

Agenda

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East Area Planning Committee

Date: **Wednesday 4 September 2019**

Time: **6.00 pm**

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

For any further information please contact the Committee Services Officer:

Jennifer Thompson, Committee and Member Services Officer

Telephone: 01865 252275

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.

East Area Planning Committee

Membership

Chair	Councillor Sian Taylor	Northfield Brook;
Vice-Chair	Councillor John Tanner	Littlemore;
	Councillor Shaista Aziz	Rose Hill and Iffley;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Stef Garden	Headington;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Christine Simm	Cowley;
	Councillor Roz Smith	Quarry and Risinghurst;

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

AGENDA

Pages

Planning applications - background papers and additional information

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

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

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| 1 Apologies for absence and substitutions | |
| 2 Declarations of interest | |
| 3 19/01027/FUL: The White Hart, 12 St Andrew's Road, Oxford OX3 9DL | 11 - 26 |
| Site address: The White Hart, 12 St Andrew's Road, Oxford, OX3 9DL.

Proposal: Extension to the existing garden pergola and removal of garden cloth pergola, erection of rear extension to form toilet facilities (Retrospective) (Amended Plans).

Recommendation: East 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 the report, and grant planning permission.

2. delegate authority to the Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary. | |
| 4 19/01028/LBC: The White Hart, 12 St Andrew's Road, Oxford OX3 9DL | 27 - 38 |
| Site address: The White Hart, 12 St Andrew's Road, Oxford, OX3 9DL.

Proposal: Application for listed building consent for an extension to the existing garden pergola and removal of garden cloth pergola, erection of rear extension to form toilet facilities (Retrospective) (Amended Plans). | |

Recommendation: East 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 the report and **grant listed building consent**; and
2. **delegate authority** to the Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

5 19/01321/CT3: Even 54 To 60 , The Grates, Oxford, OX4 3YJ

39 - 44

Site address: Even 54 To 60, The Grates, Oxford, OX4 3YJ

Proposal: Upgrade existing entrance door (retrospective)

Recommendation: East Area Planning Committee is recommended to:

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

6 Minutes

45 - 50

Recommendation: to approve the minutes of the meeting held on 31 July 2019 as a true and accurate record.

7 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.

16/02549/FUL: Land Adjacent 4 Wychwood Lane, OX3 8HG	Non-delegated application
17/01519/FUL: 55 Collinwood Road Oxford OX3 8HN	Called in
18/03180/FUL: 108 Temple Road, Oxford, OX4 2HA	Called in
18/03330/OUT: Sports Field William Morris Close Oxford OX4 2SF	Committee level decision – deferred

	from 31 July.
18/03405/FUL: Holy Family Church , 1 Cuddesdon Way, Oxford, OX4 6JH	Committee level decision
19/00305/OUT: 295-301 London Road, Headington, Oxford, OX3 9HL	Committee level decision
19/00779/FUL: Land at 1-7 Jack Straw's Lane/ 302-304 and 312 Marston Road, Oxford, OX3 0DL	Committee level decision
19/01038/FUL: Ivy Lane, Osler Road, Oxford, OX3 9DT	Committee level decision
19/01039/FUL: Site Adjacent Randolph Court, Churchill Drive, Oxford	Committee level decision
19/01059/CT3: 56 Dashwood Road, Oxford, OX4 4SH	Council application
19/01225/RES: University Of Oxford Old Road Campus, Roosevelt Drive, Oxford, OX3 7DQ	Committee level decision
19/01373/FUL: Former Royal Mail Sorting Office ,7000 Alec Issigonis Way, Oxford, OX4 2ZY	Committee level decision
19/01444/VAR: The Peeple/ Peep Centre, The Oxford Academy Campus, Sandy Lane West, Oxford, OX4 5JY	Called in
19/01490/CT3: Site Of 1 To 7 Birchfield Close, Oxford	Council application
19/01502/FUL: 3 Comfrey Rd, Oxford, OX4 6SP	Called in
19/01790/FUL: Quarry Village Hall, 67 Quarry Road, Oxford, OX3 8NX	Cllr R Smith is trustee
19/01842/FUL: 3 Lakefield Road, Oxford, OX4 4LZ	Called in
19/01871/CT3: 18 Lambourn Road, Oxford, OX4 4GN	Council application
19/01969/CEU: 305 Marston Road, Oxford, OX3 0EW	Called in
19/02003/FUL: Plot 16, Oxford Science Park, Robert Robinson Avenue, Oxford, OX4 4GA	Committee level decision
19/02106/FUL: 65 Alice Smith Square, Oxford, OX4 4NQ	Called in

8 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on

2019	2020
2 October	15 January
6 November	5 February
2 December	4 March
	1 April

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

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

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

Members' Code of Conduct and public perception

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

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

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

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

The following minimum standards of practice will be followed.

At the meeting

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

Preparation of Planning Policy documents – Public Meetings

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

Public requests to speak

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

Written statements from the public

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

Exhibiting model and displays at the meeting

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

Recording meetings

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

Meeting Etiquette

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

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

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East Area Planning Committee

4th September 2019

Application number:	19/01027/FUL		
Decision due by	24th July 2019		
Extension of time	13 th September 2019		
Proposal	Extension to existing garden pergola and removal of garden cloth pergola, erection of rear extension to form toilet facilities (Retrospective) (Amended Plans)		
Site address	The White Hart , 12 St Andrew's Road, Oxford, OX3 9DL – see Appendix 1 for site plan		
Ward	Headington Ward		
Case officer	Michael Kemp		
Agent:	Scott Parker	Applicant:	Mr Scott Parker
Reason at Committee	The application has been called into planning committee at the request of Councillors Smith, Henwood, Wade and Altaf-Khan.		

1. RECOMMENDATION

1.1. East 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 11 of this report and grant planning permission.

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

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

2. EXECUTIVE SUMMARY

2.1. This report considers an application to retain and extend an existing pergola structure located to the rear of The White Hart, a Grade II listed Public House located within the Old Headington Conservation Area. The application description of development has been amended to also include a small flat roofed rear extension to the building, containing toilet facilities, which is also retrospective.

- 2.2. Accounting for the scale of the existing and extended pergola, in addition to the siting of the structure and relative significance of the rear elevation of the Grade II listed pub, officers consider that the erection of the pergola and the extension to the structure would not result in harm to the historic significance of the Grade II listed building. Likewise officers consider that the development would similarly not result in harm to the significance of the Old Headington Conservation Area, by reason of its design, scale and siting.
- 2.3. Due consideration has been given to the likelihood that the development would increase noise disturbance and disruption for surrounding residents and the amenity implications of this. Whilst noting the representations received, officers consider that the retention of the existing structure and relatively modest extension to the pergola would be unlikely to significantly increase noise disturbance and disruption above and beyond existing levels which would be typically associated with the use of the pub garden. Even in the absence of the pergola there would be no means to prevent the area adjacent to neighbouring properties being used for external seating which would generate a similar level of noise disturbance; therefore it is considered that there are insufficient grounds to suggest that the development would harm the amenity of adjacent occupiers. Notwithstanding this, in order to minimise noise disturbance a condition requiring the application of noise insulation to the structure is recommended.
- 2.4. The site is within a controlled parking zone and the proposals represent a modest addition to an existing external structure, which in itself would not directly increase the number of customers likely to be visiting the premises, for this reason officers consider that the development would have a negligible impact on parking pressures and highway amenity.
- 2.5. Officers considered that the development as proposed would be compliant with the relevant local and national planning policy and officers recommend approval of the application.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 3.1. The proposal would not be liable for CIL.

