

# Agenda

www.oxford.gov.uk



## East Area Planning Committee

### Note earlier start time.

This meeting will be held on:

Date: **Wednesday 3 June 2020**

Time: **3.00 pm**

Place: **Zoom - Remote meeting**

**For further information** please contact:

Jennifer Thompson, Committee and Member Services Officer, Committee Services Officer



01865 252275



democraticservices@oxford.gov.uk

**Members of the public can observe this meeting online and.**

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

*View or subscribe to updates for agendas, reports and minutes at  
[mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk).*

*All public papers are available from the calendar link to this meeting once published*

## Committee Membership

Councillors: Membership 9: Quorum 5: substitutes are permitted.

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

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

*Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX*

# Agenda

	Pages
<p><b>Public access and speaking</b></p> <p>This meeting will be held remotely on Zoom. For details about public access and speaking at the meeting, please see the information towards the end of the agenda frontsheet.</p> <p><b>1 Apologies for absence and substitutions</b></p> <p>The Clerk will confirm the councillors present and voting, those sending apologies, and officers in attendance.</p> <p><b>2 Election of Chair for the Council Year 2020-21</b></p> <p><b>3 Election of Vice-Chair for the Council Year 2020-21</b></p> <p><b>4 Declarations of interest</b></p> <p><b>5 19/03223/FUL: 1 Pullens Lane, Oxford OX3 0BX</b></p> <p><b>Proposal:</b> Demolition of existing dwellinghouse and garage/annex. Erection of 3 x 5-bed dwellinghouses (Use Class C3). Creation of new access, modification of existing access, landscaping works and provision of bin and cycle storage (Amended plans).</p> <p><b>Site address:</b> 1 Pullens Lane, Oxford, OX3 0BX</p> <p><b>Recommendation:</b></p> <p>East Area Planning Committee is recommended to <b>REFUSE</b> the application for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development by reason of its siting, massing, form, layout and external appearance, would cumulatively dominate and overwhelm this greenfield site such that it would result in an incongruous and inappropriate form of development, that would fail to preserve, and would erode, the quiet, verdant</li> </ol>	<p>17 - 38</p>

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

and rural character of Pullens Lane and the Headington Hill Conservation Area. Further, the loss of trees and important soft landscape features along with inadequate landscape mitigation proposed would cause harm to the visual amenity of Pullens Lane. This, coupled with the scale, form and layout, would cause harm to the wooded hillside that forms the green backdrop to Oxford and would be harmful to views out of the city, and to the special character and appearance of the Central Conservation Area. The proposed development would result in a harmful impact on the setting of the listed building Headington Hill Hall and would fail to preserve the character or appearance of that area or its setting. Overall, the development would result in a high level of less than substantial harm that would not be outweighed by any public benefit derived from the development contrary to the requirements of policies CP1, CP8, CP9, CP10, CP11, HE3, HE7 and HE10 of the Oxford Local Plan 2001-2016, policies CS2 and CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026; policies CIP2, CIP3, CIP4 and GPS4 of the Headington Neighbourhood Plan 2017 and emerging policies DH1, DH2, DH3, G6 and SP54 of the Oxford Local Plan 2036. The development would also fail to meet the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 in sections 66 and 72 of that Act.

2. The proposed development has failed to demonstrate that the proposal makes the best use of the site's capacity through exploring all available opportunities in a manner compatible with both the site itself and the surrounding area. The development therefore results in an inefficient use of the land contrary to the aims and objectives of policies CP1 and CP6 of the Oxford Local Plan and emerging policy RE2 of the Oxford Local Plan 2036.
3. The proposed development, by reason of the lack of up-to-date information and assessment, fails to demonstrate that the proposed development would not result in harm to known protected species on site and any appropriate mitigation necessary. The development would result in the net loss of a significant amount of trees and vegetation and ecological habitat that makes a meaningful contribution to local biodiversity that cannot be adequately mitigated or compensated by the proposal. As such, the development fails to accord with the requirements of policies NE15 and NE22 of the Oxford Local Plan 2016, policy CS12 of the Oxford Core Strategy 2026, policy GSP3 of the Headington Neighbourhood Plan, policies G2 and SP54 of the emerging Local Plan 2036 and the NPPF.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

**6 19/03303/FUL: Land To The Rear Of 4 Lime Walk, Oxford, OX3 7AE**

39 - 54

**Proposal:** Demolition of former MOT facility (Use Class B2). Erection of part four part three storey building to create 4 x 1-bed flats and 3 x 2-bed flats (Use Class C3). Erection of a single storey building to create 1 x 2-bed flat (Use Class C3). Provision of private amenity space, bin and cycle storage, alterations to landscaping and formation of 1 disabled parking space.

**Site address:** Land to the Rear of 4 Lime Walk, Oxford, Oxfordshire, OX3 7AE

**Recommendation:** East Area Planning Committee is recommended

a) to **REFUSE** the application for the following reasons:

1. Due to the scale and massing of the proposed flats, the proposal fails to form an appropriate visual relationship between the student accommodation blocks at Dorset house, two storey buildings in Lime Walk and office building to the north of the site to the detriment of the character and appearance of the area and visual amenity, contrary to policies CP1 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CIP1 and GSP4 of the Headington Neighbourhood Plan.
2. No formal assessment has been carried out on the impact on light to the office building to the north of the site. Given the height and proximity of the proposed development to this neighbouring property and the location of light sources in the office building, the application fails to demonstrate that the proposal would not be harm to the amenity of the office building at Lime Tree Mews contrary to policy CP10 of the Oxford Local Plan.
3. The proposal due to its height and scale in a backland location in close proximity to rear gardens of Lime Walk would result in a perceived loss of privacy to the detriment of the amenity of neighbouring occupiers contrary to policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.
4. The proposal fails to provide an adequate level of shared outdoor amenity space to serve the proposed units, especially those without direct access to a balcony or terrace in accordance with the requirements of policy HP13 of the Sites and Housing Plan.

b) and to **delegate authority** to the Head of Planning Services to finalise the refusal reasons as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

**7      20/00073/FUL: 385 Cowley Road, Oxford, OX4 2BS**

55 - 68

**Proposal:** Demolition of existing car repair garage. Construction of new building containing 1 office unit (Use Class B1). Erection of 5 x 2 bed flats (Use Class C3). Provision of 6 off street car parking spaces, bin and cycle storage.

**Site address:** 385 Cowley Road, Oxford, OX4 2BS

**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 12 of the report and grant planning permission; 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.

**8      19/03050/FUL Karam House 84A Crescent Road Oxford OX4 2PD**

69 - 82

**Proposal:** Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). Provision of car parking, bin and bicycle storage.

**Site address:** Karam House, 84A Crescent Road, Oxford.

**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 12 of the report and grant planning permission; 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.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

*Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX*

9	<b>19/03051/FUL: Fatima House 84B Crescent Road Oxford OX4 2PD</b>	83 - 96
	<p><b>Proposal:</b> Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). Provision of car parking, bin and bicycle storage.</p> <p><b>Site address:</b> Fatima House, 84B Crescent Road, Oxford.</p> <p><b>Recommendation:</b> East Area Planning Committee is recommended to:</p> <ol style="list-style-type: none"> <li>1. <b>approve</b> the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and</li> <li>2. <b>delegate authority</b> 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.</li> </ol>	
10	<b>20/00162/FUL: 84 Church Way, Iffley</b>	97 - 106
	<p><b>Proposal:</b> Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4).</p> <p><b>Site address:</b> 84 Church Way, Oxford, OX4 4EF</p> <p><b>Recommendation</b></p> <p>East Area Planning Committee is recommended</p> <p>a) to <b>REFUSE</b> the application for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development fails to provide adequate off-street parking in accordance with the maximum parking standards and fails to demonstrate that there is sufficient on-street car parking capacity to mitigate for any increase in parking pressure resulting from the change of use in an area which is not subject to a Controlled Parking Zone (CPZ). The proposal is therefore considered to be contrary to policy HP16 of Sites and Housing</li> </ol>	

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

Plan 2011-2026 and the NPPF.

2. The proposal fails to make provision for covered and secure cycle storage and bin storage in accordance with HP13 and HP15 of the Sites and Housing Plan and the NPPF.
- b) and **delegate authority** to the Head of Planning Services to finalise the refusal reasons as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## 11      **19/03392/FUL: 25A Mayfair Road, Oxford, OX4 3SR**

107 -  
112

**Proposal:** Erection of a single storey rear extension. Alteration to 1 window to side elevation (Amended Plan)

**Site address:** 25A Mayfair Road, Oxford, OX4 3SR.

### **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 12 of the report and grant planning permission; 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.

## 12      **Minutes**

113 -  
116

**Recommendation:** to approve the minutes of the meeting held on 18 May 2020 as a true and accurate record.

## 13      **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.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*



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
18/03405/FUL: Holy Family Church , 1 Cuddesdon Way, Oxford, OX4 6JH	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
19/02247/VAR: John Radcliffe Hospital, Headley Way, Oxford, OX3 9DU	Committee level decision
19/02620/FUL: 17, 17A, 17B and 19 Between Towns Road, Oxford, OX4 3LX	Committee level decision
19/02691/FUL: Land At The Junction Of Hosker Close And Merewood Avenue, Oxford	Called in
19/02767/FUL: 4 Eastern Avenue, Oxford, OX4 4QS	Called in
19/03224/FUL: 16 Windmill Road Oxford OX3 7BX	Called in
19/03361/FUL: 139 Oxford Road Old Marston, Oxford, OX3 0RB	Called in
20/00128/VAR: 9 Binswood Avenue, Oxford, OX3 8NY	Committee level decision
20/00184/FUL: 20 Osler Road, Oxford, OX3 9BJ	Committee level decision
20/00221/VAR: 96 Blackbird Leys Road, Oxford, OX4 6HS	Called in
20/00320/FUL: Land Running From Land South Of Grenoble Road To Horspath Depot (Horspath Road) And Redbridge Park And Ride (Abingdon Road),Grenoble Road, Oxford	Committee level decision
20/00821/FUL: Rear of 10 - 28 Marshall Road, Oxford, OX4 2NR	Committee level decision
20/00856/FUL: 295-301 London Road, Headington, Oxford, OX3 9EH	Committee level decision

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

20/00897/FUL: Assembly And Service Division BMW Manufacturing Ltd, Garsington Road, Oxford, OX4 6NL	Committee level decision
20/00934/FUL: Land To The Rear Of The George Inn, 5 Sandford Road, Littlemore, Oxford, OX4 4PU	Committee level decision
20/01018/FUL: 49 Marlborough Close Oxford OX4 4PH	Called in
20/01086/RES: Sports Field, William Morris Close, Oxford, OX4 2SF	Committee level decision

## 14 Dates of future meetings

Future meetings of the Committee are scheduled on Wednesdays at times shown. These will start at 3.00pm while the committee is meeting remotely.

### 2020

1 July 3.00pm

Remote meeting on Zoom

5 August

2 September

7 October

4 November

2 December

### 2021

13 January

3 February

3 March

7 April

10 May

## Public access to this meeting and members of the public speaking

**Remote meetings will be held on Zoom.**

### Public access to remote meetings

1. You can watch the meeting remotely by clicking on the link in the comments section or under 'media' sited just above the agenda items.
2. The live link will appear on this page just as the meeting starts. This

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

*Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX*

will launch a YouTube video of the live meeting. If it does not, then follow the link to the council's YouTube channel where the video will be playing.

### **Registering to speaking**

3. Members of the public can register to speak at a meeting in accordance with the Procedure Rule within Council's Constitutions.
4. **For this committee you must register to speak before noon on the working day before the meeting**, giving the application name/number and whether you are supporting or objecting. You must also supply an email address and phone number.
5. **Members of the public registering to speak are recommended to submit their contribution in writing to [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk) not less than 24 hours before the meeting is due to start.** This will ensure that their contribution can be taken into account and, where necessary, responded to, in the event that the connection is poor or they are otherwise unable to join the meeting. Members of the public who register to speak will be advised of any word limit for their written submission.

### **Public attendance and speaking at remote meetings**

6. Members of the public viewing the meeting should do this through the weblink to the live stream as above.
7. Members of the public may register to speak at the meeting in accordance with the procedure rules (see 4 and the notes at the end of the agenda frontsheet)
8. Those registering to speak will be provided with joining instructions and guidance on public participation in remote meetings by the Committee and Member Services Team.
9. When the meeting starts, or during the agenda item before the one they are speaking on, they should follow these instructions and join the meeting. When joining a meeting members of the public with a right to speak must ensure that they can be identified as a registered speaker otherwise their access to the meeting will be blocked.
10. They will be held as an 'attendee' and be able to see and hear the meeting but not take part.
11. The Meeting Host will 'enable' their microphone when they are called to speak, or may admit them to the meeting. They must not speak until are invited to do so by the Chair. Speeches are timed from the first words of the speech: there is no penalty for delays

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

caused by the technology.

12. The member of the public may remain as an attendee or in the meeting to hear the remainder of the agenda item. Once their contribution has been heard the Meeting Host will mute their microphone and it must remain muted for the remainder of the meeting unless the Chair invites them to speak again, at which point the microphone will be enabled again.
13. At the end of the agenda item, the Chair may ask speakers attending for that item to disconnect from the remote meeting and the Meeting Host may remove their access to the meeting. Members of the public may continue to observe the meeting by watching the live stream accessed via a link on the Council's [meetings webpages](#).
14. If a member of the public exercising their right to speak at a remote meeting loses connectivity during their contribution, they should immediately dial back in to the meeting using the telephone number provided in the joining instructions.
15. If a member of the public exercising their right to speak at a remote meeting loses connectivity and is unable to re-join the meeting their previously submitted written contribution will be considered (it will be read out by an officer who will keep strictly to the allocated time limit). If no written contribution has been submitted the meeting will proceed without considering their contribution.

#### **Press access to remote meetings**

16. Journalists wishing to attend a remote meeting are advised to inform [pressoffice@oxford.gov.uk](mailto:pressoffice@oxford.gov.uk) not less than 24 hours before the meeting is due to start to be issued with joining instructions.
17. Journalists in remote attendance are asked to keep their microphone muted and their video camera turned off.
18. Alternatively journalists can access meetings by viewing the live stream as set out in 1 and 2 above.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

*Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX*

## **Information for those attending**

### **Recording and reporting on meetings held in public**

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt 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, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

### **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". 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.

## **Procedure for dealing with planning applications at Area Planning Committees and Planning Review Committee (note that these may be adapted to accommodate the remote/virtual nature of this meeting)**

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 interests is available from the Monitoring Officer.

### **The following minimum standards of practice will be followed:**

1. All members of the Committee will have pre-read the officers' report. Committee 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 guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may 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.
4. In determining an application Committee 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 overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; 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.

### **Public requests to speak**

**Members of the public wishing to speak must notify the Committee 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 via e-mail or telephone, to the Committee Services Officer (details are on the front of the Committee agenda).

### **Written statements from the public**

**Any written statement that members of the public or 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 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**

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

### **Recording meetings**

This is covered in the general information above.

### **Meeting Etiquette**

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.

**This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in January 2020.**

This page is intentionally left blank



## East Area Planning Committee

<b>Application number:</b>	19/03223/FUL		
<b>Decision due by</b>	4th February 2020		
<b>Extension of time</b>	27th February 2020		
<b>Proposal</b>	Demolition of existing dwellinghouse and garage/annex. Erection of 3 x 5-bed dwellinghouses (Use Class C3). Creation of new access, modification of existing access, landscaping works and provision of bin and cycle storage.(Amended plans)		
<b>Site address</b>	1 Pullens Lane, Oxford, OX3 0BX, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Headington Hill And Northway Ward		
<b>Case officer</b>	Clare Gray		
<b>Agent:</b>	Mr Alex Cresswell	<b>Applicant:</b>	Grange Mill Developments Ltd
<b>Reason at Committee</b>	Site measures over 0.25ha		

---

## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to **REFUSE** the application for the following reasons:

- 1) The proposed development by reason of its siting, massing, form, layout and external appearance, would cumulatively dominate and overwhelm this greenfield site such that it would result in an incongruous and inappropriate form of development, that would fail to preserve, and would erode, the quiet, verdant and rural character of Pullens Lane and the Headington Hill Conservation Area. Further, the loss of trees and important soft landscape features along with inadequate landscape mitigation proposed would cause harm to the visual amenity of Pullens Lane. This, coupled with the scale, form and layout, would cause harm to the wooded hillside that forms the green backdrop to Oxford and would be harmful to views out of the city, and to the special character and appearance of the Central Conservation Area. The proposed development would result in a harmful impact on the setting of the listed building Headington Hill Hall and would fail to preserve the character or appearance of that area or its setting. Overall, the development would result in a high level of less than substantial harm that would not be outweighed by any public benefit derived from the development contrary

to the requirements of policies CP1, CP8, CP9, CP10, CP11, HE3, HE7 and HE10 of the Oxford Local Plan 2001-2016, policies CS2 and CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026; policies CIP2, CIP3, CIP4 and GPS4 of the Headington Neighbourhood Plan 2017 and emerging policies DH1, DH2, DH3, G6 and SP54 of the Oxford Local Plan 2036. The development would also fail to meet the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 in sections 66 and 72 of that Act.

