2008.

09/01918/FUL - Demolition of existing boathouse and redevelopment of boathouse with club facilities, associated storage and landscaping.. PER 21st July 2010.

13/01655/EXT - Application to extend the time limit for implementation of

planning permission 09/01918/FUL (Demolition of existing boathouse and redevelopment of boathouse with club facilities, associated storage and landscaping.). PER 27th August 2013.

13/03013/PDC - PERMITTED DEVELOPMENT CHECK - Erection of new sign. PNR 19th November 2013.

19/00410/FUL - Demolition of existing boat house and ancillary boat storage. Erection of a two storey clubhouse and boat storage.. PCO .

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Other planning documents	Local Plan 2016 Proposed Submission Draft*
Design	8, 11, 124 - 132	CP1, CP6, CP8, CP10, HS19	CS2, CS18		RE1, RE2, DH1
Natural environment	133-142, 148-165, 170-183	CP21, CP22, CP23	CS4, CS9, CS10, CS11, CS12	Energy Statement TAN	RE3, RE4, RE6, RE7, RE9, G2, G3
Social and community	91-93	CP19	CS21	HP14 Sites and Housing Plan	G5
Transport	102-111	TR3, TR4		Parking Standards SPD	M1, M3, M5
Miscellaneous	7-12, 47, 48	CP.13 CP.24 CP.25			

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

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 6th March 2019 and an advertisement was published in The Oxford Times newspaper on 7th March 2019. Following the submission of additional information that was requested by officers, additional site notices were displayed on 22nd March 2019 and 3rd May 2019 and an advertisement was published in The Oxford Times newspaper on 21st March 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 8.2. No objections subject to conditions requiring the submission of a Construction Traffic Management Plan and details of cycle parking.

Environment Agency

- 8.3. No objections subject to conditions requiring further details about floodable voids and that the development be carried out in accordance with the approved Flood Risk Assessment.

Land Quality Officer

- 8.4. No objections subject to the inclusion of an informative relating to unexpected contamination.

Air Quality Officer

- 8.5. No objections subject to conditions relating to gas fired boilers and the requirement for the submission of a Construction Environmental Management Plan.

Ecology Officer

- 8.6. No objections subject to conditions requiring the submission of a lighting design strategy and a scheme of ecological enhancements.

Tree Officer

- 8.7. No objections subject to conditions requiring the submission of a landscape details and tree protection plans.

- 8.8. The following consultees responded with no comments:

- Sport England.

- 8.9. The following consultees did not respond:

- Thames Water.

Public representations

- 8.10. 49 comments were made on this application from various addresses both inside and outside of the City. These were: Beauchamp Lane; Ferry Road; Mark Road; Old High Street; Stapleton Road; Boundary Brook Road; Holmlea Sandy Lane; Tallis House (Milton); The Old Bakehouse (Banbury); Milwood End (Witney); London Road (Thame); Apsley Road; Church Way; Percy Street; White House Road; Cavell Road; Ford Lane; Priestend; Rose Drive; William Street; Lonsdale Road; Meadow Lane; Colwell Road; Annesley Road; Bellenger Way; Drayton Road; Park Lane; Stratford Street; Warwick Street; David Nicholls Close; Mortimer Drive; Ferny Close; Oxford Road; Latimer Road; Osler Road; Bateman Street; Fairacres Road, Abberbury Road.

8.11. Comments were also received from Iffley Fields Residents Association (IFRA), Oxford Preservation Trust (OPT) and the Oxfordshire Association for the Blind.

8.12. In summary, the main points of support (45 residents) were:

- The club plays an important role in the city of Oxford and the improved facilities would allow easier access for local residents and disabled people.
- The building would provide advantages to the wider community such as the Sea Cadets, Sea Scouts, local schools and disabled groups.
- The existing facilities are not fit for purpose, struggling to be maintained and the proposal would improve this valued community asset.
- The proposal would benefit young people and those children from Cheney School which have a link to the club.
- The proposal would help to rejuvenate the surrounding area.
- The design of the building compliments the riverbank view without increasing the urban area of Meadow Lane.
- The proposed materials would be similar to the materials used on the existing buildings so would not adversely impact visual amenity.
- The scale of the building is appropriate.
- The proposed building would consolidate the existing buildings on site.
- Any new building will cause some change to the look of the immediate area however, this development is in an area where there are already existing buildings nearby so it would fit in with the surroundings.
- The traditional boathouse design is attractive and in keeping with the character of the river frontage.
- The proposal would enhance views from the Thames Path on the opposite bank.
- Support was given for the building being energy and water efficient.
- The activity associated with the proposed building would predominately take place on the river and not in the building itself. This means that even on busy days the users of the building will only be on site for a short time - most of the time they will be on the water and well away from the site.
- The proposed building would be an improvement in terms of flooding impacts.
- The proposal would not give rise to any traffic issues.
- The proposal would not be harmful in terms of water drainage or sewerage infrastructure.
- The proposal would not be harmful to nocturnal animals as all construction work would take place during the day. There would not be harm to wildlife movement or ecology as a result of the proposal.

8.13. In summary, the main points of objection (4 residents) were:

- The proposed building would be much larger than the existing structures and would be more visually intrusive.
 - The proposal would set a precedent for large intrusive buildings within the river corridor.
 - The proposed building would not enhance the river area and the river should not be developed further.
 - All buildings immediately surrounding the site are smaller and less intrusive to the semi-rural river corridor.
 - Concerns were raised about the impact on the wild flower meadows of digging to the floodplain. Reference was made to the harmful impact resulting from the construction of SS Mary and John School.
 - The proposed building will dominate the view from Donnington Bridge and the towpath. The finish of the building is dark and out of keeping with any other local building.
 - Falcon Rowing and Canoe club is in a valuable part of the river corridor important to wildlife. It is in the area which comprises Christ Church Meadow, Long Meadow, Kidneys Nature Reserve, Astons Eyot, Swan Island, Oxford Preservation Trust Land (SSSI) and BBOWT meadows (on the other side of the river). This area is home to foxes, badgers, roe and muntjac deer, amphibians, many species of birds and invertebrates and diverse plant life. The building work alone will disrupt wildlife movement throughout this area, as will the increase in potential numbers of users of the finished site because the scale proposed is far larger than the existing clubhouse.
 - The proposal would disrupt an area where waterfowl roost overnight.
 - During building there will be large vehicles during the building process down narrow Meadow Lane. If given planning permission, after completion, the size of the building, and its car park, indicates that more traffic will be expected to use the club. This will inevitably lead to an increase in vehicle movements in Meadow Lane.
 - The application has much support from club supporters, and IFRA understands that improved facilities are needed. However the importance of maintaining habitats for wildlife and the unique benefits of the river corridor that add to the attraction of the whole of Oxford, should not be considered immaterial. Club users are not necessarily resident in the area, and perhaps do not value the unique environmental and heritage aspects of how such a large building would damage the river corridor. IFRA would value a smaller development.
- 8.14. The following comments (neither supporting or objecting to the proposal) were made:

- It was mentioned that the planning site notice on Donnington Bridge had been removed before the consultation period expired and that the club did not offer services to non-members.
- It was suggested that the current proposals would be a wasted opportunity to consider the redevelopment potential of this part of the riverside. The Sea Cadets and the 22nd Sea Scouts buildings sit in very close proximity to the application site, and would have similar requirements for clubhouse facilities and boat storage. Rather than pursuing individual redevelopment of these sites, if the neighbouring buildings and their occupants are considering redevelopment in the short to medium term OPT considered it would have been prudent to consider redeveloping the site as a whole, rather than in a piecemeal way.

Officer response

- 8.15. Officers note the comment stating that a planning site notice was removed before the expiry of the consultation period. The application was re-advertised on several occasions following this comment (site notices, weekly list, advertisements in local paper) and officers therefore consider the application was advertised correctly and that interested parties would have had ample time and opportunity to submit comments to the Local Planning Authority.
- 8.16. Officers note the suggestion that a redevelopment of the wider site would be supported by OPT however the current application does not include a larger area and must be determined on its own merits.

9. PLANNING MATERIAL CONSIDERATIONS

- 9.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design and visual impact on riverside amenity;
- iii. Neighbouring amenity;
- iv. Transport;
- v. Trees and landscape;
- vi. Flooding;
- vii. Sustainability;
- viii. Biodiversity;
- ix. Other matters.

i. Principle of development

- 9.2. The application site is located within the Green Belt. Section 13 of the National Planning Policy Framework (NPPF) sets out the great importance that the Government attaches to the Green Belt. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently

open; the essential characteristics of Green Belts are their openness and permanence (paragraph 134). Core Strategy Policy CS4 (Green Belt) also states that planning permission will not be granted for “inappropriate development” within the Green Belt. Emerging Local Plan Policy G3 (Green Belt) requires that the acceptability of developments be assessed against national policy.

9.3. The Green Belt serves five purposes:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.4. Paragraph 145 of the NPPF states that Local Planning Authorities (LPAs) should regard the construction of new buildings as inappropriate in the Green Belt with the following exceptions:

- a) Buildings for agriculture and forestry;
- b) Provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and does not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and

contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 9.5. The proposed development is considered to fall within paragraph (b) as a facility for outdoor sport and recreation. Therefore, the proposed building is not considered to be an inappropriate development and the proposal would not conflict with the five purposes set out in paragraph 134 of the NPPF.
- 9.6. In terms of whether the proposal would preserve the openness of the Green Belt officers note that the structure would be significantly larger than the existing boat house, both in terms of its height and its footprint. However, considering the demolition of the existing building and the associated storage buildings on the application site, the proposal would result in the consolidation of built form along the riverside and following the demolition of the existing buildings this land will be reinstated as green space. As such, the proposal would preserve the openness of the Green Belt.
- 9.7. In addition to the above, officers also note the public benefits arising from the development. The Falcon club membership has grown significantly from 180 members in 2010 to 410 in 2018. The club is well used by young people and adults as well as local community and disabled groups. The proposed development would vastly improve the facilities available to members and visitors and allow the club to continue to operate in the future.
- 9.8. Therefore, officers conclude that the proposal would not be harmful to Green Belt and is therefore found to be acceptable and not to conflict with the aims of Section 13 of the NPPF and to be compliant with Core Strategy Policy CS4 and emerging Policy G3.

ii. Design and Visual Impact on Riverside Setting

- 9.9. 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 require that development proposals incorporate high standards of design and respect local character.
- 9.10. The application site is bounded by the river to the west, a large number of substantial trees to the east and narrower bands of vegetation to the north and south. Views of the site are prominent from the towpath to the western side of the river and from Donnington Bridge to the south. The existing boathouse and associated storage buildings are single storey and, though visible, are relatively visually unobtrusive. Consequently, the character of the site is one of verdant, open space with low level buildings in a riverside setting.

Scale and Massing

- 9.11. The application proposes the demolition of the existing buildings on site and the erection of a 2 storey boathouse. Officers acknowledge that the proposed building would have greater visual prominence within the setting due to the increase in massing, resulting from the larger footprint, and increase in height (from one to two storeys). Notwithstanding this, the proposed building would consolidate the uses of the existing buildings on the site resulting in a net reduction in floor area when compared to the existing arrangement (approximately 740m² compared to the proposed 506m² footprint). As such officers consider that the proposal would improve the setting of the site, and more widely the setting of the Green Belt, by reducing the amount of built form on the site.
- 9.12. The scale of the proposed building, while larger than the existing buildings on site, would be comparable to the 2 storey Sea Scout building to the north with a similar height to the ridge of 8.9 metres. The eaves height of the proposed building would be 6.8 metres and the height between ground to first floor would measure 3.8 metres to allow for high racked storage for six boats. Once again, demonstrating a comparative massing to the neighbouring Sea Scout building. Therefore, when viewed within the immediate context officers consider the proposed scale and massing to be appropriate.

Siting/ Layout

- 9.13. The proposed building would occupy the north side of the site which would allow the club to continue to operate during the demolition of the existing club house and the construction of the proposed new building. To ensure that the old building and storage facilities are demolished/removed a condition has been included to secure this. The proposed building would be set back from the river by 16 metres, the same distance as the building line of the existing club house. The setback distance is also the minimum possible distance required to turn rowing eights and launch them safely into the river.
- 9.14. The siting of the building would increase its prominence in views from Donnington Bridge and the tow path when compared to the siting of the existing buildings which are screened by vegetation to a greater extent. While the building would be more dominant within the riverside setting officers do not consider this to be harmful to the character and amenity of the area. As set out in the relevant sections of this report, the massing of the building is considered to be appropriate so despite the increase in visibility the building would not appear incongruous.
- 9.15. In terms of the proposed layout of the building, doors on the west façade would open onto the existing hardstanding to allow access for boat traffic. The main entrance is proposed on the south east corner aligned with a path from the OCC car park which forms the main arrival point for users arriving by car, foot or cycle. The path from the car park to the main entrance bisects the site with the boat activity hardstanding to the north and a large area of meadow to the south.
- 9.16. A secondary access is proposed via an external stair on the east façade which would provide access to the first floor, would act as a secondary means of

escape and provide a 'dirty' route direct to changing rooms for muddy/ wet kayakers. This staircase is proposed to be enclosed within metal meshing with a simple metal frame. The staircase would be incorporated within the main building design through the extruded roof form while the mesh finish seeks to reduce the perceived mass of the building.

- 9.17. The proposed ground floor arrangement would be predominantly used for boat storage and bin/ maintenance storage with access and egress for rowing boats through west facing doors directly onto the hardstanding by the boat launch area. A ground floor toilet and disabled access shower room are also proposed within the western entrance area. At first floor level the proposal would include two gyms, a lounge, kitchen and male and female changing rooms. Additionally a lift is proposed to enable mobility impaired users to access the upper floor facilities.
- 9.18. A building regulations compliant (Part M) access path is proposed from the car park to the new building with hard standing around the building providing access to all boat related areas.
- 9.19. There are no changes proposed to the current vehicle access to the site. The existing arrangement for loading trailers for away events is via a track from Meadow Lane past the Riverside Centre and through the existing gate on the south boundary. The intention is to retain this arrangement.
- 9.20. The existing concrete boat launch pontoon and a 2 metre strip along the river bank for the full length of the west boundary are proposed to be retained for Oxford City Council access and maintenance. Likewise an Environment Agency maintenance strip is proposed to be retained to the south west of the site.
- 9.21. Officers consider the siting of the proposed building to be logical in order to minimise disruption to the operation of the club during construction and are satisfied that the siting of the building, while more visually prominent, would not give rise to harm to the visual amenity of the surrounding area.
- 9.22. The proposed building layout including access is also found to be acceptable in that it would provide improved facilities for the club within an appropriately sized footprint and would maintain the required maintenance access routes.

Appearance and Materials

- 9.23. The proposed building would utilise the traditional multi-pitch roof boathouse typology with a series of 4 pitched roofs. The applicant has submitted a character study which informs the proposed design and officers consider that the proposed design would successfully represent a boat house vernacular which is appropriate considering the riverside setting.
- 9.24. Following discussions with officers the applicant has confirmed that the proposed materials will include a brick plinth with vertical timber boarding above. A metal frame and mesh structure is proposed to house the boat

storage at ground floor as well as to enclose the secondary staircase access on the east elevation.

- 9.25. Officers consider that the proposed material choices would be acceptable and that the proposed timber finish would help the proposal to integrate with the surrounding verdant landscape. The proposed metal frame and mesh would allow glimpses of the boat storage below highlighting the practical use of the building as well as providing visual interest. The brick plinth would ground the building and contribute towards the differentiation of uses between the functional ground floor and the social first floor. To ensure that there will be a high quality of materials used on the proposal officers consider it reasonable to require the submission of material samples for approval prior to commencement of works.

iii. Impact on neighbouring amenity

- 9.26. The Oxford Local Plan Policy seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. As a result Policy CP10 requires development to be sited in a manner which ensures that the amenities of the occupiers of properties surrounding any proposed development are safeguarded.
- 9.27. The nearest residential property is Ferry House which is located approximately 76 metres to the east. A large group of substantial vegetation and trees is also sited between the two buildings. Officers consider that due to the significant separation distance between the proposed building and the neighbouring dwelling there would not be any overlooking, overbearing or overshadowing impacts. As such the development would not have an adverse impact upon any adjoining residential properties and therefore is found to be compliant with Policy CP1 (Development Proposals) of the Local Plan, HP14 of the Sites and Housing Plan (2013) and emerging Policy RE7 (Managing the Impact of Development) of the Proposed Submission Draft Local Plan 2036.

iv. Transport

Transport Impacts

- 9.28. The application site is located within a highly sustainable area with Iffley Road located off Donnington Bridge Road to the east and Abingdon Road to the west. There is a frequent bus service along both roads and good access to walking and cycling infrastructure.

Accessibility

- 9.29. The application site includes an existing car park containing 46 car parking spaces and 6 Sheffield stands (12 spaces) for bicycle parking. The car park, which is owned by Oxford City Council, is unattended and unregulated, however, a lockable gate across the access has been provided.

- 9.30. A sports facility such as the proposed canoe club is obliged to provide one parking space per 35m² internal floorspace. Based on the proposed 1230m² floorspace in the new facility, the applicant must provide at least 35 parking spaces. Since there are 46 parking spaces in the existing car park, officers find the current provision to be acceptable.
- 9.31. To ensure that a minimum of 35 spaces can be utilised by club members, and to ensure there will not be any detrimental impacts on car parking provision in the neighbouring streets, officers consider it necessary to include a condition requiring a Car Parking Management Scheme be submitted to the Local Planning Authority for approval.

Cycle parking

- 9.32. The application proposes secure and covered cycle storage for 40 bikes (plus 12 bikes in the existing car park) which meets the minimum requirements set out in the Adopted Parking Standards (1 cycle space per 105 m² site area). However, the existing cycle storage unit currently caters for 48 bikes (plus 12 bikes in the car park) and so the proposal would result in a net loss (- 8) of cycle parking to the sports facility.
- 9.33. A reduction in cycle parking is deemed unacceptable so officers consider it necessary to include a condition requiring details of cycle parking to be provided with a minimum re-provision of at least 48 cycles.

Refuse Arrangements

- 9.34. Access for refuse collection is proposed to remain as per the existing arrangement, with trucks picking up from the car park on Meadow Lane. A dedicated and secure refuse compound located on the east side of the building with separate recycling facilities is also proposed.

Construction Traffic

- 9.35. To mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents a condition has been included to secure the submission of a Construction Traffic Management Plan (CTMP).

v. Trees and Landscape

- 9.36. All trees are a material consideration in the planning process; whether by the preservation of existing and/or through new tree planting opportunities. However, there are no special planning constraints related to trees at this site (i.e. TPOs or Conservation Areas). A dense copse of various native tree species straddles the northern and eastern boundaries of the site and this is an important landscape feature.
- 9.37. The application involves the demolition of the existing timber boat sheds and their replacement with a new building located further to the north on the site. It is proposed that the area under the demolished buildings would be given over to a grassed lawn for the amenity use of the club members.