4. SITE AND SURROUNDINGS

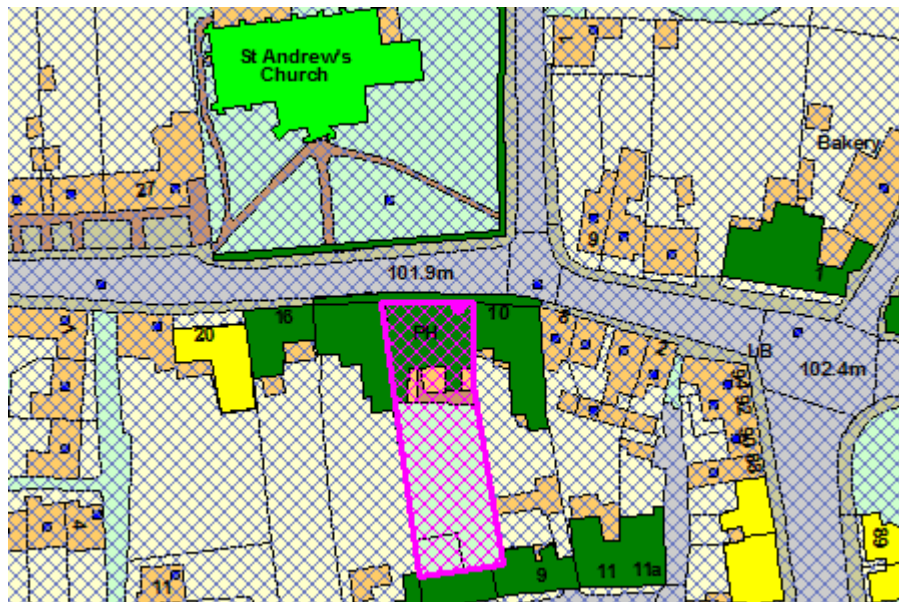
- 4.1. The White Hart is a 17th Century Grade II listed public house located within the Old Headington Conservation Area. The front façade of the building is constructed from natural stone, whilst the rear elevations are principally painted brickwork. The main section of the building is two storeys in height with additional accommodation contained in the roof space of the building. To the rear of the public house is an extensive pub garden which includes areas of open external seating, at the southern end of the garden is a stone barn currently used as an indoor function space.
- 4.2. An existing pergola has been constructed to the rear of the public house, this attaches to a single storey projecting rear gable. Though planning permission and listed building consent was granted in 2007 for a pergola to the rear of the building, the structure which has been erected does not accord with either the

listed building or planning consents granted in 2007 (07/01249/LBC & 07/01250/FUL).

4.3. The pergola attaches to the rear elevation of the building. The height of the structure varies between 3 and 2.3 metres to the eaves, this variance in height is caused by a difference in site levels between the rear door of the pub and the garden area, the latter being in higher ground. The pergola principally functions as a covered shelter for users of the public house.

4.4. The building lies within the setting of a number of Grade II listed buildings; this includes Nos. 10, 14 and 15 St Andrews Road, the pavement to the front of Nos.10 to 14 is also Grade II listed. The barn to the rear of The White Hart is also Grade II listed as is the row of cottages to the rear of the site in The Croft. St Andrews Church to the north of the site is Grade II* listed.

4.5. See block plan below:



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Ordnance Survey 100019348

5. PROPOSAL

5.1. The application seeks retrospective planning permission to retain the existing pergola, whilst extending the structure a further 3.8 metres to the side. The extended element, unlike the existing structure would not attach to the back of the pub and there would be a separation of 0.8 metres between the pergola and rear elevation of the projecting single storey gable of the pub building. The new element of the pergola would be constructed from timber posts and would be partially enclosed; the pergola would have a glass roof to match the existing structure.

5.2. The proposals also seek planning approval to regularise a single storey flat roofed rear extension which is currently used as a toilet facility for the pub. This attaches to one of the single storey projecting rear gables and sits between the side elevation of the projecting rear gable and the side boundary wall of No.10 St

Andrews Road. It is not known precisely how long this extension has been in place, though it was not constructed recently.

6. RELEVANT PLANNING HISTORY

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

76/00079/LAH_H - Extension to provide toilets with internal access and storage. Permitted 20th July 1976.
83/00057/NFH - Single storey rear extension to bar area. Permitted 18th April 1983.
83/00058/L - Listed Building consent for single storey rear extension to bar area and internal alterations. Permitted 18th April 1983.
07/01249/LBC - Listed Building Consent for single storey covered pergola to replace existing to create external drinking area, with new retaining walls and steps to rear of building. Permitted 27th July 2007.
07/01250/FUL - Planning permission for single storey covered pergola to replace existing to create external drinking area, with new retaining walls and steps to rear of building. Permitted 27th July 2007.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Emerging Local Plan	Headington Neighbourhood Plan:
Design	12	CP1 CP8 CP9	CS18_		CIP1 CIP3 CIP4
Conservation/Heritage	16	HE3 HE7		DH1 DH3	
Commercial	6		CS27_		
Social and community	8	RC18	CS20_	V6 V7	
Transport	9	TR3		M3	
Environmental	8	CP19 CP21		RE8	

Miscellaneous		CP.13 CP.24 CP.25			
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8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 16th May 2019 and an advertisement was published in The Oxford Times newspaper also on 16th May 2019.

8.2. The application was re-advertised due to amended plans being received and a request that amendments were made to the description of development to include the retrospective single storey rear extension housing the toilet facilities. The application was re-advertised by site notice on 11th July 2019 and an advertisement was published in The Oxford Times newspaper also on the 11th July 2019.

Statutory and non-statutory consultees

Natural England

8.3. No comments

Environmental Health

8.4. Officers consider that the development would not have a significant additional impact in respect of noise nuisance and disturbance to existing occupiers and would raise no objection. It is suggested that noise insulation measures could be applied to the structure, which could be controlled by condition.

Public representations

8.5.3 letters of objection have been received in relation to the proposed development. This includes comments from the occupier of No.11 The Croft, in addition to 2 detailed letters of objection from Headington Heritage and local residents of The Croft. 1 comment was made in support of the proposals. A further letter was received from the residents of The Croft following the re-advertisement the application, this letter reiterates their previous objections which were raised.

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

- The proposals are part of an expansion of works in the rear of the garden which include landscaping and laying of paved slabs.
- The pergola has been subject of multiple noise and disturbance complaints from neighbours, including disturbance late at night.
- The height and depth of the pergola destroy the built form of the rear elevation due to their increased height and splay effect – in addition the base is higher
- The proposed structure would be much larger than the existing illegal structure and nearly 400% of the approved 2007 listed building application.