- 2) The proposed development has failed to demonstrate that the proposal makes the best use of the site's capacity through exploring all available opportunities in a manner compatible with both the site itself and the surrounding area. The development therefore results in an inefficient use of the land contrary to the aims and objectives of policies CP1 and CP6 of the Oxford Local Plan and emerging policy RE2 of the Oxford Local Plan 2036.
- 3) The proposed development, by reason of the lack of up-to-date information and assessment, fails to demonstrate that the proposed development would not result in harm to known protected species on site and any appropriate mitigation necessary. The development would result in the net loss of a significant amount of trees and vegetation and ecological habitat that makes a meaningful contribution to local biodiversity that cannot be adequately mitigated or compensated by the proposal. As such, the development fails to accord with the requirements of policies NE15 and NE22 of the Oxford Local Plan 2016, policy CS12 of the Oxford Core Strategy 2026, policy GSP3 of the Headington Neighbourhood Plan, policies G2 and SP54 of the emerging Local Plan 2036 and the NPPF.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the development proposal, having regard to its scale, massing, form, siting and layout and the impact of the proposal on the context of the site in its surroundings, having regard to the special character and appearance of the Headington Hill Conservation Area in which the site and Pullens Lane sits, as well as other development management policies.
- 2.2. The consideration of the impact of the proposal on the character of the Conservation Area and the setting of Headington Hill Hall as a Grade II\* listed building is considered at length having regard to the interest of the area and the statutory duty that requires Local Planning Authorities to have special regard to the desirability of safeguarding the character and appearance of the Conservation Area and preserving the setting of listed buildings such as Headington Hill Hall, as well as the requirements of the NPPF to considering the impact of a development on the significance of the Conservation Area and setting of Listed Buildings. Following that consideration outlined in the report, Officers consider the scheme would cause harm to the significance of the Conservation Area and the setting of the Listed Building.

- 2.3. Officers also consider the policy requirement to make the most efficient use of the site having regard to its capacity and the available options to explore all available opportunities of being developed in a way that is compatible with the site itself and surrounding area. The report highlights that the applicant has failed to undertake a full analysis of these opportunities and consequently, it has not been demonstrated that the site is making the best use of land appropriate for the site.
- 2.4. Finally the report considers the biodiversity of the site and the policy requirement to safeguard against a net loss of sites and species of ecological value, including protected species protected under the Wildlife and Countryside Act 1981. The supporting reports submitted with the application are not up to date and therefore do not provide a full assessment of the extent of species impacted upon by the proposal or provide appropriate mitigation to protect against adverse harm. Furthermore the report considers how the development would result in a net loss of trees and vegetation on site as well as ecological habitat that makes a meaningful contribution to local biodiversity.
- 2.5. The report concludes that in light of the above issues and when considered against the NPPF and current and emerging Development Plan policies the proposal is contrary to the Development Plan and NPPF and is recommended for refusal.

### **3. LEGAL AGREEMENT**

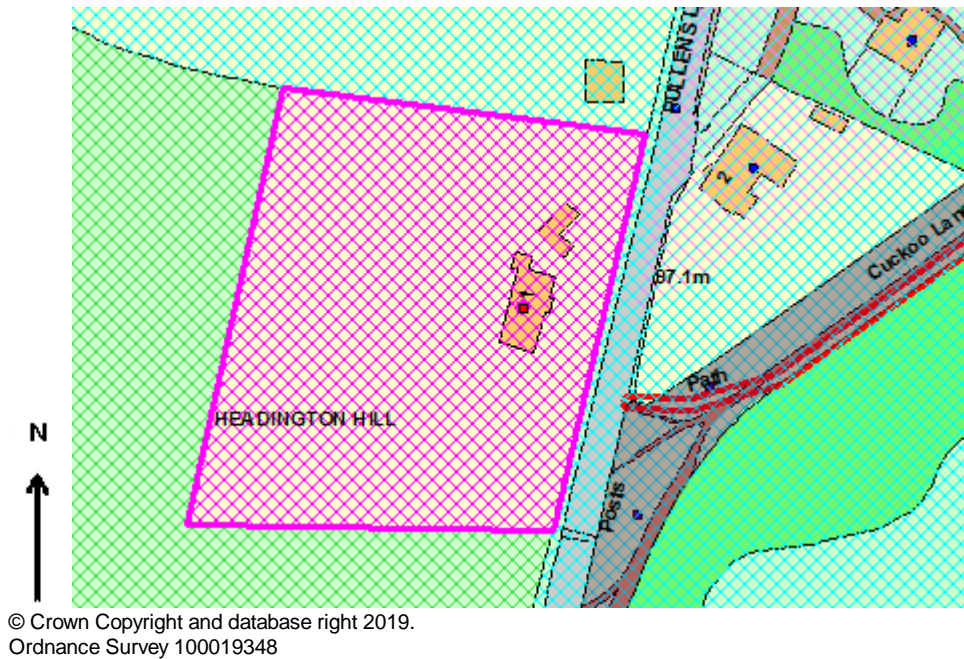
- 3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is liable for CIL.

### **5. SITE AND SURROUNDINGS**

- 5.1. The site relates to an extensive and substantial plot of land that is located on the top of Headington Hill, partially on a sloping hillside, off Pullens Lane. The topography of the site slopes to the rear, towards the western boundary. The site itself is an overgrown plot which comprises a detached dilapidated dwelling. The site lies at the lower southern end of Pullens Lane lying adjacent to Pullens Lane Allotments on the southern and western boundary. To the north is the large substantial building, Pullens Gate and to the east, across Pullens Lane, is the EF Academy.
- 5.2. The site is located within Headington Hill Conservation Area.
- 5.3. See block plan below:



## 6. PROPOSAL

6.1. The application seeks consent for the demolition of the dilapidated dwelling and buildings on site and to erect a total of three large substantial houses.

6.2. All three houses would be constructed centre to the site in a row with hardstanding to the frontage for parking and manoeuvring, as well as bin, recycling and bin stores to each dwelling. The existing access is proposed to be widened to provide access to units 2 and 3 and a further access point created to the southern corner of the site to access unit 1.

6.3. The houses themselves will be located within the middle of the site fronting the lane. They are proposed as two storey buildings with a traditional façade but individually designed. Units 1 and 3 would be broadly rectangular in footprint and Unit 2 would be L shaped and all to be constructed in buff brick with stone details and a clay roof tile.

6.4. The schedule of accommodation is as follows:

6.5. Unit 1: 5 reception rooms on the ground floor including kitchen dining, and a utility room and 5 bedrooms on the first floor, with 2 en-suites and 1 bathroom

6.6. Unit 2: 4 reception rooms on the ground floor including kitchen dining, and a utility room and 5 bedrooms on the first floor with 3 en-suites and 1 bathroom

6.7. Unit 3: 5 reception rooms on the ground floor including kitchen dining, and a utility room and 5 bedrooms on the first floor, with 3 en-suites and 1 bathroom

6.8. No garaging is proposed to serve the dwellings.

6.9. The development will require the removal of trees within the grounds of the site and replacement landscape planting is proposed along the frontage.

6.10. The application is accompanied by an Ecological Assessment, an Arboricultural Impact Assessment and a Transport Statement.

## **7. RELEVANT PLANNING HISTORY**

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

52/00146/DO\_H - Outline application for house.. Approved 8th July 1952.

53/02812/A\_H - House and garage.. Approved 10th March 1953.

61/10760/A\_H - Outline application for a dwelling house and garage for private car.. Approved 25th May 1961.

61/10910/A\_H - Outline application for change of use from residential to convent and hostel for female students and outline application for extension on adjoining land.. Refused 27th June 1961.

61/10911/A\_H - Outline application for the erection of a convent and hostel for female students.. Refused 27th June 1961.

61/10912/A\_H - Change of use from residential to convent and hostel for female students and outline application for extension to existing building.. Refused 27th June 1961.

63/13061/A\_H - Conversion of existing garage in self-contained flat.. Approved 22nd January 1963.

65/16928/A\_H - Outline application for one dwelling house and garage for private car.. Approved 14th December 1965.

73/01650/A\_H - Two-storey extension to provide additional living accommodation.. Approved 8th January 1974.

06/00833/CAT - Reduce conifer trees at rear end of garden by 50% at 1 Pullens Lane in the Headington Hill Conservation Area. Raise No Objection 28th April 2006.

06/01827/CAT - Prune lime and eucalyptus trees in the Headington Hill Conservation Area at 1 Pullens Lane, Oxford. Raise No Objection 29th September 2006.

14/00983/FUL - Demolition of existing house and flat. Erection of 55-bedroom care home facility on three levels, together with 17 car parking spaces, landscaping and associated works.. Refused 20th August 2014.

15/03611/FUL - Demolition of the existing buildings and erection of a new 55

bedroom care home with associated landscaping, hardstanding and infrastructure.. Withdrawn 11th May 2016.

18/00870/FUL - Demolition of existing dwelling and erection of a 55 bedroomed care home with associated car parking, landscaping and infrastructure. Refused 21st November 2018.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Oxford Local Plan	Headington Neighbourhood Plan
Design	12	CP1, CP8,	CS18	HP9, HP10	DH1, DH2	CIP1, CIP2, CIP3, GSP4
Conservation/ Heritage	16	HE3, HE7			DH3, DH4	CIP4
Housing	5			HP9, HP10, HP12, HP13, HP14, HP15, HP16	H2, H5, H14, H15, H16, DH7, G6, SP54	
Commercial	6					
Natural environment	15	NE15, NE16	CS11		RE3, RE4 G2	
Social and community	8					
Transport	9				M1, M3, M4, M5	
Environmental	2, 11, 15		CS12		RE1, RE2	GSP3
Miscellaneous		CP9, CP10		MP1		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 23<sup>rd</sup> December 2019 and an advertisement was published in The Oxford Times newspaper on 19th December 2019.

## **Statutory and non-statutory consultees**

### Oxfordshire County Council (Highways)

9.2. No objection to amended plans

### Heritage Officer

9.3. Objection. The development would result in less than substantial harm to the significance of the designated heritage assets of the Headington Hall Conservation Area and the setting of Headington Hill Hall. (Comments provided verbally and in a meeting with the applicant).

### Ecology

9.4. Objection. Assessments are incomplete and not up to date, so do not demonstrate that protected species will not be harmed, or the impact appropriately mitigated. Further the development will result in a loss of biodiversity, with significant tree and habitat loss.

### Trees

9.5. No objection to the loss of trees on Arboricultural grounds subject to conditions

### Archaeology

9.6. No objection, subject to a condition requiring recording

### Land Quality

9.7. No objection subject to an informative

## **Public representations**

9.8.2 local people commented on this application from addresses in Pullens Field and Pullens Lane.

9.9. 1 letter of objection was received.

9.10. The letter of objection raises concerns that the development is less than 50 ft from the Pullens Gate boundary, and would seek clarification of the exact position and extent of hard standing/parking areas in relation to that boundary. Also seek clarification on which trees are to be removed. The plan would be more acceptable with an assurance that a sturdy, noise-and-light-proof wall will be built on the Pullens Gate boundary before the house is occupied.

9.11. 1 letter of support was received. This letter indicates that the proposal is a sensible option.

## **Officer response**

9.12. The response to the above comments is addressed throughout the report.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Efficient use of the site
- Affordable housing
- Impact on the character and appearance of the Headington Hill conservation area and the setting of Headington Hill Hall
- Impact on residential amenity
- Impact on trees
- Impact on biodiversity
- Impact on highways/parking

### **a. Principle of development**

10.2. The National Planning Policy Framework and Oxford Core Strategy Policy CS2 encourage the efficient use of previously developed land. In this instance the site is occupied by a dilapidated residential dwelling sitting within a significant residential curtilage and thus does not fall to be considered as previously developed land, as defined within the NPPF.

10.3. However, in the scope of the Council's adopted planning policies, specifically Policy CP6 of the Oxford Local Plan 2001-2016 and Policies HP9 and HP10 of the Sites and Housing Plan (2013) there is scope to accept the principle of development on garden land. This applies where the size of the plot to be developed is of appropriate dimensions to accommodate the proposal, taking into account the minimum requirements for living conditions set out in Policies HP12, HP13 and HP14. Furthermore, and crucially, the proposal should respond to the character and appearance of the area and the size of plot to be developed should be of an appropriate size and shape to accommodate the proposal taking into account the scale, layout and spacing of existing and surrounding buildings in accordance with policy HP10. This is reflected in emerging policy G6 of the Oxford Local Plan 2036.

10.4. Further, in the emerging Local Plan 2036, 1 Pullens Lane is allocated for residential development under policy SP54, subsequently modified in Feb 2020. This policy states that planning permission will be granted for residential dwellings for a minimum of 11 units and not for any other uses.

10.5. In this case, the development would comprise residential development and would result in an increase from 1 to 3 dwellings, the principle of the scheme is subject to a more thorough assessment of the detailed issues set out below and compliance with the policies in the Local Plan, Core Strategy, the Sites and Housing Plan and the Headington Neighbourhood Plan, as well as regard to the emerging Local Plan 2036.



## **b. Making an efficient use of land**

- 10.6. Oxford Local Plan 2016 states in policy CP6 that planning permission will only be granted where development proposals make maximum and appropriate use of the land. The emerging Oxford Local Plan 2036 also reiterates the need to make the most efficient use of land within policy RE2. Policy SP54 of the emerging Local Plan is also relevant as it states that a minimum of 11 units should be provided on this site. Whilst these policies have not been adopted, it has been the subject of examination, and therefore has significant weight. It is also prudent to add that the minimum of 11 units has been added following Examination as part of the submitted modifications to the Local Plan, although this is subject to public consultation.
- 10.7. The proposal is to demolish one dwelling and to replace it with three, providing a net gain of two dwellings. It is clear however that the site has the potential to provide a greater number than three overall, whilst still having regard to and being compatible with the character of the area.
- 10.8. In line with the requirements of both the adopted planning policy CP6 and the emerging policy RE2, it is clear that the policy requires that development proposals demonstrate that the site makes the best use of its capacity in a manner compatible with both the site itself and the site area. In criterion c) of adopted policy CP6 it states “opportunities for developing at the maximum density must be fully explored”. In emerging policy RE2 it similarly states in criterion c) that “opportunities for developing at the maximum appropriate density must be fully explored”.
- 10.9. On that basis the agent was asked to demonstrate through the submission of plans other iterations of how this has been addressed and how the site maximises density. To address this, the applicant has undertaken an assessment of the character of the area, exploring ratios of building footprints to sites and defining what they consider the character of the area to be. This has informed the applicant to provide an assessment of how the site would compare with the footprint of dwellings on Pullens Field. This also included an assessment of the proposed footprint of the submitted dwellings but sub-divided into 3 pairs of 6 semi detached dwellings.
- 10.10. Whilst this initial assessment was welcomed, Officers alerted the agent that this was limited and did not consider other likely iterations, such as the potential for one larger building commensurate with a larger dwelling subdivided into flats for example or smaller building footprints (compared with the application proposal) subdivided into pairs of semi detached houses with a greater sense of space around the buildings. The character of the site is assessed below, but the further iterations, have the scope to be compatible with the site as Pullens Lane is characterised by large villas sitting in large spacious plot.
- 10.11. The policies as outlined above in the adopted and emerging policies require that the capacity of the site is *fully explored*. However, as outlined above this has not been undertaken, and thus it cannot be demonstrated, in line with the policies, that developing at the maximum density has been fully explored. As a

result it is not considered that the assessment by the applicant and the proposal for only 3 houses on this site demonstrates that the scheme makes the best use of site capacity in a manner compatible with the site itself. The lack of available land to maximise housing underpins these policies and in light of that, the application falls short of these objectives to maximise housing capacity, contrary to policy CP6 of the Local Plan and policy RE2 of the emerging 2036 Plan. In respect of the modifications to policy SP54 of the emerging 2036 Plan and the proposed minimum of 11 dwellings, this has yet to be either confirmed by the Inspector or tested through the submission of plans, but it demonstrates that the application as proposed for 3 houses is under the site's capacity and is not an efficient use of the site.

### **c. Affordable housing**

- 10.12. The scheme is for 3 dwellings but sits in a site area of 0.45ha. Given this is greater than the 0.25ha threshold in the Sites and Housing Plan, arguably the scheme falls to be considered under policy HP3 of the Sites and Housing Plan.
- 10.13. This policy states that "Planning permission will only be granted for residential developments on sites with a capacity for 10 or more dwellings, or which have an area of 0.25ha or greater, if generally a minimum 50% dwellings on the site are provided as affordable homes."
- 10.14. However, Government policy has evolved in respect of securing affordable housing (including off site contributions) from small residential developments. Relevant Government policy is now set out in the National Planning Policy Framework 2019 ("NPPF"). At paragraph 63, the NPPF provides as follows: *"Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer ..."*
- 10.15. "Major development" is defined in the NPPF as, in respect of housing development, "... development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more".
- 10.16. A recent appeal decision for a scheme for between 4-9 dwellings on a site less than 0.5 ha was recently considered at 4 Limes Walk and the Inspector in determining that appeal rejected the City Council's case for seeking affordable housing from smaller sites, and held that there was insufficient justification for weight to be given to policy HP4 given the conflict with national planning policy. In effect, the Lime Walk Inspector held that national policy, in respect of securing affordable housing on schemes of less than 10 dwellings, or where the site has an area of less than 0.5ha, should prevail.
- 10.17. Given the outcome of the Lime Walk appeal and the decision of the Inspectors on the soundness of policy H2(ii) of the draft Oxford Local Plan 2036 and in light of legal advice, the Head of Planning advises that the Local Planning Authority can no longer reasonably continue to attach material weight to, and rely upon, policy HP4. This means that the Local Planning Authority would no longer seek affordable housing contributions when determining applications for

planning permission for development on sites with capacity for between nine and four homes unless the site is greater than 0.5 hectare

10.18. However, this is a scheme for 3 houses on a site with an area of less than 0.5 ha, and triggers HP3 and not HP4 of the Sites and Housing Plan in respect of capacity and it is acknowledged that this wouldn't comply with the most up-to-date position in the NPPF and would not comply with the definition of major development. Thus whilst HP3 of the Sites and Housing Plan would be triggered, it is a material consideration that seeking affordable housing provision on this site wouldn't comply with the judgement of the Inspector on the 4 Limes Walk case i.e., that the NPPF definition of major development should prevail in respect of securing affordable housing.

10.19. Therefore the Council would not have sought affordable housing from this particular scheme if it was otherwise acceptable.