- 9.38. The proposal necessitates the loss of various trees located at the back (eastern) side of the proposed building; 11 individual trees and one shrubby tree group (comprised of 9 hawthorn). These trees are all of low quality individually, and it is considered that the landscape impact of the cumulative loss can be adequately mitigated through appropriate replacement tree planting as part of landscape scheme secured under conditions.
- 9.39. As such officers consider the proposal to be acceptable and compliant with Local Plan Policies, CP1, CP11, NE15 and NE16, and emerging Local Plan Policy G7 (Other Green and Open Spaces).

vi. Flooding

- 9.40. The NPPF states that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in at risk areas where informed by a site specific flood risk assessment following the Sequential Test. If required an Exception Test may also be necessary to make the development safe without increasing flood risk elsewhere (paragraph 157).
- 9.41. Additionally, Core Strategy Policy CS11 (Flooding) requires that qualifying developments are accompanied by a full Flood Risk Assessment (FRA), which includes information to show how the proposed development will not increase flood risk. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding
- 9.42. The application site is located within Flood Zone 3b (functional floodplain). Table 2 of National Planning Policy Guidance, Flood Risk Vulnerability Classification, states that water-based recreation is classed as a Water Compatible use therefore, the proposed building is considered to constitute a Water Compatible use.
- 9.43. Table 3: Flood Risk Vulnerability and Flood Zone 'Compatibility' of the National Planning Policy Guidance is recreated below with the relevant section highlighted for reference:

Flood Zone	Flood Risk Vulnerability Classification				
	Essential Infrastructure	Highly Vulnerable	More Vulnerable	Less Vulnerable	Water Compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a	Exception Test required	✗	Exception Test required	✓	✓
Zone 3b	Exception Test required	✗	✗	✗	✓*

Key:

- ✓ Development is appropriate

X Development should not be permitted.

" * "In Flood Zone 3b (functional floodplain) essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses, should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

9.44. The above table indicates that the proposal would be permitted within Flood Zone 3b subject to meeting the bullet points set out above.

9.45. The proposed building is designed to be predominantly floodable and, due to the consolidation of built form, would provide betterment in flood plain encroachment compared to the existing site. In order to allow the building to be floodable, openings (voids) are proposed within the structure. Following consultation with the Environment Agency and Oxford City Council's Flood Mitigation Officer it is considered that the proposal would be acceptable and would not give rise to increased flood risk. Notwithstanding this, Officers consider it necessary to secure by way of condition further details of the proposed voids, a flood warning and evacuation plan (in order to set out actions both prior to a flood event) and a drainage strategy.

9.46. Therefore, Officers consider that the submitted FRA and details contained within the application documents comply with the requirements of section 14 of the NPPF, Core Strategy Policy CS11 and emerging Local Plan Policy RE3.

vii. Sustainability

9.47. Core Strategy Policy CS9 (Energy and Natural Resources) states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials.

9.48. The primary approach to sustainable building design is to passively reduce the burden of energy running costs for the club. In order to achieve this the application proposes:

- High levels of insulation in the wall, floor and roof build ups.
- Services systems and controls will be efficient and where possible heat recovery systems specified.
- All light fittings will be low energy LED with new double glazed aluminium framed windows with high level thermal performance.
- Large opening windows orientated towards the west and south with opening rooflights in the north facing slopes of the roof to help prevent

overheating in the height of the summer by creating a stack effect thereby ventilating the first floor by passive means.

- PV panels on the south facing roof slopes.
- Rainwater will be collected in a large tank and used for boat washing.
- SUDs compliant resin bound stone to be used for the hardstanding around the building.

9.49. Officers consider that the proposal would minimise the carbon emissions resulting from the development and does demonstrate sustainable design and construction methods and energy efficiency through design and materials. As such, Officers conclude that the proposal would comply with the aims of Core Strategy Policy CS9.

viii. Biodiversity

9.50. An Ecological Appraisal and Bat Survey Report have been submitted in support of the application. No evidence of bat roosting activity was identified within the site and the habitats on the site are considered to be of negligible value due them being of low grade and widespread.

9.51. To ensure the proposal will result in no net loss of biodiversity conditions have been included to require details of ecological enhancements and a lighting strategy. As such the application is found to comply with the requirements of Policy CS12 and emerging Local Plan Policy G2.

ix. Other matters

9.52. Officers have considered land contamination and air quality impacts and have found the proposal to be acceptable subject to the conditions set out in section 11 of this report.

10. CONCLUSION

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

10.2. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Compliance with Development Plan Policies

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

Material considerations

- 10.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 10.6. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 10.7. The proposal seeks to provide improved water based leisure facilities in a sustainable location, the proposal will not have an unacceptable impact on the Green Belt, neighbouring amenity, the flood plain, public highways and biodiversity. Conditions have been included to ensure this remains the case in the future.
- 10.8. Therefore it is recommended that the Committee resolve to grant planning permission for the proposed development subject to the conditions set out in section 11 of this report.

11. CONDITIONS

1. Development 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. Development in Accordance with Approved Plans

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

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

3. Removal of Buildings and Reinstatement of Soft Landscape

Within three months of first occupation of the approved clubhouse the existing clubhouse and all associated boat storage shall be removed and/or demolished and any resulting debris removed from the site. Within three months of the removal/ demolition of the existing clubhouse and associated boat storage or in the first planting season following their removal, whichever is the sooner, the land upon which the existing clubhouse and associated boat storage was situated, shall be reinstated to a grassed area of a quality at least equivalent to the quality of the surrounding grassed area immediately before the approved building was erected. The work shall be carried out to the satisfaction of the Local Planning Authority and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the site is restored to a condition fit for purpose, to protect the openness of the Green Belt and in the interests of biodiversity and flooding. In accordance with policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016, policies CS4 and CS11 of the Core Strategy and emerging policies G3, G7, RE3 of the Oxford Local Plan 2036 Proposed Submission Draft.

4. Material Samples

Prior to the commencement of the approved development 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 works on site. 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 and CP8 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

5. Air Quality

Prior to occupation of the approved development, evidence that proves that all emission gas fired boilers installed on site are ultra-low NO_x (and meet a minimum standard of <40mg/kWh for NO_x) must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the expected NO₂ emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Policy CP23 of the Oxford Local Plan 2001- 2016 and emerging Policy RE6 of the Oxford Local Plan 2036 Proposed Submission Draft.

6. Construction Environmental Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP), containing the specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures to be included in the CEMP can be found in the approved Air Quality Screening Assessment (ref:1011232-5A20190405) developed by Hoare Lea (April 2019) –Pages 15 -16.

The development shall be carried out in strict accordance with of the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will be “not significant”, in accordance with Policy CP23 of the Oxford Local Plan 2001- 2016 and emerging Policy RE6 of the Oxford Local Plan 2036 Proposed Submission Draft.

7. Underground Tree Roots

No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 “Trees in Relation to Design, Demolition and Construction - Recommendations”. Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

Reason: To avoid damage to the roots of retained trees in accordance with policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026 and emerging Policy G8 of the Oxford Local Plan 2036 Proposed Submission Draft.

8. Tree Protection Plan 1

No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: “Trees in Relation to Design, Demolition and Construction – Recommendations” unless otherwise agreed in writing by the Local Planning Authority. The TPP shall include a scale plan indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority. The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated

Construction Exclusion Zones unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies CP1, CP11 NE15 and NE16 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026 and emerging Policy G8 of the Oxford Local Plan 2036 Proposed Submission Draft.

9. Landscape Plan

A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11, NE15, NE16 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026 and emerging Policy G8 of the Oxford Local Plan 2036 Proposed Submission Draft.

10.Landscape Proposals: Implementation

The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

11.Landscape Proposals: Reinstatement

Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026 and emerging Policy G8 of the Oxford Local Plan 2036 Proposed Submission Draft.

12.Ecological Enhancements

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

The approved ecological enhancements must be installed prior to occupation of the approved building in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026 and emerging Policy G2 of the Oxford Local Plan 2036 Proposed Submission Draft.

13. Lighting Design Strategy

Prior to occupation, a “lighting design strategy for biodiversity” for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the approved strategy. No other external lighting shall be installed without prior consent from the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026 and emerging Policy G2 of the Oxford Local Plan 2036 Proposed Submission Draft.

14. Flooding (Voids)

The development hereby permitted must not be commenced until such time as a scheme detailing appropriate wall opening designs has been submitted to, and approved in writing by, the Local Planning Authority, ensuring that the building is floodable, and enabling unimpeded flows as outlined with the approved Flood Risk Assessment (FRA).

The voids should be designed as a minimum with the following:

- The top of the opening should be set above the 1% AEP flood level with a 35% allowance for climate change.
- The opening should extend from existing ground level to above the 1% AEP flood level with a 35% allowance for climate change.
- 1m wide openings should be provided every 5m length on a minimum of two sides as shown on drawing number PA-05, revision A, dated 3 December 2018.
- If security measures are required, then security bars may be proposed, spaced at centres of at least 100mm.

Prior to occupation the approved scheme shall be fully implemented and subsequently maintained as agreed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent an increase in the risk of flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage. This condition is in accordance with adopted policy CS 11 in the Oxford Core Strategy 2026 and emerging policy RE3 in the Oxford Local Plan 2036 Proposed Submission Draft.

15. Flood Risk Assessment

The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated 8 April 2019, Issue B, prepared by Monson Engineering Ltd.) and the following mitigation measures it details:

- Ground floor finished floor levels shall be set no lower than 55.75 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent an increase in the risk of flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage. To reduce the risk of flooding to the proposed development and future occupants and in accordance with adopted Policy CS11 in the Oxford Core Strategy 2026 and emerging policy RE3 in the Oxford Local Plan 2036 Proposed Submission Draft.

16. SuDS

Prior to the commencement of the approved development, a drainage strategy comprising 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 (LPA). The plans, calculations and drainage details must be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The drainage strategy should be in accordance with Oxford City Council SuDS Design and Evaluation Guide (available at www.oxford.gov.uk/floodriskforplanning) , Non-statutory technical standards for SuDS, and CIRIA C753 -the SuDS Manual.

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

- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.
- II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- III. Excess surface water runoff must be stored on site and released to receiving

system at greenfield runoff rates.

IV. Where sites have been previously developed, discharge rates should be at greenfield rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

Prior to occupation of the approved development the approved drainage strategy shall be fully implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11 and emerging policy RE3 in the Oxford Local Plan 2036 Proposed Submission Draft.

17. SUDS Maintenance Plan

Prior to the commencement of the approved development a Sustainable Drainage (SuDS) Maintenance Plan shall be submitted and approved in writing by the Local Planning Authority. The (SuDS) Maintenance Plan must be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS Maintenance Plan shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity.

The drainage strategy approved pursuant to condition 16 shall thereafter be maintained in accordance with the approved SuDS Maintenance Plan following occupation of the approved development.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11 and emerging policy RE3 in the Oxford Local Plan 2036 Proposed Submission Draft.

18. Flood Warning and Evacuation Plan

Prior to the commencement of the approved development, a Flood Warning and Evacuation Plan must be submitted and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan must set out the following actions prior to a flood event:

- Confirmation that relevant persons are signed up to the Government's Flood Warning System;
- Measures to ensure the building is not used during a flood event;
- Details of how the building would be evacuated during a flood event.

The Flood Plan must set out the following actions following a flood event:

- Details relating to the clean-up of the facility to facilitate safe usage.

Prior to occupation of the approved building the approved Flood Warning and Evacuation Plan shall be fully implemented and subsequently adhered to unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety and in accordance with Policy CS11 in the Oxford Core Strategy 2026 and emerging policy RE3 in the Oxford Local Plan 2036 Proposed Submission Draft.

19. Car Parking Management Scheme

Prior to the commencement of the approved development a Car Parking Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Scheme shall, as a minimum, include details of access arrangements for the car park and its ongoing management including the following:

- A plan to show the number and layout of car parking spaces;
- Details of the groups that will have access to the car park;
- The hours of use when the car park will be made available for those groups;
- The means of restricting access and egress to ensure parking will not be available for unsolicited commuter vehicles;
- The means for implementing and enforcing the car parking management scheme;
- The method of monitoring and amending the car parking management.

The development shall be undertaken strictly in accordance with the Car Parking Management Scheme as approved at all times.

Reason: To reduce the pressure for car parking in the locality in accordance with policies CP1, TR3 and TR12 of the Adopted Oxford Local Plan 2001-2016.

20. Construction Traffic Management Plan

A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed in writing prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

The development shall be undertaken strictly in accordance with the Construction Traffic Management Plan as approved at all times.

Reason: In the interests of highway safety, to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times and in accordance with Local Plan Policy CP1 and emerging policy RE7 in the Oxford Local Plan 2036 Proposed Submission Draft.

21. Cycle Parking

Prior to the commencement of the approved development details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. A minimum of 48 cycle parking spaces shall be provided. 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 in line with Local Plan Policy TR4 and emerging policy M5 in the Oxford Local Plan 2036 Proposed Submission Draft.

12. INFORMATIVES

1. Unexpected Contamination

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.

2. Environmental Permitting

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culverted main river
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan

19/00410/FUL – Falcon Rowing Club



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West Area Planning Committee

11th June 2019

Application number: 18/03254/OUT

Decision due by 6th February 2019

Extension of time 19th June 2019

Proposal Outline application (seeking the approval of access, appearance, layout and scale) for the demolition of single storey building to southeast side of 3 storey building. Construction of new 3 storey above ground building comprising premises for ground floor club D1/D2/social club use class and two upper floors for separate student accommodation. Alterations to layout of retained building and parking areas including relocation of parking to Percy Street only and closure of Iffley Road vehicle access and landscaping. (Amended Plans)

Site address 263 Iffley Road, Oxford, OX4 1SJ, – see **Appendix 1** for site plan

Ward Iffley Fields Ward

Case officer Tobias Fett

Agent: Mr H Venners **Applicant:** Messrs Saxby

Reason at Committee This application is before the committee due to the amount of floorspace proposed.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

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

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

- consider and deal with any new material planning considerations that may be raised through public consultation, which expires on the 20th June 2019 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and

- issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers an outline application for the demolition of the single storey portion of the Gladiator Club and the access, appearance, layout and scale of a proposed three storey replacement building with the club on the ground floor and student accommodation on the upper two floors including alterations to the layout of the amenity and parking areas.
- 2.2. This outline application considers the access, appearance, layout and scale. Details relating to landscaping would need to be dealt with under a reserved matters application.
- 2.3. The principle of the redevelopment is acceptable which includes the location of student development and re-provision and on-going viability of the community facility, which has been designated an Asset of Community Value in 2013 with its protection ending in 2018.
- 2.4. The proposed layout, design, scale and impact on neighbouring amenity is considered acceptable. The proposed development would give rise to less than substantial harm to the St Clements and Iffley Road Conservation Area; this harm is outweighed by public benefits.
- 2.5. Officers consider that the proposal would accord with the policies of the development plan, most notably Policies CP1, CP6, CP8 and HE7 of the Oxford Local Plan, CS18 and CS20 of the Core Strategy and HP5, HP9 and HP14, HP15 and HP16 of the Sites and Housing Plan when considered as a whole and the range of material considerations on balance support the grant of planning permission in accordance with Paragraphs 118, 127 and 193 National Planning Policy Framework (NPPF). The development would comply with the specific requirements of Paragraphs 192-196 of the NPPF which consider the development in the context of the Conservation Area as a designated heritage asset. When considering the acceptability of the proposals officers have placed great weight on the importance of conserving the significance of the designated heritage asset.
- 2.6. The scheme would also accord with the aims and objectives of the NPPF and would constitute sustainable development. Given conformity with the development plan as a whole, Paragraph 14 of the NPPF advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. CIL will be due when the reserved matters application is approved and a CIL amount will be reported at that point.

5. SITE AND SURROUNDINGS

- 5.1. The site is located at the corner of Iffley Road and Percy Street and contains the single storey Gladiator Club and a linked three storey Victorian town house.
- 5.2. The site measures 0.12 hectares and has two vehicular entrances, one on each street leading to 7 car parking spaces, bin storage and some garden space to the rear, which includes an Aunt Sally pitch and storage sheds.
- 5.3. The boundary treatments comprise a low red brick wall along Percy Street and a low yellow brick wall along Iffley Road which flanks a small green area with three mature amenity trees.
- 5.4. There is a small garden, with a small amount of planting to the rear of the buildings which is towards the site's eastern boundary (adjacent the rear gardens of 10-15 Harold Hicks Place). The rear gardens of the properties in 10-15 Harold Hicks Place are about 7.5 metres long, and a single storey garage/storage shed occupies 10 metres of space along the boundary of the southern three terraced dwellings with the main single storey club exit at a distance of 5 metres from the boundary fence with 15 Harold Hicks Place.
- 5.5. 263 Iffley Road (which is the residential part of the application site) is a three storey yellow brick townhouse with a separate pedestrian entrance and parking space along its small front garden including one mature tree.
- 5.6. The building has a prominent two storey bay that appears elevated above the basement, which is used for club deliveries with a prominent pitched roof.
- 5.7. The social club and the link building are constructed of mismatching materials including yellow, brown and red bricks and the main club building assembled from concrete planks and an asbestos cement roof.
- 5.8. The site is at the southernmost edge of the St Clement's and Iffley Road Conservation Area (StCaIR).
- 5.9. To the west of the site there are some garages for which planning permission has been granted for their demolition and replacement with a small terrace of three homes alongside the adjacent Harold Hicks Place development of small terraced homes.
- 5.10. To the south of the site, along Percy Street and Iffley Road, Wadham College has nearly completed a substantial four storey student accommodation project for 117 student study rooms, self-contained flats, communal, teaching and lecturing facilities and some employment floorspace.

5.11. The Site is bounded to the north by two other Victorian town houses that are in the ownership of the applicant and a related company within his control.

5.12. See the proposed block plan below:



6. PROPOSAL

- 6.1. The application proposes the demolition of all single storey elements associated with the current Gladiator Blub and their replacement with a three storey building with club premises on the ground floor and 17 bedrooms split over two levels above; these bedrooms would be used as student accommodation.
- 6.2. The indicative landscaping would provide replacement trees along Iffley Road and Percy Street as well as more soft and hard landscaped areas along the retained and rebuilt brick walls. The landscaping scheme that has been provided with the application is indicative only as the application is for outline planning permission with the landscaping forming a reserved matter.
- 6.3. The Iffley Road vehicular entrance would be closed off and one entrance retained off Percy Street, with access to seven car parking spaces.

- 6.4. The proposed new building would be linked by a recessed two storey semi-glazed link building providing an entrance to the student accommodation from Iffley Road and a club entrance from Percy Street.
- 6.5. To the rear of the proposed new building would be a separate dedicated bicycle store for the residential component of the scheme as well as a small garden and Aunt Sally pitch alongside storage for bins and bicycles for the club and 7 parking spaces.
- 6.6. The proposal includes the ground floor and basement of the adjacent 263 Iffley Road, for the use of the club which would be integrated through a more efficient internal layout and connection via a small glazed two storey link extension, which would also include the student entrance.

7. RELEVANT PLANNING HISTORY

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

54/03895/A_H - Recreation hall.. PER 14th September 1954.
59/07375/A_H - Alteration to provide, kitchen, stores in three stages.. PER 24th February 1959.
65/16821/A_H - Alteration and extensions to club.. PER 14th September 1965.
70/23431/A_H - Extension and alterations.. PER 27th October 1970.
72/26020/A_H - Erection of extension to hall.. PER 27th June 1972.
74/00785/A_H - Erection of new kitchen and toilets with demolition of existing toilets and entrance block.. PER 6th September 1974.
80/00129/AH - Internally illuminated double-sided projecting box sign.. REF 25th April 1980.
99/01383/NF - Single storey extension to provide WC. PER 27th October 1999.
05/00546/FUL - Proposed entrance porch. PER 26th April 2005.
06/02222/FUL - Retention of canopy and security enclosure of existing external fire escape.. REF 21st December 2006.
18/03254/OUT - Outline application (seeking the approval of access, appearance, layout and scale) for the demolition of single storey building to southeast side of 3 storey building. Construction of new 3 storey above ground building comprising premises for ground floor club D1/D2/social club use class and two upper floors for separate student accommodation. Alterations to layout of retained building and parking areas including relocation of parking to Percy Street only and closure of Iffley Road vehicle access and landscaping. (Amended Plans). PDE .