- The siting of the structure would be harmful to the setting of the Grade II listed White Hart, surrounding listed buildings and setting of the Conservation Area.
- The development would increase noise and anti-social behaviour. There is a history of noise complaints relating to the site.
- The retention/erection of the structure would encourage smoking in close proximity to neighbouring residents.
- Permission of the retrospective structure would set a precedent for further breaches of planning law.
- The structure should be made subject of enforcement action and the applicants prosecuted for breaching planning law.
- No development should be permitted unless this is to be of a lower height and constructed from more sympathetic materials with soundproofing.
- No assessment of parking pressure in the area has been carried out.
- There are concerns in respect of the applicant's design and heritage statement in relation to parking and trees.
- The erection of the pergola would destroy the appearance and character of the important row of 17th Century listed buildings.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development
- Impact on Heritage Assets
- Neighbouring amenity
- Highways and parking

Principle of development

9.2. The White Hart has a long established use as a public house and operates as a social space for the local community. Policy CS20 of the Oxford Core Strategy aims to protect and enhance existing cultural and community facilities, this includes public houses that serve a local community. The NPPF (Paragraph 92) recognises the role in which public houses play in facilitating community interaction and as a social space and recognises the need for such facilities to develop and modernise to ensure their long term retention for local communities.

9.3. Furthermore as commercial businesses and in order to promote sustainable economic development, Paragraph 80 of the NPPF specifies that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

9.4. Public houses have grown and adapted over time in response to fluctuating population levels and uses. The growth of pubs as providing a restaurant

function since the smoking ban in 2006 has resulted in additional seating being required inside and outside both for diners and displaced smokers. The erection of covered shelters such as pergolas has become a common feature of many pubs in order to provide these much-needed areas without constructing permanent extensions. In smaller pubs, they have also provided family-friendly areas away from the bar. The addition of a covered pergola for additional seating is therefore not out-of-keeping for the use of the building.

- 9.5. Whilst development should be acceptable in all other respects in accordance with the relevant local and national planning framework, the Council should seek to promote sustainable development which allows public houses to modernise and better meet their requirements as social spaces for local communities. The proposals in principle seek to enhance the provision of facilities at the White Hart by retaining the existing covered pergola and extending this structure further to make use of the pub garden, which is a relatively large area of external space that is a specific asset to the pub. Notwithstanding the developments compliance with all other material planning considerations it is considered that the principle of development is in line with Policy CS20 of the Core Strategy and Paragraphs 80 and 92 of the NPPF.

Significance of the designated heritage asset and its setting

- 9.6. Significance is the collective term for the sum of all the heritage values attached to a place. Historic England assesses this using Conservation Principles to identify value in four categories: evidential (research), historical (narrative), aesthetic (emotion), and communal (shared identity). Each is relative within the grading system: II, II* and I, with II being the lowest. The White Hart is Grade II listed, meaning that it is one of around 1500 such buildings within the Oxford City boundary.
- 9.7. Evidential value: this is difficult to find in vernacular buildings which have been continually adapted since construction, as they have typical floor plans and are therefore highly unlikely to contribute to the research of construction or materials. The evidential value of the building is considered to be low.
- 9.8. Historical value: The building is in use as a public house, as it has been for around 300 years. It was frequented by visitors from the city who wished to walk in the countryside, and by local people. Its prominent site opposite the church links two social locations within the village, shows connections to the local quarry, and a period of gentrification. The historical value is considered to be medium.
- 9.9. Aesthetic value: The front elevation is part of the Headington stone frontages of Nos. 10-16 overlooking the churchyard and church cross. Although re-fronted at different times and to different standards, this group provides a local stone backdrop to the church as well as a strong building line to the road. The rear of the property has been altered in several stages over the years. The primary aesthetic value is considered to be reserved for the interior and front elevation, and is of medium value.

- 9.10. Communal value: Rather than meaning structures available to all to use, communal value is about structures which people have a shared identity with. The lack of coaching facilities, in contrast with the nearby Black Boy Inn, suggests this was more of a local pub for those living nearby or in Oxford, rather than as part of the local trade route. Stabling was provided in the barn to the rear, which again suggests locals riding shorter distances. The communal value is considered to be medium.
- 9.11. The building therefore has historical, aesthetic, and communal value.

Impact on that significance

- 9.12. It is a requirement that special regard is had to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.13. In determining this application officers have given due weight to Paragraph 193 of the NPPF, which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 9.14. The building has been altered over the years to accommodate changing tastes and reflect the different ways in which public houses have had to adapt to fluctuating economic situations. For example, the installation of internal toilets is one that is required in modern eateries, but would not have been a feature of the original building. The small flat roofed extension on the eastern end of the rear elevation was erected to house such facilities, and is not considered to be harmful to the significance as it continues the process of adaptation in sympathetic fashion. This element of the application is considered to be acceptable.
- 9.15. The pergola is located on the rear of the building, which is the more rural side in both appearance and function. The design of the pergola is simple, using relatively large timbers to create the structure. It is joined to the building in a relatively minimal fashion on the rear elevation. This rear elevation is construction of stretcher bond, indicating that it has been rebuilt during the 20th century and is therefore not original. While still part of the listed building, it has a reduced significance over that of the front elevation. The pergola is considered to be a reversible intervention, enabling the rear to be restored to its pre-pergola appearance with no damage. Harm to the physical fabric of the building would therefore not occur.
- 9.16. The appearance of the rear elevation has changed over the years. Headington was once a prominent agricultural area, and remnants of this can still be seen in structures such as the barn to the rear of The White Hart and the 2 storey cottages of The Croft. This is a contrast to the 2.5 storey grander frontage of the pub opposite the church, and, despite the fact that the rear elevation

cannot be seen from the public domain, contributes to the rural character of the conservation area. The timber structure of the pergola reflects this lower status rural character, and can therefore be seen as preserving the character of the conservation area. No harm is considered to arise to the appearance and setting of the listed building or the conservation area.

Summary of Heritage Impacts

- 9.17. Subject to satisfactory discharge of conditions controlling the use of materials, the proposals are reversible, justified and proportionate. No harm would be caused as a result of the applicant's requirements however this is justified.
- 9.18. The special architectural and historic interest of the listed building would be conserved. The proposals would cause no harm to the Conservation Area. Harm to the building's significance would be negligible and this is outweighed by the public benefit of enabling the public house to function for all users. The works 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.
- 9.19. Special attention has been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which it is accepted is a higher duty. It is considered that the development preserves the heritage interest of the listed building and the character and appearance of the Conservation Area. The proposal therefore accords with sections 66 and 72 of the Act.

Impact on neighbouring amenity

- 9.20. It is noted that a number of the objections relate to issues of noise disturbance and other anti-social behaviour concerns associated with the use of the rear garden area of the pub and the representations received consider that the retention of the existing pergola and extension to the structure would exacerbate these issues and would result in corresponding harm to the amenity of adjacent occupiers.
- 9.21. Policy CP19 of the Oxford Local Plan specifies that development should be refused where proposals are likely to cause excessive nuisance. Where nuisance arises appropriate planning conditions should be imposed. Policy CP21 relates specifically to noise disturbance from new developments. Policy CP21 specifies that:

Planning permission will be refused for developments which will cause unacceptable noise. Particular attention will be given to noise levels:

- a. In close to noise-sensitive developments; and
- b. b. in public and private amenity space, both indoor and outdoor.

The City Council will impose easily enforceable conditions to control the location, design, layout and operation of development proposals to minimise any adverse impact as a result of noise and its transmission.

Proposals for noise sensitive developments should have regard to:

- The existing sources of noise, e.g. from roads, railways and other forms of transport; industrial and commercial developments; sporting, recreation and leisure facilities;
- Internally generated noise or associated externally generated noise; and
- The need for appropriate sound insulation measures.