#### **d. Impact on the character and appearance of the Conservation Area and Headington Hill Hall**

10.20. The NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124).

10.21. However, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

10.22. The National Design Guide 2019 was adopted and forms part of the Development Plan.

10.23. Policy CS18 of the Oxford Core Strategy 2026 require proposals to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; contributes to an attractive public realm; and high quality architecture. The Local Plan expects new development to enhance the quality of the environment, with Policy CP1 central to this purpose and Policy CP8 encourages development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area. This is supported by Policies HP9 and HP10 of the Sites and Housing Plan. Policy GPS4 of the Headington Neighbourhood Plan (HNP) states that development will be permitted where its design responds appropriately to the site and the character of the surrounding area and again emphasises and supports CS18. HNP Policy CIP1 states that new developments will only be permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments. Policy CIP2 identifies important views within the HNP, of which Cuckoo Lane is specially identified (view 8) as a historic footpath which merits protection. HNP policy CIP3 supports innovative design which accords with the local plan, takes account of local heritage and enhances the distinctive

identity, character and setting in terms of scale, layout, density, orientation and massing. Emerging policies in the Oxford Local Plan 2036 are relevant. Policy DH1 seeks high quality design that creates or enhances local distinctiveness. Policy DH2 seeks to retain significant views both within Oxford and from outside, in particular to and from the historic skyline.

- 10.24. In relation to the historic environment the revised NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. In 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194).
- 10.25. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm (para 195).
- 10.26. Development that would lead to a less than substantial harm, should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).
- 10.27. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National Trust, 18<sup>th</sup> February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).
- 10.28. Oxford Local Plan Policies HE3 and HE7 seek to seek to preserve or enhance the special character and appearance of Conservation Areas and their settings and the setting of Listed Buildings. Policy HE10 of the Local Plan seeks to retain views of significance both within Oxford and from outside. It also adds that the green backcloth must be protected from any adverse impact. There are ten identified significant view cones which are considered to be a heritage asset as defined in the NPPF. Whilst the wording of these policies does not include the balancing exercise identified in paragraphs 195-196 of the NPPF and that they would therefore be deemed to be out-of-date with the framework, they would be consistent with the above-mentioned legal requirements of Section 66 and 72, and they must therefore carry considerable weight in the determination of this application. Policy DH3 of the emerging Local Plan 2036 states planning

permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality.

- 10.29. HNP Policy CIP2 as set out above seeks to protect importance views and HNP CIP4 seeks to ensure that development will only be permitted where it addresses the conservation and enhancement of the significance, character and any special architectural or historic features of significance the asset may possess.

#### *The Site and Conservation Area*

- 10.30. The site lies within the Headington Hill conservation area, a designated heritage asset as defined in the NPPF and forms part of the setting of the listed Headington Hill Hall which is also a designated heritage asset. The site is situated on the west side of Pullen's Lane in an area whose character is primarily one of large, late 19<sup>th</sup> Century villas set within generous garden plots, surrounded by mature gardens with enclosing boundaries of shrub and tree planting that provide a sense of privacy.
- 10.31. The conservation area's designation took place in 1977 following the Council's adoption of the Headington Hill Policy Statement in February 1973 which set out principles to guide the consideration of future planning applications in the area of Pullens Lane, Fielden Grove, Jack Straw's Lane and the private section of Harberton Mead. This Policy Statement sought to protect the residential use of the area, low traffic levels, the character of buildings and their spacing, the tree planting in the area and the absence of advertisements or signs. The avoidance of additional traffic generation on Pullens Lane was stated as a specific principle.
- 10.32. The Headington Hill Conservation Area Appraisal was adopted in July 2012. It identifies that its significance is derived from its role in providing a green landscape background to the historic city centre; the retention of trees and green landscape; its characteristic buildings; public paths; and the protection of viewpoints across the city.
- 10.33. It establishes that the area is divided into two distinct sections – the area north of Cuckoo Lane (which includes the application site) and the area to the south. The appraisal concludes that the heritage significance of Pullens Lane derives from its tranquil, rural character with generous spacing between buildings interspersed with dense greenery enclosing a narrow lane with a roughly managed informal verge. The appraisal also makes it clear that there are limited views from building to building because of the mature and dense landscaping which provides its sylvan quality and ensures the greenery of the area makes a stronger contribution to its character than the built elements, emphasising the sense of a low density of development. The appraisal also identifies that some developments in the past few decades have been notable for introducing architectural forms that were intrusive to the character of the area. In particular the rectilinear forms, poor quality materials, repetitive detailing

and large scale of buildings did not reflect the historic residential character of much of the conservation area. It also recognises that conversion of landscaped garden settings of buildings for car parking also has a significant negative impact on the character of the area and its historic interest, and that the lack of artificial lighting helps to reinforce its rural woodland quality.

- 10.34. There is a unique “rural” character to this section of Pullens Lane and the wider conservation area that is not found elsewhere within the City and which belies its location close to the throng of activity associated with Oxford Brookes University and the traffic on Headington Road. Reflecting its uniqueness, fragility and therefore its vulnerability, Officers consider it important to afford great weight to the desirability of the preservation of its character in assessing the application proposals which accords too with the Council’s statutory duty in this respect.

#### *Design, Appearance & Impact on Heritage*

- 10.35. The existing building on the site comprises a much run down 1950’s house and a small garage within a substantial undeveloped greenfield site that includes a significant number of trees along its boundaries and within the site. The remainder of the site is covered by extensive unmanaged vegetation including grasses and shrubs. It is considered that the buildings themselves make little contribution to the important character of the area and their demolition would not be harmful. However whilst most of the landscaping is unkempt and in need of maintenance, the site as it currently exists makes a positive contribution to the significance of the conservation area as it supports its green, quiet and rural qualities. Furthermore, the balance of building to open garden is significant and the important sense of enclosure that is provided by landscape makes an extremely valuable contribution to the character and appearance of the conservation area. Such is its contribution that it is considered important to preserve it in any redevelopment of the site.

#### *Siting and layout*

- 10.36. The proposal is to remove the existing building and to redevelop the site with three considerable sized houses. Individually these are significant buildings in their own right, and collectively, the impact of this proposal would be that the three buildings overwhelm and dominate the site in a substantial and excessive manner. The effect of building three large homes of the size and scale proposed would dramatically alter the appearance of the site from Pullens Lane as it would considerably erode the verdant character of the site that defines this part of the Conservation Area. The green rural character that results from the undeveloped character of this part of Pullens Lane would be significantly removed by building an almost continuous row of dwellings. As stated above the character of Pullens Lane is defined by large houses sitting in large landscaped grounds with significant treed and green space surrounding the houses. The proposed development would be three large houses sitting in comparatively narrow plots and lacks the characteristic green openness that exists elsewhere. The gaps between houses is considered insufficient and little scope for enabling views of trees and green between the plots. Moreover, the proposed landscaping on the

frontage is considered wholly inadequate to mitigate the loss of the vegetated site.

10.37. As in other proposed schemes, the extent of physical development on this essentially greenfield site is such that it would dominate the plot rather than sit comfortably within a landscaped setting as required to preserve the special qualities of the conservation area. As before with previous refusals for a care home on site, the proposed development would result in a significant proportion of frontage and garden being hard surfaced and developed, which is a stark contrast to the undeveloped verdant prevailing character.

10.38. The new buildings simply in terms of their overall footprint would result in a development that would appear disproportionately large as viewed from the street and an overdevelopment of the site. It is this diminished space around the houses along with extensive hard surfacing dominating the frontage that will erode the spaciousness of the conservation area, that is essential to the preservation of the significance of the character of the conservation area. Furthermore, the siting of houses alongside one another with very little spacing between is not typical of the area, failing to achieve the fundamental characteristic of a building in a garden, or even two buildings in a garden. As such, it would appear incongruous and out of keeping with the site and its surroundings and an overdevelopment of the site.

#### *Scale*

10.39. The scale of the houses is of two storey domestic scale which is considered appropriate and in keeping with the height of neighbouring properties. The size of the buildings individually would *in general terms* be acceptable in isolation, however, cumulatively the development of the plot with three houses squeezed into the site is considered out of keeping with the scale of single villas or 2 single villas within a landscaped garden setting that characterises the conservation area. The cumulative scale of the 3 dwellings proposed would therefore be unacceptable in this setting.

#### *Appearance:*

10.40. The appearance of the three dwellings is informed from an Arts and Crafts era. There is no objection individually to the appearance of these buildings or the vernacular response. The bays and gables give articulation to its appearance and this appears as an acceptable response individually.

#### *Views:*

10.41. When viewed from the west, Headington Hill forms a green landscape background to the historic city centre in its valley setting. The hillside also provides a number of vantage points giving good views down to the city's skyline. The protection of viewpoints, together with 'view cones' looking out across Oxford with the 'green backcloth' in the distance, are seen as important elements of public enjoyment as well as heritage value.

10.42. In this case, the application is not supported by verified views and therefore an assessment has been made on the basis of an objective interpretation of the information provided and Officers' knowledge of these views from other recent developments.

10.43. In long views from the city from elevated City landmarks in particular from St Mary's Tower the proposed buildings by reason of their siting and position as well as the removal of the trees within the site and screening vegetation, would be visible on the side of Headington Hill. As opposed to glimpsed views of elements of the roof tops of traditional villas, the buildings would be evident and seen as a cumulative mass and would have a harmful impact on both the setting of Headington Hill Hall (grade II\*) and the appearance of the conservation area. In long distant views, the proposals would certainly appear as a continuous line of building mass on this section of the hillside which presently appears to be essentially wooded. There is virtually no space available for landscape planting of any significance and nor would it be sufficient to provide appropriate tree canopies to mitigate the harm that the visual impact of the buildings would have on the character and appearance of the conservation area and its green backdrop. Furthermore, any proposed tree planting that were to be successfully planted would not be able to mitigate in the short term the harm caused by their loss.

10.44. Within short distance views, Pullens Lane has a very distinct verdant and sylvan and tranquil rural quality at this point with abundant vegetation along boundaries giving a sense of enclosure, generous gardens and large but not visually intrusive houses. This character changes to a more urbanised residential quality as it progresses northward towards Jack Straws Lane as front gardens are manicured and houses visible to the Lane. This urbanisation of the northern end of the lane means that the particular character of the southern end of Pullens Lane at this point is even more valuable and fragile and identified in the conservation area appraisal.

10.45. In views along Pullen's Lane the site as proposed would appear more densely developed and urbanised as the green and verdant qualities of the site would have been removed and eroded by the development, including extensive hard surfacing for vehicles, two vehicular accesses and limited landscaping proposed. The landscaping proposed would not sufficiently mitigate against the openness and loss of character. The development would therefore harm the important character that has been identified as needing to be preserved in the conservation area appraisal.

*Setting of Headington Hill Hall:*

10.46. The landscaped hillside contributes to the setting of Headington Hill Hall, which is Grade II\* listed. However, it's a relatively small contribution. The greater part of the Hall's setting is informed by the immediate parkland the Hall sits within. The development will have a less than substantial impact upon the setting of Headington Hill Hall but it will be towards the minor end of less than substantial. The peripheral location of 1 Pullens Lane to the site and its woodland landscape setting is considered to have a more minor impact overall.



and the harm caused by the inappropriate development is very small towards the minor end.

*Conclusion:*

10.47. In conclusion therefore it is considered that the proposed development would not meet the test of high quality design. It would fail to appropriately respond to the character and appearance of the site itself and its context and would amount to overdevelopment of the site. It is considered that the development would cause less than substantial harm to the significance and character and appearance of the conservation area and the setting of the adjacent listed heritage asset.

10.48. In accordance with the NPPF, as less than substantial harm would be caused to the heritage assets, any public benefits of the development must be weighed against this harm, acknowledging that great weight should be given to the conservation of designated heritage assets. The scheme would deliver 3 houses, providing a net gain of 2 houses overall. However, it is considered that the delivery of 2 houses would not outweigh the harm identified to the significance of the conservation area. Officers have been clear that a high level of weight is afforded to the preservation of the significance of Pullens Lane and the character and appearance of the conservation area. As such it is considered that the public benefit derived from the proposed development would not outweigh the high level of less than substantial harm in this case. The development is therefore contrary to Policies CP1, CP8, CP9, HE7, HE3, HE10 of the Oxford Local Plan, emerging policies DH1, DH2 and DH3 of the Oxford Local Plan 2036, policy CS18 of the Core Strategy and the NPPF. Officers have afforded great weight to their statutory duty under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**e. Impact on trees**

10.49. Policy NE15 of the adopted Local Plan 2016 seeks to retain trees, hedgerows and other valuable landscape features that form part of a development site, if their loss would have a significant adverse impact upon public amenity or ecological interest. Further policy NE16 seeks to ensure that development will not destroy protected trees if it will have a significant adverse effect upon public amenity.

10.50. Policy GSP3 of the HNP states development proposals which may result in significant harm to sites and/or species of ecological value as defined by Policy CS12 of the Oxford Core Strategy or any future policy in a subsequent development plan document will not be permitted, unless the developer can demonstrate that the benefits of the development clearly outweigh the loss, and this can be mitigated against and compensated for elsewhere within the HNPA by providing a replacement habitat on an equivalent or higher ecological value.

10.51. Policy CS12 of the Core Strategy seeks to ensure that new developments include features beneficial to biodiversity.

- 10.52. The garden of 1 Pullens Lane appears to have been neglected for many years and is now over-grown. The proposals require the removal of a significant proportion of the existing trees and other vegetation within the site, as identified in the submitted Arboricultural Report and Impact Assessment.
- 10.53. The Tree Officer comments that many of the trees and vegetation to be removed are of low quality and value and as a consequence would not be objectionable in respect of the quality of the trees. The construction of car parking spaces for unit 3 will encroach within the Root Protection Areas (RPAs) of trees in the gardens of Pullens Gate. However, the degree of encroachment is small and the viability of the trees should not be harmed if the hard surface is designed to minimise root damage i.e. no-dig, and carefully constructed. Further details of the design and method of construction of these car parking spaces would be required by condition if the scheme were otherwise acceptable.
- 10.54. Overall, it is considered that the scheme albeit removing a large number of trees and vegetation is of a low quality and is not objectionable in terms of the health, stability and value of the trees individually.
- 10.55. However, the policies have regard also to the loss of those trees in respect of their public amenity value and whilst these trees are of low quality, collectively these trees contribute significantly to the sylvan qualities of this part of the Conservation Area. The removal of these trees and the erection of 3 significant buildings and associated hardstanding would remove the verdant green semi rural character of this part of Pullens Lane and there is little by way of the proposed landscape planting to mitigate this loss. The only mitigation offered is along the frontage along Pullens Lane however, this is not considered to be of form and magnitude to compensate for the collective loss of the groups of trees and vegetation that characterises the site and contributes to its semi rural setting.
- 10.56. In an assessment of a previous scheme on site for a care home, it was considered that the proposals to remove trees on this site would as a result be to the detriment of the Conservation Area without appropriate mitigation. In this case, the proposed mitigation is to plant replacement trees along the frontage, but this is not considered sufficient to replace the collective qualities of the trees lost.
- 10.57. In respect of biodiversity impact of the loss of the trees, the Council's Ecology Officer notes that the loss of trees will have a significant impact on habitat loss and does not demonstrate that this can be appropriately mitigated with gains on site, or failing that off site, through the mitigation planting. It is considered that the loss of trees and vegetation will result in the loss of habitats and this will have a clear reduction in foraging and commuting habitat for species such as badgers [s](#) contrary to policies NE15 and NE16 of the Local Plan as well as GSP3 of the HNP.

**f. Impact on ecology**

- 10.58. Policy CS12 of the Core Strategy states development will not be permitted that results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity
- 10.59. The applicant has submitted an Ecological Appraisal but it is clear that the scope of the report is based on a field survey and desktop study and relevant species-specific surveys carried out between 2013 and 2018, as well as an "updating walkover survey" carried out on 29<sup>th</sup> November 2019.
- 10.60. The Council's Biodiversity Officer has considered the extent of the survey submitted and notes as follows:
- 10.61. Badgers – As per the previous application, impact on badgers doesn't appear to have been adequately addressed. This lack of information has been raised previously. Further information is required to assess impacts on the species.
- 10.62. Bats - The house is still identified as offering low potential to support roosting bats, with surveys not updated since 2018. The house still offers a small number of potential roost features, therefore it's unclear why a follow up survey hasn't been provided in accordance with best practice.
- 10.63. Reptiles – The survey hasn't been updated since 2014. The ecology report states that 'if present, reptiles on site would likely be slow-worm in small numbers, however, in the absence of updated survey data, this cannot be confirmed'. It is therefore unclear how it can be determined that reptiles will not be harmed if sufficient surveys haven't been completed in 2019.
- 10.64. Loss of biodiversity – Overall the scheme will represent a loss of biodiversity, with significant tree and habitat loss. The scheme will need to demonstrate that a net gain in biodiversity will be achieved, and where this cannot be done on-site, consideration may be required for off-site compensation. The scheme would cause a clear reduction in foraging and commuting habitat for species such as badger.
- 10.65. In view of the above, it is considered that the ecological assessment is not up to date and fails to take into account the full impact on protected species and on species of ecological value, which there is a statutory duty to protect. Subsequently, the applicant has failed to demonstrate that the scheme can be delivered without adverse harm to protected species, contrary to adopted policy CS12 and guidance in the NPPF and policy GSP3 of the HNP.

**g. Impact on residential amenity**

- 10.66. The three houses are proposed sitting within the site in a row fronting onto Pullens Lane. It is considered that the houses in terms of bulk and massing are of a size and scale that will not result in harm to the amenities of neighbouring residents within the development site itself or to Pullens Gate

10.67. In terms of privacy, the houses are designed with predominately front and rear windows and the only windows at first floor to the side are to serve bathrooms and ensuites which can be conditioned to be obscure glazed to protect amenity.

10.68. Concerns have been raised by the occupiers of Pullens Gate in respect of distance to the boundary but it is considered that the site plan submitted is adequate to demonstrate these distances. Furthermore there would be no special requirement for specific construction required for the boundary walls to protect amenity.