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	8, 11, 124-132	CP8 CP9 CP10 CP11	CS18_	HP9_ HP14_	
Conservation/ Heritage	193-202	HE7			
Housing			CS25_	HP5_	
Natural environment	133-142, 148-165, 170-183	NE15 NE16	CS12_		
Social and community	91-93	CP19	CS19_ CS20_		
Transport	102-11	TR4		HP15_ HP16_	Parking Standards SPD
Environmental		CP6	CS10_ CS11_		Energy Statement TAN
Miscellaneous	7-12, 47, 48	CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 21st December 2018 and an advertisement was published in The Oxford Times newspaper on 20th December 2018. After additional information and revised plans were received further site notices were displayed on 9th April 2019 and 17th May 2019 with further newspaper adverts published on 11th April 2019 and 30th May 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. The Local Highway Authority has not objected and has requested two conditions to mitigate the development's impact in the form of a construction traffic management plan and to ensure students do not own cars in the city.

Oxford Preservation Trust (OPT)

- 9.3. The trust has not formally objected, but raised concerns about the height, scale and massing and the façade development of the original scheme submitted.

Civic Society

- 9.4. A representation has been submitted highlighting concerns raised by neighbours about more student accommodation in the area as well as the comments by the crime prevention design advisor.

Thames Water Utilities Limited

- 9.5. No objection has been received, a condition and informative have been recommended to ensure no infrastructure is damaged as part of the construction process as well as adequate service provision for the completed development.

Natural England

- 9.6. No formal comment has been submitted.

Thames Valley Police

- 9.7. The Crime Prevention Design Advisor has not objected to the proposed scheme but has raised some concerns with aspects of the proposals, which could be improved through specific suggestions.

Public representations

- 9.8. 4 local people commented on this application from addresses in Percy Street, Warwick Street, Harold Hicks Place.

- 9.9. In summary, the main points of objection (4 residents) were:

- Amount of development on site
- Effect on character of area
- Effect on privacy
- General dislike or support for proposal
- Height of proposal
- Information missing from plans
- Local plan policies
- Not enough info given on application

- Noise and disturbance
- On-street parking
- Parking provision
- Other - give details

Officer response

- 9.10. The Crime Prevention Design Advisor has not objected and the comprehensive list provided in his comments reflects a list of measures that would in his view make the development safer. Not including any would not result in an objection, but the applicant has been encouraged to include as many of these measures as possible. Revised plans have been received showing an altered proposal incorporating many design changes.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development & uses;
- ii. Design and impact on conservation area;
- iii. Neighbouring amenity;
- iv. Transport;
- v. Trees and landscape;
- vi. Sustainability;
- vii. Air Quality;
- viii. Biodiversity;

i. Principle of Development and Uses

- 10.2. The application site comprises a three storey town house and a connected collection of single storey buildings. The ground floor and basement is used for the Gladiator Club, while the upper floors of the townhouse at 263 Iffley Road are in separate residential use.
- 10.3. The Gladiator Club would be considered a class D1/D2 use (for the purposes of the Town and Country Planning (Use Classes Order) 1987 (as amended)). The Club includes a community hall and social club, which has a bar and offers activities and services as well as enabling members to join a local Aunt Sally League. The facilities can also be rented by the local community and are used as a polling station for elections.
- 10.4. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.

- 10.5. The application site benefits from generous proportions which can accommodate a development of the proposed scale. The development would improve the visual amenities of this prominent corner plot and would not be out of keeping with the pattern of development in the area. Due to the scale of the host property, the level of additional built form can be accommodated without detracting from the overall scale and massing of the main dwelling. The existing uses already accommodate this mixed residential and leisure use types and the proposal seeks to improve the levels of internal and external amenity space for future occupiers and users, whilst allowing for the overall scale of the development to reflect the surrounding context. The development would see an efficient use of previously developed land in a sustainable location and would bring with it biodiversity enhancements that would be secured through a condition.
- 10.6. The application site currently contains two self-contained one bedroom flats (Use Class C3) at 263 Iffley Road, which would remain unaltered. The Gladiator Club is accommodated on the ground floor of 263 Iffley Road as well as a collection of linked single storey buildings. The proposals would involve the erection of a new building linked to 263 Iffley Road and the re-configuration of the existing ground floor at 263 Iffley Road to provide an enhanced community club space with 17 student bedrooms in two flats on the upper floors of the new building. Oxford Local Plan Policy CP6 requires developments to make a more efficient use of land and to make use of previously developed land which the proposal would comply with. Policy RE2 of the emerging Local Plan supports the efficient use of land in a similar way. As a result, officers recommend that the principle of increasing the density and use of the site is supported by existing and emerging local plan policy.
- 10.7. The Sites and Housing Plan Policy HP5 requires new student accommodation to be located on a main thoroughfare. The proposal is located on Iffley Road, which is a main thoroughfare with excellent transport links and connectivity to local facilities by foot or bicycle. The location therefore complies with Policy HP5 of the Sites and Housing Plan, and is therefore acceptable.
- 10.8. The emerging Local Plan 2036 restricts new student accommodation to be located adjacent to an existing campus or academic site. This would not currently be the case, however the site is located adjacent to the Wadham College's accommodation scheme which is nearing completion of 117 student study rooms, self-contained flats, communal, teaching and lecturing facilities and some employment floorspace. Whilst the large-scale student accommodation scheme that Wadham College are developing would not be considered an academic site it does provide facilities for students and would give rise to a type of use in this location that would mean that the addition of just 17 additional student rooms would arguably not be considered out of character with the area. Further to this, Policy H8 forms part of an emerging policy which cannot be afforded the same amount of weight as the aforementioned existing Sites and Housing Plan Policy HP5.
- 10.9. The proposed student accommodation aspect of the development would be speculative and is not yet linked to a college or university. However, Officers recommend that a condition is included to ensure that the occupiers of the

student accommodation would need to be enrolled on a full-time course at the University of Oxford or Oxford Brookes University.

- 10.10. Policy CS20 of the Oxford Core Strategy states: “The City Council will seek to protect and enhance existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless equivalent new or improved facilities, where foreseeable need justifies this, can be provided at a location equally or more accessible by walking, cycling and public transport.”
- 10.11. The Gladiator club has been designated an Asset of Community Value on 23 October 2013 and its protection has come to an end in 2018. However the community use and its value are on-going and therefore the proposed redevelopment is seeking to re-provide improved facilities. There is a loss in floor space, which would not jeopardise the club’s viability or the community’s availability to use the space but is based on a more efficient layout and rationalising of the spaces with better contemporary spaces and the improved adaptability of the site.
- 10.12. The principle of developing the site is therefore considered acceptable subject to compliance with the other relevant policies of the development plan which will be explored in more detail below.

ii. Design and visual impact on Conservation Area

- 10.13. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP8 of the adopted Oxford Local Plan and Policy DH1 of the emerging Local Plan require that planning permission will only be granted for development which shows a high standard of design and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings. Policy HE7 of the Oxford Local Plan and Policy DH3 of the emerging Local Plan refer to conservation areas and state that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas or their setting.
- 10.14. Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and section 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.15. Paragraph 196 of the NPPF then goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.16. 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.

Scale and Massing

- 10.17. The application proposes the demolition of the existing single storey buildings on site and the erection of a three storey building, link attached with the existing three storey town house. Officers acknowledge that the proposed new building would have greater visual prominence within the setting due to the increase in massing, resulting from the larger footprint and increase in height (from one to three storeys) at this corner position. Notwithstanding this, the height would fit in well within the streetscene and provide a landmark corner building replacing an existing set of buildings with a lower quality appearance. As such officers consider that the proposal would improve the setting of the site and more widely the setting of the Conservation Area
- 10.18. The scale of the proposed building, while larger than the existing buildings on site, would be comparable to the three storey town house to the north of the site at 263 Iffley Road with a similar height to the ridge of 12m along the Iffley Road elevation, where the eaves height of the proposed building would be 8.5 metres. The secondary elevation along Percy Street, with the club entrance, would set down by ca. 70cm from the main elevation ridge height at an elevation length of 18m along Percy Street. Therefore, when viewed within the immediate context officers consider the proposed scale and massing to be appropriate.
- 10.19. The proposed new floor area for the Club would be around 310 sqm in the new building and 18sqm in the link corridor to link to the existing ground and basement levels at 263 Iffley Road. It should be noted that this would be a slight reduction from the existing 450 sqm for the current Gladiator Club premises which does not impact on the usability or viability of the club due to the increased flexibility and quality of the space that would be provided in the new scheme.
- 10.20. The proposal would include 624 sqm of new residential floor space for 17 student rooms arranged in two flats with communal services and associated facilities. The student rooms would be least 15 sqm, including en-suite shower rooms which provides a generous space. There would be ten rooms on the first floor and seven on the second floor, each floor would have access to a shared kitchen. Communal laundry, waste and bicycle facilities would be on the ground floor to the rear of the student entrance area.

Siting/ Layout

- 10.21. The proposed building would occupy the majority of the site. The proposed building would be set back from Iffley Road by 4 metres (3 meters at the bay projections) and just over 2 meters from Percy Street. The setback along both elevations would be landscaped with some paving as well as some trees and other planting providing a more attractive boundary to the existing situation. The actual details of landscaping would need to be dealt with as a reserved matters application.

- 10.22. The siting of the building would increase its prominence in views from Iffley Road when compared to the siting of the existing lower buildings. While the building would be more dominant within the street scene officers do not consider this to be harmful to the character and appearance of the Conservation Area. As set out in the relevant sections of this report, the massing of the building is considered to be appropriate so despite the increase in visibility the building would not appear incongruous but enhance the setting and character of the Conservation Area.
- 10.23. In terms of the proposed layout of the building, the upper level student accommodation would be accessible from Iffley Road through the link corridor with 263 Iffley Road with bin, cycle and laundry facilities to the rear.
- 10.24. The main entrance for the social club is proposed on the south east elevation, off Percy Street, from which there would also be a vehicular entrance to the car park, cycle and bin storage as well as a little garden area that the club requires for the Aunt Sally pitch. The size of the garden area is quite compact, but sufficient for the club's purpose as well as providing some flexibility for barbeques.
- 10.25. The club facilities would include a bar room, a flexible club room, a small office, kitchen and toilets as well as storage areas.
- 10.26. Officers consider the siting of the proposed building to be practical and are satisfied that the siting of the building, while more visually prominent, would not give rise to harm to the visual amenity of the surrounding area.
- 10.27. The proposed building layout including access is also found to be acceptable in that it would provide improved facilities for the club within an appropriately sized footprint and would maintain the required maintenance access routes for both proposed uses.

Appearance and Materials

- 10.28. The proposed building reflects the local terraced townhouse appearance, with an ascending window hierarchy. The material for the windows would be aluminium with pre-cast concrete surrounds providing a link to locally established window detailing, including two two-story bay elements fronting the Iffley Road.
- 10.29. The building itself would appear with a brick wall finish to match the surrounding buildings and would be topped with a pitched zinc roof.
- 10.30. There would be a mainly glazed two storey link element between the existing three storey town house at 263 Iffley Road and the new proposed three storey building. This set back link would provide the entrance to the upper level as well as the link between the club facilities at the ground floor.
- 10.31. The proposed appearance would provide interest and utilise traditional architectural elements such as fenestration and bays to allow the proposal to fit in well with its surroundings, while providing a more discreet contemporary companion to the more intricately finished townhouse at 263 Iffley Road. This

approach would therefore improve the setting of 263 Iffley Road and therefore provide an improvement to the appearance of this part of the Conservation Area.

10.32. Officers consider that the proposed material choices would be acceptable and the appearance would be suitable for this prominent corner in a Conservation Area.

10.33. Officers have worked with the applicant which has resulted in revised plans that reflect the approach that officers sought. The revisions to the design show vast improvements to the street activity through more carefully considered elevational treatment and design and opportunities for landscaping to be incorporated. The proposals would now provide two clear active frontages with separate entrances for both proposed uses; this would ensure that the building would be more legible and improve the appearance of the development in the streetscene.

Design, Heritage and Assessment of Harm on Conservation Area

10.34. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the Conservation Area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area and so the proposal accords with Section 72 of the Act.

10.35. The existing collection of low scale buildings have been marked in the Conservation Area Appraisal as making a negative contribution. The removal of the existing buildings therefore provides an opportunity for improving this part of the Conservation Area. The proposed increase in density has been proposed in a sensitive way and reflects surrounding historic and more contemporary developments. The frontages, the rhythm of the fenestration and detailing (such as the bay windows), together with the opportunities for soft and hard landscaping are therefore considered to make a positive contribution to the streetscene and the Conservation Area, which would be in accordance with Paragraph 192 of the NPPF. The proposed development would result in less than substantial harm to the Conservation Area as a result of the introduction of some more contemporary elements but this would be a very low level of less than substantial harm. The proposals would provide several public benefits. Firstly, the removal of negative features of the site (the existing single storey elements), the opportunity to introduce additional landscaping, the addition of student accommodation (which would assist with meeting the need to provide more housing) and the development of a high quality building on a prominent corner plot. On balance, officers consider that the public benefits would outweigh the less than substantial harm to the Conservation Area. When considering the acceptability of the proposals in the context of the designated heritage asset officers have placed great weight on conserving its significance as required by Paragraph 193 of the NPPF.

10.36. The proposed scheme would accord with policies CP1, CP8, CP9 and HE7 of the Oxford Local Plan 2001-2016, CS18 of the Core Strategy and HP9 of the

Sites and Housing Plan. The proposals would also comply with the requirements of Paragraph 196 of the NPPF. Officers have considered the acceptability of the proposals in the context of emerging planning policy and it is considered that the development would meet the requirements of Policies D1 and D3 of the emerging Local Plan 2036.

iii. Impact on neighbouring amenity

- 10.37. A number of objections have been raised with regard to the impact of the development on neighbouring amenity and privacy. Policy HP14 of the Sites and Housing Plan and Policy H14 of the emerging Local Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupiers of both existing and new homes.
- 10.38. The nearest neighbours are numbers 10-15 Harold Hicks Place. This is a row of five small terraced dwellings with rear gardens of approximately 7m extending westwards to the boundary with the application site.
- 10.39. The existing building at 263 Iffley Road is 20m away from the rear wall of 10 Harold Hicks Place and 12m to the rear garden boundary. The proposed new building would be 20m from the rear walls of the terraces and 11.5m to the common boundary/rear garden fence.
- 10.40. There would be no change to the upper rear facing windows at 263 Iffley Road and there would be five new windows facing east towards the terrace; two would be high level roof lights in roof spaces, one window with a privacy louvre directing views to Percy Street and two would be secondary windows at the southern end of the east/rear elevation overlooking the new development at Harold Hicks Place and only oblique views to the rear gardens of 10-15 Harold Hicks Place.
- 10.41. The townhouse at 263 Iffley Road would remain in its current use, with the ground floor and basement to be used by the club and the upper two floors as two separate flats. This property is within the application site.
- 10.42. The nature of increasing density and making more efficient use of land would inevitably lead to changing views and an increase in mutual overlooking as is common place in urban areas. Therefore officers conclude that there would be a small increase in overlooking and perceived overlooking to neighbouring occupiers but this is not considered to be materially harmful. Officers consider that the impact on neighbouring amenity would not be sufficient to form a reason for refusal.
- 10.43. The proposed mass, scale and size would fit well into the area and would not appear overbearing in the streetscene or to neighbouring occupiers. There would be no unacceptable impact or breach of the 45/25 guidelines in terms of loss of daylight and sunlight.

10.44. Officers therefore consider the proposal to be acceptable on balance as it would accord with policies HP14 of the Sites and Housing Plan and H14 of the emerging Local Plan 2036.

iv. Transport

10.45. The Local Highway Authority has provided formal comments requiring conditions to mitigate the proposed plans. No objection has been raised for the revised plans, with the proposed imposed conditions for bicycle storage details, construction management plans and a condition to require the student accommodation to be car free.

Accessibility

10.46. The application site is located within a highly sustainable area on Iffley Road located at the junction with Percy Street. There is a frequent bus service and good access to walking and cycling infrastructure. There is also a range of services available locally including a bakery and small supermarket.

Transport Impacts

10.47. The application site includes seven car parking spaces and no formal bicycle parking. The club's car park is currently served by two vehicular access points (one from Percy Street and one from Iffley Road). The existing access from Iffley Road to serve the club would be removed (and it is recommended that this is secured by condition as it would represent an improvement in highway safety terms). There would be a retained access from the new car park to serve the club from Percy Street.

10.48. There is an existing access that serves the two flats at 263 Iffley Road. This is accessed from Iffley Road and is not proposed to be changed as part of these proposals.

10.49. The proposal retains seven parking spaces, including one dedicated disabled space; this is considered necessary due to the nature of the club users. The student accommodation would be car free, which would be secured by condition requiring a clause in the tenancy agreements for each student room and occupation by full-time students at the University of Oxford or Oxford Brookes University.

10.50. A further condition would be imposed requiring a Parking Management Plan to be submitted which would enable the club to manage its parking as well as ensure that no non-club parking would take place. Officers consider that this is necessary to ensure that there is suitable and acceptable provision of car parking for the club but also to ensure that the presence of the car park in this location does not give rise to uncontrolled commuter parking to the detriment of highway safety and capacity.

10.51. The site is not currently within a controlled parking zone, but the County Council has confirmed that one is planned for this area and would be enacted in the short term.

10.52. The proposals would not change the car parking provision or amount of accommodation provided at the two flats at 263 Iffley Road.

Cycle parking

10.53. The proposal includes three areas for bicycle storage; one covered and secure facility for 20 bicycles to the north of the site for sole use of students and the two one-bedroom flats, a bike rack for five bikes within a fenced off secure area for the sole use of the club as well as an area for guest bikes at the club's new Percy Street entrance.

10.54. The proposed cycle provision would be adequate for the new student accommodation and represent an increase compared with the non-existent provision for the club that is currently on site. The development would therefore comply with the requirements of Policies TR4 of the Oxford Local Plan 2001-2016, HP15 of the Sites and Housing Plan and M1 and M3 of the Emerging Local Plan 2036.

Refuse Arrangements

10.55. Access for refuse collection is proposed to remain as per the existing arrangement for the club, with refuse storage adjacent to the car parking in a fenced off area. A further dedicated and secure refuse compound located on the north side of the building with separate recycling facilities is also proposed for the student accommodation part of the proposal. The development would require with the functional requirements in terms of refuse and recycling provision.

Construction Traffic

10.56. The application site is adjacent to a large existing and on-going construction site as well as a main arterial route into the City and therefore officers consider it necessary to carefully control construction traffic associated with the proposed development. A condition is recommended to require the submission and approval of a Construction Traffic Management Plan to mitigate the impact of construction vehicles on the surrounding road network, road infrastructure and local residents.

Highway matters

10.57. The proposal can be reasonably mitigated through the conditions proposed and would therefore be acceptable, as it accords with Oxford Local Plan Policies TR3 and TR4, Policy HP15 and HP16 of the Sites and Housing Plan and M1 and M3 of the emerging Local Plan 2036.

v. Trees and Landscape

10.58. The revised plans include an indicative landscaping plan; this is a reserved matter and would therefore need to be dealt with as a reserved matter application prior to the commencement of works (if the outline planning permission is granted).