9.22. In respect of the application site, the White Hart is located in a principally residential area and is surrounded by residential properties. This includes the two adjacent properties Nos. 10 and 14 St Andrews Road which adjoin the pub; there are also a number of properties to the south of the site at The Croft. The adjacent dwellings Nos. 10 and 14 St Andrews Road have gardens which adjoin the pub garden of the White Hart.

9.23. It is worth noting that the White Hart has a long and well established use as a pub. The pub has an extensive garden area which would be considered an asset to the pub and is well used particularly in the summer months. There are no planning controls limiting the use of the rear garden area or hours of use, this would be controlled under the licensing terms of the business.

9.24. The nature of the use of the building as a drinking establishment means that there would always be an element of noise disturbance to adjacent occupiers. The material consideration in determining this planning application is whether the retention of the pergola and subsequent extension to this pergola would create significant additional noise disruption beyond either existing levels or levels of disturbance which may be typically associated with the function of a pub garden. Planning permission was granted for a pergola structure previously in 2007, whilst the development was not carried out in accordance with the approved details, acceptance of this application established that the principle of a pergola structure in the garden of the pub was acceptable.

9.25. Within the summer months during good weather it is considered that the pergola would make little difference to the amenity of adjacent occupiers as there is little to suggest that patrons would specifically congregate within this space and would instead choose to use the wider area of the garden. It is likely that the pergola may be used as an area of shelter at times when there is poor weather or colder weather. It is also possible as alluded to within the representations that the structure would be used by patrons wishing to smoke when the garden area would not be typically in use, though it should be noted that the structure is not being specifically dedicated for use as a smoking shelter.

9.26. The properties which would be affected by the use of the pergola would principally be those adjacent to the site as the other adjoining properties at The

Croft are located over 27 metres away from the structure and are unlikely to be affected. In terms of whether the proposed development worsens the amenity of existing occupiers, it is important to consider that in the absence of the pergola patrons would still be free to use this area of the garden. This includes using the area as an outside drinking space or an area to smoke and there would be no planning controls preventing tables or small canopies being placed within this space. The erection of a dedicated structure may encourage patrons to linger within this area for slightly longer than otherwise, however in officers' view it is unlikely that the erection of the structure would specifically result in additional noise disturbance beyond existing levels typically associated with the use of the pub garden.

9.27. The Councils Environmental Health Officers concur with this assessment and consider that the development would be unlikely to result in a significant degree of additional noise disruption or disturbance. Notwithstanding this in order to address any additional noise generation which may arise, officers recommend a condition requiring the installation of noise insulation measures to the structure. In summary officers consider that the development would comply with the provisions of CP1, CP19 and CP21 of the Oxford Local Plan.

9.28. The addition of the flat roofed extension is a modest addition to the building which sits adjacent to the large boundary wall of No.10 St Andrews Road. The extension would not exceed the height of the boundary wall and would not result in a loss of light or overshadowing of the adjacent property. The extension would not have a detrimental impact on the amenity of the adjacent occupiers. The development would comply with the provisions of CP1 and CP10 of the Oxford Local Plan.

Highways and Parking Provision

9.29. The White Hart is located within the Central Headington Controlled Parking Zone whereby parking is limited to permit holders only. The pub does not currently benefit from off-street parking provision. It is noted that concerns have been raised in relation to there being no assessment of parking pressure within the area and concerns are expressed that the development would increase pressure on parking in the vicinity of the site.

9.30. In this instance officers would not require the applicants to provide a parking survey or transport statement/assessment as the proposals represent a minor form of development which would be unlikely to feasibly result in any significant additional increase in the number of people travelling to the site. The proposals are for a small external structure and small addition to provide toilet facilities, which would not feasibly result in an increase in customer use resulting in parking pressure in contrast, for example to a development which would increase the number of covers at the premises.

9.31. Furthermore officers would note that the site is in a reasonably sustainable location within 500 metres of bus stops with regular services and there is a public car park within 400 metres of the site. As the surrounding roads all fall within a CPZ or are subject of parking controls there are sufficient mechanisms to prevent unauthorised parking. Taking these factors into account it is considered

that the development would have a negligible impact on highway safety/amenity and would comply with the requirements of Policy CP1 and TR3 of the Oxford Local Plan.

10. CONCLUSION

- 10.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 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.
- 10.3. The proposals relate to the retention of an existing relatively modest pergola structure to the rear of the Grade II listed White Hart Public House and include a further modest extension to the existing structure and the retrospective addition of a small flat roofed extension. Officers consider that the scale and design of the pergola and rear extension is appropriate and its siting would not result in harm to the significance of the Grade II listed White Hart, neither would the development result in harm to the setting of Old Headington Conservation Area or other surrounding heritage assets.
- 10.4. Accounting for the existing established use of the site and rear garden area as a drinking establishment it is considered that there is an existing level of noise and disturbance which would be typically experienced. Officers consider that neither the retention of the existing structure or an extension to the existing structure or rear extension would significantly increase noise disturbance beyond existing levels currently experienced. It is considered that the development would comply with Policies CS19 and CS21 of the Oxford Local Plan.
- 10.5. The site is within a controlled parking zone and the proposals represent a modest addition to an existing external structure, rather than an extension to the existing footprint of the public house. Officers consider that the development would have a negligible impact on parking pressures and highway amenity.
- 10.6. The special architectural and historic interest of the listed building would be conserved. The proposals would cause no harm to the Conservation Area. It is considered that the development would not result in harm to the historic significance of the significance of the Grade II listed building. The works 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; Paragraphs 192-196 of the NPPF; as well as complying with the statutory tests of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons expressed within this report it is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

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 referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

3. The materials to be used in the new development shall be as specified in the approved plans; there shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

4. Before the use commences the building shall be insulated in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies CP19 and CP21 of the Oxford Local Plan.

5. The pergola hereby permitted shall be of unpainted timber with no additional lighting and shall be maintained as such.

Reason: In order to safeguard the special architectural or historic interest of the listed building in accordance with policy HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