10.69. It is considered the proposal complies with policy HP14 of the Sites and Housing Plan.

#### **h. Outdoor and internal space standards**

10.70. The proposal is for 3 significant dwellings, all of a size that would meet with the Nationally Described Internal Space Standards as required by policy HP12 of the Sites and Housing Plan.

10.71. In terms of outdoor space, each dwelling has a rear garden which is considered to provide the necessary outdoor space commensurate for dwellings of this size in accordance with policy HP12.

#### **i. Bins and bicycles**

10.72. To the front of each dwelling is space for bin storage and bike storage appropriate to meet the requirements of each property. This is considered to comply with policies HP13 and HP15 of the Sites and Housing Plan and could be secured by condition if the proposals were otherwise acceptable.

#### **j. Car Parking/Highways**

10.73. The site is sustainably located within walking distance of bus stops on the London Road. However, in line with the Sites and Housing Plan, also includes appropriate parking to comply with policy HP16 of the SHP. The emerging parking policy within the Oxford Local Plan 2036 is also of relevance. Policy M3 states in Controlled Parking Zones (CPZs) where development is located within a 400m walk to frequent (15 minute) public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development this is car free. In this instance, the site is not within a CPZ, however, the emerging policy states for residential development that parking for a dwelling of any size should be provided at 1 space per dwelling and car club parking up to 0.2 spaces per dwelling. In this instance the parking spaces are not set out but it is clear the space to the front of the houses would enable parking in excess of 1 car per dwelling.

10.74. Following concerns raised from OCC Highways in respect of visibility splays onto Pullens Lane from the modified and proposed accesses, revised site plans have been received. This is considered acceptable by the County and they have no objections to the scheme on highway grounds. The proposals would therefore comply with the NPPF in this regard.

#### **k. Archaeology**

10.75. Policy NE2 of the Oxford Local Plan has regard to the archaeological value and implications arising from development proposals. In this instance, the application is of interest because it involves a change of levels on a largely green-field site located in an area with general potential for prehistoric and Roman activity. The site lies within an extensive landscape of dispersed Roman pottery manufacturing sites associated with the nationally important regional pottery industry orientated on the Alchester-Dorchester Road. The site also lies close to the projected line of the Civil War Parliamentary Siege works.

10.76. An archaeological desk based assessment has been produced for this site by Pre-Construct Archaeology (2014). This notes a low potential for prehistoric remains, low to moderate potential for Roman and early medieval remains and moderate potential for post-medieval remains. It is commented that such assessments of potential are difficult in areas which have not been subject to significant previous archaeological investigation. In this instance, taking into account the information available on contemporary settlement density across East Oxford, a marginally higher assessment of potential is warranted to that stated in the assessment. Therefore no objection is raised subject to a condition requiring recording were the proposals otherwise acceptable in accordance with policy NE2 of the Oxford Local Plan.

#### **I. CIL**

10.77. The application is liable for CIL

### **11.CONCLUSION**

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

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

- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary it is considered that whilst the proposal to redevelop the site would provide three houses, the assessment of the scheme above has outlined how it is considered that the scheme would result in harm to public interests through the adverse impact on the character and appearance of Headington Hill conservation area and the views of the site from Central Oxford conservation area; the impact on the setting of Headington Hill Hall; the failure to demonstrate that the proposal makes the best efficient use of the land; as well as the failure to provide up-to-date ecological assessment that does not demonstrate that the impact on protected species will not be adverse in conjunction with habitat loss through the removal of trees and vegetation. This harm is considered to outweigh the benefits of the scheme.
- 11.5. Officers would advise members that having considered the application carefully that the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, the Sites and Housing Plan 2026, the Oxford Local Plan 2001-2016 and the emerging Oxford Local Plan 2036, that when considered as a whole, that there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend that the East Area Planning Committee refuse planning permission for the proposed development for the reasons stated at paragraph 1.1 of this report.

## **12. HUMAN RIGHTS ACT 1998**

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

## **13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

## EAST AREA PLANNING COMMITTEE

3<sup>rd</sup> June 2020

**Application number:** 19/03303/FUL

**Decision due by** 18th February 2020

**Extension of time**

**Proposal** Demolition of former MOT facility (Use Class B2). Erection of part four part three storey building to create 4 x 1-bed flats and 3 x 2-bed flats (Use Class C3). Erection of a single storey building to create 1 x 2-bed flat (Use Class C3). Provision of private amenity space, bin and cycle storage, alterations to landscaping and formation of 1no. disabled parking space.

**Site address** Land To The Rear Of 4 Lime Walk, Oxford, Oxfordshire, OX3 7AE – see **Appendix 1** for site plan

**Ward** Headington Ward

**Case officer** Sarah Orchard

**Agent:** Mrs Anna Thomson      **Applicant:** Biggin Morrison Investments Ltd.

**Reason at Committee** More than four residential units

---

### 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **refuse the application** for the following reasons:

- 1 Due to the scale and massing of the proposed flats, the proposal fails to form an appropriate visual relationship between the student accommodation blocks at Dorset house, two storey buildings in Lime Walk and office building to the north of the site to the detriment of the character and appearance of the area and visual amenity, contrary to policies CP1 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CIP1 and GSP4 of the Headington Neighbourhood Plan.
- 2 No formal assessment has been carried out on the impact on light to the office building to the north of the site. Given the height and proximity of the proposed development to this neighbouring property and the location of light sources in the office building, the application fails to demonstrate that the proposal would not be harm to the amenity of the office building at Lime Tree Mews contrary to policy CP10 of the Oxford Local Plan.

- 3 The proposal due to its height and scale in a backland location in close proximity to rear gardens of Lime Walk would result in a perceived loss of privacy to the detriment of the amenity of neighbouring occupiers contrary to policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.
- 4 The proposal fails to provide an adequate level of shared outdoor amenity space to serve the proposed units, especially those without direct access to a balcony or terrace in accordance with the requirements of policy HP13 of the Sites and Housing Plan.

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

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

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the redevelopment of the commercial garage at 4 Lime Walk. The application proposes to demolish the former MOT garage and erect a part four storey part three storey building to create 4no. one bedroom flats, 3no. two bedroom flats and a 1no. 1 bedroom flat in a detached single storey block with private amenity space, bin and cycle storage, landscaping and 1no. disabled parking space. The report finds that residential development of the site is acceptable in principle. However the scale of the development would not be appropriate to the small backland plot, no formal assessment has been carried out in relation to the impact on light to offices at Lime Tree Mews to the north of the site and an unacceptable perception of overlooking to gardens to the south of the site would result. For those reasons the proposals are considered to be contrary to the relevant planning policies and 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 liable for CIL.

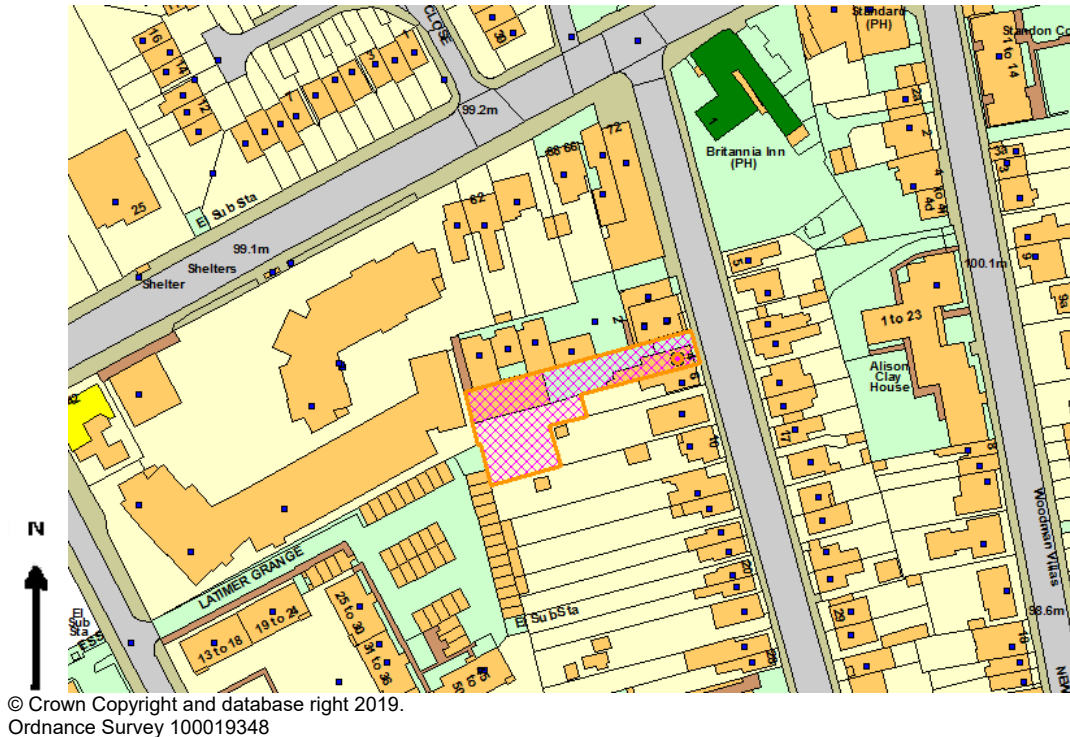
## **5. SITE AND SURROUNDINGS**

5.1. The site is located in the Headington Area of Oxford to the north-east of the city centre. The application site is a back land site accessed off Lime Walk but falls in close proximity to properties on the southern side of London Road. The neighbouring properties surrounding the site are predominantly residential. The site benefits from a narrow vehicular access to the north of 4 Lime Walk. To the rear (west) of the plot, the site widens and extends to the south behind the rear gardens of 6 and 8 Lime Walk with high boundary fences. The application



involves the demolition of the existing single storey garage which was last used in 2005.

5.2. See site location plan below:



## 6. PROPOSAL

- 6.1. The application proposes the demolition of the former MOT facility (Use Class B2). The proposal includes the construction of 2 buildings. The first would be located in the north-western corner of the site. It would have a total length of 21.7 metres. At its highest point, in the north-western corner of the site it would be four storeys and be 11.7 metres high, stepping down to three storeys with an approximate height of 8.8 metres. This building would accommodate 2 flats at ground floor level (1no. one bedroom and 1no. two bedroom), 2 flats at first floor level (1no. one bedroom and 1no. two bedroom), 2 flats at second floor level (1no. one bedroom and 1no. two bedroom), and 1no. one bedroom flat at third floor level. The second building would be located on southern section of the site which sits behind the garden of No. 8 Lime Walk. It would be of single storey construction and accommodate 1no. two bedroom flat. At its highest it would measure 4.5 metres sloping down to 3.1 metres where it nears the boundary with No. 8 Lime Walk.
- 6.2. The originally approved scheme was a maximum of 8.45 metres high. A variation (19/03125/VAR) to the original approval (17/01480/FUL) has however been approved to allow a small increase in height to accommodate the required insulation between flats. This was a maximum of 80cm to the three storey element, 30cm to the two storey element and 40cm to the single storey element.

This overall results in a maximum overall height of 9.25 metres high in comparison to the 11.7 metres now proposed.

- 6.3. The application also includes the provision of private amenity space, bin and cycle storage, alterations to landscaping and formation of 1no. disabled parking space.

## **7. RELEVANT PLANNING HISTORY**

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

51/01560/A\_H - Workshop. TEMPORARY PERMISSION 23rd January 1951.

63/13257/A\_H - Change of use from upholstery business to provide car hire business. PERMIT 9th April 1963.

68/20508/AA\_H - Erection of a bathroom and office at rear of existing dwelling house and extension to garage building. PERMIT 24th September 1968.

68/20508/A\_H - Extension to provide bathroom and office, extension to garage and additional use of existing car hire business for the repair and maintenance of vehicles unconnected with that business. REFUSED 20th August 1968.

71/23949/A\_H - Erection of car port. REFUSED 23rd March 1971.

71/25150/A\_H - Erection of car port. REFUSED 14th December 1971.

73/01335/A\_H - Erection of garage for private car. REFUSED 4th October 1973.

15/03755/FUL - Erection of a two storey building to create 4 x 2-bed flats (Use Class C3). Provision of 2No. car parking spaces, private amenity space, bin and cycle store. WITHDRAWN 13th May 2016.

17/01198/H42 - Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.0m, for which the maximum height would be 3.80m, and for which the height of the eaves would be 2.85m. PRIOR APPROVAL NOT REQUIRED 20th June 2017.

17/01480/FUL - Demolition of former MOT facility (Use Class B2). Erection of three storey building to create 3 x 1-bed flats and 2 x 2-bed flats (Use Class C3) . Erection of a single storey building to create 1 x 2-bed flat (Use Class C3). Provision of private amenity space, bin and cycle storage, alterations to landscaping and formation of 1no. disabled parking space (additional information). REFUSED 1st June 2018. ALLOWED ON APPEAL 9th September 2019.

18/02442/FUL - Demolition of former MOT facility (Use Class B2). Erection of three storey building to create 3 x 1-bed flats and 2 x 2-bed flats (Use Class C3). Erection of a single storey building to create 1 x 2-bed flat (Use Class C3).

Provision of private amenity space, bin and cycle storage, alterations to landscaping and formation of 1no. disabled parking space. WITHDRAWN 28th May 2019.

17/01480/CND - Details submitted in compliance of condition 3(Samples), 4(Drainage), 12(Phased Risk Assessment) and 15(Landscape Plan) of refused planning permission 17/01480/FUL allowed on appeal  
APP/G3110/W/18/3213179. PENDING CONSIDERATION.

19/03125/VAR - Variation of condition 2 (in accordance with approved plans) of planning permission 17/01480/FUL (allowed on appeal) to allow an increase in height, alterations to the fenestration and alterations to the detailing of the buildings. PERMIT 30th January 2020.

19/03166/VAR - Variation of condition 6 (Building Regulations Part M) of planning permission 17/01480/FUL (allowed on appeal) (Demolition of former MOT facility (Use Class B2). Erection of three storey building to create 3 x 1-bed flats and 2 x 2-bed flats (Use Class C3). Erection of a single storey building to create 1 x 2-bed flat (Use Class C3). Provision of private amenity space, bin and cycle storage, alterations to landscaping and formation of 1no. disabled parking space (additional information)) to allow amendments to the wording of the condition. WITHDRAWN 4th February 2020.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Headington Neighbourhood Plan	Oxford Local Plan 2036
<b>Design</b>	117, 122, 124, 127, 128, 130,	CP1, CP6, CP8,	CS2_, CS18_,	HP9_, HP10_,	CIP1, GSP4,	RE2 – Efficient use of land DH1 – High quality design and placemaking DH7 – External servicing features and stores
<b>Housing</b>	63		CS23_,	HP2_, HP12_, HP13_,		H4 – Mix of dwelling sizes H10 – Accessible and adaptable homes H15 – Internal space standards

						H16 – Outdoor amenity space standards
Commercial			CS28_			E1 – Employment sites
Natural Environment	153, 154	CP11, NE15,	CS11_			RE1 – Sustainable design and construction G1 – Protection of green and blue infrastructure network G8 – Protection of existing green infrastructure features
Transport	102, 108-110			HP15_, HP16_		M1 – Prioritising walking, cycling and public transport M3 – Motor vehicle parking M4 – Provision of electric charging points M5 – Cycle parking
Environmental	163, 178-180	CP10, CP22,	CS9_	HP11_, HP14_		H14 – Privacy, daylight and sunlight RE3 – Flood risk management RE4 – Sustainable drainage, surface and groundwater flow RE7 – Managing the impact of development RE9 – Land quality
Misc	11			MP1		

## **9. CONSULTATION RESPONSES**

9.1. Site notices were displayed around the application site on 6th January 2020.

### **Statutory and non-statutory consultees**

Oxfordshire County Council (Highways)

9.2. Objection to the grant of planning permission due to lack of tracking details for the proposed parking space and lack of pedestrian visibility splays.

Headington Action

9.3. No comments received.

Central North Headington Residents Association

9.4. No comments received.

Barton Community Association

9.5. No comments received.

### **Public representations**

9.6. 2no. third party comments received (from Lime Tree Mews and address not given).

- No objection to the principle of development. Concerns raised with the impact on light to Lime Tree Mews offices.
- The development should be excluded from eligibility for on-street parking permits.

### **Officer response**

9.7. These matters are dealt with in the report below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of Development (including Loss of a Business Premises and Balance of Dwellings);
- ii. Affordable Housing
- iii. Design;
- iv. Neighbouring Amenity;
- v. Internal and External Space;
- vi. Highways/Parking;
- vii. Sustainability

- viii. Drainage;
- ix. Land Quality;
- x. Trees;

**i. Principle of Development**

- 10.2. Policy CS2 of the Core Strategy (to become G7 of the Oxford Local Plan 2036) and the NPPF support the focusing of development on previously developed land. The application site is a former commercial garage which has been disused since 2005. Given the shortage of housing in Oxford the proposal is considered to be an efficient reuse of a previously developed site to provide housing. Policy CP6 and the NPPF also support making a more efficient use of sites.
- 10.3. Policy CS28 of the Core Strategy (to become policy E1 of the Oxford Local Plan 2036) relates to employment sites. Planning permission will not be granted for the loss of key protected employment sites. The application site is not a key protected employment site and has been vacant for some time. In relation to emerging policy E1, the proposal would be considered a category 3 site with the lowest level of protection. For the loss of a category 3 site it is required to demonstrate that there is no interest in the site for a business use. The last business rates were paid in 2005. Given the proximity to residential dwellings, applications to intensify and support the business use on the site have previously been refused due to impact on the amenity of neighbouring occupiers. When the property was marketed for sale, the only interest which came forward was for potential residential use as evidenced under the original approval, 17/01480/FUL. It is therefore considered that the loss of the business use on the site is considered acceptable and in accordance with policy CS28 of the Core Strategy as already accepted with application 17/01480/FUL.
- 10.4. Policy CS23 of the Core Strategy relates to mixed and balanced communities. This policy is supported by the Balance of Dwellings Supplementary Planning Document (SPD) which sets out the appropriate housing mixes for each neighbourhood area. The proposed development sits within the Headington Neighbourhood area which is classed as an 'amber area'. The SPD states that developments shall not result in the net loss of family dwellings and new development should provide at least 30% of the development as 3 bedroom homes. In neighbourhood centres for developments of 1-9 units, no specific mix is required. The application site lies adjacent to but not within the district centre. The boundary of the District Centre lies along the northern boundary of 2 Lime Walk. Given the proximity to the district centre, the constrained nature of the site and in order to make the most efficient use of land, it is considered that the proposed development is acceptable and in line with policy CS23 of the Core Strategy. Furthermore policy H4 of the emerging Oxford Local Plan 2036 no longer requires a specific mix of housing on developments of less than 25 units.