- 10.59. There are several existing purple plum trees which stand along the Iffley Road frontage and are visually prominent and contribute to the character and appearance of this part of the St Clements and Iffley Road Conservation Area.
- 10.60. However, they are in poor structural condition and therefore have a short useful life expectancy and past pruning has been detrimental to their appearance.
- 10.61. The development provides an opportunity to have them replaced which would be beneficial to public amenity. It is recommended that an advanced nursery stock sized tree of an appropriate species would enhance the character of the appearance of the Conservation Area.
- 10.62. The proposals indicatively include four replacement trees along the Iffley Road frontage, as well as further landscaping and a new tree at the Percy Street vehicular entrance and landscaping along that frontage. The fact that this would appear to be possible as demonstrated through the indicative plan means that this element of the proposals would be acceptable (subject to the required submission of the reserved matters application and the necessary imposition of conditions to secure an appropriate scheme of landscaping).
- 10.63. The proposal would be acceptable as it would be in accordance with policy CP1, NE15 and NE16 of the Oxford Local Plan and G1 of the emerging Oxford Local Plan 2036.

vi. Sustainability

- 10.64. Core Strategy Policy CS9 (Energy and Natural Resources) states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials.
- 10.65. The site is in a highly sustainable location, on a main arterial route into the City Centre and close to frequent bus routes and services. Within walking distance (80m) of the development site are the Magdalen Road West & East bus stops, which would offer occupiers and visitors frequent bus services (3, 3A, 3B & N3), to and from the development.
- 10.66. Iffley Road also benefits from a good cycle network and connectivity. Due regard has been given to the provision of appropriate bicycle storage in order to encourage occupiers and visitors the opportunity to utilise this mode of transport.
- 10.67. Due to the needs of the social club which has space for visitor parking and needs space for visitors of all ages and mobility it has not been possible to omit parking altogether.
- 10.68. The amount of car parking provision has been minimised and left as such to maximise the opportunities for servicing in a more neighbourly and considerate manner than before by allowing space for vehicles to leave the street for unloading/loading purposes. This approach would be supported by

the emerging Local Plan Policy RE2 that requires a more efficient use of land as well as Policy M1 and M3 that support more low car developments where possible.

10.69. Local planning policy sets a target of a minimum 20% reduction to the total energy/ carbon dioxide emission (regulated and unregulated energy) than a similar building of the same size by complying with the Part L, 2013 Building Regulations.

10.70. The applicant's addendum statement includes the following sustainability proposals as part of their building specifications:

"The design philosophy for this development is to follow a fabric first approach to exceed current Building Regulations on building performance to deliver a building with low energy use. The fabric first approach adopts the following hierarchy:

- Insulation – the building envelope, compact design, no thermal bridges
- Airtightness – Airtight barriers, component performance and detailing
- Solar and internal heat gains – orientation, useful solar gain, shading, thermal mass
- Ventilation – spring/ summer natural ventilation, controlled autumn/winter ventilation
- Energy efficient fittings – lighting, plant, ventilation Renewable energy – the last step after all methods to minimise energy use are addressed.

The proposed scheme would make considered use of natural resources and utilise the latest construction methods in the design and building process."

10.71. Officers consider that the proposal would minimise the carbon emissions resulting from the development and would demonstrate sustainable design and construction methods and energy efficiency through design and materials. As such, Officers conclude that the proposal would comply with the aims and requirements of Core Strategy Policy CS9.

vii. Air Quality

10.72. The proposed student development has been designed to be 'car-free' and does not include any car parking spaces. This would minimise any car movements associated with that part of the development.

10.73. The predicted trip generation is below the Institute of Air Quality Management (IAQM) indicative criteria of 100 LDV and 25 HGVs. Therefore, the proposals would be consistent with EPUK-IAQM guidance, no further quantitative assessment is required and the impacts of traffic emissions on the AQMA can be considered 'not significant'.

10.74. This section presents the potential air quality impacts associated with the construction of the development. Construction activities that would take place as part of the development would include:

- demolition of existing structures;
- material export and import;
- temporary stockpiling of materials;
- groundwork for foundations and services;
- construction of buildings;
- landscaping works;
- vehicle movements (with the potential to track-out material from site).

10.75. With the effective application of dust mitigation measures it is considered that the impacts on local residents would be acceptable. Dust management measures are included as part of the condition relating to the Construction Traffic Management Plan.

10.76. The developer has included an air quality statement with their application which commits to making the following requirements:

- Record all dust and air quality complaints and take appropriate measures to reduce emissions.
- Record any exceptional incidents that cause dust off site.
- Carry out regular site inspections, record inspection results and make an inspection log available to the local authority when asked.
- Ensure an adequate supply of water is available onsite for effective dust suppression.
- Minimise drop heights from loading shovels and other material handling equipment.
- Ensure all vehicles engines are switched off when stationary and not in use.
- Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site.
- In close proximity to sensitive receptors cover or fence stockpiles to prevent wind whipping.
- During Demolition Ensure effective water suppression is used during demolition operations.
- Soft strip inside buildings before demolition.
- Use mechanical techniques for demolition opposed to explosive blasting.
- For small supplies of fine powder materials ensure bags are sealed after use and stored appropriately to prevent dust.
- Ensure vehicles entering and leaving sites are covered to prevent escape

of materials during transport.

- Use water-assisted dust sweeping on the access and local roads, to remove, as necessary, any material tracked out of the site.

10.77. In order to balance environmental aims the proposal would provide new trees and soft landscaping along the street frontage in order to aid absorption of street pollution. Conditions are proposed to secure further details on a potential combined heating and power system, a dust plan as well as piling methodology to allow the Local Planning Authority to ensure those details are acceptable. Officers consider the proposals would meet the requirements of Policy CP23 of the Oxford Local Plan 2001-2016 and Policies RE6 and RE7 of the Emerging Local Plan 2036 as the development is considered to be acceptable and the construction phase of development can be controlled through the proposed conditions.

viii. Biodiversity

10.78. A Bat Survey Report by Bioscan (August 2018) has been submitted in support of the application and officers are satisfied that the potential presence of protected habitats and species has been given due regard.

10.79. The surveys have confirmed the site is of relatively low ecological value with no evidence of bat roosting activity, therefore a condition would be imposed to secure enhancements through the provision of bat and bird boxes as well as a lighting strategy, as such the application is found to comply with the requirements of Policy CS12 and emerging Local Plan Policy G2 as well as Paragraph 170 of the NPPF.

10.80. Any landscaping and ecological matters are only indicative as part of the outline planning process and would be further assessed under a future reserve matters application where the details and enhancements would be further considered.

11. CONCLUSION

11.1. The proposal would provide a more efficient use of the previously developed land with a good contemporary building that would enhance this part of the Conservation Area.

11.2. The revised design has been refined and provides two active frontages, minimises impact on neighbours whilst providing opportunities for landscaping and ecology enhancements for this area which would be assessed under a reserved matter application in more detail.

11.3. The principle of development is acceptable and the existing club (which has a lower design quality) would be replaced with new facilities that can continue to be used by the Gladiator Club and other parts of the community. The proposals would retain the existing two dwellings on the site as well as the

provide additional good quality student accommodation in a sustainable location on Iffley Road.

- 11.4. The proposed development represents high quality design and whilst there would be a very low level of less than substantial harm to the Conservation Area that harm would be outweighed by public benefits. The development would therefore comply with the requirements of Paragraph 196 of the NPPF. In reaching a view to recommend granting planning permission officers have placed great weight on the conservation of the designated heritage asset (St Clements and Iffley Road Conservation Area) as required by Paragraph 193 of the NPPF.
- 11.5. It is recommended that the West Area Planning Committee resolve to grant planning permission for the development proposed subject to conditions. It is recommended that the Committee resolve to delegate the authority to reword and insert additional conditions to the Acting Head of Planning as part of the resolution to grant planning permission.

12. CONDITIONS

- 1 Application for the approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

- 2 The development permitted shall be begun either before the expiration of five years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development permitted shall not be begun until full detailed drawings illustrating the following matters have been submitted to and approved in writing by, the Local Planning Authority and the development shall be carried out in accordance with such details:

- (i): appearance;
- (ii): landscaping;

Reason: To enable the Local Planning Authority to give further consideration to these Reserved Matters in accordance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The development permitted shall be constructed in complete accordance with the specifications in the revised 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.

- 5 Prior to occupation a detailed scheme showing the design of separate secure, covered stores for the storage of 9 bicycles for the social club and 20 bicycles for the student accommodation shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed prior to first occupation of the approved development.

Reason: To ensure that the development provides adequate cycle parking as required by Policy HP15 of the Sites and Housing Plan 2011-2026 and TR4 of the Oxford Local Plan 2001-2016.

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

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

- 7 A Construction Traffic Management Plan shall be submitted to the Local Planning Authority and agreed prior to the commencement of works. The submitted Construction Traffic Management Plan shall include the following details:
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives for site related worker vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
 - Engagement with local residents and neighbours.
 - Measures to mitigate the impact of dust during the construction phase of the development.

The approved construction traffic management plan shall be adhered to throughout the construction phase of the approved development.

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 in accordance with policies CP1, CP19, CP21 and TR2 of Oxford City Council's adopted 'Local Plan' 2001-2016.

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

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

- 9 The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city has been submitted to and approved by the local planning authority; and the study bedrooms shall only be let on tenancies which include that clause or any alternative approved 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, TR12, ED6 and ED8 of the Adopted Oxford Local Plan 2001-2016.

- 10 Prior to the commencement of the development a Construction Travel Plan, which shall include routing arrangements for construction vehicles, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the Construction Travel Plan as approved at all times.

Reason: In the interests of local amenity and the free flow of traffic on the public highway in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

- 11 A landscape plan shall be submitted to and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species and indicate which (if any) it is requested should be removed and shall show in detail all proposed tree and shrub 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.

- 12 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.

- 13 Prior to occupation, a scheme of ecological enhancements shall be submitted to and approved in writing by, the Local Planning Authority to ensure an overall measurable net gain in Biodiversity will be achieved. The scheme will include details and locations of native landscape planting of known benefit to wildlife, artificial roost features, including bird and bat boxes and also a minimum of two swift nest boxes.

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

- 14 Prior to occupation, a lighting design strategy for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority, including provisions for biodiversity and how the scheme would work with the ecological enhancements. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026 and emerging Policy G2 of the Oxford Local Plan 2036 Proposed Submission Draft.

- 15 Prior to the commencement of development details of the CHP infrastructure that is expected to be installed on-site, including location, height of the flue(s), electric input/thermal input and NO_x emission (g/kWh) shall be submitted to and approved in writing by the Local Planning Authority. The details submitted must demonstrate minimum emissions standards according to current best practice.

Reason: To ensure that emissions from the energy generation system is adequately dispersed and will not have a net adverse impact on the local air quality, in accordance with Core Policy 23 of the Oxford Local Plan 2001-2016

- 16 No development shall take place until a Construction Environmental Management Plan (CEMP), containing the specific dust mitigation measures

identified for this development has been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures to be included in the plan can be found on page 4, paragraph 22 of the Addendum Statement that was submitted with the application.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will be "not significant", in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

- 17 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 18 During term time the development hereby permitted shall be used for student accommodation occupied by students on full time courses and for no other purpose without the prior written approval of the Local Planning Authority. Outside term time the permitted use for student accommodation includes accommodation for cultural and academic visitors and for conference and summer school delegates. The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation, in accordance with Policy HP5 of the Sites and Housing Plan (2013).

- 19 The Car Park Management Plan (CPMP) submitted 14.02.2019 shall be implemented and retained in perpetuity. Any changes must be submitted to and approved in writing to the Local Planning Authority.

Reason: To ensure the development does not impede the safe flow of traffic and to accord with CP1, CP8, CP10, TR3, TR4 and TR12 of the Oxford Local Plan 2001-2016 and the NPPF.

- 20 Prior to the first occupation of the approved development following its substantial completion the existing access from Iffley Road to the car park serving the existing Gladiator Club shall be removed.

Reason: In the interests of highway safety as required by Policy CP10 of the Oxford Local Plan 2001-2016.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accord 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 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 3 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.

- 4 Oxford City Council strongly encourages that when this permission is implemented, all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme. Details of the scheme are available from

Considerate Contractors Scheme
PO Box 75
Ware
Hertfordshire
SG12 9UY

01920 485959
0800 7831423

enquiries@ccscheme.org.uk
www.considerateconstructorsscheme.org.uk

- 5 Courses of an academic year or more shall refer to a period of 12 months or more aligned to the duration of a course upon which students are enrolled at a university, college or other academic institution in the city and shall include academic terms / semesters and vacations.
- 6 A Construction Traffic Management Plan (CTMP) will need to incorporate the following in detail:
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - The erection and maintenance of security hoarding / scaffolding if required.
 - A regime to inspect and maintain all signing, barriers etc.
 - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
 - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

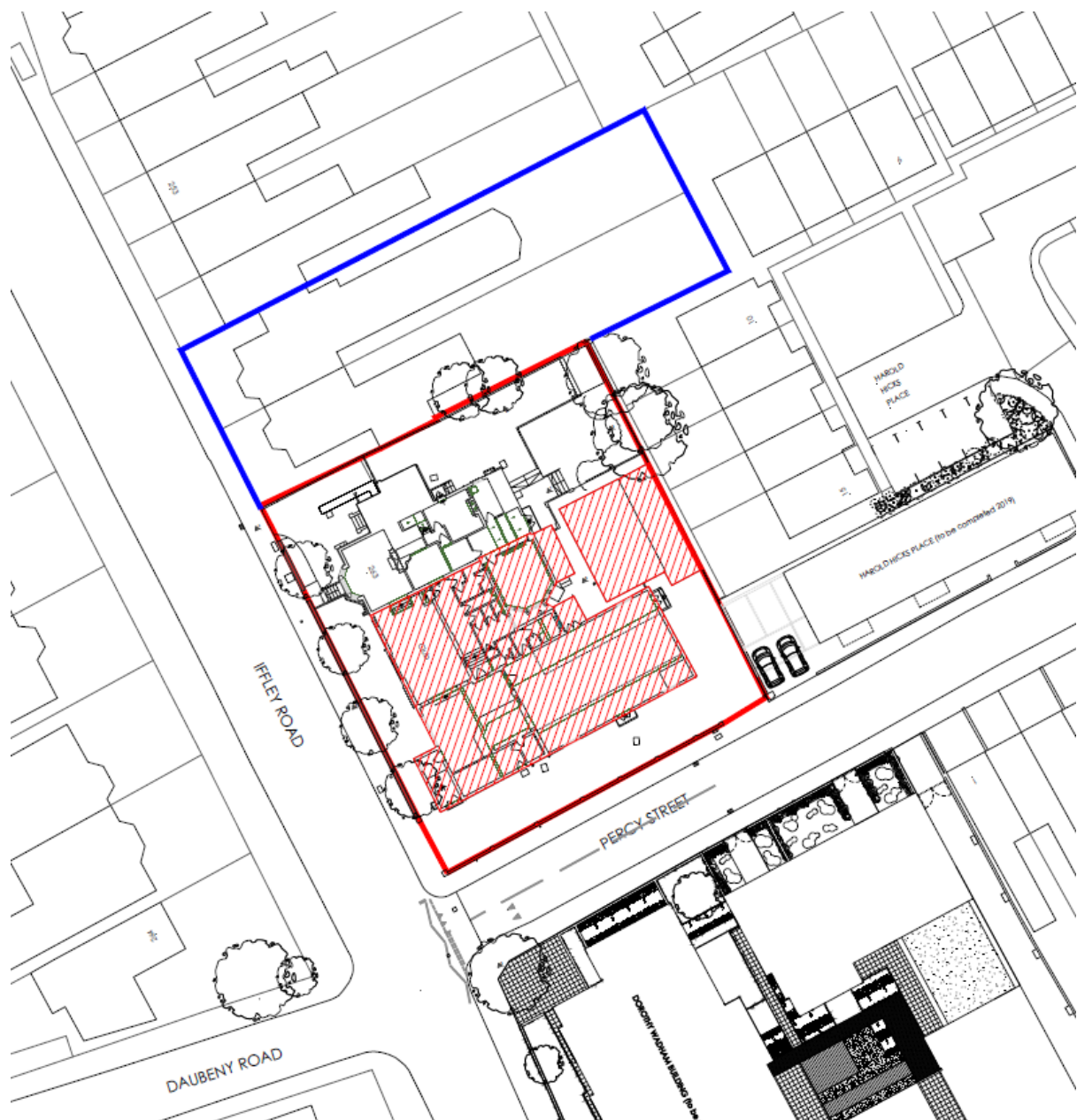
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan

18/03254/OUT – 263 Iffley Road

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West Area Planning Committee

11th June 2019

Application number:	18/03325/FUL		
Decision due by	15th February 2019		
Extension of time	19/6/19		
Proposal	Proposed change of use from A1 retail to A3 cafe use together with internal and external refurbishment of the building (amended description) (amended plans)		
Site address	Old Toll House , Folly Bridge, Oxford, OX1 4LB – see Appendix 1 for site plan		
Ward	Hinksey Park		
Case officer	James Paterson		
Agent:	Natasha Ireland	Applicant:	Mr John Salter
Reason at Committee	This applications was called in by Councillors Tidball, Kennedy, Pressel, Munkonge and Lygo due to concerns as to the possible impact of the development on the amenity of the neighbouring occupiers.		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

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

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

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

2. EXECUTIVE SUMMARY

2.1. This report considers the proposed change of use from a retail use (Use Class A1) to a café use (Use Class A3) and associated internal and external alterations. Officers recommend that the principle of the change of use would be acceptable. The proposal would have an acceptable impact in terms of design. Officers have carefully considered the impact of the proposed development on the character, appearance and significance of the Central Conservation Area and the Old Toll House (which is a grade II listed building)

and recommend that the proposals would give rise to less than substantial harm to the designated heritage assets but this is outweighed by public benefits. The proposal would not give rise to any harm to the setting of nearby listed buildings including the Head of the River Public House (which is a Grade II Listed Building). The proposal would also not result in harm to the Grandpont Causeway Scheduled Monument. Likewise, the proposal would not result in harm to the archaeological significance of the area. Officers have concluded that the proposal would have an acceptable impact on the amenity of neighbouring properties; in reaching this view there has been careful consideration of the comments and objections received as part of the consultation for this application. Subject to the submission of details reserved by condition it is considered that the proposed cycle parking facilities would also be sufficient for the needs of the development. In terms of highway safety it is recommended that the proposal would not adversely impact the safety of the public on the nearby highway network. The proposal would not cause unacceptable levels of noise and/or nuisance and officers consider that this can be adequately addressed by conditions that are recommended to be included if planning permission is granted. Officers have considered that the proposals would have an acceptable impact on flooding, biodiversity and the nearby tree.