12. APPENDICES

- **Appendix 1** – Site location plan

13. HUMAN RIGHTS ACT 1998

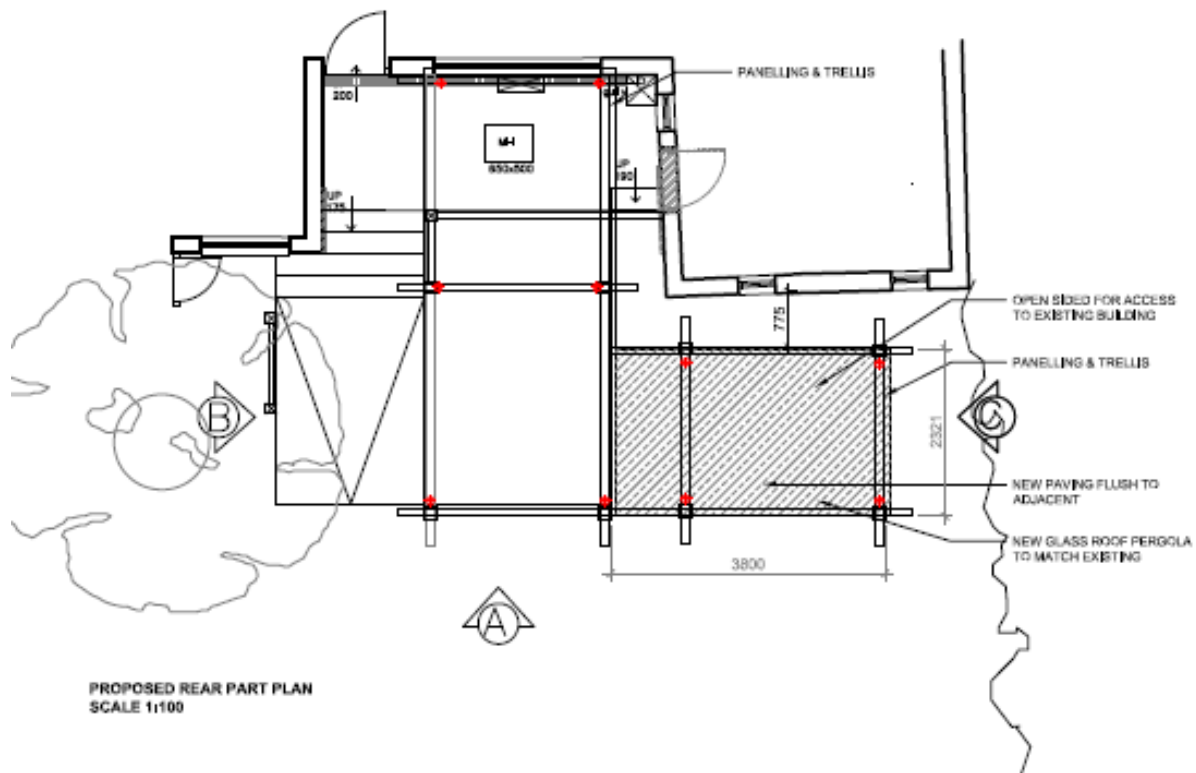
13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

Appendix 1

19/01027/FUL - Proposed Plan



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East Area Planning Committee

4th September 2019

Application number:	19/01028/LBC		
Decision due by	24 July 2019		
Extension of time	13 th September 2019		
Proposal	Extension to existing garden pergola and removal of garden cloth pergola, erection of rear extension to form toilet facilities (Retrospective) (Amended Plans)		
Site address	The White Hart, 12 St Andrew's Road, Oxford, OX3 9DL – see Appendix 1 for site plan		
Ward	Headington		
Case officer	Claire Sutton		
Agent:	Scott Parker, Newman Gauge	Applicant:	Scott Parker, Newman Gauge
Reason at Committee	The application was called into planning committee at the request of Councillors Smith, Henwood, Wade and Altaf-Khan.		

1. RECOMMENDATION

1.1. East 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. This report considers an application to retain and extend an existing pergola structure located to the rear of The White Hart, a Grade II listed Public House located within the Old Headington Conservation Area. The application description has been amended to also include a small flat roofed rear extension to the building, containing toilet facilities, which is also retrospective. This report also considers any potential harm which would be caused to the above heritage assets and any mitigation required to minimise any harm.

- 2.2. Accounting for the scale of the existing and extended pergola, in addition to the siting of the structure and relative significance of the rear elevation of the Grade II listed pub, officers consider that the erection of the pergola and the extension to the structure would not result in harm to the historic significance of the Grade II listed building. Likewise officers consider that the development would similarly not result in harm to the significance of the Old Headington Conservation Area, by reason of its design, scale and siting.
- 2.3. There would be no harm to the building's significance and the special architectural and historic interest of the listed building would be preserved. No harm would be caused to the Conservation Area. The character and appearance of the Conservation Area would be preserved by the proposals; 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 and the statutory test set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

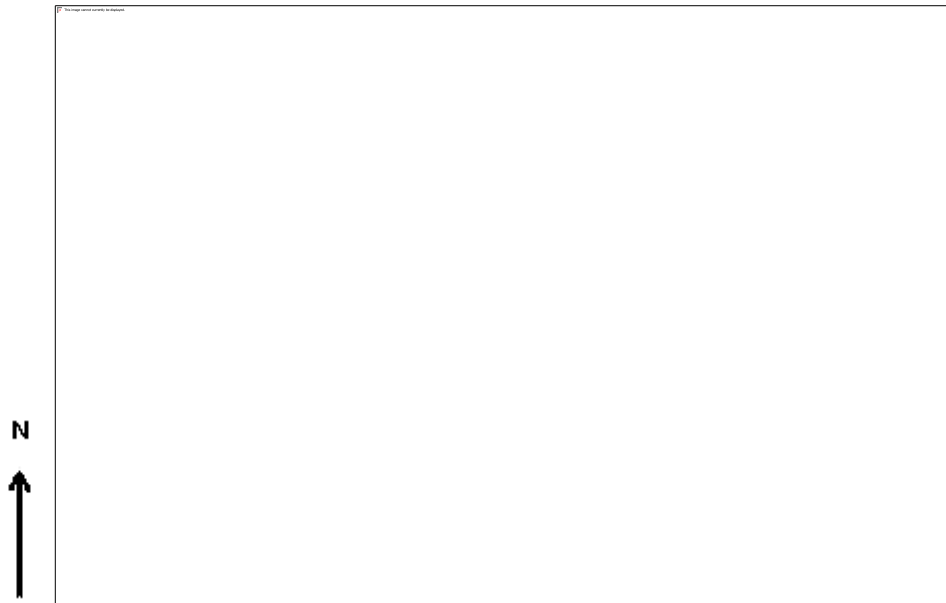
- 3.1. The proposal is not liable for CIL.

4. SITE AND SURROUNDINGS

- 4.1. The White Hart is a 17th Century Grade II listed public house located within the Old Headington Conservation Area. The front façade of the building is constructed from natural stone, whilst the rear elevations are principally painted brickwork. The main section of the building is two storeys in height with additional accommodation contained in the roof space of the building. To the rear of the public house is an extensive pub garden which includes areas of open external seating, at the southern end of the garden is a stone barn currently used as an indoor function space.
- 4.2. An existing pergola has been constructed to the rear of the public house, this attaches to a single storey projecting rear gable. Though planning permission and listed building consent was granted in 2007 for a pergola to the rear of the building, the structure which has been erected does not accord with either the listed building or planning consents granted in 2007 (07/01249/LBC & 07/01250/FUL).
- 4.3. The pergola attaches to the rear elevation of the building. The height of the structure varies between 3 and 2.3 metres to the eaves; this variance in height is caused by a difference in site levels between the rear door of the pub and the garden area with the latter being on higher ground. The pergola principally functions as a covered shelter for users of the public house.
- 4.4. The building lies within the setting of a number of Grade II listed structures; this includes Nos. 10, 14 and 15 St Andrews Road, and the pavement to the front of Nos. 10 to 14, the barn to the rear of The White Hart, and the row of

cottages to the rear of the site in The Croft. St Andrew's Church to the north of the site is Grade II* listed.

4.5. See block plan below:



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Ordnance Survey 100019348

5. PROPOSAL

- 5.1. The application seeks listed building consent to retain the existing pergola, whilst extending the structure a further 3.8 metres to the side. The extended element, unlike the existing structure, would not attach to the back of the pub, and there would be a separation of 0.8 metres between the pergola and the rear elevation of the projecting single storey gable of the pub building. The new element of the pergola would be constructed from timber posts and would be partially enclosed; the pergola would have a glass roof to match the existing structure.
- 5.2. The proposals also seek listed building consent for a single storey flat roofed rear extension which is currently used as a toilet facility for the pub. This attaches to one of the single storey projecting rear gables and sits between the side elevation of the projecting rear gable and the side boundary wall of No. 10 St Andrews Road. It is not known precisely how long this extension has been in place, though it was not constructed recently.