**ii. Affordable Housing**

- 10.5. Policy HP4 of the Sites and Housing Plan seeks affordable housing contributions from developments of 4 to 9 dwellings towards the delivery of affordable housing elsewhere in Oxford. The Planning Practice Guidance (PPG) section 'Planning

Obligations' at paragraph 31 advises that financial contributions should not be sought from developments of ten dwellings or less as does the NPPF.

- 10.6. Through the examination of the Oxford Local Plan 2036, the Inspectors have requested that policy HP4 is not carried through to the emerging plan as there is insufficient evidence to support the policy. Full weight is therefore given to the national policy and affordable housing contributions are no longer being sought from schemes of 9 or less dwellings. The previous application, 17/01480/FUL, was also subject to an appeal in which the inspector concluded that there was not enough evidence to support policy HP4 of the Sites and Housing Plan and therefore allowed the appeal.

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

- 10.7. A scheme (17/01480/FUL) was allowed on appeal following a hearing on affordable housing. That scheme was for 6 flats, primarily in a part three storey, part two storey building with a detached single storey unit. This proposal seeks to add an additional storey to the main block creating a part four storey part three storey building. The design is a fairly contemporary building with a combination of pitched roof to the single storey building and flat roofs to the larger building, large windows with the use of timber, render and metal cladding which, whilst it sits adjacent to more traditional pitched roof properties in Lime Walk, it also sits close to Latimer Grange a 1970s development of flats accessed off Latimer Road, the Unite Student Accommodation on London Road and Lime Tree Mews directly to the north of the site which are contemporary buildings with flat roofs. Therefore there is a variety of architectural styles in the surrounding area which the proposal compliments. The previously approved height and massing of the proposed development under application 17/01480/FUL was considered respectful of its surroundings. The main block was three stories in height and stepped down to two storey nearer Lime Walk. This was a storey lower than the adjacent four storey Unite Student accommodation and acted as a step down and a successful transition towards the two storey residential buildings in Lime Walk.
- 10.8. The proposed development, by adding an additional storey across the main block fails to successfully integrate into the surrounding area between two storey residential properties in Lime Walk and taller properties to the east. The Unite student accommodation to the west, whilst a four storey building, sits on a significantly larger plot sitting between London Road and Latimer Road and the scale of the building in terms of its height is appropriate to the scale of the plot and the massing of the buildings. The application site is a different context. The site is relatively small and a backland site formed originally of rear gardens to two storey residential properties in Lime Walk. The approved building is more comparable in size and footprint to that of the offices at Lime Tree Mews to the north of the site and therefore would reflect the scale and massing of other buildings found in a similar small backland site located off Lime Walk. This proposal would result in an incongruous addition which would not successfully transition between the student accommodation to the west and two storey residential properties in Lime Walk. It would also sit uncomfortably between the office building at Lime Tree Mews to the north and the single storey unit

proposed to the south of the main block, especially when viewed from the east reading as an incongruous and overly dominant feature within this setting which is also overly dominant within the scale of the plot.

- 10.9. The smallest block remains single storey only in order to respect the backland garden character to the rear of dwellings in Lime Walk and is acceptable on that basis.
- 10.10. Due to the concerns outlined above with the increased scale of the largest block, the proposal is no longer considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CIP1 and GSP4 of the Headington Neighbourhood Plan.

#### **iv. Impact on Neighbouring Amenity**

- 10.11. The proposed development is not considered to respect the impact on neighbouring properties and has not been designed to be mindful in terms of loss of light, overbearing impact and perceived loss of privacy. The main four storey/three storey block would be located in the north western corner of the plot. The northern side of the plot is currently bordered by a high brick wall, equivalent to two stories in height. This wall would be retained and the building would be set 1 metre off this boundary.
- 10.12. Third and fourth floor rear facing windows are located above this wall but are high level and as such there will not be an unacceptable sense of overlooking between windows. The windows in the rear elevations of the main block are also to be obscurely glazed. The main block sits to the east of existing student accommodation and does not sit in front of windows to habitable rooms. The primary outlook of the main block is south facing, these windows are between 15 and 17 metres from the southern boundary of the site. At their closest they are just under 6 metres from the very rear of the garden to 8 Lime Walk. The property itself is over 20 metres away and the proposals would be at an oblique angle to the rear facing windows of the dwellings. The single storey block will largely be obscured by boundary treatments.
- 10.13. Despite these acceptable elements of the proposal, the additional storey proposed to the main block would be extremely visible and harmful to the amenities of the neighbouring properties in Lime Walk which would result in a perceived loss of privacy to the gardens of properties on the western side of Lime Walk. Whilst a part two storey part three storey building has already been approved, this decision was finely balanced. The rear gardens of Lime Walk can reasonably expect the sense of two or three storey windows overlooking back gardens as experienced from the existing dwellings overlooking rear amenity space from rear windows at ground and first floor and in some cases rear box dormers. The addition of a four storey above this would result in an unacceptable relationship in a backland setting resulting in a perceived sense of overlooking which would tip the balance from an acceptable position to an unacceptable relationship between the amenity space to existing dwellings and the proposed units.



10.14. Furthermore no formal assessment has been carried out on the impact on light to the offices at Lime Tree Mews directly to the north of the site. The submitted daylight/sunlight assessment states that residential daylight/sunlight guidelines should not be applied to office/commercial buildings in accordance with BRE guidelines. Whilst this is correct and the same level of protection does not apply, BRE does give guidance on acceptable levels of light to office buildings and gives an example of a lightwell. Given that the main light source and outlook is a lightwell adjacent to the development site and the proximity and height of the development to this, it is considered a fuller assessment is now required. The BRE guidance in the daylight/sunlight assessment demonstrates how the impact to a lightwell of an office building should be calculated but this assessment has not been carried out. Officers cannot therefore be satisfied that there would be no adverse impacts on the amenities of the office building in the absence of this information.

10.15. The proposal is therefore not considered to comply with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

**v. Internal and External Space**

10.16. The development proposes 4no. one bedroom flats and 4no. two bedroom flats. Any new proposed residential units, in accordance with policy HP12 of the Sites and Housing Plan, need to comply with National Space Standards, should provide natural lighting and outlook and have a separate lockable entrance and kitchen and bathroom facilities. Each one bedroom flat meets the 50m<sup>2</sup> minimum space standard for two occupants with a double bedroom over 11.5m<sup>2</sup>. The two bedroom flats exceed the space standard of 61m<sup>2</sup> for three occupants with a double and single bedroom. The double room being over 11.5m<sup>2</sup> and the single room exceeding 7.5m<sup>2</sup>. The proposal is therefore considered to meet the requirements of policy HP12 of the Sites and Housing Plan (which is to become policy H15 of the Oxford Local Plan 2036).

10.17. Policy HP2 (to become policy H10 of the Oxford Local Plan 2036) relates to accessible and adaptable dwellings. This policy refers to the Lifetime Homes standard which has now been superseded by Part M of building regulations. Given the scheme proposes more than 4 dwellings at least one of the homes is required to be fully wheelchair accessible and the rest of the units will need to be adaptable for the future. The nearest equivalent is now optional requirement M4(2) for wheelchair adaptable homes and M4(3) for wheelchair user homes. A condition could therefore have been recommended that the homes must be built to these standards if the proposal had been acceptable.

10.18. In terms of outdoor space, 1 and 2 bedroom flats are required to have direct access to a private balcony or terrace. All the units have access to this or a shared garden area. Given the increase in number of units, there is an increased pressure on the shared space, two of the flats having no direct access to private amenity space. This furthermore demonstrates that the additional storey to the building oversaturates the capacity of the site for development.

10.19. This outside space also accommodates bin storage, cycle storage and a disabled

parking space, all of which have direct level access to the street in accordance with policy HP13 of the Sites and Housing Plan (which is to become policy H16 of the Oxford Local Plan 2036).

**vi. Highways/Parking**

- 10.20. The application displays 16 cycle parking spaces for the development in three locations adjacent to flat entrances. This level of provision is welcomed as it exceeds minimum guidelines of 2 cycle parking spaces for a 1-bed or 2-bed dwelling required under policy HP15 of the Sites and Housing Plan. All residential cycle parking must also be secure, enclosed and undercover. Further details could be requested by condition.
- 10.21. It is noted that the application document states that the new dwellings would be car free. The proposed location is considered to be sustainable due to the proximity of within 800 metres of a local supermarket and has excellent access to public transport. Therefore, the car free nature of this development is considered acceptable. The dwellings are situated within a CPZ and the dwellings could be excluded from eligibility from parking permits by condition to enforce the car free nature of this development.
- 10.22. The application proposes one disabled parking space for the site located at the end of the access road. Concerns were raised that the position of this car parking space did not appear to allow sufficient turning space for vehicles to enter the site, turn around and leave in forward direction. A swept path analysis does demonstrate that a modern family vehicle can safely and easily enter and exit the disabled parking space. Concerns have also been raised by the Local Highway Authority about pedestrian visibility into the access. This was not a concern which was raised on previously approved applications with the same access and parking arrangements and the access is an existing access which previously was likely to have greater use as a commercial garage. It is therefore not considered reasonable to request this information or refuse planning permission on this basis.
- 10.23. The site is situated along an access road. The plans now display the location of the bins. Residents should not be required to carry waste more than 30m to the storage point and waste collection vehicles should be able to get to within 25 m of the storage point. The plans demonstrate that this would be the case. The proposal also demonstrates that emergency vehicles would be able to access the site. Manual for Streets states that vehicle access for a pump appliance is required within 45m of every dwelling entrance for flats. A swept path analysis and revised site plan demonstrate that an emergency vehicle could reverse into the site and exit the development safely and without obstruction. Satisfactory location of bin storage was also provided on the revised site plan and would be secured by condition.
- 10.24. The proposal is therefore considered to comply with policies CP1 and CP10 of the Oxford Local Plan and policies HP15 and HP16 of the Sites and Housing Plan.

**vii. Sustainability**

- 10.25. In accordance with Policy HP11 of the Sites and Housing Plan (which is to become policy RE2 of the Oxford Local Plan 2036), the application site is not a qualifying site to provide 20% of the energy needs from on-site renewable or low carbon technologies. This policy does however still stress importance of incorporating renewables or low carbon technologies into schemes. The application has not been accompanied by an energy efficiency statement (although one has previously been approved) to demonstrate how energy efficiency have been incorporated into the proposed development. This could be requested again by condition if the scheme was otherwise acceptable.
- 10.26. In addition to this, conditions could be imposed to ensure that the development meets water and energy efficiency standards. A condition relating to water efficiency could be recommended for the new dwellings, if the scheme was otherwise acceptable, to ensure that the optional requirement G2 36 (2) (b) of building regulations is triggered.
- 10.27. A condition could also be recommended, if the scheme was otherwise acceptable, in relation to energy efficiency to ensure that the new dwellings meet an energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes in order to ensure compliance with policies HP11 of the Site and Housing Plan and CS9 of the Core Strategy.

**viii. Drainage**

- 10.28. The current MOT garage currently occupies an area of approximately 400m<sup>2</sup> (including building and drive/parking area). A portion of the land, approximately 340m<sup>2</sup> is green undeveloped land. In excess of the current footprint of previously developed space.
- 10.29. The proposed development is located within Flood Zone 1 according to the Environment Agency's Pluvial (river) Flood Maps. Furthermore, the Environment Agency's Surface Flood Mapping does not indicate the development as at risk to surface water (fluvial) flooding. The site does however lie within the catchment zone for the Lye Valley fen SSSI, which is sensitive to changes in water quantity and quality. Therefore, a Sustainable Drainage scheme should be required by condition
- 10.30. Infiltration drainage is preferential where feasible (proven by soakage tests) and SuDS providing a treatment benefit (such as permeable paving) are encouraged in order to protect the sensitive SSSI from pollutants. Inert materials should be used in order to prevent adversely affecting the pH of the receiving waterbodies.
- 10.31. Had the scheme otherwise been acceptable, conditions would be recommended requiring the provision of further Sustainable Drainage system design/plans prior to commencement of the development to ensure compliance with policy CS11 of the Core Strategy (to become policies RE3 and RE4 of the Oxford Local Plan 2036).

**ix. Land Quality**

10.32. The application has been accompanied by a phased risk assessment. The application has been reviewed by the Local Authority Land Quality Officer who has concluded that the development would be acceptable subject to evidence being provided that the proposed remedial works have been carried out, which if the scheme was otherwise acceptable could be requested by condition to ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016 (which is to become policy RE9 of the Oxford Local Plan 2036). A condition could also be imposed, if the scheme was otherwise acceptable, to request that any unexpected contamination found is reported to the Local Planning Authority and remediated in accordance with schemes approved by the Local Planning Authority.

**x. Trees**

10.33. The application details indicate that five trees are shown to be removed; trees T3 (graded U), T5 (graded B) and T7, T8 and T11 (graded C). Two trees are shown to be retained; trees T2 and T4. There are also potential 'indirect' arboricultural implications, which are associated with the encroachment into the site of the Root Protection Area (RPA) of T1 (Horse chestnut) standing within the southeast corner of Dorset House (not included in the Oxford City Council - London Road (No. 3) Tree Preservation Order 2004). The Root Protection Area encroachment of T1 is minimal and therefore the proposed footprint of the northwestern block would not have any significant adverse impact on the tree providing appropriate tree protection measures are secured and associated hard surfaces around the block are designed and constructed to minimise any ground level changes and are made permeable. In order to ensure the protection of the retained trees in accordance with policies CP1, CP11 and NE15 of the Oxford Local Plan a Tree Protection Plan and Arboricultural Method Statement could be requested by condition if the scheme was otherwise acceptable.

**11. CONCLUSION**

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

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

consistent with the NPPF despite being adopted prior to the publication of the framework.

- 11.3. Therefore in conclusion it would be 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 are inconsistent with the result of the application of the development plan as a whole.
- 11.1. In summary it is considered that the proposal would tip the balance between the benefits of creating a more efficient use of the site with a greater number of residential units and causing harm to the amenity of neighbouring occupiers, amenity of occupiers and the character of the surrounding area. The harm identified is considered to outweigh the benefits of the scheme and would result in overdevelopment of the site.
- 11.2. Officers would advise members that having considered the application carefully, the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend that the East Area Planning Committee refuse planning permission for the proposed development for the reasons set out at the beginning of this report.

## **12. APPENDICES**

- **Appendix 1 – Site plan**

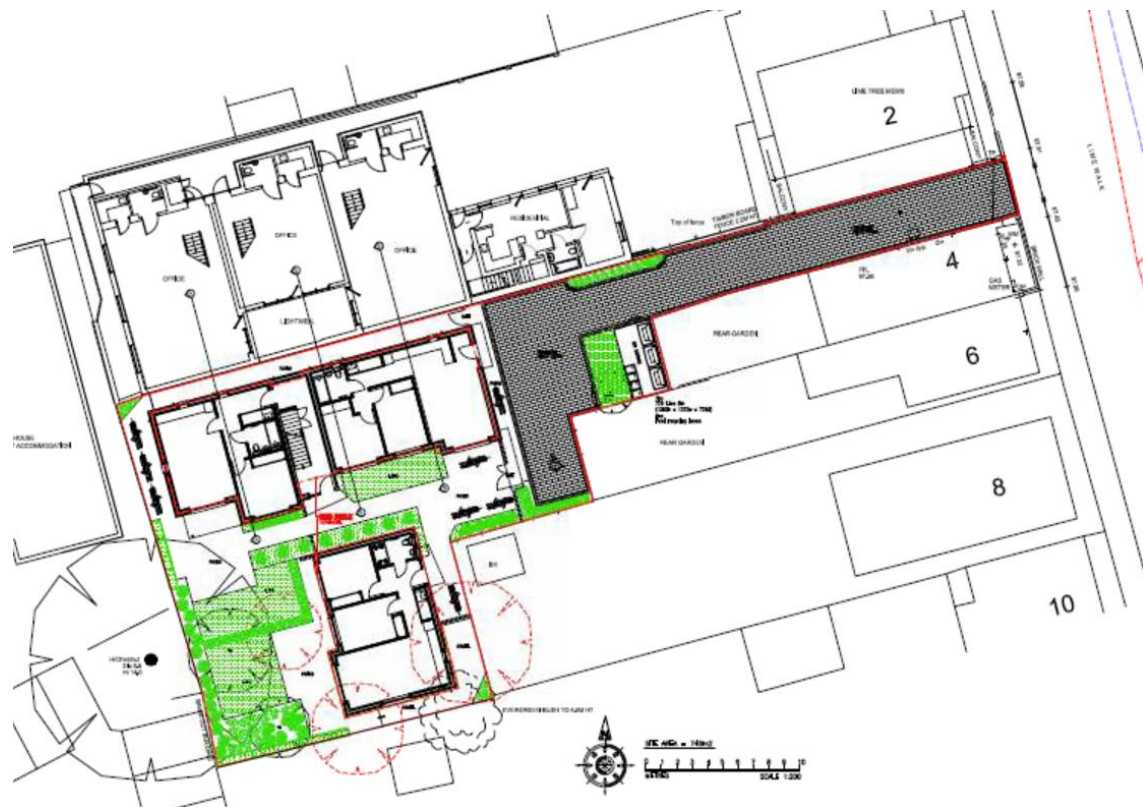
## **13. HUMAN RIGHTS ACT 1998**

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

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

## Appendix 1 – Site Plan



## EAST AREA PLANNING COMMITTEE

3<sup>rd</sup> June 2019

**Application number:** 20/00073/FUL

**Decision due by** 11th March 2020

### Extension of time

**Proposal** Demolition of existing car repair garage. Construction of new building containing 1no. office unit (Use Class B1). Erection of 5 x 2 bed flats (Use Class C3). Provision of 6no. off street car parking spaces, bin and cycle storage.