- 2.2. The proposed development is therefore acceptable in the context Local and National Planning Policies including Policy CP1, CP6, CP8, CP10, HE3, HE7 RC12 and RC14 of the Oxford Local Plan, Policies CS11, CS12 and CS18 of the Core Strategy, Policy HP14 of the Sites and Housing Plan and Paragraphs 192-196 of the NPPF.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

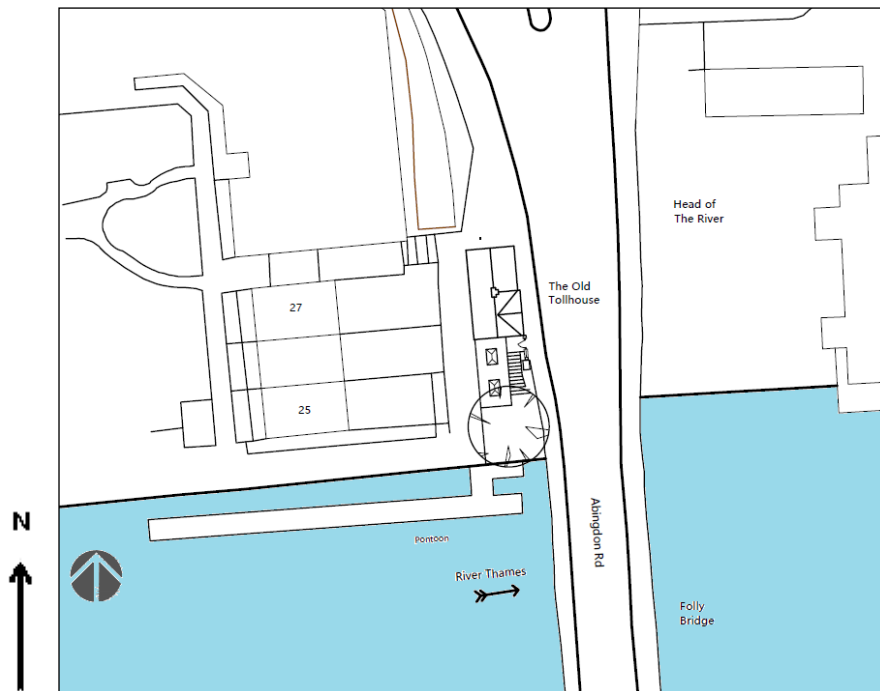
5. SITE AND SURROUNDINGS

- 5.1. The application site comprises the Old Toll House adjacent to Folly Bridge (on the north side of the River Thames). The application site is a Grade II listed building and lies within the Central (University and City) Conservation Area. The application site is also adjacent to Folly Bridge, which forms part of the same listing for the Toll House and is therefore also Grade II listed. The application site is also adjacent to the Grandpont Causeway Scheduled Monument. The building is a small single storey building with a pitched roof finished in stucco. The bridge itself was rebuilt in 1826 and replaces an older bridge that was medieval; this site has an important role in the history of Oxford being the site of the Saxon and Norman crossings of the river with a stone bridge on the site since 1085AD. The crossings of the river on this site

or nearby sites are important in the context of the identity of the City being associated with cattle crossings of the river between meadows from which Oxford derives its name. The Toll House itself is an interesting building which was constructed in 1827; tolls were only collected up until 1850 (when the debt for the building of the bridge was repaid). The building has spent most of its lifetime being used for other uses rather than that for which it was originally designed. The building has in the past been used as a place where punts can be hired (with the adjacent wharf by the river providing a place for mooring punts) and more recently as a convenience shop. The area between the main building and the river was originally a garden (presumably at a lower level) but this has now been infilled by a flat roof store and a lower level to the building. An adjacent area to the river provides a store area which was once used for punts; this is fenced off from the adjacent riverside walk.

- 5.2. In addition to the historic interest of this site the application site is also visually prominent being on a key radial route into the City Centre from the south. To the north of the site the road is wider being the junction of Abingdon Road and Thames Street. To the east lies the Head of the River Public House (a Grade II Listed Building) and associated wharf area (which are at a lower level than the Old Toll House building). To the south-east is Folly Bridge itself and to the south of the site the land slopes down to the river and there is a pontoon adjacent to the wharf next to the Thames. To the immediate west of the site is an alley that links Abingdon Road/Folly Bridge and the riverside walk along the north bank of the Thames; this is a considerable slope down and is bordered on one side by the Toll House and a wall and the other side by a high wall that separates the alley from the gardens of 25-27 Shirelake Close. To the east of the alley are the aforementioned gardens and dwellings at 25-27 Shirelake Close (which are contemporary townhouses and are at a lower level than the Toll House itself and the adjacent Folly Bridge). To the north-east of the site is Folly Bridge Court; which is a contemporary block of flats.
- 5.3. At the southern end of the application site is a silver birch tree, this is the only substantial vegetation on the site although there is some mature planting in the gardens of 25-27 Shirelake Close which contributes positively to the environs of the application site.
- 5.4. The Toll House has deteriorated since being in a period of disuse for over a year. Planning permission was granted for use of the building in 1998 for a mixed use tea room and sandwich bar (A3/A1 use); though its most recent use was best accurately described as a general store with other parts of site (particularly at the lower level) used for storage. A planning application and (associated Listed Building Consent) for a change of use of the site to a café was refused in August 2018 (reference 18/00313/FUL and 18/00314/LBC). This was refused as a result of concerns about the harm to the nearby neighbouring occupiers, a lack of detail in the application, the potential for noise and odour to cause nuisance, a lack of detail with regard to service and delivery as well as harm to designated heritage assets.

5.5. See block plan below:



6. PROPOSAL

- 6.1. The application proposes to use the building as a café and to provide a unique setting for customers. The conversion would include refurbishment of the building fabric. Internally the upper level would be made more open plan and an internal staircase leading to the lower level is proposed. Associated cooking and extraction equipment would be installed to serve the areas where food preparation would take place. The proposals include the provision of a terrace for seating at a lower level. Changes to the openings would be required to facilitate the new use, including new rooflights to the roof of the lower floor and new doors which would open onto the terrace but the main entrance from Abingdon Road would be retained. The railings dividing the terrace area would be retained to allow for a dedicated area for cycle and refuse storage.
- 6.2. The previously refused proposals (reference 18/00313/FUL and 18/00314/LBC) included the provision of terraces at both an upper and lower level with an opaque glass screen of approximately 1.2m in height to serve the upper terrace. High level windows were proposed on the side elevation facing east towards the alley. These elements were omitted from this scheme following planning and conservation officers advising that these elements would not be acceptable.

7. RELEVANT PLANNING HISTORY

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

81/01047/AH - Retention of advertising board. REF 1st March 1982.

81/01048/L - Listed building consent for retention of advertising board. REF 1st March 1982.

83/00544/L - Listed Building consent for alterations and refurbishment. PER 20th September 1983.

83/00545/NFH - New west elevation and new double doors at basement level to south elevation. PER 23rd September 1983.

83/00574/NFH - Temporary portable building for use as retail shop during refurbishment of Toll House.. WDN 1st September 1983.

98/00186/NFH - Change of use of basement from disused boat store to mixed use as tea-room (Class A3)/sandwich bar (Class A1) including alterations to entrance.. PER 21st April 1998.

98/00193/L - Listed building consent for internal alterations to basement.. PER 21st April 1998.

17/03043/CAT - Lift crown of 1No. Silver Birch Tree to 4m above ground level by removing 7 limbs in the Central Conservation Area.. RNO 20th December 2017.

18/00313/FUL - Conversion of former Toll House into a Café (Use Class A3) and external alterations including formation of terrace over existing boathouse, insertion of glass balustrade to side elevation, alterations to doors and fenestration including new windows and doors on the ground floor, west elevation and new external seating area for the café. (amended plans). REF 16th August 2018.

18/00314/LBC - Conversion of former Toll House into a Café (A3 Use Class) and internal and external alterations including new internal staircase, formation of terrace over existing boathouse, insertion of glass balustrade to side elevation, alterations to doors and fenestration including new windows and doors on the ground floor, west elevation, internal reconfiguration and refurbishment, alterations to the basement, new kitchen, store and WC, and new external seating area for the café. (amended plans). REF 13th August 2018.

18/03326/LBC - Proposed change of use from A1 retail to A3 cafe use together with internal and external refurbishment of the building (amended description) (amended plans). PDE .

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	West Area Action Plan
Design	8, 11, 129, 128, 130	CP 1, CP6, CP8, CP10, CP11	CS18	HP14	WE11, WE12
Conservation/Heritage	189, 192, 196	HE1, HE2, HE3, HE7			WE10
Commercial	11, 85	RC 12, RC14	CS1		
Natural environment	170		CS12		
Social and community	91	CP19, CP20, CP21	CS19		
Transport	108, 110	TR3, TR4			
Environmental	163		CS2, CS9, CS11		WE14
Miscellaneous	47, 48	CP13, CP22			

9. CONSULTATION RESPONSES

9.1. Site notices which detailed the revised scheme were displayed around the application site on 29th April 2019 and an advertisement was published in The Oxford Times newspaper on 18th April 2019.

Statutory and non-statutory consultees

Oxfordshire County Council Highways Authority

9.2. No objection, subject to the inclusion of conditions clarifying the proposed arrangements for cycle parking, requiring the preparation of a Construction Traffic Management Plan as well as a condition ensuring that the servicing of the sites and deliveries to the site to take place outside of periods of peak traffic. The Highways Authority also requires the proposed use to adhere to the recommendations of the submitted Access and Servicing Report. These conditions are included as conditions 5, 6, 7 and 9.

Environment Agency

- 9.3. The Environment Agency has objected to the scheme on the basis that part of the application site is within a Flood Zone 3 area and no Flood Risk Assessment has been provided, as per paragraph 163 of the NPPF. Following revised plans and advice from the Council's own flooding officer that the proposals are acceptable the EA has been approached for clarification on the matter which at the time when the agenda was published has not been received. This matter is considered in more detail later in this report (Section xi).

Historic England

- 9.4. Historic England raised no objection as long as the development proposal is assessed in accordance the requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Public representations

- 9.5. Three local people commented on this application during the original consultation period from addresses in Shirelake Close and Princes Street.
- 9.6. In summary, the main points of objection (three residents) were:
- Access
 - Amount of development on site
 - Effect on adjoining properties
 - Effect on character of area
 - Effect on existing community facilities
 - Effect on pollution
 - Effect on privacy
 - Effect on traffic
 - General dislike or support for proposal
 - Noise and disturbance
 - On-street parking
 - Open space provision
 - Parking Provision

- 9.7. One amenity group, Oxford Preservation Trust, also objected to the original application on the grounds that the removal of railings, which was originally proposed, is not appropriate. The revised application omits the this element of the original application
- 9.8. Following revisions to the scheme, a further consultation for two weeks was undertaken. No further comments from local people or amenity groups were received.

Officer response

- 9.9. Officers have considered carefully the objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

PLANNING MATERIAL CONSIDERATIONS

Officers consider the determining issues to be:

- i. Principle of Change of Use
- ii. Design
- iii. Impact on Conservation Area
- iv. Impact on Listed Buildings
- v. Impact on Schedule Monument
- vi. Archaeology
- vii. Impact on neighbours
- viii. Cycle Parking
- ix. Highway Safety
- x. Noise and Odour
- xi. Flooding and Surface Water Drainage
- xii. Biodiversity
- xiii. Trees and Landscaping
- xiv. Other Matters

i. Principle of Change of Use

- 9.10. Policy RC12 states that planning permission will only be granted for food and drink uses (Use Classes A3 and A5) where the City Council is satisfied that they will not give rise to unacceptable environmental problems or nuisance from noise, smell or visual disturbance, including the impact of any equipment or plant associated with the use. The policy requires that the Council imposes planning conditions to control the impact of food and drink outlets where necessary.
- 9.11. The proposed development would result in the loss of an A1 retail shop within the City Centre, but outside of any designated shop frontage. The proposals have been carefully considered in the context of Policy CS1 of the Core Strategy which deals with the hierarchy of centres and identifies the City Centre as the main location for commercial activity. The proposals would result in the loss of a retail use but there are other similar retail uses within easy walking distance and given the relatively constrained nature of this site it is not considered that the loss of retail in this case would be unacceptable in policy terms. In a wider context the proposals would re-use an existing vacant building and would contribute positively to the vibrancy of the City Centre. The proposals would involve the creation of a new food and drink outlet and therefore need to consider the requirements of Policy RC12 of the Oxford Local Plan 2001-2016. It is considered that the proposal would meet the requirements of this policy by virtue of the use re-energising the area and contributing to the vitality of this part of the city centre which has few eateries. Likewise, as discussed later in this report, officers are satisfied that the use would not lead to unacceptable environmental impacts, such as noise, smell or visual disturbance. In principle, therefore, the development would be acceptable; including in the context of Policy CS1 of the Core Strategy (2011) and Paragraphs 11 and 85 of the NPPF (2019). The proposals would also accord with the emerging Policy V2 of the Local Plan Submission as the proposal would be within the designated city centre area but outside the primary shopping centre. The proposal would therefore not affect the mix of uses in designated shopping frontages while encouraging an active street frontage in the city centre.

ii. Design

- 9.12. Policy CP1 of the Oxford Local Plan 2001-2016 states that a development must show a high standard of design, including landscape treatment, that respects the character and appearance of the area; and the materials used must be of a quality appropriate to the nature of the development, the site and its surroundings. Policy CS18 of the Core Strategy states that planning permission will be granted for development that demonstrates high-quality urban design through responding appropriately to the site and its surroundings creating a strong sense of place and contributing to an attractive public realm.
- 9.13. The proposed change of use itself would not have any design implications. However, the associated external alterations would impact the streetscene and appearance of the building. The changes at a height readily visible from Abingdon Road would be minimal and discreet, limited to a white louvre serving the extraction system and rooflights serving the lower floor. It is

considered that these changes would not adversely affect the streetscene of this important arterial road into central Oxford. The other external changes, namely to the terrace area at the lower level, the new doors at lower ground level and the addition of bin and cycle storage would mainly be visible from the nearby public footpaths. These changes are considered to be sympathetic to the host building and would not appear out of place in the context of the site. For these reasons it is considered that the development proposal would have an acceptable impact in terms of design and is therefore considered acceptable in terms of Policies CP1 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011). The proposal would also accord with the emerging Policy DH1 of the Local Plan Submission as the proposal would be considered high quality development.

iii. Impact on Conservation Area

- 9.14. 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 conservation areas or their setting. Furthermore, planning permission will not be granted for proposals involving the substantial demolition of a building or structure that contributes to the special interest of conservation areas.
- 9.15. The Old Toll House is noted in the Central Conservation Area Appraisal as being a building which makes a positive contribution to the Conservation Area as being a characterful survival of a time where Oxford was more reliant on river-based industry and transport. The Old Toll House is sited in a prominent location in the Conservation Area and views are afforded of it from the public realm. The site, therefore, contributes to the significance of this area of the Conservation Area more generally. The proposals entail visible changes which represent non-traditional interventions to the building, particularly the highly visible louvre, rooflights and the less visible glazed doors at lower ground level. Given the small-scale nature of the changes and their carefully considered design it is considered that the proposal would result in less than substantial harm to the Conservation Area for the purposes of Paragraphs 192-196 of the NPPF. The fact that the proposal would bring this now vacant building back into use is considered a public benefit, particularly given the site's prominent location. As a result, this public benefit is considered to be a merit of the proposals which would outweigh any less than substantial harm to the Conservation Area. The proposal is therefore considered to accord with Policy HE7 of the Oxford Local Plan, Paragraph 196 of the NPPF and the emerging Policy DH1 of the Local Plan Submission.
- 9.16. Regard has been paid to Paragraph 192 and 193 of the NPPF in reaching a decision, specifically that great weight has been placed on the importance of the conservation of designated heritage assets when carrying out the assessment. Officers have concluded that there would be less than substantial harm to the Conservation Area but this is outweighed by the public benefits identified.

- 9.17. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the Conservation Area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.

iv. Impact on Listed Buildings

- 9.18. Policy HE3 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for works involving an alteration or extension to a listed building that is sympathetic to and respects its history, character and setting. Policy HE3 notes that planning permission will only be granted for development which is appropriate in terms of its scale and location, and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building.
- 9.19. The significance of the Old Toll House largely stems from its historic function, its interesting neo-classical design which gives hints of an Italianate style and its appearance in connection with Folly Bridge and the Thames. The proposal entails visible changes which represent non-traditional interventions to the building, particularly the highly visible louvre, rooflights and the less visible glazed doors at lower ground level. These changes would also result in a loss of historic fabric while the change of use would result in an altered internal layout. Given the above considerations, it is considered that the proposal would result in less-than-substantial harm to the significance of the listed building. However, as these interventions would be sympathetic additions, being of high design quality, the level of harm caused would be of a very low order of less-than-substantial harm. Furthermore, it appears that the listed building has been altered from its original form as a result of its various functions since the building's erection. The fact that the proposal would bring this now vacant building back into use is considered a public benefit. As a result, this public benefit is considered to offset any harm caused. The proposal is therefore considered to accord with Policy HE3 and the emerging Policy DH1 of the Local Plan Submission.
- 9.20. The proposal would also fall within the setting of the adjacent Folly Bridge, which is a grade II listed building. Given that the significance of Folly Bridge largely emanates from it representing a historic crossing point of the Thames in conjunction with the historic fabric of the bridge, it is considered that the relatively minor changes proposed would not result in harm to the setting of this designated heritage asset. The re-use of the Old Toll House building will provide the public with a greater opportunity to enjoy views of the bridge and the surroundings which would be welcomed.
- 9.21. It is noted that numerous other listed buildings surround the site, such as the Head of the River Public House and its associated crane. However the proposed development would not give rise to harm to the setting of these listed buildings because of the distances to the application site and obstacles including boundary treatments that provide additional visual separation. Bringing the Toll House back into use may even improve the setting of these

heritage assets as the existing derelict nature of the building and the lack of activity associated with it does not contribute positively to the immediate context of the application site.