6. RELEVANT PLANNING AND LISTED BUILDING CONSENT HISTORY

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

76/00079/LAH_H - Extension to provide toilets with internal access and storage. Permitted 20th July 1976.

83/00057/NFH - Single storey rear extension to bar area. Permitted 18th April

1983.

83/00058/L - Listed Building consent for single storey rear extension to bar area and internal alterations. Permitted 18th April 1983.

07/01249/LBC - Listed Building Consent for single storey covered pergola to replace existing to create external drinking area, with new retaining walls and steps to rear of building. Permitted 27th July 2007.

07/01250/FUL - Planning permission for single storey covered pergola to replace existing to create external drinking area, with new retaining walls and steps to rear of building. Permitted 27th July 2007.

18/01047/FUL - Extension to existing pergola.. Withdrawn 27th June 2018.

18/01048/LBC - Extension to existing pergola. Withdrawn 4th July 2018.

18/01707/FUL – Erection of a pergola to rear. (retrospective) Withdrawn 16th October 2018.

18/01708/LBC – Erection of a pergola to rear. (retrospective) Withdrawn 16th October 2018.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Emerging Local Plan	Neighbourhood Plans:
Design	Chapter 12	CP1 CP8 CP9	CS18	DH1	CIP1 CIP3 CIP4
Conservation/ Heritage	Chapter 16	HE3 HE7		DH3	

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 16th May 2019 and an advertisement was published in The Oxford Times newspaper on 16th May 2019.

8.2. The application was re-advertised due to amended plans being received and a request that amendments were made to the description of development to

include the retrospective single storey rear extension housing the toilet facilities. The application was re-advertised by site notice on 11th July 2019 and an advertisement was published in The Oxford Times newspaper also on the 11th July 2019.

Statutory and non-statutory consultees

Natural England

8.3. No comments

Public representations

8.4. Four representations were received from local residents in St Andrew's Road, The Croft, and from the Friends of Old Headington.

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

- The pergola would screen views of the rear gable of the Grade II listed pub
- The pergola was not constructed as per the 2007 permission and any rear structure should return to that approved size and location;
- Proper planning enforcement and pre-applications procedures have not been followed;
- A grass mound has been removed which may have had archaeological importance;
- The size and design of the pergola is harmful to the character of the listed building;

8.6. Issues regarding noise, increased car parking, and other disturbances after the licensing hours were raised; these are not matters of consideration for listed building consent and are considered as part of the corresponding planning application.

9. LISTED BUILDING CONSENT MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development
- Significance of the designated heritage asset and its setting
- Impact on that significance

Principle of development

9.2. The White Hart has a long established use as a public house since the 17th century. Its re-fronting in two parts suggests it was once two properties, but as it was re-fronted in the 17th century, it is likely that the public house use was established around this time. The most suitable use for a listed building is the one it was designed for; retaining the building in use as a public house is therefore an important part of its longevity and special interest.

- 9.3. Public houses have grown and adapted over time in response to fluctuating population levels and uses. The growth of pubs as providing a restaurant function since the smoking ban in 2006 has resulted in additional seating being required inside and outside both for diners and displaced smokers. The erection of covered shelters such as pergolas has become a common feature of many pubs in order to provide these much-needed areas without constructing permanent extensions. In smaller pubs, they have also provided family-friendly areas away from the bar. The addition of a covered pergola for additional seating is therefore not out-of-keeping for the use of the building.
- 9.4. Notwithstanding the development's compliance with all other material considerations it is considered that the principle of development is in line with Policy HE3 of the adopted Local Plan and paragraphs 127, 192 and 196 of the NPPF.

Significance of the designated heritage asset and its setting

- 9.5. Significance is the collective term for the sum of all the heritage values attached to a place. Historic England assesses this using Conservation Principles to identify value in four categories: evidential (research), historical (narrative), aesthetic (emotion), and communal (shared identity). Each is relative within the grading system: II, II* and I, with II being the lowest. The White Hart is Grade II listed, meaning that it is one of around 1500 such buildings within the Oxford City boundary.
- 9.6. Evidential value: this is difficult to find in vernacular buildings which have been continually adapted since construction, as they have typical floor plans and are therefore highly unlikely to contribute to the research of construction or materials. The evidential value of the building is considered to be low.
- 9.7. Historical value: The building is in use as a public house, as it has been for around 300 years. It was frequented by visitors from the city who wished to walk in the countryside, and by local people. Its prominent site opposite the church links two social locations within the village, shows connections to the local quarry, and a period of gentrification. The historical value is considered to be medium.
- 9.8. Aesthetic value: The front elevation is part of the Headington stone frontages of Nos. 10-16 overlooking the churchyard and church cross. Although re-fronted at different times and to different standards, this group provides a local stone backdrop to the church as well as a strong building line to the road. The rear of the property has been altered in several stages over the years. The primary aesthetic value is considered to be reserved for the interior and front elevation, and is of medium value.
- 9.9. Communal value: Rather than meaning structures available to all to use, communal value is about structures which people have a shared identity with. The lack of coaching facilities, in contrast with the nearby Black Boy Inn, suggests this was more of a local pub for those living nearby or in Oxford, rather than as part of the local trade route. Stabling was provided in the barn

to the rear, which again suggests locals riding shorter distances. The communal value is considered to be medium.

- 9.10. The building therefore has historical, aesthetic, and communal value.

Impact on that significance

- 9.11. It is a requirement that 'special regard' (great weight) is placed on the conservation of designated heritage assets when considering development proposals under S.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In contrast with planning permission, listed building consent is granted or refused for the benefit of the building.
- 9.12. The building has been altered over the years to accommodate changing tastes and reflect the different ways in which public houses have had to adapt to fluctuating economic situations. For example, the installation of internal toilets is one that is required in modern eateries, but would not have been a feature of the original building. The small flat roofed extension on the eastern end of the rear elevation was erected to house such facilities, and is not considered to be harmful to the significance as it continues the process of adaptation in sympathetic fashion. This element of the application is considered to be acceptable.
- 9.13. The pergola is located on the rear of the building, which is the more rural side in both appearance and function. The design of the pergola is simple, using relatively large timbers to create the structure. It is joined to the building in a relatively minimal fashion on the rear elevation. This rear elevation is constructed of stretcher bond, indicating that it has been rebuilt during the 20th century and is therefore not original. While still part of the listed building, it has a reduced significance over that of the front elevation. The pergola is considered to be a reversible intervention, enabling the rear to be restored to its pre-pergola appearance with no damage. Harm to the physical fabric of the building would therefore not occur.
- 9.14. The appearance of the rear elevation has changed over the years. Headington was once a prominent agricultural area, and remnants of this can still be seen in structures such as the barn to the rear of The White Hart and the 2 storey cottages of The Croft. This is a contrast to the 2.5 storey grander frontage of the pub opposite the church, and, despite the fact that the rear elevation cannot be seen from the public domain, contributes to the rural character of the conservation area. The timber structure of the pergola reflects this lower status rural character, and can therefore be seen as preserving the character of the conservation area. No harm is considered to arise to the appearance and setting of the listed building or the conservation area.

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 no harm would arise from the proposal and therefore 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 conditions to control implementation, the proposals are reversible, justified and proportionate. No harm would be caused as a result of the applicant's requirements.
- 10.3. The special architectural and historic interest of the listed building would be conserved. The proposals would cause no harm to the Conservation Area. The works 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. The pergola hereby granted consent shall be of unpainted timber with no additional lighting and shall be maintained as such.