**Site address** 385 Cowley Road, Oxford, Oxfordshire, OX4 2BS – see **Appendix 1** for site plan

**Ward** Cowley Marsh Ward

**Case officer** Sarah Orchard

**Agent:** Mr Corin Rae      **Applicant:** Bisham Electronics

**Reason at Committee** The application is for 5 or more residential units

---

## 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 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to demolish the existing car repair garage and erect a two storey building with accommodation in the roofspace to provide 5 x 2 bed flats (Use Class C3) and 1no. office units (Use Class B1a) along with provision of car parking and bin/cycle stores. The report considers the previously approved scheme, 19/00359/FUL, and the impact of the changes on the design, affordable housing, amenity, indoor and outdoor space, parking, land quality and drainage. It is concluded that the proposal still remains a policy compliant scheme and is therefore recommended for approval.

### 3. LEGAL AGREEMENT

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

### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

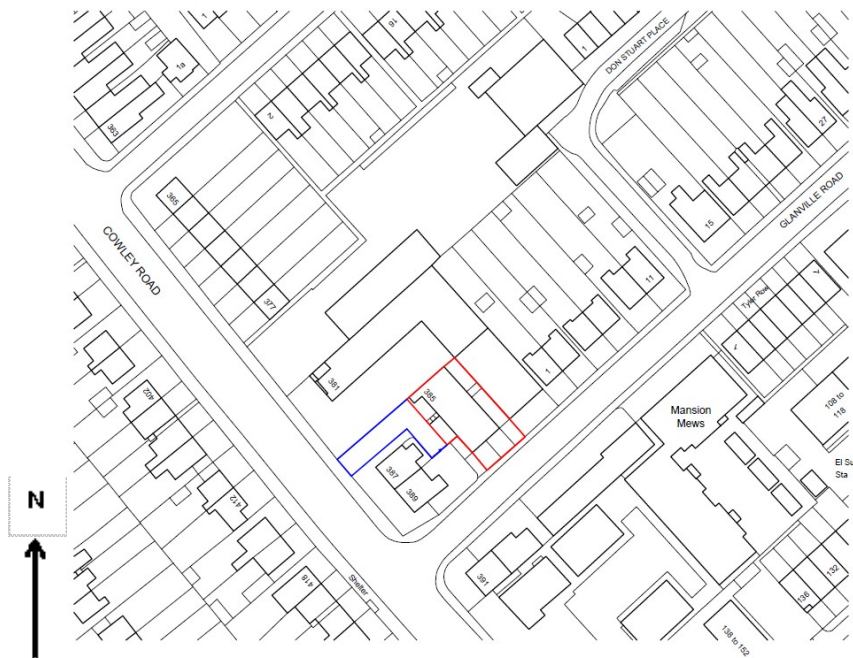
4.1. The proposal is liable for CIL.

### 5. SITE AND SURROUNDINGS

5.1. The site comprises a large building occupied by Mr Clutch Auto Centre. It has an essentially two storey form and is industrial in its appearance, mostly rendered with some metal cladding and a corrugated metal roof. The site has two frontages – one to the Cowley Road and the other on Glanville Road. To the north east of the site is a two storey modern block of student accommodation. To the north west is a large retail unit. To the south east is a pair of semi-detached properties with a take away and tattoo parlour on the ground floor and flats above.

5.2. The footprint of the existing building measures approximately 22 metres by 9.6 metres. The overall height is around 10 metres with an eaves height of about 7 metres.

5.3. See site location plan below:



© Crown Copyright and database right 2019.  
Ordnance Survey 100019348

### 6. PROPOSAL

6.1. The application seeks full planning permission to demolish the existing car repair garage and erect a two storey building to provide 5 x 2 bed flats (Use Class C3) and 1no. office units (Use Class B1) along with provision of car



parking and bin/cycle stores. The building would measure approximately 22 metres by 10.2 metres in footprint. The proposed building would also be approximately 9.5 metres high with the lowest eaves height at 5.5 metres. The building would be orientated with a gable end facing Glanville Road, as does the building to be demolished.

- 6.2. A scheme has been previously been approved for a similar development. This scheme seeks a very similar footprint, scale and massing (except for the addition of a dormer) to the previously approved scheme. The main difference is the reduction of number of offices proposed (to one) and increase in the number of residential units from three to five. The two additional being on the ground floor in place of the previously approved offices. This increase in number of residential units triggers the requirement for the application to now be heard by committee.

## 7. RELEVANT PLANNING HISTORY

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

63/13790/A\_H - Change of from shop, stores, offices and residential to service depot and store for automobile electrical equipment, shop, office and residential (385/387 Cowley Road). Approved 23rd July 1963.

63/14147/A\_H - 1) change of use from warehouse to manufacture of hearing aid equipment. 2) change of use from shop to offices. 3) Internal alterations to form lavatories. 4) Use of part of land in front of 385 Cowley Road to provide additional parking accommodation. 5) Residential flat (revised) (385/387 Cowley Road). Approved 12th November 1963.

70/22451/A\_H - Alterations to form new lavatory and alterations to windows. Approved 24th February 1970.

92/00362/NF - Change of use to clutch, brake & gearbox fitting centre. External alterations incl. demolition of existing outbuilding. Cladding to front & side elevations. Vehicle access to Cowley Rd & 6 customer parking spaces (Amended Plans). Approved 23rd October 1992.

92/01081/A - Internally illuminated fascia sign and logos and non illuminated pole sign (Amended plans). Approved 27th April 1993.

07/01577/FUL - Demolition of all existing buildings and structures. Erection of 3/4 storey building with internal courtyard to provide 135 student study bedrooms, 1 flat (1 bed) for Porter and 3x 1 bed bed flats with parking spaces accessed from Glanville Road and 4 ground floor retail units (Class A1) fronting Cowley Road. Service layby to Cowley Road. Cycle storage and external seating. Withdrawn 29th October 2007.

07/02448/FUL - Demolition of all existing buildings and structures. Erection of 3/4 storey building with internal courtyard to provide 125 student study bedrooms, 1 flat (1 bed) for Porter and 3x 1 bed flats with parking spaces accessed from Glanville Road. 3 ground floor retail units (Class A1) with ancillary

basement storage and first floor office accommodation both fronting Cowley Road, together with 10 basement car parking spaces served by access from Glanville Road. Service layby to Cowley Road. Cycle storage and external seating. Refused 24th January 2008.

17/03133/FUL - Demolition of existing car repair garage. Erection of two storey building to provide 3 x 1 bed flats (Use Class C3) and 3 office units (Use Class B1). Provision of car parking and bin/cycle stores. Approved 31st August 2018.

19/00359/FUL - Demolition of existing car repair garage. Construction of new building containing 3 office units (Use Class B1) and erection of 3 x 2 bed flats (Use Class C3). Provision of 3no. off street car parking spaces and bin and cycle storage. Approved 9th April 2019.

19/00359/CND - Details submitted in compliance with conditions 3 (Bin and cycle storage), 4 (Material samples) and 9 (Contamination) of planning permission 19/00359/FUL. Approved 27th November 2019.

## 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	Emerging Oxford Local Plan 2036:
Design	7-10, 117, 118, 127	CP1 Development Proposals CP6 Efficient Use of Land & Density CP8 Designing Development to Relate to its Context	CS2 Previously developed and greenfield land, CS18 Urban design, townscape, character, historic environment,	HP9 Design, Character and Context		DH1, RE2
Housing				HP2 Accessible and Adaptable Homes		H10
Commercial			CS28 Employment sites			E1
Transport	102, 108-111,			HP15 Residential cycle parking HP16 Residential car parking	Parking Standards SPD	M1, M2, M3, M4, M5

<b>Environmental</b>	153, 163, 179, 180	CP10 Siting Development to Meet Functional Needs CP22 Contaminated Land	CS11 Flooding	HP11 Low Carbon Homes HP12 Indoor Space HP13 Outdoor Space HP14 Privacy and Daylight	Energy Statement TAN	RE1, RE3, RE4, RE7, RE9, H14, H15, H16
<b>Miscellaneous</b>				MP1		S1

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 24th January 2020.

### **Statutory and Non-statutory consultees**

Oxfordshire County Council (Highways)

9.2. No objection. No significant impact in relation to the extant schemes.

Natural England

9.3. No comment.

### **Public representations**

9.4. No third party comments received.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing
- Design and pattern of development
- Impact on neighbours
- Facilities and amenities – Indoor and Outdoor Space
- Access and parking
- Contamination

### **a. Principle of development**

10.2. Policy CS28 of the Core Strategy (to become policy E1 of the Oxford Local Plan 2036) states that planning permission will not be granted for development that results in the loss of key protected employment sites. It also sets out criteria regarding the change of use or loss of other employment sites. In this case the site is not a key employment site and the proposal incorporates a B1 office use on the ground floor. In relation to the emerging policy, the proposal

would fall within, category 3 (the lowest level of protection). However given that the loss of the existing use has already been established and an employment use would be retained. The existing use is a car repair garage which is a sui generis use but would have similarities to a B8 use in that they occupy a large floor area but employ relatively low numbers of staff (the application form indicates 4). The proposed B1 use would employ the same number of staff as the existing garage (the application form indicates 4). The proposals would therefore make a more efficient use of land in terms of retaining the same number of employees whilst providing housing in addition to the employment use. In terms of the residential offer, the site is regarded as previously developed and lies in a sustainable location. As such residential uses would be appropriate and compatible with the surrounding area which contains a mix of uses with Glanville Road being particularly residential in its nature. The proposals would therefore in principle accord with policies CS28 of the Core Strategy and CP2 of the Oxford Local Plan and the NPPF.

#### **b. Affordable Housing**

- 10.3. Policy HP4 of the Site and Housing Plan would have required the development to provide an affordable housing contribution as it falls within the threshold of 4 to 9 dwellings. Due to the examination of the emerging Oxford Local Plan 2036, this requirement has now been removed from the emerging policy H2. Significant weight is now applied to the emerging policy and therefore no affordable housing contribution is sought from this proposal.

#### **c. Design**

- 10.4. The area contains a mix of building types with large commercial and industrial buildings, with even the student accommodation adjacent being housed in a building that is of an industrial design. There are also two storey residential properties nearby either in terrace or semi-detached form. Redevelopment is evident in the area on nearby sites such as on the south eastern side of Glanville Road.
- 10.5. The application proposes a simple roof form as previously approved on application 19/00359/FUL which sits lower than the existing building to be demolished. The proposed building will largely follow the industrial form of the existing building as well as neighbouring buildings. The overall footprint, form and scale is also appropriate for the same reasons with a slightly modern take on the details. The proposed building will sit comfortably within both street scenes it will be visible from. The materials proposed are those previously approved by condition under application 19/00359/CND for the extant scheme. On this basis the proposals are considered to accord with policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan, CS2 and CS18 of the Core Strategy and HP9 of the Sites and Housing Plan (which are to become policy DH1 of the emerging Local Plan 2036).

#### **d. Impact upon neighbouring amenity**

- 10.6. The proposed built form is the same as that approved under application 19/00359/FUL (an extant permission) and is therefore considered acceptable in

relation to neighbouring properties in terms of overbearing impact, sense of enclosure and impact on light.

- 10.7. The proposed windows to the Cowley Road frontage were proposed to be altered. Two dormer windows were proposed to replace previously approved high level rooflights. The most northern of these dormers was considered acceptable as it would overlook the vehicular access, however the second was considered to cause a loss of privacy to neighbouring occupiers to the south-west and a perceived sense of overlooking. Revised plans were therefore requested and received to remove one of the dormers and provide high level rooflights in accordance with the previously approved plans and would therefore be acceptable on this basis.
- 10.8. All other properties would be set a sufficient distance away so as not to be directly affected.
- 10.9. As with the previously approved application, given the close proximity of the internal and external areas of the B1 (a) use to proposed the living accommodation, it is considered that a restriction to B1 (a) only (in accordance with the use proposed on the application form) would be appropriate as well as hours of operation of the B1 (a) use. The application form suggests 8.30am – 6pm Monday – Saturday and this would seem reasonable and protect residential amenity. The use and hours can be secured by condition.
- 10.10. The proposals therefore accord with policy HP14 of the SHP (to become policy H14 of the Oxford Local Plan 2036).

**e. Facilities and amenities – indoor and outdoor space**

- 10.11. Policy HP12 of the Sites and Housing Plan 2026 (to become H15 of the Oxford Local Plan 2036) requires that good quality living accommodation is provided within new dwellings. The Nationally Described Space Standard is applicable in relation to Policy HP12, as outlined in Technical Advice Note 1A: Space Standards for Residential Development. The National Standard for a 2-bed 4 person flat over two stories is 79sq. m. The internal area for each flat exceeds 80m<sup>2</sup> and thus accords with the Space Standard and policy HP12 of the SHP. A large amount of eaves storage is also shown which would be in excess of requirements. In addition the bedrooms are double and all meet the requirement of 11.5sq.m.
- 10.12. The two bedroom ground floor units also exceed the space standard of 61m<sup>2</sup> for three occupants in two bedrooms with a double and single bedroom.
- 10.13. Therefore overall it is considered that the proposals would comply with policy HP12 of the SHP.
- 10.14. In terms of outside space, each flat would have an external terrace/balcony measuring a minimum of 5sq. m and greater. The proposals are considered to accord with policy HP13 of the SHP (to become policy H16 of the Oxford Local Plan 2036) on this basis.

- 10.15. The scheme also includes detailed provision for screened refuse, recycling and cycle storage facilities (at least two spaces per residential unit) which are considered acceptable and can be secured by condition in accordance with policy HP15 of the SHP (to become policy M5 of the Oxford Local Plan 2036).

**f. Access and parking**

- 10.16. The proposed site plan indicates five off-street parking bays to be allocated, one to each of the residential dwellings. These meet sizing standards set out in the parking standards for new residential developments and abide by the maximum parking standards outlined in policy HP16 of the Sites and Housing Plan. One parking space would also to be allocated to the proposed office. The parking spaces will also occupy the existing off-street parking area and therefore no additional impact on the highway will be caused.
- 10.17. The Transport Statement and parking survey indicate that no additional on-street parking stress is anticipated from this development and a proposed CPZ would also help to control parking in the local area when this is introduced. This parking survey has previously been accepted in relation to the extant permission 19/00359/FUL. Whilst the number of residential units has increased, there would still be one space per flat, reducing the office parking to one space. Given the office space has been reduced from the previously approved scheme, this is proportionate to what was previously agreed.
- 10.18. The application proposes a total of 20 cycle parking spaces – 2 to each flat plus 8 spaces for the office unit in line with policy requirements.
- 10.19. The Local Highway Authority has also raised no concern regarding the application and the proposals therefore comply with policies HP16 and HP15 of the SHP (to become policies M3 and M5 of the Emerging Plan).

**g. Contamination**

- 10.20. The existing building has previously operated as a vehicle servicing and repair facility, an electronics works and as a warehouse - all uses that have the potential to cause contamination. In accordance with the previously approved permission for the site (19/00359/FUL) there was a requirement to conduct an intrusive site investigation and contamination risk assessment at this site. This was completed and the resulting remediation statement was approved in October 2019 in accordance with condition 9 of that permission. The remediation of the site and validation thereof, in accordance with condition 10 of that permission, is still outstanding and can be secured by condition to ensure that this work is completed and validated in accordance with policy CP22 of the Oxford Local Plan (which is to become policy RE9 of the Oxford Local Plan 2036).

**11. CONCLUSION**

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is

in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.1. In summary it is considered that the proposal would make a more efficient use of the site whilst retaining an employment use with no net loss of potential employees. In addition to this there would be five new units of residential accommodation. This would be achieved without causing harm to the character and appearance of the area, amenities of neighbouring occupiers and the highway network.
- 11.2. Officers would advise members that having considered the application carefully that the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend that the East Area Planning Committee grant planning permission for the proposed development subject to the conditions as set out in the report.

## **12. CONDITIONS**

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

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

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

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

- 3 Prior to the occupation of the new dwellings, full details of the cycle parking areas and bin stores, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas, bin stores 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 their respective purposes thereafter.

Reason: To encourage the use of sustainable modes of transport in line with policy HP15 and to safeguard the character and appearance of the area in accordance with policy HP13.

- 4 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 their installation on site and only the approved materials shall be used.

Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 5 The new dwellings shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Home have been met and the details of compliance provided to the Local Planning Authority.

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

- 6 The two areas of parking proposed off of Glanville Road and Cowley Road hereby permitted shall be provided before the development is occupied and shall be reserved exclusively for the occupants/users of the respective uses and shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: To ensure that vehicle accommodation is always available for the occupants/users and thus avoid the parking of vehicles on the adjoining highways, in accordance with policies CP1, CP6, CP10 and TR3 of the Adopted Oxford Local Plan 2001-2016.

- 7 The office unit areas of the building/land shall only be used for purposes within Use Class B1 (a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose (including any other purpose in Use Class B of the Schedule to that Order, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises in accordance with the relevant policies of the Adopted Oxford Local Plan 2001-2016.

- 8 The development shall not be occupied until the approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.



The approved remedial works shall be those stated in the 'Bisham Electronics REMEDIATION STATEMENT for 385 Cowley Road Oxford OX4 2BS, produced by Ground Investigation Services (southern) limited. Ref: S. 5423 dated 25th September 2019.'