- 9.22. Regard has been paid to Paragraphs 192 and 193 of the NPPF in reaching a decision. When applying the test outlined in Paragraph 196, it is considered that the proposal would cause less-than-substantial harm to the significance of the Old Toll House. However, this harm would be offset by the public benefit of bringing this now vacant building back into use. The proposal is considered to not result in harm to the other nearby listed buildings. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.

v. Impact on Scheduled Monument

- 9.23. Policy HE1 states that planning permission will not be granted for any development that would have an unacceptable impact on a nationally important monument (whether or not it is scheduled) or its setting.
- 9.24. The Grandpont Causeway Scheduled Monument abuts the application site. The adjacent Scheduled Monument extent covers the width of the modern road to protect the narrower Norman causeway below. All existing service routes are excluded from the scheduling however any new routes would require Scheduled Monument Consent. Given that the significance of the Scheduled Monument is drawn from underground archaeological evidence, below Abingdon Road, with only limited Norman stonework visible further south of the site and the fact that the proposal would entail extremely limited groundworks, it is considered that the proposed development would not result in harm to the Scheduled Monument. The proposal therefore accords with Policy HE1.

vi. Archaeology

- 9.25. Policy HE2 of the Oxford Local Plan 2001-2016 states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford, planning applications should incorporate sufficient information to define the character and extent of such deposits as far as reasonably practicable.
- 9.26. It is noted that this application would result in extremely limited groundworks. On the basis of the archaeological evidence available for the site, it is considered, in this case, that the proposed alterations are too small scale to warrant archaeological monitoring. It is therefore considered unlikely that the proposals would have an adverse impact on significance deposits of archaeological value. The proposal is therefore considered acceptable in terms of Policy HE2.

vii. Impact on Neighbouring Amenity

- 9.27. Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for development that has an overbearing effect on existing homes and will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.
- 9.28. Despite the site being within the defined City Centre the site is adjacent to a number of residential properties. The most affected properties would be the houses (25-27 Shirelake Close) and Folly Bridge Court (which are flats). There are no other residential properties that are close enough to the site to be affected by the proposals. The impact on these properties would be complex as a result of the changing levels of the site and the specific nature of the use that is proposed. The impacts of the development on residential properties are set out below and include consideration of the impacts on daylight/sunlight, privacy, noise and odour. In carrying out this assessment officers have been mindful of the comments raised in public consultation. Officers have also carried out a site visit to Nos. 25 and 26 Shirelake Close which provided an opportunity to view the application site from those dwellings (and their private gardens) and therefore gain an additional perspective in terms of the impact of the development on those properties.
- 9.29. The proposed development would not represent an increase in the height of the building. Officers have considered the impact of the proposals on the residential amenity of Nos. 25-27 Shirelake Close and consider that the proposals would not impact on daylight and sunlight conditions for those properties. In this way the development would comply with the requirements of Policy HP14 of the Sites and Housing Plan and specifically the 45/25 degree code set out within that policy.
- 9.30. The Old Toll House and the associated proposed outdoor seating area would be approximately 13m from the rear of the terrace of 25-27 Shirelake Close and approximately 2m from the rear garden wall of the properties. It is considered that the proposed development would not have a negative impact on the privacy of neighbouring occupiers. The upper terrace proposed in the original application (which was refused in 2018) would have had unacceptable impacts on the privacy of neighbouring occupiers due to the distance between the upper terrace and private gardens. However, this element has now been omitted. The remaining lower terrace proposed would not lead to a loss of privacy to nearby residential properties due to the low height of the terrace in relation to the terrace of 25-27 Shirelake Terrace and their boundary treatment. The proposed development would not give rise to a loss of privacy for occupiers at Folly Bridge Court; the single storey building Toll House adjacent to the flats would not provide views into the flats and the lower terrace that is proposed would be at the southern edge of the site nearer to the Shirelake Close properties and the River Thames.
- 9.31. As a result of the above, the development would have an acceptable impact on neighbouring occupiers. The development would therefore accord with

Policy HP14 of the Sites and Housing Plan (2013).

viii. Cycle Parking

- 9.32. Policy TR4 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that provides good access and facilities for pedestrians and for cyclists and complies with the minimum cycle parking standards shown in Appendix 4.
- 9.33. Due to the proximity of the site to the city centre and a number of heavily used bus stops, it is considered that the site would have good pedestrian links with customers being readily able to reach the site on foot. While it is noted that cycle parking facilities are proposed, with what appears to be two Sheffield stands near the lower terrace, further details would need to be provided. While the proposed cycle parking arrangements appear proportionate to the site, a condition requiring further details is included to ensure cycles will be covered, secure and accessible. Officers recommend a condition to ensure the proposed cycle parking facilities are provided and therefore the development would comply with Policy HP15 of the Sites and Housing Plan (2013).

ix. Highway Safety

- 9.34. Policy CP10 requires access to the site is practicable, with priority given to pedestrians and cyclists with good circulation within the site and site entrances. Outdoor needs must be properly accommodated, including private amenity space, screened refuse and recycling storage, servicing and parking.
- 9.35. The main issue with the site in terms of highway safety would be with servicing and deliveries. The submitted service and delivery plan is considered to adequately identify a solution to servicing and deliveries, having made a full assessment of the site. Goods would be delivered to loading bays on St Aldate's or Thames Street and then conveyed to the site on foot. While not an ideal solution, this is considered a pragmatic and acceptable method of servicing and delivery. The Local Highway Authority has raised no objection, subject to conditions 6, 7 and 9 of the officer recommendation. In terms of the volume of vehicles needed to service the site, due to the café's size, it is expected that the site would not require a significant level of servicing. While it is expected that fresh produce would be delivered daily, these deliveries will take place outside peak times, likely utilise smaller vehicles and also likely be of a similar quantity of deliveries as would be possible under an A1 use of the site. The servicing arrangements for the proposed change of use are therefore considered sufficient in terms of highway safety.
- 9.36. In terms of waste collection, the proposed arrangement replicate the existing arrangement. The bin store would be located on the lower terrace and would be wheeled up to Abingdon Road to be collected by a commercial waste collection company who would add the site to their existing rounds. Given that this is the existing arrangement and the proposed arrangement would

therefore not materially worsen the existing situation, this element of the proposal is considered acceptable.

- 9.37. Subject to conditions 6, 7 and 9 (which would control the servicing, deliveries and waste collection from the site), it is considered that the proposed development would have an acceptable impact on highway safety that would be acceptable in terms of Policy CP10 of the Oxford Local Plan 2001-2016.

x. Noise and Odour

- 9.38. Policy CP19 of the Oxford Local Plan 2001-2016 states that planning permission will not be granted for any development likely to cause unacceptable nuisance. It is also outlined that where such nuisance is controllable, appropriate planning conditions will be imposed. Sources of noise, dust, fumes, vibration, light or proximity to hazardous materials constitute a nuisance.
- 9.39. Policy CP21 of the Oxford Local Plan 2001-2016 states that planning permission will not be granted for development which will cause unacceptable noise. Policy CP21 of the Oxford Local Plan 2001-2016 sets out issues to which particular regard will be given when determining planning applications as well as issues to which noise sensitive developments should have regard to.
- 9.40. Noise would be generated by use of the site as an eatery with food and drink being consumed by customers on-site. Regard has been paid to the fact that there is substantial ambient noise at the site due to its proximity to Abingdon Road and particularly the junction of Abingdon Road and Thames Street. Likewise, noise would be generated throughout the day and into the evening at the Head of the River Public House. The use of the site as an eatery would therefore be unlikely to generate a level of noise out of proportion with the context of the site. It is also noted that the lawful use of the site is as an A1 retail unit would generate a level of noise. Indeed many cafes operate on the basis of an A1 use (which is acceptable for a café that does not serve hot food and where a majority of sales of goods are for consumption off the premises) so the use of the site as such under an A3 use is unlikely to generate significantly more noise than would already be lawfully possible. The key issue which sets the proposed use apart from a café operating on the basis of an A1 use is the cooking of hot food on site, which it is concluded would be unlikely to cause an unacceptable level of noise and disturbance, as per paragraph 9.42 of this report. However, it is accepted that use of the site in an A3 capacity at unsociable hours could result in unacceptable nuisance to nearby residences. The opening hours are therefore recommended to be conditioned (condition 10) to ensure the premises would not be open to customers before 7.30am from Mondays to Fridays or 8.00am on weekends and bank holidays and not be open to customers after 9.00pm each day from Mondays to Sundays, with the site being vacated by staff by 9.30pm each day from Mondays to Sundays. This condition is considered sufficient to ensure noise from the operation of the business and associated customers would not occur at unsociable hours and thereby harm the amenity of nearby occupiers.

- 9.41. The proposed development would generate some odour and noise from cooking and the associated extraction equipment. However, the submitted noise and odour assessment has assessed these potential sources of nuisance to neighbouring properties to be of an acceptable level, with the mitigation measures recommended in the report in place. The Council's environmental health officers were satisfied with the conclusions of the report and therefore did not object to the application, subject to the installation and use of the measures outlined in the submitted report. The report's conclusions and recommendations would be required to be adhered to as a condition in the officer recommendation.
- 9.42. The proposed development is therefore considered acceptable in terms of Policies CP19 and CP21, subject to condition 8. The proposal would also thereby accord with Policy RE7 of the emerging Local Plan.

xi. Flooding and Surface Water Drainage

- 9.43. Policy CS11 of the Core Strategy states that planning permission will not be granted for any development in the functional flood plain (flood zone 3b) except water-compatible uses and essential infrastructure. The suitability of developments proposed in other flood zones will be assessed according to the NPPG sequential approach and exceptions test. All developments will be expected to incorporate sustainable drainage systems or techniques to limit runoff from new development, and preferably reduce the existing rate of runoff. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
- 9.44. The site lies within a flood zone 3 area. The Environment Agency has objected to the scheme due to a lack of a Flood Risk Assessment being submitted with the application, which is a technical requirement as per Paragraph 163 of the NPPF. The Council's flood officers however, have not objected to the scheme. This is on the basis of the development proposal not including additional built form with only minor alterations taking place to the upper part of the building. The part of the site that contains the building and outdoor seating area is also not within a flood zone. The EA has been reconsulted and contacted for clarification since their initial comment though at the time that this report was written no response has been received. While their view is afforded great weight, on balance it is considered that refusal on flooding grounds would be unreasonable on the basis of the above considerations. In this instance, the development proposal is considered acceptable in terms of flooding and Policy CS11.
- 9.45. Committee members must be aware that accepting officers' recommendation for this application would lead to permission being granted in spite of the objection of a statutory consultee. Officers will continue to request amended comments from the Environment Agency with a view that they may wish to withdraw their comments.

xii. Biodiversity

- 9.46. Policy CS12 of Core Strategy states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.
- 9.47. It is considered that the proposed change of use and associated alterations would not lead to a loss of habitat or cause harm to protected species. The proposal is therefore considered acceptable in terms of Policy CS12.

xiii. Trees and Landscaping

- 9.48. Policy NE16 of the Oxford Local Plan 2001-2016 states that planning permission will not be granted for any development which involves the destruction of protected trees where that would give rise to significant adverse effect upon public amenity, unless such action can be shown to be good arboricultural practice. Tree surgery work needing consent must be undertaken in accordance with best arboricultural practice.
- 9.49. Whilst the development proposal retains the silver birch tree on the site, it is noted that, by virtue of the tree being sited within a conservation area, the tree is protected. It is considered that, due to the relatively minor building operation proposed the proposal would not result in harm to the tree. However, for the avoidance of doubt, tree protection measures are considered necessary to ensure the health of the tree is maintained. To this effect Condition 4 requires a tree protection plan which demonstrates how the tree will be protected and that this must be submitted prior to the commencement of works if planning permission is granted. With this condition in place, it is considered that the proposal would have an acceptable impact on protected trees and would thereby accord with Policy NE16 of the Oxford Local Plan 2001-2016.

xiv. Other Matters

- 9.51 Most of the concerns raised during the consultation period have been addressed in the above sections, where they have not been, they are addressed in this section.
- 9.52 Concerns that music may be played at the proposed café were raised during the consultation process. This is not included as part of the proposals, if music is played at a level that becomes unacceptable to the amenity of neighbouring occupiers then this can be raised with the Oxford City Council Community Response Team who deal with Category 3 Anti-Social Behaviours.
- 9.53 Concerns have been raised by Environmental Health Officers that the proposed kitchen may not be of a sufficient size to safely prepare hot food. The applicant should be aware of this and officers recommend an informative is included to any planning permission to make sure that it is clear that food

safety requirements may give rise to operational constraints for any business using the premises.

10. CONCLUSION

- 10.1. It is considered that the proposed development would be acceptable, having had regard to the material considerations outlined in this report. The proposal is considered to comply with all relevant local and national legislation, policies and guidance. It is considered that the proposal would have an acceptable impact in terms of designated heritage assets as any harm would be offset by identified public benefits. In reaching this view officers have been mindful to the great weight given to the conservation of designated heritage assets as required by Paragraphs 192 and 193 of the NPPF. The design implications of the proposal would be minimal and would have an acceptable impact in the streetscene and public realm. It is also considered that the proposal would not harm the amenity of nearby occupiers through a loss of privacy or nuisance, conditions protecting neighbouring amenity have been included. Likewise, the proposal would not harm the biodiversity of the site. It is also considered that the proposed arrangements in terms of the public highway, namely cycle parking and servicing and deliveries are acceptable, subject to conditions for further details and that the details and requirements are adhered to. While it is considered that the proposal would be unlikely to harm the silver birch tree on site, a tree protection plan is considered necessary to ensure the continued protection of the tree. The Environment Agency have objected to the scheme, for the reasons stated in the above report, it is considered that sustaining the Environment Agency's request to refuse the application would be unreasonable.
- 10.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions recommended below and delegate the authority to amend the wording of conditions to the Acting Head of Planning.

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

Reason: To ensure that the development is visually satisfactory as required by policy CP1 of the Oxford Local Plan 2001-2016.

- 4 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs 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 Before the development permitted is commenced details of the cycle parking areas, including dimensions and 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 in line with adopted policy.

- 6 A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and agreed prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,

- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents.

The approved Construction Traffic Management Plan shall be adhered to throughout the construction phase of the approved development.

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.

- 7 Deliveries and servicing must not take place between the peak hours of 07:30-09:30 or 15:30-18:30.

Reason: To mitigate the impact of delivery vehicles on the highway network at peak times.

- 8 The development hereby approved shall be undertaken in accordance with the submitted 'Noise and Odour Risk Assessment and Proposed Measures to Manage those Risks Identified to Acceptable Levels'. Maintenance of the proposed extraction equipment shall be undertaken for the lifetime of the development.

Reason: To ensure the development has an acceptable impact in terms of noise and nuisance in accordance with policies CP19 and CP21 of the Adopted Local Plan 2001-2016.

- 9 Servicing and waste collection from the approved development shall take place in accordance with the measures described in the submitted 'Access and Servicing Management Plan' for the lifetime of the development, subject to condition 7.

Reason: To ensure the development will not have an adverse impact on the public highway network

- 10 The premises shall not be open to customers before 7.30am from Mondays to Fridays or 8.00am on weekends and bank holidays. The premises shall not be open to customers after 9.00pm each day from Mondays to Sundays, with the site being completely vacated by 9.30pm each day from Mondays to Sundays.

Reason: In the interest of the amenities of nearby occupiers in accordance with Policy CP21 of the Oxford Local Plan 2001-2016.

12. APPENDICES

- **Appendix 1 – Site location plan**

13. HUMAN RIGHTS ACT 1998

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

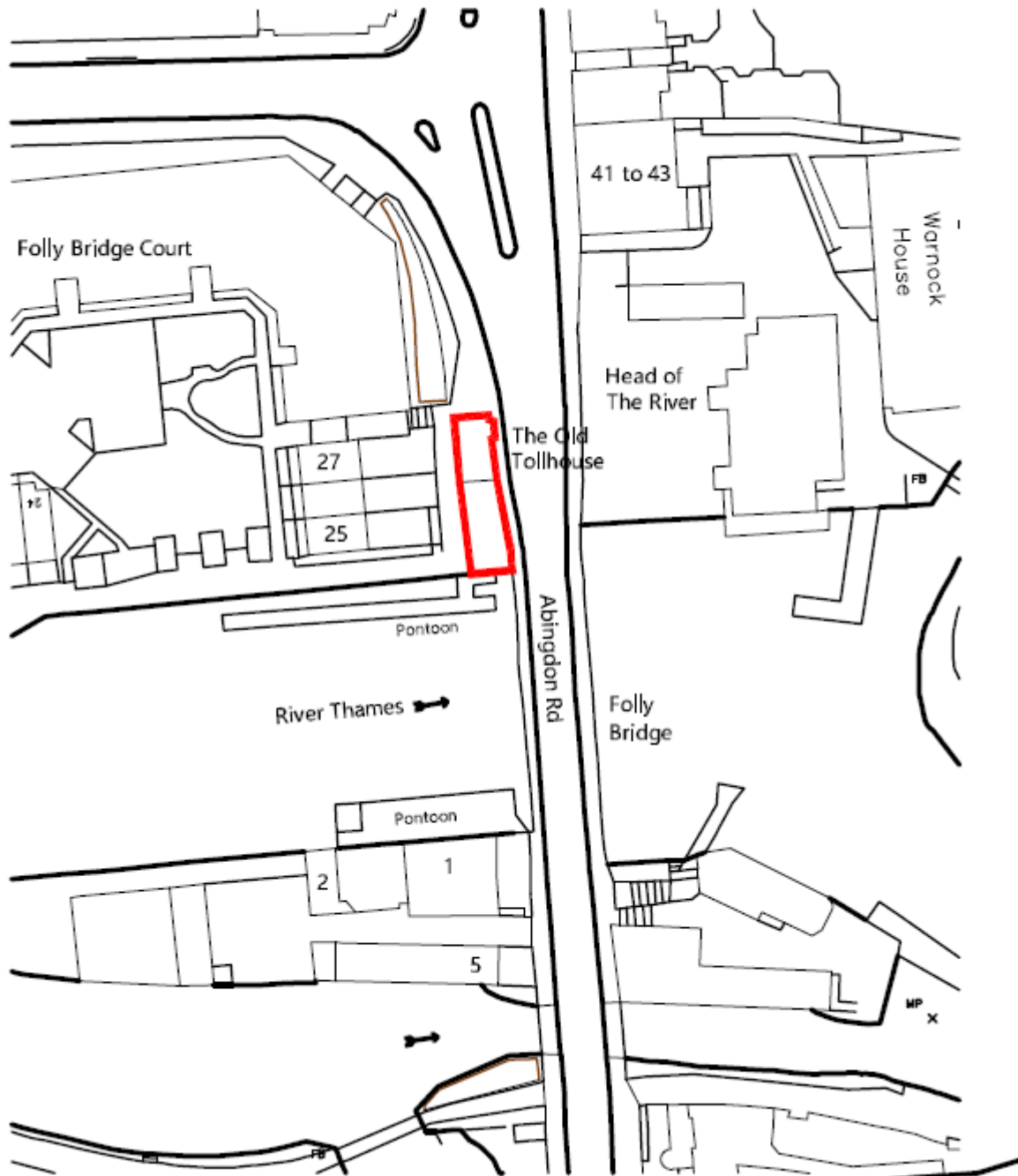
14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Appendix 1 – Site Plan

19/03325/FUL – Old Toll House, Folly Bridge



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West Area Planning Committee

11th June 2019

Application number:	18/03326/LBC		
Decision due by	15th February 2019		
Extension of time	15th May 2019		
Proposal	Proposed change of use from A1 retail to A3 cafe use together with internal and external refurbishment of the building (amended description) (amended plans)		
Site address	Old Toll House, Folly Bridge, Oxford, OX1 4LB – see Appendix 1 for site plan		
Ward	Hinksey Park		
Case officer	Katharine Owen		
Agent:	Natasha Ireland	Applicant:	Mr John Salter
Reason at Committee	This applications was called in by Councillors Tidball, Kennedy, Pressel, Munkonge and Lygo due to concerns as to the possible impact of the development on the amenity of the neighbouring occupiers.		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required listed building consent conditions set out in section 11 of this report and grant listed building consent; and

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

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

2. EXECUTIVE SUMMARY

2.1. The Old Toll House at Folly Bridge, Abingdon Road, is a grade II listed building situated in the Central (City and University) Conservation Area.

2.2. This report considers the impacts of the proposals on the special architectural or historic interest of the listed building, on the Conservation Area (whether the proposal preserves or enhances the special character or appearance of the Conservation Area), impacts on listed buildings and non-designated heritage

assets within the setting of the listed building and any impacts on the Scheduled Ancient Monument and listed building of Folly Bridge.

- 2.3. This report also considers any potential harm which would be caused to the above heritage assets and any mitigation required to minimise any harm.
- 2.4. This report concludes that the proposals would enable the building to be given a new use as a cafe, thus rescuing a vacant listed building at risk. Subject to satisfactory discharge of conditions, the proposals are reversible, justified and proportionate. On this basis the proposed development would give rise to less than substantial harm to the Listed Building but that harm is outweighed by public benefits. The proposals are therefore acceptable for the purposes of Paragraphs 192-196 of the NPPF and Policies HE3, HE4, and HE5, of the Oxford Local Plan 2001-2016 and the Local Plan Submission Draft 2036: DH1 and DH3 .
- 2.5. Harm to the building's significance would be kept to a minimum and the special architectural and historic interest of the listed building would be preserved. Less than substantial harm would be caused to the Conservation Area but this harm would be outweighed by public benefits arising from the proposals. The character and appearance of the Conservation Area would be preserved and enhanced by the proposals; the proposals would improve the setting of heritage assets both listed or not listed. Therefore, the proposals are considered to comply with national and local policies specifically Paragraphs 192-196 of the NPPF and Policies HE7 of the Oxford Local Plan 2001-2016 and the Local Plan Submission Draft 2036: DH1 and DH3.