Reason: In order to safeguard the special architectural or historic interest of the listed building in accordance with policy HE3 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 grant listed building consent. 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.

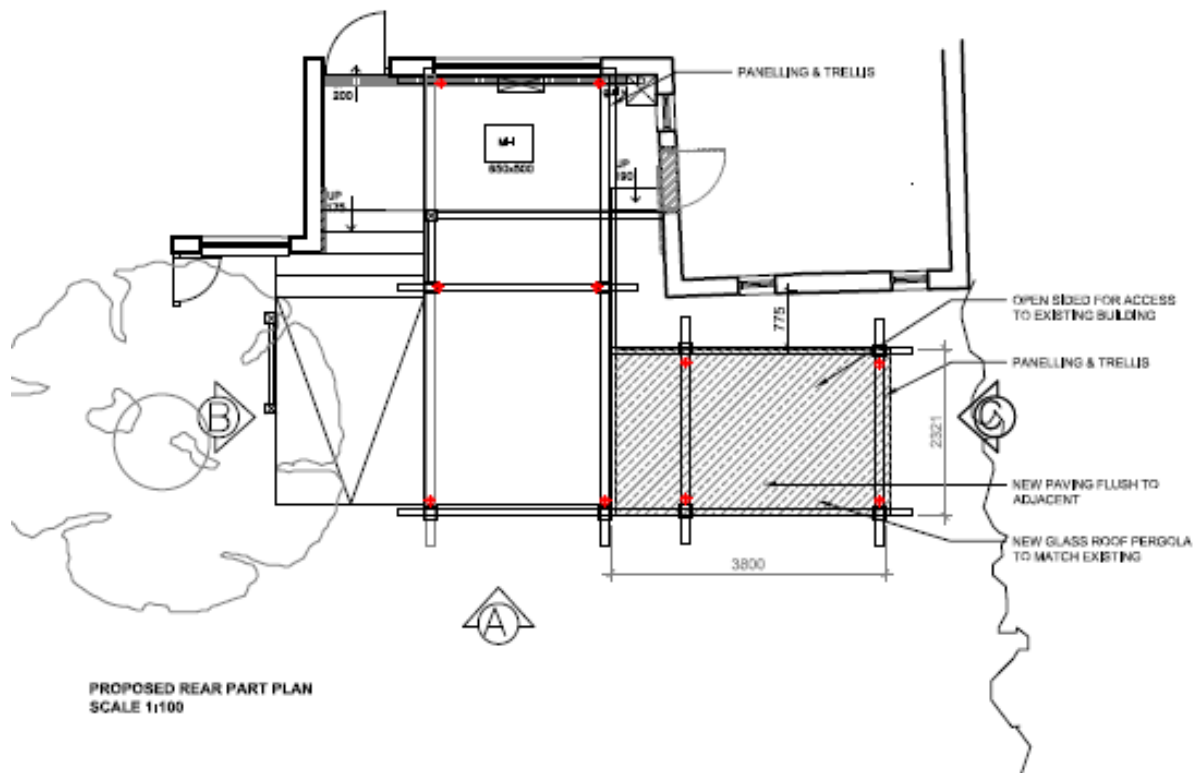
SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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.

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Appendix 1

19/01027/FUL - Proposed Plan



PROPOSED REAR PART PLAN
SCALE 1:100

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Application number:	19/01321/CT3		
Decision due by	29th July 2019		
Extension of time	To Be Agreed		
Proposal	Upgrade existing entrance door (retrospective)		
Site address	Even 54 To 60 , The Grates, Oxford, OX4 3YJ – see Appendix 1 for site plan		
Ward	Cowley Ward		
Case officer	Alice Watkins		
Agent:	Mr Peter Lightfoot	Applicant:	Oxford City Council
Reason at Committee	The application is made by Oxford City Council.		

1. RECOMMENDATION

1.1. East 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 and informative 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 condition and informative 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 replacement of the entrance door to the existing flats at 54 to 60 The Grates.

2.2. The development is considered to be appropriately designed and would not have a detrimental impact to neighbouring properties. Overall, the development is considered acceptable in accordance with the identified policies and approval is recommended.

3. LEGAL AGREEMENT

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

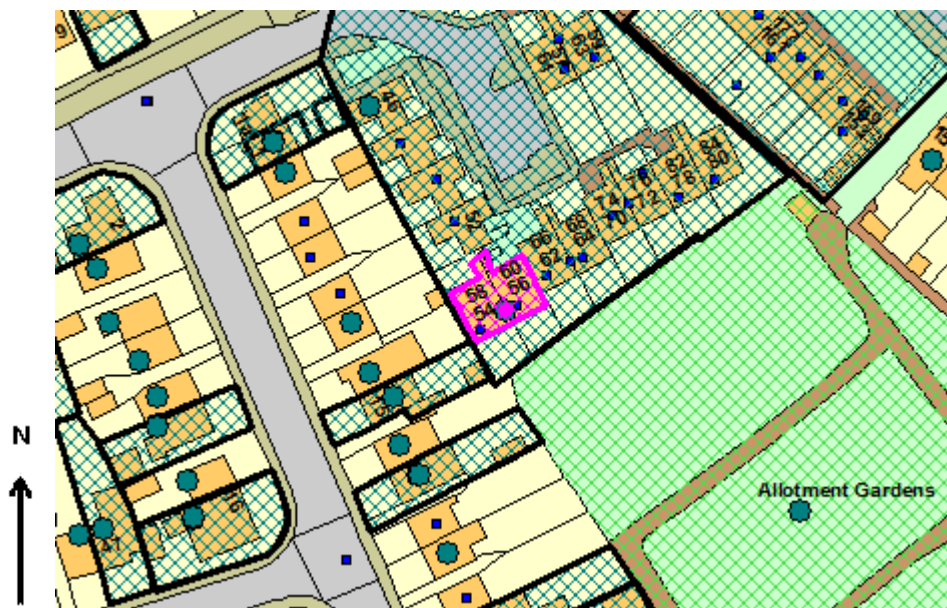
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. 54 to 60 The Grates comprises of a two storey building providing four flats. The building is finished with buff brick and is located on the southern side of the road. There is an entrance lobby to the front of the building; the entrance door lies on the north-east elevation of the lobby.

5.2. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application seeks retrospective planning permission for the replacement of the front entrance door. The door features three glazed panels with an integrated security panel. The door is constructed from stainless steel and is finished in a dark grey colour.

7. RELEVANT PLANNING HISTORY

7.1. There is no relevant site history.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Local Plan

Design	12	CP1 CP6 CP8 CP10	CS18	HP9	DH1
Housing	8			HP14	H14

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 10th June and an advertisement was published in The Oxford Times newspaper on 20th June 2019.

Statutory and non-statutory consultees

9.2. There are no statutory consultees.

Public representations

9.3. No public representations were received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design
- Neighbouring amenity

a. Design

10.2. The proposal seeks retrospective planning permission for the replacement of the entrance door. The door features three glazed panels with an integrated security system to the side. It is constructed from stainless steel and is finished in a dark grey colour which is appropriate for the existing buff brick building. The door fits directly into the existing opening and does not detract from the character and appearance of the area. The proposal is considered acceptable in design terms.