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

- 9 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

#### INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 2 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 Plan**

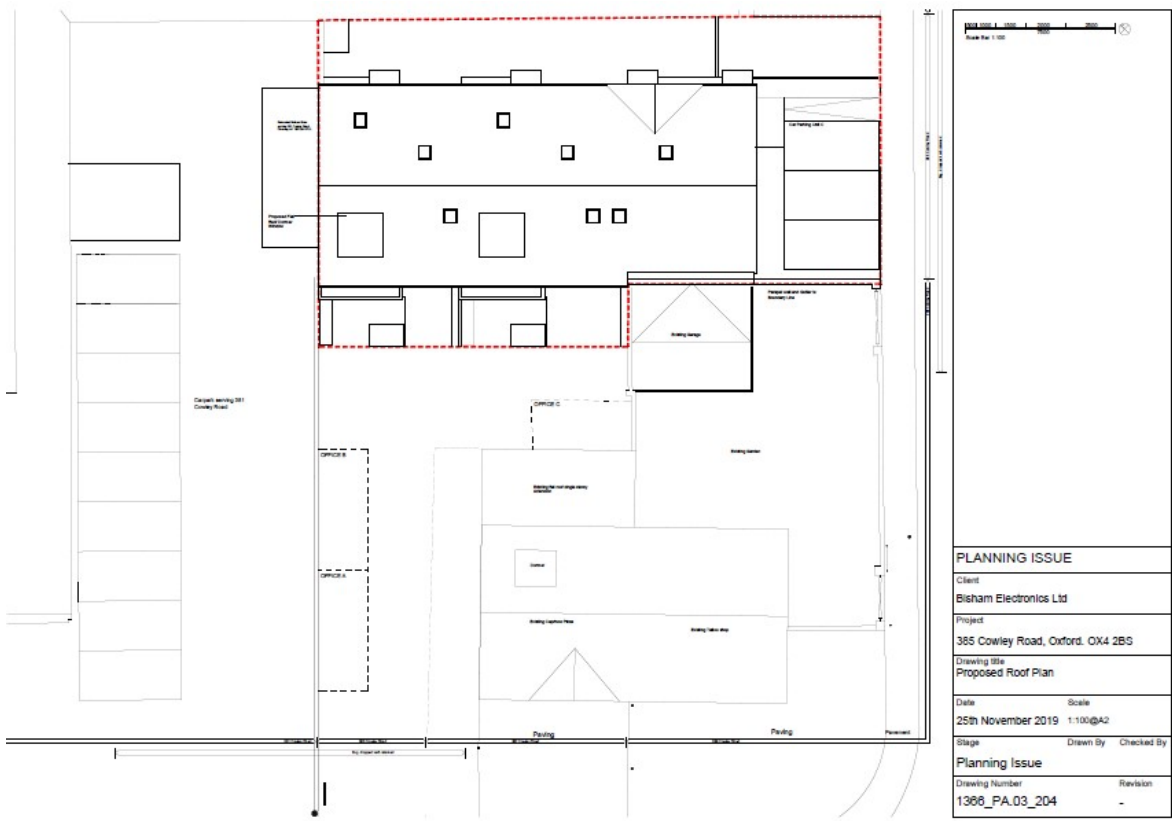
#### **14. HUMAN RIGHTS ACT 1998**

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



This page is intentionally left blank

## EAST AREA PLANNING COMMITTEE

1<sup>st</sup> April 2020

<b>Application number:</b>	19/03050/FUL		
<b>Decision due by</b>	31st January 2020		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). Provision of car parking, bin and bicycle storage.		
<b>Site address</b>	Karam House, 84A Crescent Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Cowley Marsh Ward		
<b>Case officer</b>	Alice Watkins		
<b>Agent:</b>	N/A	<b>Applicant:</b>	Mr Israr Hussain
<b>Reason at Committee</b>	Called in by Councillors Councillors Goddard, Harris, Wade, Landell Mills, Garden and Wolff due to concerns around location, parking, access and noise generation.		

## 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 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary

## 2. EXECUTIVE SUMMARY

2.1. This report considers the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) and associated facilities.

2.2. The proposal is considered acceptable in that it would not result in an over concentration of HMOs and would provide an appropriate level of car parking. The bin and cycle stores are acceptable. Overall, the proposal is 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.

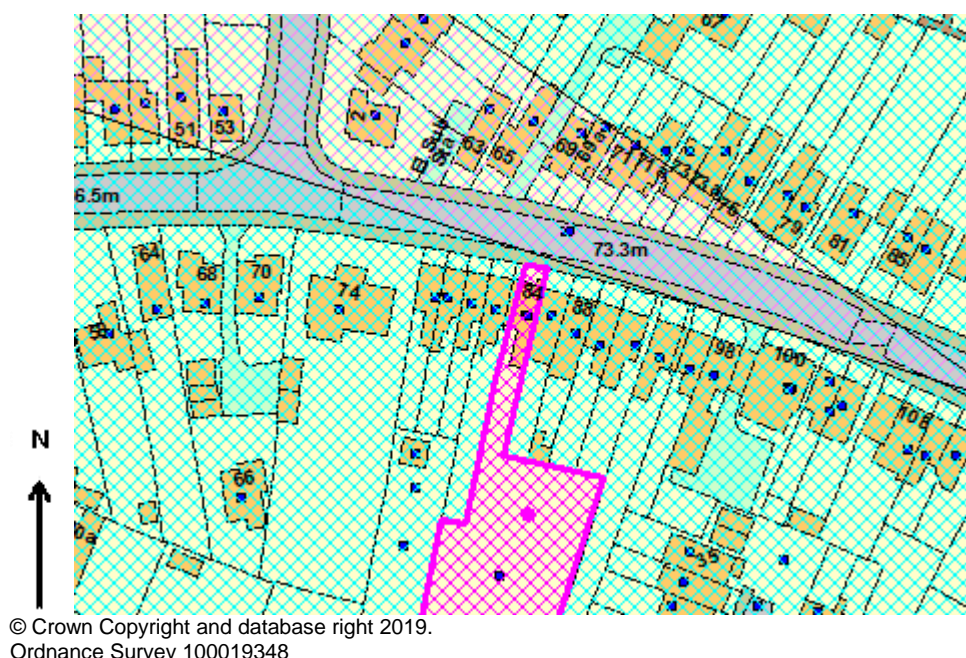
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

### 5. SITE AND SURROUNDINGS

5.1. 84A Crescent Road comprises of a three storey detached dwelling located on the southern side of the road. The dwelling forms part of a development to the south of properties fronting Crescent Road and that development comprises of four dwellings with a flat above the access point.

5.2. See block plan below (noting that this is the site before it was developed):



### 6. PROPOSAL

6.1. The application seeks planning permission for the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Car parking is provided within the courtyard area to the front and side of the dwelling whilst bin and cycle stores are provided at the rear. The dwelling is of relatively new construction having been granted planning permission in 2013.

### 7. RELEVANT PLANNING HISTORY

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

13/00243/FUL - Demolition of existing dwelling and erection of 2 detached dwellings and 1 flat (all Use Class C3) with associated access and parking
--

provision (Amended plans).. APPROVED 28th March 2013.

13/00243/NMA - Non-material amendment of planning permission 13/00243/FUL to reduce the areas of glazing, insert rooflights and reposition windows on south elevations.. APPROVED 9th July 2015.

16/01560/FUL - Erection of 1 x 1-bedroom dwelling (Use Class C3) and 1x 2-bedrooms dwelling (Use Class C3). Provision of car parking, private amenity space, and bin and cycle stores.. APPROVED 5th August 2016.

13/00243/NMA2 - Non-material amendment of planning permission 13/00243/FUL to allow relocation of kitchen and dining room to basement and divide the open place space on ground floor to separate sitting room, play room and study and reduction in basement to plot 1. To divide the open plan games room and cinema into separate rooms, erection of a bathroom for bedroom 2, relocation of internal door to make bedroom 1's ensuite a family room and to turn bathroom into a dressing room for plot 2.. APPROVED 21st August 2018.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Emerging Local Plan
Housing	5	CP1 Development Proposals CP6 Efficient Use of Land & Density CP10 Siting Development to Meet Functional Needs		HP7 Houses in Multiple Occupation HP13 Outdoor Space		H6 Houses in Multiple Occupation  RE2 Efficient Use of Land  DH7 External Servicing
Transport	9			HP15 Residential cycle parking HP16 Residential car parking	Parking Standards SPD	M3 Car Parking  M5 Cycle Parking
Environmental			CS11 Flooding			RE3 Flooding
Miscellaneous				MP1		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 23<sup>rd</sup> December 2019 and 20th January 2020. Notices were displayed in Crescent Road, St Christopher's Place and Temple Road.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. The application demonstrates 6 cycle parking spaces per dwelling – this conforms to policy requirements. The Sites and Housing Plan states that “applications will be decided on their merits, to reflect local context and existing parking capacity and safety issues”. In this instance, the proposals comply with the maximum parking standards set out in Policy HP16 of the Sites and Housing Plan. Oxfordshire County Council do not object to the granting of planning permission.

### **Public representations**

9.3. 22 local people objected to this application from addresses in Crescent Road, Don Bosco Close, Leafield Road, Temple Road and St Christopher's Place.

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

- Planning permission only given for two family homes in 2013.
- Two additional homes have been built which share the same access driveway.
- There are not enough parking spaces for residents currently. The proposal will increase the parking problems that we have at the moment and access to the properties is difficult and dangerous. Limited manoeuvring space.
- Insufficient on-site parking
- Increased pollution and noise.
- Over-development – could house over 30 individuals.
- Number of rooms and occupants has increased greatly from originally approved scheme.
- Increased noise, lights, car noise, traffic of people will change quality of all back gardens facing onto property.
- Insufficient access – limited visibility when entering or leaving the site.
- Inappropriate use of the planning system – it appears that it has always been the developers intention to change the dwellings to HMOs.



- Crescent Road has a large number of HMOs at present. There must be a balance between long-term residents and HMOs and the change of use will affect the character of the area.
- Houses were built originally as family dwellings. Development has increased significantly since permission for two family homes and one flat was granted in 2013.
- Further bedrooms have been added without planning scrutiny. Alterations to room layout under 13/00243/NMA2.
- Insufficient fire access- maximum length of fire hose is 45m which is inadequate to reach the furthest house.
- The houses are operating as a guest house on airbnb/booking.com. Guests regularly ask us walking past our house where the b&b is located.
- Development on site is much greater than original proposal for two family homes.
- The site has been developed by the submission of smaller applications. In 2013 permission was granted for 2 x 3-bed dwellings and 1no. flat. Permission was granted in 2015 for extension to these dwellings. 2016 permission was granted for two further dwellings. If the full development had been applied for as one, it would not have been approved.
- In wet weather the basement of at least one of the dwellings floods. The site is on a steep hill and underground springs permeate the ground, rising to the surface in wet weather. The basements of other houses in the area also have springs running through them when it rains. These rooms are not suitable for bedrooms.
- Permission has never been given for six-bed dwelling.

1no support comment from 84C Crescent Road. Summarised as follows:

- Application will provide many young people the opportunity to live centrally in Oxford, close to the hospitals and business parks.
- Proximity to bus routes and cycle paths means that these HMOs will attract young professionals without cars.
- There is very little noise or light pollution from cars. The plan indicates that there will be little change to parking.

### **Officer response**

9.5. The concerns raised with regard to the timeline of development and submission of applications will be addressed below, together with concerns around car parking and access. Issues regarding neighbouring amenity and flooding will also be addressed below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

### **10.1. Officers consider the determining issues to be:**

- Principle of development
- Concentration of HMOs
- Internal Space
- Bin and Cycle Stores
- Car Parking and Access
- Neighbouring Amenity
- Flooding

#### **a. Principle of development**

- 10.1 Planning permission was granted under 13/00243/FUL for the demolition of 84 Crescent Road and erection of 2 x 3-bed dwellings, together with 1 x 1-bed flat. Planning permission was then granted in 2015 (15/02734/FUL) to allow the creation of a basement level to both dwellings. A non-material amendment to the original planning permission 13/00243/FUL was approved under 13/00243/NMA2 to allow re-location of the kitchen and dining room to the basement, to provide a sitting room, play room and study at ground floor level and to provide additional en-suite bathrooms. These dwellings, now known as 84A and 84B Crescent Road, have been completed on site and are occupied as C3 dwellinghouses. An objection has been raised which outlines that the existing floor plans show six bedrooms and that planning permission has never been granted for a 6-bed dwelling. Whilst it is noted that the original planning permission granted consent for a 3-bed dwelling, there is no requirement for planning permission for internal changes once a property has been completed and occupied. The internal layout was amended under 13/00243/NMA2 to allow for the creation of a play room, sitting room and study, however, since completion, these rooms have been occupied as bedrooms. These changes do not constitute development and as such, the applicant is not required to seek planning permission for the change in use of the rooms.
- 10.2 In addition to the above development, planning permission was also granted in 2016 under 16/01560/FUL for the erection of 1 x 1-bed and 1 x 2-bed dwellings. These dwellings sit directly opposite 84A and 84B Crescent Road and have now been completed on site and are occupied. Concerns have been raised that the site has been overdeveloped and that the development would have been rendered unacceptable had one application been submitted for all of the works to begin with. At the time that the previous applications were determined, Officers had regard to the amount of development on the site and it was concluded that the additional dwellings would not represent overdevelopment and as such, planning permission was granted. Officers had regard for the extant permission for the dwellings at 84A and 84B Crescent Road when granting planning permission for the additional dwellings in 2016.

- 10.3 An objection comment also sets out that the properties are in use for short-term lets. Officers investigated this alleged breach of planning control and found that towards the end of 2019, the properties were in use as short-term lets. This has been addressed with the owner and the unauthorised use has now ceased. A tenancy agreement dated 3<sup>rd</sup> January identifies that 84A Crescent Road is let as a single dwellinghouse. Officers undertook a site visit on 20<sup>th</sup> January 2020 and are satisfied that the property is now occupied for its lawful use as a C3 dwellinghouse. Furthermore, Officers have continued to monitor the use of the property and are satisfied that the current use remains as C3. On this basis, the current application seeks planning permission for a change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4).

#### **b. Concentration of HMOs**

- 10.4 As of 24th February 2012 planning permission is required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple Occupation (Use Class C4) due to the removal of permitted development rights under an Article 4 Direction. Furthermore, Policy HP7 of the Sites and Housing Plan stipulates that change of use to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. This includes side road and footpaths.
- 10.5 Within 100m either side of 84A Crescent Road, there is a total of 36 buildings. The proposal would result in a total of 4 of these being classed as HMOs. This results in a total of 11.1%, well within the allowed 20%.
- 10.6 Officers have considered objection comments which raise concern around the number of HMOs in the area. However, the proposal would comply with HP7 and the concentration is below the 20% threshold. It is therefore considered that there would still be a balanced community and the development would not result in an overconcentration of HMOs within 100m either side of the property.
- 10.7 The proposal would comply with HP7 of the Sites and Housing Plan.

#### **c. Internal Space**

- 10.8 Policy HP7 of the Sites and Housing Plan sets out that internal space must comply with the standards set out in the Oxford City Council Landlord's Guide to Amenities and Facilities for HMOs.
- 10.9 The property is set over three storeys. The basement contains living and dining space together with a kitchen and shower room. The ground floor contains 3no. bedrooms, a shower room and WC and the first floor contains 3no. bedrooms, 1no. en-suite bathroom and 1no. shared bathroom. All of the rooms comply with the standards set out in the amenities and facilities guide and the property will provide a good standard of accommodation internally.
- 10.10 Policy HP13 sets out that private amenity space equivalent to the footprint of the dwellinghouse must be provided for family-sized dwellings. In this case,

the amenity space provided to serve the property is enclosed, private and of an appropriate size in accordance with HP13 of the Sites and Housing Plan.

10.11 The proposal is considered to comply with HP7 and HP13 of the Sites and Housing Plan.

**d. Bin and Cycle Stores**

10.12 The property benefits from existing bin and cycle stores on site. The cycle store has capacity for 6no. cycles which is in line with the requirements set out under HP15 of the Sites and Housing Plan. A condition has been recommended which requires the stores to be retained on site solely for the storage of refuse and cycles and shall not be removed without the prior written consent of the Local Planning Authority.

10.13 On the basis of the above, the proposal is considered to comply with HP13 and HP15 of the Sites and Housing Plan.

**e. Car Parking**

10.14 Policy HP16 of the Sites and Housing Plan sets out that the maximum parking standard for HMOs is two off-street parking spaces for each property.

10.15 The application form and site plan indicate that there are two parking spaces serving the property. This is in line with the standards set out under HP16 and is considered acceptable. The Highway Authority have reviewed the proposal and confirmed that the parking provision is acceptable. On the basis that the proposal complies with the maximum standards, it would not be reasonable or policy compliant to require any further off-street parking spaces to be provided.

10.16 A number of objections have been received on the basis that the access to the site is inadequate. This is an existing situation and the pedestrian and vehicular access into the site will be unaltered by the proposals. The access is of an appropriate width to provide vehicular access into the site. Furthermore, there is sufficient turning space to ensure that vehicles can enter and leave the site in forward gear. This access and parking arrangement is an existing layout and it would not be reasonable to object to the proposal on this basis when policy compliant parking spaces are provided.

10.17 Concerns have been raised in relation to fire access. The layout on site is an existing situation and the change of use would not result in an intensification of the use of the site. The existing dwelling is six-bed and the proposed change of use would allow for a total of six occupants in the property. It would not be reasonable to refuse the application on fire access grounds on the basis that the layout is an existing arrangement and the proposal will not result in an intensification of the use of the site.

10.18 On the basis of the above, the proposal is considered to comply with HP16 of the Sites and Housing Plan and the NPPF.