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

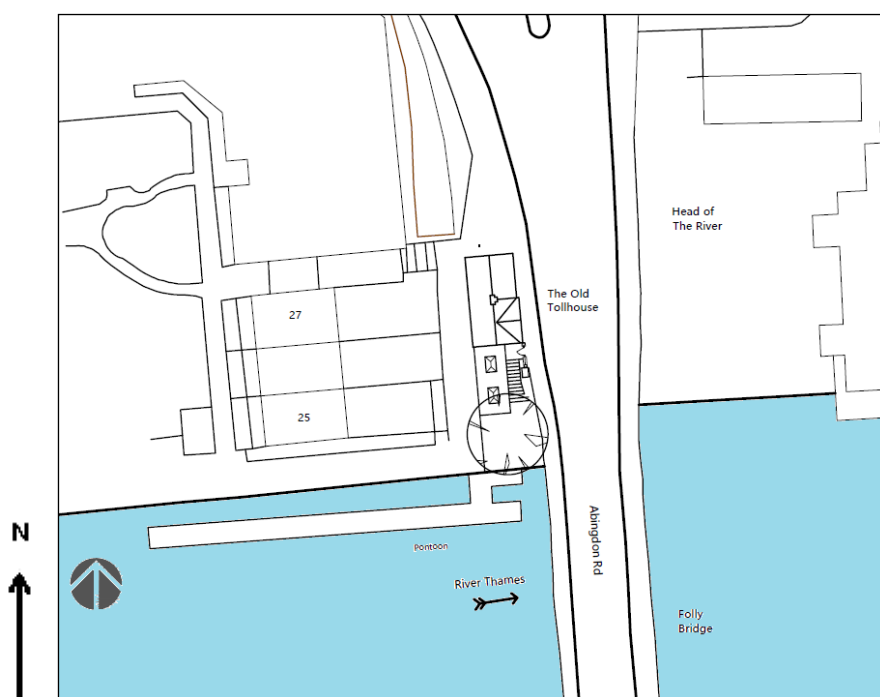
- 5.1. The site is located close to and to the west of Folly Bridge on the Abingdon Road, on the north side of the Thames and to the east of Folly Bridge Island. Opposite on the east of the river is the Head of the River.
- 5.2. The Old Toll House and its surroundings have a very rich history; the building on the north side of the River Thames is adjacent to Folly Bridge. The application site is a Grade II listed building and lies within the Central (University and City) Conservation Area. Folly Bridge, forms part of the same listing for the Toll House and is therefore also Grade II listed. The application site is also adjacent to the Grandpont Causeway Scheduled Monument. The bridge itself was rebuilt in 1826 and replaces an older bridge that was medieval; this site has an important role in the history of Oxford being the site

of the Saxon and Norman crossings of the river with a stone bridge on the site since 1085AD. The crossings of the river on this site or nearby sites are important in the context of the identity of the City being associated with cattle crossings of the river between meadows from which Oxford derives its name. The area between the main building and the river was originally a garden (presumably at a lower level) but this has now been infilled by flat roof store and a lower level to the building. An adjacent area to the river provides a store area which was last used for punts; this is fenced off from the adjacent riverside walk.

- 5.3. The Old Toll House is noted in the Draft Central Conservation Area Appraisal (2018) as being a building which makes a positive contribution to the conservation area as being a characterful survival of when Oxford was more reliant on river-based industry and transport. The Toll House itself is an significant building which was constructed in 1827 to the designs of a local builder, James Gardiner, who was based in George Street. Tolls were only collected up until 1850 (when the debt for the building of the bridge was repaid).
- 5.4. The setting of the toll house includes Folly Bridge Island to the south with the prominent Caudwell's Castle of 1849 (listed grade II) and the Folly Restaurant (not listed) with its pontoon on the river. Salter's Steamers have occupied various buildings on and around the bridge and island since 1858, including what is now the Head of the River pub. There is therefore a lot of activity in the area centred round the river and road and the leisure industry.
- 5.5. Opposite the Toll House is the grade II listed Head of the River and the office and house set at 90 degrees to each other. The Head of the River has significance as a former boat building works, wharf building, stables, a dwelling house, a crane, storage building and offices with the foreman's family living over the office. The main warehouse was built in 1827 but the wharf is much older, and dates back to at least 1638. One large historic crane for lifting boats remains by the river side. To the south of the river are the unlisted Salter's Steamers offices which are mostly Victorian and Georgian and lead down to the river side by stone steps. There are also early Victorian cast iron railings of high quality design either side of the river which contribute to the attractive qualities here. they are substantial and were constructed at the same time as the toll bridge was re-built. Close to the Toll House the original posts for the toll bridge can be seen. Together with the unlisted heritage assets of the restaurant opposite and its pontoon, the area has high group value due to what the area tells us about the importance of river transport to Oxford and its social significance. Also significant is the leisure industry for example the Lewis Carroll group set out from Folly Bridge.
- 5.6. In addition to the historic interest of this site the application site is also visually prominent being on a key radial route into the City Centre from the south. To the north of the site the road is wider being the junction of Abingdon Road and Thames Street. To the east lies the Head of the River PH and associated wharf area (which are at a lower level than the main Toll House building). To the south-east is Folly Bridge itself and to the south of the site the land slopes down to the river and there is a pontoon adjacent to the wharf next to the

Thames. To the immediate west of the site is an alley that links Abingdon Road/Folly Bridge and the riverside walk along the north bank of the Thames; this is a considerable slope down and is bordered on one side by the Toll House and a wall and the other side by a high wall that separates the alley from the gardens of 25-27 Shirelake Close. To the east of the alley are the aforementioned gardens and dwellings at 25-27 Shirelake Close (which are modern town houses and are at a lower level than the Toll House itself and the adjacent Folly Bridge). To the north-east of the site is Folly Bridge Court; which is a modern block of flats on the site of an older house.

5.7. See block plan below:



6. PROPOSAL

6.1. The application proposes a change of use from retail (Use Class A1) to cafe (Use Class A3) and external alterations including formation of terrace over existing boathouse, insertion of glass balustrade to side elevation, alterations to doors and fenestration including new windows and doors on the ground floor, west elevation and new external seating area for the café. This application deals with the alterations to the building that are relevant for the purposes of a Listed Building consent; a separate application (18/03325/FUL) has been submitted for planning permission for the change of use and other changes.

7. RELEVANT PLANNING AND LISTED BUILDING CONSENT HISTORY

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

81/01047/AH - Retention of advertising board. REF 1st March 1982.

81/01048/L - Listed building consent for retention of advertising board. REF 1st March 1982.

83/00544/L - Listed Building consent for alterations and refurbishment. PER 20th September 1983.

83/00545/NFH - New west elevation and new double doors at basement level to south elevation. PER 23rd September 1983.

83/00574/NFH - Temporary portable building for use as retail shop during refurbishment of Toll House.. WDN 1st September 1983.

98/00186/NFH - Change of use of basement from disused boat store to mixed use as tea-room (Class A3)/sandwich bar (Class A1) including alterations to entrance.. PER 21st April 1998.

98/00193/L - Listed building consent for internal alterations to basement.. PER 21st April 1998.

17/03043/CAT - Lift crown of 1No. Silver Birch Tree to 4m above ground level by removing 7 limbs in the Central Conservation Area.. RNO 20th December 2017.

18/00313/FUL - Conversion of former Toll House into a Café (Use Class A3) and external alterations including formation of terrace over existing boathouse, insertion of glass balustrade to side elevation, alterations to doors and fenestration including new windows and doors on the ground floor, west elevation and new external seating area for the café. (amended plans). REF 16th August 2018.

18/00314/LBC - Conversion of former Toll House into a Café (A3 Use Class) and internal and external alterations including new internal staircase, formation of terrace over existing boathouse, insertion of glass balustrade to side elevation, alterations to doors and fenestration including new windows and doors on the ground floor, west elevation, internal reconfiguration and refurbishment, alterations to the basement, new kitchen, store and WC, and new external seating area for the café. (amended plans). REF 13th August 2018.

18/03325/FUL - Proposed change of use from A1 retail to A3 cafe use together with internal and external refurbishment of the building (amended description) (amended plans). PDE .

18/03326/LBC - Proposed change of use from A1 retail to A3 cafe use together with internal and external refurbishment of the building (amended description) (amended plans). PDE .

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	West Area Action Plan	Neighbourhood Plans:
Design	127, 128, 130	Local Plan 2001-2016: CP 1, CP6, CP8, CP10, CP11 Local Plan Submission Draft 2036: DH1	Local Plan 2001-2016: CS18			WE11, WE12
Conservation/ Heritage	190, 191, 192, 193, 196, 197, 199	Local Plan 2001-2016: CP1, HE1, HE2, HE3, HE4, HE5, HE7. Local Plan Submission Draft 2036: DH3.				WE10

CONSULTATION RESPONSES

- 8.2. Site notices which detailed the revised scheme were displayed around the application site on 29th April 2019 and an advertisement was published in The Oxford Times newspaper on 18th April 2019.

Statutory and non-statutory consultees

- 8.3. Historic England: second letter: the additional information now submitted effectively addresses their previous concerns; note that the schedule of works is now very detailed and defers to the Conservation Officer on the suitability of these details; now has no objections.

Oxford Preservation Trust: The Trust has no objections to the proposed change of use of the listed building, and welcomes the works proposed to restore the building which is currently vacant and falling into a poor state of repair; the OPT objects to the potential removal of the existing historic metal railings to the side elevation of the toll house building. The application documentation is not clear on whether the railings are to be removed and replaced with a glass balustrade, or replaced alongside a glass balustrade. If it is the intention to remove them the Trust would query why this is necessary

and would object to the harm this would have on the character and appearance of the designated heritage asset. The original metal railings are found on both ends of the bridge, on both sides and are an original feature.

Public representations

- 8.4. Three local people commented on this listed building consent application from addresses in Folly Bridge, Shirelake Close and Folly Bridge Court.
- 8.5. In summary, the main points were:
- Welcomed this sensible development and use of this landmark Oxford building and the many passers-by would welcome this as well. It has been in a state of disrepair for many years;
 - Hope that the discussions have resolved any issues and that the neighbours can look forward to an attractive riverside amenity;
 - Questioned the overall business sense of such an enterprise adjacent to such a busy road, especially the idea of outside seating;
 - A cafe here, in particular the terrace, also raises legitimate concerns for the immediately adjacent residents about noise, privacy, smell, deliveries, and rubbish removal.

Officer response

- 8.6. The OPT's comments on the railing removals have been addressed because the Conservation Officer told the agent that these important heritage assets should be retained and not removed which they are now proposed to be.
- 8.7. Comments from the public on the building's re-use prove that the building has communal value and is appreciated by those who live nearby and by passers-by. Regarding the business case, a viable use is welcomed for the derelict building. Other matters are planning matters to be dealt with by the parallel planning application.

9. LISTED BUILDING CONSENT MATERIAL CONSIDERATIONS

- 9.1. Officers consider the determining issues to be:
- i. The Significance of the Site and its Context
 - ii. Listed Building at Risk
 - iii. Principle of Development
 - iv. Design
 - v. Impact on the Significance of the Listed Building and Railings, Setting of Listed Buildings, un-listed heritage assets, on the Conservation Area and on Scheduled Ancient Monument.

i. The Significance of the Site and its Context

- 9.2. The Old Toll House is adjacent to Folly Bridge (on the north side of the River Thames). The application site is a Grade II listed building and lies within the Central (University and City) Conservation Area. The application site is also adjacent to Folly Bridge, which forms part of the same listing for the Toll House and is also Grade II and also is a Scheduled Ancient Monument.
- 9.3. Folly Bridge itself was rebuilt in 1826 (although Norman and other remains exist) and replaces an older bridge that was medieval. There was a very early river crossing, used by the Saxons and bridged by the Normans in the late 11th century. The Saxon causeway has been discovered (1971) under St Aldate's Street. The medieval bridge was also known as "Friar Bacon's Bridge". The Bridge and house were listed on 12.1.1954.
- 9.4. The Toll House is a small storey building with basement, a pitched roof, and finished in stucco. The Toll House is grade II listed and is in a highly significant context on the listed Folly Bridge, in the setting of the listed Head of the River and other designated and non-designated heritage assets.
- 9.5. The toll house in its current form probably dates to c 1827 being neo-Classical in style having the character of an Italianate villa with deep eaves brackets and triangular pediments. It is rendered externally and painted white with its later shopfront painted blue. Windows are historic with semi-circular heads and margin lights. It has a later timber and brick extension which was previously used as a punt store, which has no historic significance although it is a typical river-side structure in a modest vernacular style with weather boarding. There is a long pontoon on the river. The wall to the steps is modern. There are 20th Century skirtings, modern plaster and partitions. This was carried out some time ago, perhaps in the 1980s, without listed building consent and was only known about by the conservation officer when the interior was inspected for these applications.
- 9.6. In addition to the historic interest of this site the application site is also visually prominent being on a key radial route into the City Centre from the south. To the north of the site the road is wider being the junction of Abingdon Road and Thames Street. To the east lies the Head of the River pub and associated wharf area (which are at a lower level than the main Toll House building). To the south-east is Folly Bridge itself and to the south of the site the land slopes down to the river and there is a pontoon adjacent to the wharf next to the Thames. To the immediate west of the site is an alley that links Abingdon Road/Folly Bridge and the riverside walk along the north bank of the Thames; this is a considerable slope down and is bordered on one side by the Toll House and a wall and the other side.
- 9.7. At the southern end of the application site is a silver birch tree, the only substantial vegetation on the site although there is some mature planting in the gardens of 25-27 Shirelake Close which contributes positively to the environs of the application site.

- 9.8. The Old Toll house on Folly Bridge has high significance in itself and also in its local context. Using the values set out in 'Conservation Principles' by Historic England, significance is found in evidential, historic, aesthetic and communal values. Evidential values come from the building and illustrates the changing history of Folly Bridge and the national history of transport and leisure on the river.
- 9.9. The building was built as a toll house to fund the rebuilding of Folly Bridge, a highly significant river crossing. Sometime after the toll house ceased to have its original function in 1850, it was later used by Harris & Son, the boat builders, as a punt hire office. Although it appears to be single storey, in fact there is a lower ground floor to the river side, with a punt house extending to the river. There are some modern railings adjacent to this and modern paving slabs.
- 9.10. Although small it has the design character of higher status buildings such as other Italianate buildings in Park Town. The building is a very attractive new-Classical Italianate design with deep eaves and eaves brackets. Historic elevations show a splayed bay window to the bridge which would have been where the toll keeper used as their office window so as to see better and which is a feature of historic toll houses thus contributing to our understanding of its use.
- 9.11. The building is appreciated as an attractive structure. Its various uses have reflected local industry of boat building and leisure activities associated with the Thames, which were communal uses. The building is an important and cherished local landmark building in its own right.
- 9.12. The setting includes Folly Bridge, the Head of the River, Salter's Steamers, Caudwell Castle, the River Thames, the buildings associated with boating and boat building run by Salter's over many years. This setting has important significance for the history of the area and their inter-relationship is important as it shows the associated historic uses which brought about their construction.

ii. Listed Building at Risk

- 9.13. The building is vacant and currently gutted with no floor covering between the ground floor and basement (river level) and only the joists visible; the conservation officer could not stand on the upper floor, only see it from beneath, however it is probable that virtually no historic elements were retained. There are no records of listed building consent being applied for these works. Clearly the loss of the plan form and historic features is regrettable however the current application would restore the building to use.
- 9.14. The Toll House has deteriorated since being in a period of disuse for the last few years. Planning permission was granted for use of the building in 1998 for a mixed use tea room and sandwich bar (A3/A1 use); though its most recent use was best accurately described as a general store selling alcohol, with other parts of site (particularly at the lower level) used for storage. There were

problems with anti-social behaviour in the immediate area. The person running the store passed away and the building is in new ownership. The previous applications proposed a roof-top terrace with a high screen wall and also would have caused harm to the significance of the listed building thus were refused. Considerable officer time and effort were put into recommending changes to the proposals for both the previous and the current applications so that the applications could be supported in principle. The owner has engaged an architect who has submitted a comprehensive schedule of works and plans which now can be recommended for approval. Due to other newer supermarkets being nearby such as Tesco's and Sainsbury's further up St Aldate's, the applicant states that it probably would not be economically viable to retain a retail use. The parallel planning application also led to concerns outside of the remit of the listed building consent application and this has created additional delays in the determination of the applications.

iii. Principle of Development

- 9.15. This is acceptable as it would facilitate a viable use for the building and improve the setting of listed buildings. The principle of the development in the context of the Council's adopted planning policies is dealt with in the officer report for the planning application.

iv. Change of use

- 9.16. The proposed change of use is a key issue as this necessitates alterations. It is important that the building has an economically viable use and that it is restored to a sustainable use, to facilitate its restoration.
- 9.17. The implications for change of use required clarification and further information was required to assess the impacts on the setting. These planning matters are covered in the parallel planning report.
- 9.18. The Local Planning Authority discussed the impact of the proposals on the heritage asset to avoid any conflict between its conservation and any aspect of the proposal and it is considered that no conflict would arise from the proposals.
- 9.19. The NPPF (revised February 2019) strengthens 'use' in more detail than the first version did. The Local Planning Authority has taken into account the effect of the application on the significance of the designated heritage asset and has balanced the harm against the public benefits of the proposal including securing its optimum viable use. No harm would arise to the significance.
- 9.20. The Local Planning Authority has considered the desirability of sustaining and enhancing the significance of heritage assets and putting this to viable use, therefore the development would be acceptable in principle for the purposes of the Listed Building Consent application and the requirements of Paragraph 196 of the NPPF.

v. Design

- 9.21. Policy CP1 of the Oxford Local Plan 2001-2016 states that a development must show a high standard of design, including landscape treatment, that respects the character and appearance of the area; and the materials used must be of a quality appropriate to the nature of the development, the site, and its surroundings. Policy CS18 of the Core Strategy states that planning permission will be granted for development that demonstrates high-quality urban design through responding appropriately to the site and its surroundings, creating a strong sense of place and contributing to an attractive public realm.
- 9.22. The proposed design is straightforward and would retain the existing shopfront which has character and is on the plan form of the original; would retain the rear timber door, restore stucco, insert new floors and carry out various works to facilitate the new café use including ventilation. The timber would be repainted with colour samples for the Conservation Officer to approve. The enclosed lower terrace area would have glass openings facing towards the river and because of the adjacent bridge and walls around the alley to the east of the application site these changes would be acceptable in design terms.
- 9.23. The existing shop front, windows and doors would be retained and refurbished. Areas of decay to the stucco would be repaired. The slate roof has been recently repaired by the current applicant.
- 9.24. The very attractive original timber windows would be restored and repainted. The small landscaped area would be improved to the benefit of those using the café.

The changes at a height readily visible from Abingdon Road would be minimal and discreet, limited to a white louvre serving the extraction system and roof lights serving the lower floor. It is considered that these changes would not harm the setting. The other external changes, namely to the terrace area at the lower level, the new glass doors at lower ground level and the addition of bin and cycle storage would largely only be visible from the nearby public footpaths. In addition the Toll House is visible from the river and from the restaurant opposite so views from these would improve. These changes are considered to be sympathetic to the host building and would not appear out of place in the context of the site. For these reasons it is considered that the development proposal would have an acceptable impact in terms of design and is therefore considered acceptable in terms of Policies CP1 and CS18.

vi. Impacts on the Significance of the Listed Building and Railings and the Setting of Listed Buildings, on the Conservation Area and on the Scheduled Ancient Monument.

- 9.25. Policy HE3 of the Oxford Local Plan 2001-2016 states that listed building consent will only be granted for works involving an alteration or extension to a listed building that is sympathetic to and respects its history, character and setting. Policy HE3 notes that planning permission will only be granted for development which is appropriate in terms of its scale and location, and which

uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building.