10.3. The proposal is considered to comply with CP1, CP8 and CP10 of the Local Plan, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy and the NPPF.

b. Impact on neighbouring amenity

10.4. The replacement door serves an existing entrance lobby serving a two storey block of residential flats. The proposal will not detrimentally impact the residential properties in terms of impact on light or loss of outlook within the block or any surrounding properties either given the distances involved.

10.5. The application form states that the door has been replaced for security reasons. The new door is integrated into the existing frame and provides a fob entry system for residents.

10.6. The proposal is considered to comply with HP14 of the Sites and Housing Plan and the NPPF.

11. CONCLUSION

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

11.2. Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development proposals which 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 the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3. The replacement door is considered acceptable in design terms and does not detract from the character and appearance of the existing building or surrounding area. The proposal does not detrimentally impact upon the amenity of neighbouring properties. Overall, the development is considered acceptable in accordance with the identified planning policies and in accordance with the NPPF.

11.4. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the condition and informative set out below.

12. CONDITIONS

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

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

INFORMATIVE :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants

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

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 31 July 2019



Committee members:

Councillor Tanner (Vice-Chair)	Councillor Azad (for Councillor Taylor)
Councillor Aziz	Councillor Chapman
Councillor Garden	Councillor Lloyd-Shogbesan
Councillor Simm	Councillor Roz Smith

Officers:

Adrian Arnold, Acting Head of Planning Services
Sally Fleming, Planning Lawyer
Mike Kemp, Senior Planning Officer
Andrew Murdoch, Development Management Service Manager
Sarah Orchard, Senior Planner
Jennifer Thompson, Committee and Members Services Officer
Alice Watkins, Planning Officer

Apologies:

Councillors Taylor and Clarkson sent apologies. Substitutes are shown above.

20. Declarations of interest

Minute 23 - application 19/01271/CT3 and Minute 24 - application 19/01272/CT3

Councillors Chapman said he as he were precluded from taking part in debate on these applications because of his role as part of the shareholder group of the Oxford City Housing Limited company (the applicant for both) which could give rise to a public perception of bias should he take part in the decisions. He would leave the meeting for these items.

21. 18/03330/OUT: Sports Field William Morris Close Oxford OX4 2JX

The Committee considered an outline planning application (landscaping subject to reserved matters submission) for development comprising 102 residential units (a mixture of private, socially rented and intermediate units) together with public and private amenity space, access, bin and cycle storage and car parking at the Former Sportsground, William Morris Close, Oxford, OX4 2JX.

The Planning Officer reported that since the agenda was published:

- the applicant had submitted amended plans showing improved visibility splays at the access points and the local highways authority considered these acceptable;
- the local highways authority's remaining concerns about the proposed cycle parking could be dealt with by imposing a condition;
- the applicant had sent a letter sent to all committee members;
- receipt of three further objections to the scheme, one circulated directly to committee members, raising issues relating to density and scale of the development; pressure on infrastructure; highways and traffic impacts; safeguarding/overlooking; loss of the sports facility; and
- that para 3.1 of the report should state that the legal agreement would include the proposed financial contribution of £3,620 towards parking control works and the associated traffic regulation order (separate from the Controlled Parking Zone) referenced in paragraph 9.7 of the report.

Caroline Dod (local resident); Councillors Arshad and Malik and County Councillor John Sanders; and Judith Harley (local resident) spoke against the application.

Simon Sharp, Tony Nolan and Ian Felgate (representing the applicant) came to the table to answer questions from the Committee.

The Committee asked questions of the officers and speakers and raised a number of concerns about the proposal. These included traffic movements, congestion and parking; density and design including accessibility of the private spaces; school places; the replacement sports provision; the distribution of the proposed social housing; and overlooking of the school from the central blocks.

A motion to refuse the application was proposed and seconded then withdrawn by the proposer following advice from the officers on the reasons that could be used to refuse the application.

A motion to defer the decision to allow planning officers to bring back further information on:

- the technical analysis which considered the traffic movements caused by the development and the means of assessment by the highways authority in providing their responses;
- Further details on the parking provision on site, including whether any changes could be made to the design and/or parking provision to reduce the impact of increased traffic in the local area;
- The implications for safeguarding from potential overlooking of the school from habitable rooms in the central blocks.

On being seconded and put to the vote the Committee agreed to defer the application for the reasons given above.

East Area Planning Committee resolved to defer the decision on this application to enable the Acting Head of Planning Services to bring the application to a future meeting with further information on the three points set out above to allow the Committee to reach a decision.

22. 19/01142/CT3: Windrush Tower, Knights Road, Oxford, OX4 6HR

The Committee agreed to take this item next.

The Committee considered an application for planning permission for the replacement of main front and side access doors at Windrush Tower, Knights Road, Oxford.

East Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the 3 required planning conditions and one informative set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

23. 19/01271/CT3: 66 Sandy Lane, Oxford, OX4 6AP

Councillor Chapman left the meeting at the start of this item and took no part in the debate or decision on this or the following items.

The Committee considered an application for planning permission for the erection of a 1 x 3-bed and 1 x 5-bed dwelling (Use Class C3), provision of private amenity space and car parking at 66 Sandy Lane, Oxford, OX4 6AP.

Lila Haracz (representing the applicant) spoke in support of the application and Tahima Rahman and Daniel Wadsworth (the architects) also came to the table to answer questions from the Committee.

On being proposed, seconded, and put to the vote the Committee agreed to approve the application.

East Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the 12 required planning conditions and 3 informatives set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions and informatives as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

24. 19/01272/CT3: 9 Pauling Road, Oxford, OX3 8PU

The Committee considered an application for planning permission for the demolition of the existing single storey side extension and erection of a single storey rear extension to the existing house; erection of a two storey building to create a 1 x 3-bed dwelling (Use Class C3); provision of private amenity space, car parking and bin and cycle storage at 9 Pauling Road, Oxford, OX3 8PU

The Planning Officer recommended an additional condition to remove the proposed dwelling from eligibility for parking permits in the local controlled parking zone.

Tahima Rahman and Daniel Wadsworth (the architects) and Lila Haracz (representing the applicant) came to the table to answer questions from the Committee.

The Committee considered that the lane giving access between the original property and its garage was too narrow for wheelchair access. They asked for, and the applicant agreed to provide, amended plans widening this access lane.

On being proposed, seconded, and put to the vote the Committee agreed to delegate to the Acting Head of Planning Services both the approval of an amended plan widening the access between the original property and its garage and, with the additional condition referred to above, the granting of planning permission.

East Area Planning Committee resolved to:

- 1. delegate approval of the application and the granting of planning permission** to the Acting Head of Planning Services for the reasons given in the report and subject to the 13 required planning conditions and 4 informatives set out in section 12 of the report; a condition removing the proposed dwelling from the local controlled parking zone; and approval of an amended plan widening the narrow access between the original property and its garage by the Acting Head of Planning Services; and
- 2. delegate authority** to the Acting Head of Planning Services to approve the amended plan referred to above; and finalise the recommended conditions and informatives as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

25. Minutes

The Committee resolved to approve the minutes of the meeting held on 3 July 2019 as a true and accurate record.

26. Forthcoming applications

The Committee noted the list of applications due to come before them.

27. Dates of future meetings

The Committee noted the meeting dates.

The meeting started at 6.00 pm and ended at 8.05 pm

Chair

Date: Wednesday 4 September 2019

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