- 9.26. Policy HE7 of the Oxford Local Plan 2001-2016 states that listed building consent will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting. Furthermore, planning permission will not be granted for proposals involving the substantial demolition of a building or structure that contributes to the special interest of the conservation areas.
- 9.27. Regard has been paid to paragraphs 192 and 193 of the NPPF in reaching a decision; it is a requirement that great weight is placed on the conservation of designated heritage assets when considering development proposals. When applying the test outlined in paragraph 196, it is considered that the proposal would cause less than substantial harm to the significance of the Conservation Area. The public benefits of the proposals would be to bring this now vacant building back into use. Given the relatively small changes that would take place to the building it is considered that the public benefits of the development would outweigh the less than substantial harm in this case. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset. Officers have considered the impact of the proposed development on the significance of the designated heritage asset and great weight has been to the asset's conservation, as required in Paragraph 193 of the NPPF.
- 9.28. Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve and enhance the character and appearance of the Conservation Area, and so the proposal accords with section 72 of the Act. Section 16 of the Act states that conditions can be imposed should an application for listed building consent be granted and these conditions are listed below. Section 66 requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and Section 66 requires the Local Planning Authority to have regard to the desirability of preserving features of special architectural or historic interest and in particular listed buildings and this has been done.
- 9.29. For the significance of the area and buildings, please see the description above in Section i. The proposed alterations would have a beneficial impact on the setting of designated and undesignated heritage assets. Bringing the Toll House back into use and restoring it and repainting the railings may even improve the setting of these heritage assets as the existing derelict nature of the building is visually discordant. The Toll House would be appreciated again for the attractive building it is. The vitality of the area would be preserved.
- 9.30. The proposal entails visible changes which represent non-traditional interventions to the building, particularly the highly visible louvre to the north elevation, roof lights and the less visible glazed doors at lower ground level

opening to the river side. Given the above considerations, it is considered that the proposal would result in no harm to the significance of the conservation area. The fact that the proposal would bring this now vacant building back into use is considered a public benefit, particularly given the site's prominent location. The proposal is therefore considered to accord with Policy HE7.

- 9.31. Overall none of these changes would detract from the appearance, character and special significance of the Listed Building or the Central Conservation Area. The setting of listed buildings in the area such as the Head of the River, the bridge, Victorian iron railings, and buildings in Folly Island would be improved. Undesignated heritage assets in Folly Bridge such as the Salter's office buildings and the restaurant on the opposite side of the river would have improved settings. The vitality of the area would improve with the building being given a new use.
- 9.32. In terms of the impact on Scheduled Ancient Monument (Folly Bridge Norman Causeway) the Scheduling covers the width of the modern road to protect the narrower Norman causeway below. All existing service routes are excluded from the scheduling however any new routes would require Scheduled Monument Consent.
- 9.33. No works are to be undertaken that would impact on the scheduled area. The agents have confirmed that no new service routes are proposed into the highway.
- 9.34. In this instance the proposed groundworks are very limited and, on the basis of the available evidence, these are too small scale to warrant archaeological monitoring. None of the proposals would affect the fabric of the Norman causeway.
- 9.35. The proposals would comply with NPPF requirements in paragraphs 127, 128, 130, 190, 191, 192, 193, 196, 197, 199 Local Plan 2001-2016: CP1, CP6, CP8, CP10, CP11, Local Plan Submission Draft 2036: DH1 Local Plan 2001-2016: CP1, HE1, HE2, HE3, HE4, HE5, HE7, Local Plan Submission Draft 2036: DH3.

10. CONCLUSION

- 10.1. Officers have given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building(s) and the Conservation Area. Officers have been particularly mindful of the requirements of Paragraphs 192-193 of the NPPF that require that great weight is placed on the importance of conserving designated heritage assets. It is considered that any harm that would result from the proposed development is justified by the public benefits that would result and that the proposal is considered to comply with policies contained within the adopted Oxford Local Plan, the adopted Oxford Core Strategy, and National Planning policy and guidance.

- 10.2. Subject to satisfactory discharge of conditions, the proposals are reversible, justified and proportionate. Minor/no harm would be caused as a result of the applicant's requirements however this is justified.
- 10.3. Harm to the building's significance would be kept to the minimum and any removed historic material of significance would be recorded. The special architectural and historic interest of the listed building would be conserved. The proposals would cause less than substantial harm to the Conservation Area and the listed building but this is outweighed by the public benefit of bringing the building into use. The proposed development would not create a harmful impact on the setting of nearby Listed Buildings. Therefore, the proposals are considered to comply with national and local policies and specifically the requirements of Policy HE3 and HE7 of the Oxford Local Plan 2001-2016 and Paragraphs 192-196 of the NPPF.
- 10.4. It is recommended that the Committee resolve to grant listed building consent for the development proposed.

11. CONDITIONS

1. The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

2. This Listed Building consent relates only to the works specifically shown and described on the approved drawings. Any other works, the need for which becomes apparent as alterations and repairs proceed, are not covered by this consent and details of any other works must be submitted to the council as Local Planning Authority and approved before work continues.

Reason: For the avoidance of doubt and to protect the special interest of the historic building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

3. Seven days' notice in writing of the commencement of works on site shall be given to the local planning authority.

Reason: To provide an opportunity for an inspection of the works by the Local Planning Authority, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

4. Written Notice of two weeks of the intended completion on site of the contract for the works hereby granted Listed Building consent shall be given to the local planning authority.

Reason: To allow a final inspection of the completed works by the Local Planning Authority in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

5. Prior to commencement of the relevant part of the development, a structural engineer's report and drawings of proposed works which would affect the building including any alterations required to maintain structural integrity of the building and these details shall be submitted to, and approved in writing by the Local Planning Authority, and the works shall be carried out in accordance with the drawings agreed.

Reason: In the absence of sufficient information and to safeguard the special architectural or historic interest of the listed building and its structural integrity, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

6. The development hereby approved shall only take place when the applicant has secured a programme of architectural recording of the interior and exterior by measurement, drawing and photography before work commences on site. The recording shall be in accordance with a written scheme of investigation, which has been submitted to, and approved in writing by, the Local Planning Authority. The record shall be to level 2 recording level as set out in Historic England's 'Understanding Historic Buildings, A Guide to Good Recording Practice', revised edition. One bound copy shall be submitted to the City Archaeologist for the Heritage Environment Record to a format set out by the City Archaeologist; please contact David Radford, dradford@oxford.gov.uk.

Reason: To preserve by record the works that will be affected by the works hereby granted consent in accordance with policies HE2 and HE4 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

7. Except as noted on the approved plans, no historic features such as fireplaces, staircases, balustrades, stonework openings, timber window reveals, panelling, floor, doors etc. shall be removed without the prior written agreement of the Local Planning Authority.

Reason: To protect the historic interest of the building and as Listed Building consent has not been granted for such works, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

8. Samples of paint colours shall be painted as test patches on site and made available to the conservation officer, and approved in writing by, the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in accordance with policies CP1, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

9. After works are completed any damage caused by such works shall be made good to a standard agreed in writing by the Local Planning Authority and before the contract of works hereby approved is completed.

Reason: To preserve the character of the building in accordance with policies CP1, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

10. All original architectural features exposed by demolition and/or during the progress of the works shall be preserved in situ or relocated in accordance with details to be submitted to and approved in writing by, the Local Planning Authority.

Reason: To ensure the preservation of valuable features of historic interest which might otherwise be lost during the proposed works, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

11. Details of soil and vent stacks, heating and air conditioning plant etc., including fume extraction and odour control equipment, with details of any external ducting, shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences and only the approved details shall be carried out.

Reason: In the interests of visual amenity and to protect the special interest of the historic building, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

12. All existing internal features, such as wall paintings, plaster work, floorboards, ironwork, fireplaces, doors, windows, staircase balustrading and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified to the contrary in the approved drawings.

Reason: To ensure the retention of in-situ features of special architectural or historic interest in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

13. Where the works require the temporary removal or disturbance of historic features such as fireplaces, doors, fanlights, linings, heads and architrave's they shall be carefully set aside and reinstated in their original locations or in

locations as shall be agreed in writing by the Local Planning Authority before the contract for the works is completed. All other features at present in the building, but not specifically referred to on the approved drawings, shall be protected and retained in situ.

Reason: To protect the historic interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

14. Any as yet unknown features of historic interest discovered during the progress of the works shall be retained in situ and preserved to the satisfaction of the Local Planning Authority.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

15. Where existing doors are required to be upgraded to fire resistant standards the work shall be carried out in character with the date of the building's fittings in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the preservation of the interior fittings of this historic building and to maintain its character as a result of the works in accordance with policies CP1, HE3 and HE5 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

16. The electric cable(s) to serve the new lighting scheme, shall be carefully routed inside the building, taking account of any architectural features, and shall, wherever practicable emerge to the exterior, only at the point of fixing the lights. Wherever practicable there should be no cable visible on the exterior and where any short lengths unavoidably appear, then these shall be painted to match the light-fittings' casing.

Reason: To protect the special character and appearance of the listed building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

17. Any additional works to the fabric of the listed building that may be required to conform to fire regulations shall be submitted in detail to, and approved in writing by the Local Planning Authority prior to commencement of this part of the contract on site and only the approved works shall be carried out.

Reason: In order to permit the Local Planning Authority to give consideration to further works in the context of the special character of the listed building in accordance with policies CP1, HE3 and HE5 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

18. Details of any proposed floodlighting or external lighting shall be submitted to, and approved in writing by, the Local Planning Authority before the building(s) is occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and in the absence of information, in accordance with policies CP1, HE3 and HE11 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

APPENDICES

- **Appendix 1 – Site location plan**

HUMAN RIGHTS ACT 1998

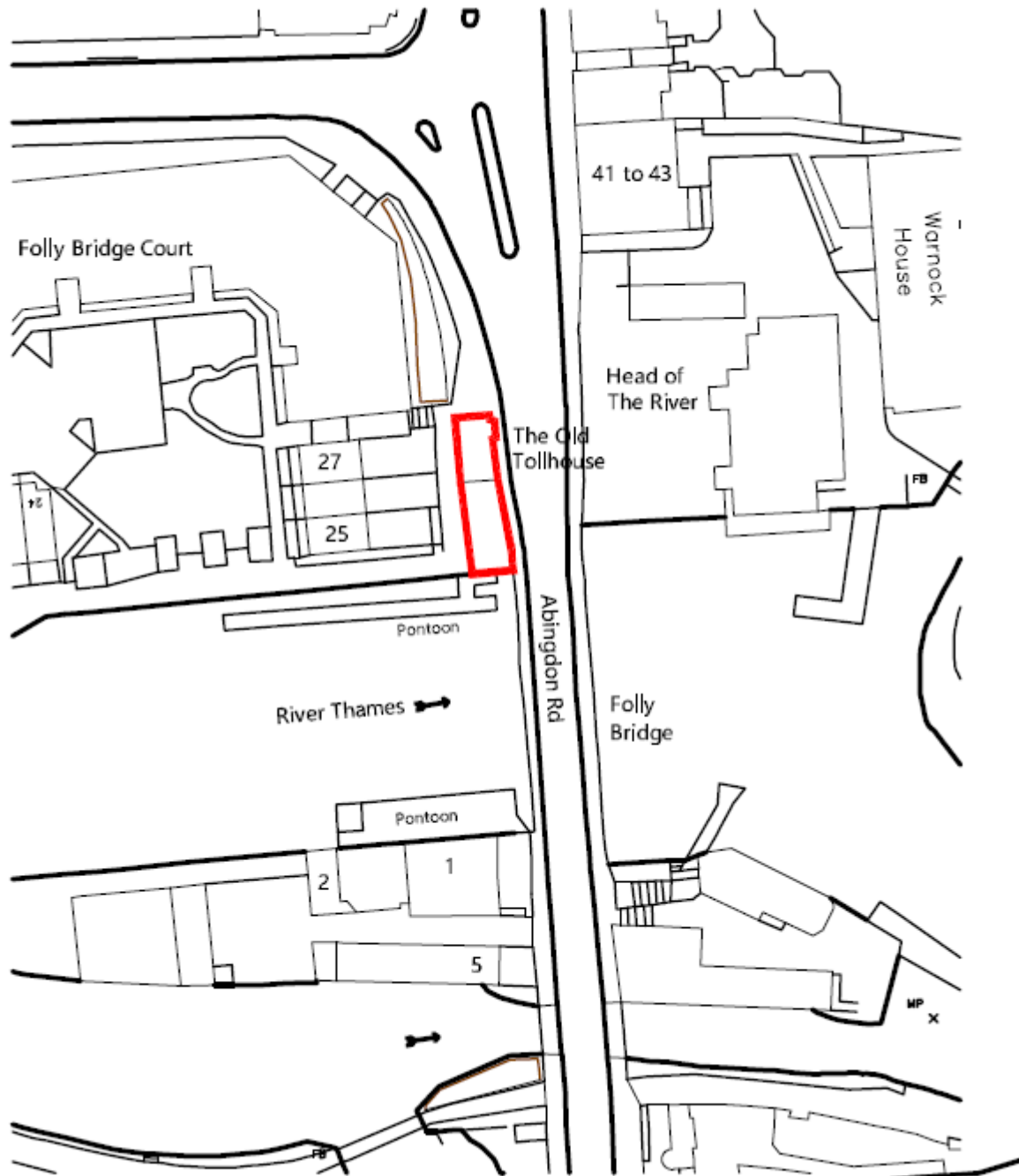
Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the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

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 listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Appendix 1 – Site Plan

18/03326/LBC– Old Toll House, Folly Bridge



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Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Wednesday 8 May 2019



Committee members:

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Bely-Summers	Councillor Corais
Councillor Harris	Councillor Hollingsworth
Councillor Upton	Councillor Chapman (for Councillor Arshad)

Officers:

Andrew Murdoch, Development Management Service Manager
Robert Fowler, Planning Team Leader
Sally Fleming, Planning Lawyer
John Mitchell, Committee and Member Services Officer

Apologies:

Councillor Arshad and Iley-Williamson sent apologies.

88. Declarations of interest

Councillors Cook and Upton stated that as Council appointed trustees for the Oxford Preservation Trust and as members of the Oxford Civic Society, neither had taken part in those organisations' discussions or decision making regarding any of the applications before the Committee and that they were approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

19/00316/FUL

Councillor Upton stated that although she had been a signatory to the call in of this application she would be approaching the application with an open mind, would listen to all of the arguments and weigh up all of the relevant facts before coming to a decision.

Councillor Harris said that the owners of the neighbouring property at 6 Warnborough Road were known to him. He was not aware if they had objected to the proposal but he had had no contact with them in relation to this application and so, for the avoidance of doubt, he declared he would be approaching the application with an open mind.

89. 19/00316/FUL: 5 Warnborough Road,

The Committee considered an application (19/00316/FUL) for the demolition of a garage and erection of a two storey side extension and single storey rear extension at basement level (amended plans) (amended description).

The application had been called in by Councillors Fry, Munkonge, Upton and Pressel because of concerns about the possible harm to the Conservation Area.

The Planning Officer presented the report, drawing particular attention to the reduction of the proposal from a three to a two storey extension and speaking to the previously distributed presentation, some slides of which had been improved for purposes of clarity. He provided the following updates to the report as published.

Paragraph 10.7 of the officer report referred to the PPG. The report should have stated that “as provided for by the Conservation Areas (Application of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990) Direction 2015”.

Paragraph 10.10 of the officer report referred to paragraph 196 of the NPPF. This was only relevant where it is considered that the proposals would give rise to less than substantial harm to the Conservation Area. Officers had made the assessment, as required by the NPPF, and concluded that there would be no harm caused by the proposals. In reaching this view, officers had placed great weight on the importance of the significance of the Conservation Area as a designated heritage asset as required by Paragraph 193 of the NPPF.

The application was recommended for approval subject to conditions as set out in Section 12 of the officer report.

Mr Neil Warner and Mr Dominic-Brooke Read (Agent and Architect for the applicant) spoke in favour of the application and answered questions, mentioning, among other things, that the extension when viewed from the street would not have the appearance of a two storey addition because of differences in ground level.

The Committee was reminded that the extension would be of red brick as the rest of the house. The officers' view was that the proposed extension would preserve the character and appearance of the Conservation Area. The proposal maintained a visible gap between it and the neighbouring property. The slope of the roof of the extension was noted to echo that of house. The Committee considered that the proposal was a sympathetic development, similar to others in Warnborough Road and the result of good liaison between officers and applicant. The view was expressed that the proposal was an example of good design in a conservation area.

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

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

West Area Planning Committee resolved to:

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

90. 16/02689/CND11: Unither House, 15 Paradise Street, Oxford OX1, 1LD (was Cooper Callas)

The Committee considered details submitted in compliance with condition 24 (Public Art) (16/02689/CND11) of planning permission 16/02689/FUL.

Application 16/02689/FUL had been approved on 9th May 2017 subject to conditions. It was agreed that approval of the details required by condition 24 (public art) should be brought back to Committee and not delegated to the Acting Head of Planning to approve.

The Planning Officer presented the report, reminding the Committee of why this element of the previous proposal had been referred back for decision. He provided the following update to the report as published. Paragraph 6.5 of the officer report included two references to section 16 of the 1990 Act which should have referred to section 66 of that Act.

It was recommended to approve the details of Condition 24 of the planning permission and agree a revised installation timescale of within six months following occupation of the hotel.

The Committee noted the importance of the artwork being easy to clean in the event that it was subject to graffiti. The proposed material for the artwork was anodised aluminium which was understood to resist paint etc and so be easy to clean if necessary. The location of the artwork being in a public area and the likely presence of CCTV was likely to act as a disincentive to anyone tempted to apply graffiti.

On being put to the vote, the Committee agreed with the officer's recommendation to approve the application.

West Area Planning Committee resolved to:

Approve the submitted public art in compliance with Condition 24 of planning permission 16/02689/FUL and agree a revised installation timescale of within 6 months following occupation of the hotel for the reasons given in the report.

91. 19/00867/FUL: Riverside Court, Long Ford Close, Oxford, OX1 4NG

The Committee considered an application (19/00867/FUL) for the replacement of communal entrance doors and insertion of 1no. communal door.

The application had been made by Oxford City Council and had, therefore, to be decided by a planning committee.

The Planning Officer presented the report and clarified that authority was being sought for the Acting Head of Planning to consider any new material planning considerations that may be received during the consultation period that didn't expire until 9 May 2019 and to decide whether the application needed to be referred back to committee. He provided the following updates to the published report.

The wording of the recommendation in Paragraph 1.1.1. should be clarified to read as follows "Approve the application for reasons given in the report subject to no additional public comments being received **through the consultation period which expires on 9th May 2019** that raise objections relating to matters that have not already been considered and subject to planning conditions set out in Section 12 of this report."

Paragraph 1.1.2 should include 2 additional bullet points. One before and one after the existing bullet point:

- consider and deal with any new material planning considerations that may be raised through public consultation including deciding whether it is necessary to refer the application back to committee prior to issuing the permission
- and issue the planning permission

The proposals were subject to consultation and no representations had been received at the time of the Committee. The consultation period expired at the end of the following day and the report's recommendations would allow the Acting Head of Planning Services to consider and deal with any new material considerations that were received following the meeting including deciding whether to refer the application back to committee.

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

West Area Planning Committee resolved to:

1. **Approve** the application for reasons given in the report subject to no additional public comments being received **through the consultation period which expires on 9th May 2019** that raise objections relating to matters that have not already been considered and subject to planning conditions set out in Section 12 of this report; and
2. **delegate authority** to the Acting Head of Planning Services to:
 - consider and deal with any new material planning considerations that may be raised through public consultation including deciding whether it is necessary to refer the application back to committee prior to issuing the permission

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

92. Minutes

The Committee resolved to approve the minutes of the meeting held on 9 April 2019 as a true and accurate record.

93. Forthcoming applications

The Committee noted the list of forthcoming applications.

94. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 6.30 pm

Chair

Date: Tuesday 11 June 2019

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