**f. Neighbouring Amenity**

10.19 Objection comments have been received with regard to noise and disturbance that would arise from the change of use. There is no evidence to suggest that the occupants of the HMO would create any noise or disturbance above that of the existing dwelling. In the event that any anti-social behaviour were to occur from the proposed use, there is separate legislation in place to deal with this and would be enforced by the Council's Environmental Health team.

10.20 On this basis, the proposal would comply with HP14 of the Sites and Housing Plan in that the proposal would not impact upon the amenity of neighbouring properties.

#### **g. Flooding**

10.21 Objection comments have been received with regard to flood risk. Specifically, the objection states that the basement of the dwellings floods and that dwellings have springs running through them when it rains. The objection states that the use of the basement for bedrooms is unacceptable.

10.22 The internal layout at the dwelling is an existing arrangement and will not be changed by the proposals. There are no external works proposed under this application. As such, the impact of flood risk upon the properties will be unchanged by these proposals and the proposal is acceptable in accordance with CS11 of the Core Strategy.

### **11 CONCLUSION**

11.4 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.

11.5 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.

11.6 The proposed change of use will not result in an overconcentration of HMOs within 100m street length of the property. The internal space is considered to comply with the standards set out in the Oxford City Landlord's Guide to Amenities and Facilities and the bin and cycle stores are acceptable. The off-street car parking is acceptable in compliance with the maximum parking standards. Overall, the development is considered acceptable in accordance with the identified planning policies and in accordance with the NPPF.

- 11.7 It is recommended that the Committee resolve to grant planning permission for the development proposed.

## **12 CONDITIONS**

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

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

- 2 The development permitted shall be carried out 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 bin and cycle stores provided on site and as indicated in the application shall be retained on site solely for the storage of cycles and bins and shall not be used for any other purpose or removed without the prior written consent of the Local Planning Authority.

Reason: To ensure satisfactory stores are provided in accordance with HP13 and HP15 of the Sites and Housing Plan.

## **INFORMATIVES :-**

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

## **13 APPENDICES**

- **Appendix 1 – Site location plan**

## **14 HUMAN RIGHTS ACT 1998**

- 14.4 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**

- 15.4 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.

This page is intentionally left blank



Do not scale from this drawing. All dimensions are approximate and should be checked on site prior to construction.  
All discrepancies must be reported to the Architect for verification prior to commencement of the affected works.

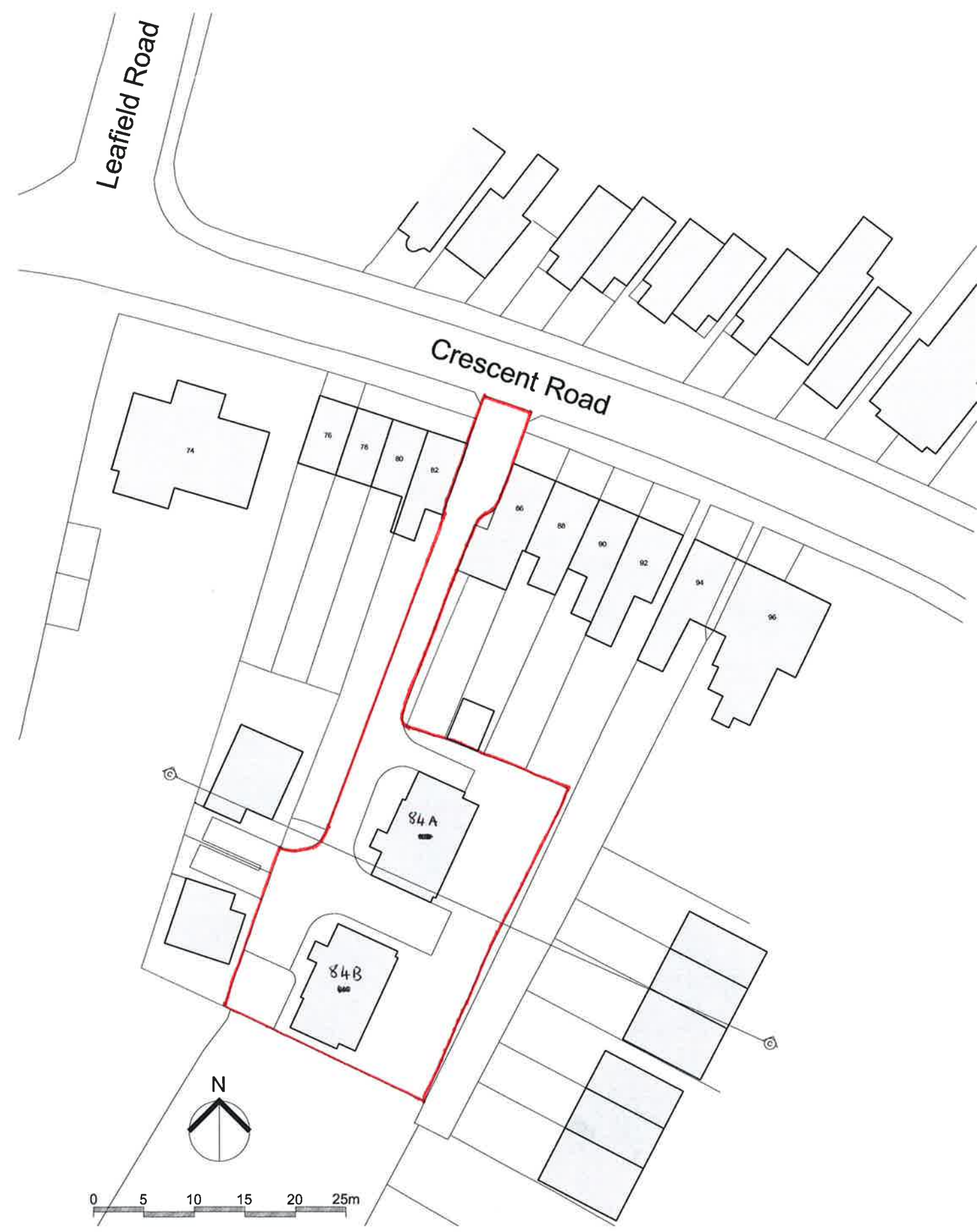
This drawing is Copyright protected and must not to be reproduced or used without prior written permission

Notes:

81



Location Plan 1:1000



This page is intentionally left blank

<b>Application number:</b>	19/03051/FUL		
<b>Decision due by</b>	31st January 2020		
<b>Extension of time</b>			
<b>Proposal</b>	Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). Provision of car parking, bin and bicycle storage.		
<b>Site address</b>	Fatima House, 84B Crescent Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Cowley Marsh Ward		
<b>Case officer</b>	Alice Watkins		
<b>Agent:</b>	N/A	<b>Applicant:</b>	Mr Israr Hussain
<b>Reason at Committee</b>	Called in by Councillors Councillors Goddard, Harris, Wade, Landell Mills, Garden and Wolff due to concerns around location, parking, access and noise generation.		

## 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 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary

## 2. EXECUTIVE SUMMARY

2.1. This report considers the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4).

2.2. The proposal is considered acceptable in that it would not result in an over concentration of HMOs and would provide an appropriate level of car parking. The bin and cycle stores are acceptable. Overall, the proposal is 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.

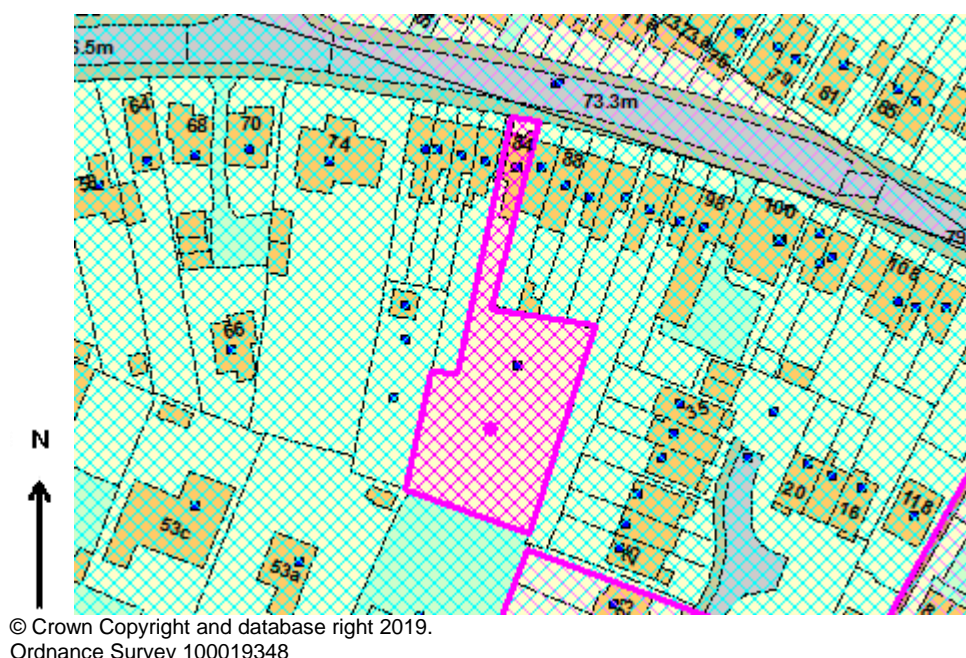
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

### 5. SITE AND SURROUNDINGS

5.1. 84B Crescent Road comprises of a three storey detached dwelling located on the southern side of the road. The dwelling forms part of a development to the south of properties fronting Crescent Road and that development comprises of four dwellings with a flat above the access point.

5.2. See block plan below (noting that this is the site before it was developed):



### 6. PROPOSAL

6.1. The application seeks planning permission for the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Car parking and bin/cycle stores are already present on site. The application seeks planning permission for the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Car parking is provided within the courtyard area to the front and side of the dwelling whilst bin and cycle stores are provided at the rear. The dwelling is of relatively new construction having been granted planning permission in 2013.

### 7. RELEVANT PLANNING HISTORY

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

13/00243/FUL - Demolition of existing dwelling and erection of 2 detached dwellings and 1 flat (all Use Class C3) with associated access and parking provision (Amended plans).. APPROVED 28th March 2013.

13/00243/NMA - Non-material amendment of planning permission 13/00243/FUL to reduce the areas of glazing, insert rooflights and reposition windows on south elevations.. APPROVED 9th July 2015.

16/01560/FUL - Erection of 1 x 1-bedroom dwelling (Use Class C3) and 1x 2-bedrooms dwelling (Use Class C3). Provision of car parking, private amenity space, and bin and cycle stores.. APPROVED 5th August 2016.

13/00243/NMA2 - Non-material amendment of planning permission 13/00243/FUL to allow relocation of kitchen and dining room to basement and divide the open place space on ground floor to separate sitting room, play room and study and reduction in basement to plot 1. To divide the open plan games room and cinema into separate rooms, erection of a bathroom for bedroom 2, relocation of internal door to make bedroom 1's ensuite a family room and to turn bathroom into a dressing room for plot 2.. APPROVED 21st August 2018.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Emerging Local Plan
Housing	5	CP1 Development Proposals CP6 Efficient Use of Land & Density CP10 Siting Development to Meet Functional Needs		HP7 Houses in Multiple Occupation HP13 Outdoor Space		H6 Houses in Multiple Occupation  RE2 Efficient Use of Land  DH7 External Servicing
Transport	9			HP15 Residential cycle parking HP16 Residential car parking	Parking Standards SPD	M3 Car Parking  M5 Cycle Parking
Environmental			CS11 Flooding			RE3 Flooding
Miscellaneous				MP1		



## **9. CONSULTATION RESPONSES**

9.1. Site notices were displayed around the application site on 23<sup>RD</sup> December 2019 and 20th January 2020. Notices were displayed in Crescent Road, St Christopher's Place and Temple Road.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. The application demonstrates 6 cycle parking spaces per dwelling – this conforms to policy requirements. The Sites and Housing Plan states that “applications will be decided on their merits, to reflect local context and existing parking capacity and safety issues”. In this instance, the proposals comply with the maximum parking standards set out in Policy HP16 of the Sites and Housing Plan. Oxfordshire County Council do not object to the granting of planning permission.

### **Public representations**

9.3. 16 local people objected to this application from addresses in Crescent Road, Don Bosco Close, Leaffield Road and Temple Road.

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

- Planning permission only given for two family homes in 2013.
- Two additional homes have been built which share the same access driveway.
- There are not enough parking spaces for residents currently. The proposal will increase the parking problems that we have at the moment and access to the properties is difficult and dangerous. Limited manoeuvring space.
- Insufficient on-site parking
- Increased pollution and noise.
- Over-development – could house over 30 individuals.
- Number of rooms and occupants has increased greatly from originally approved scheme.
- Increased noise, lights, car noise, traffic of people will change quality of all back gardens facing onto property.
- Insufficient access – limited visibility when entering or leaving the site.
- Inappropriate use of the planning system – it appears that it has always been the developers intention to change the dwellings to HMOs.

- Crescent Road has a large number of HMOs at present. There must be a balance between long-term residents and HMOs and the change of use will affect the character of the area.
- Houses were built originally as family dwellings. Development has increased significantly since permission for two family homes and one flat was granted in 2013.
- Further bedrooms have been added without planning scrutiny. Alterations to room layout under 13/00243/NMA2.
- Insufficient fire access- maximum length of fire hose is 45m which is inadequate to reach the furthest house.
- The houses are operating as a guest house on airbnb/booking.com. Guests regularly ask us walking past our house where the b&b is located.
- Development on site is much greater than original proposal for two family homes.
- The site has been developed by the submission of smaller applications. In 2013 permission was granted for 2 x 3-bed dwellings and 1no. flat. Permission was granted in 2015 for extension to these dwellings. 2016 permission was granted for two further dwellings. If the full development had been applied for as one, it would not have been approved.
- In wet weather the basement of at least one of the dwellings floods. The site is on a steep hill and underground springs permeate the ground, rising to the surface in wet weather. The basements of other houses in the area also have springs running through them when it rains. These rooms are not suitable for bedrooms.
- Permission has never been given for six-bed dwelling.

### **Officer response**

9.5. The concerns raised with regard to the timeline of development and submission of applications will be addressed below, together with concerns around car parking and access. Issues regarding neighbouring amenity and flooding will also be addressed below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Concentration of HMOs
- Internal Space
- Bin and Cycle Stores

- Car Parking and Access
- Neighbouring Amenity
- Flooding

**a. Principle of development**

10.2. Planning permission was granted under 13/00243/FUL for the demolition of 84 Crescent Road and erection of 2 x 3-bed dwellings, together with 1 x 1-bed flat. Planning permission was then granted in 2015 (15/02734/FUL) to allow the creation of a basement level to both dwellings. A non-material amendment to the original planning permission 13/00243/FUL was approved under 13/00243/NMA2 to allow re-location of the kitchen and dining room to the basement, to provide a sitting room, play room and study at ground floor level and to provide additional en-suite bathrooms. These dwellings, now known as 84A and 84B Crescent Road, have been completed on site and are occupied as C3 dwellinghouses. An objection has been raised which outlines that the existing floor plans show six bedrooms and that planning permission has never been granted for a 6-bed dwelling. Whilst it is noted that the original planning permission granted consent for a 3-bed dwelling, there is no requirement for planning permission for internal changes once a property has been completed and occupied. The internal layout was amended under 13/00243/NMA2 to allow for the creation of a play room, sitting room and study, however, since completion, these rooms have been occupied as bedrooms. These changes do not constitute development and as such, the applicant is not required to seek planning permission for the change in use of the rooms.

10.3. In addition to the above development, planning permission was also granted in 2016 under 16/01560/FUL for the erection of 1 x 1-bed and 1 x 2-bed dwellings. These dwellings sit directly opposite 84A and 84B Crescent Road and have now been completed on site and are occupied. Concerns have been raised that the site has been overdeveloped and that the development would have been rendered unacceptable had one application been submitted for all of the works. At the time that the previous applications were determined, Officers had regard to the amount of development on the site and it was concluded that the additional dwellings would not represent overdevelopment and as such, planning permission was granted. Officers had regard for the extant permission for the dwellings at 84A and 84B Crescent Road when granting planning permission for the additional dwellings in 2016.

10.4. An objection comment also sets out that the properties are in use for short-term lets. Officers investigated this alleged breach of planning control and found that towards the end of 2019, the properties were in use as short-term lets. This has been addressed with the owner and the unauthorised use has now ceased. A tenancy agreement dated 7th January identifies that 84B Crescent Road is let as a single dwellinghouse. Officers undertook a site visit on 20th January 2020 and are satisfied that the property is now occupied for its lawful use as a C3 dwellinghouse. Furthermore, Officers have continued to monitor the use of the property and are satisfied that the current use remains as C3. On this basis, the



current application seeks planning permission for a change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4).

#### **b. Concentration of HMOs**

- 10.5. As of 24th February 2012 planning permission is required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple Occupation (Use Class C4) due to the removal of permitted development rights under an Article 4 Direction. Furthermore, Policy HP7 of the Sites and Housing Plan stipulates that change of use to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. This includes side road and footpaths.
- 10.6. Within 100m either side of 84B Crescent Road, there is a total of 27 buildings. The proposal would result in a total of 4 of these being classed as HMOs. This results in a total of 14.8%, well within the allowed 20%.
- 10.7. Officers have considered objection comments which raise concern around the number of HMOs in the area. However, the proposal would comply with HP7 and the concentration is below the 20% threshold. It is therefore considered that there would still be a balanced community and the development would not result in an overconcentration of HMOs within 100m either side of the property
- 10.8. The proposal would comply with HP7 of the Sites and Housing Plan.

#### **c. Internal Space**

- 10.9. Policy HP7 of the Sites and Housing Plan sets out that internal space must comply with the standards set out in the Oxford City Council Landlord's Guide to Amenities and Facilities for HMOs.
- 10.10. The property is set over three storeys. The basement contains 2no. bedrooms, a shower room and utility room whilst the ground floor contains a kitchen, together with living and dining space and a WC. The first floor contains 4no. bedrooms, 1no. en-suite bathroom and 1no. shared bathroom. All of the rooms comply with the standards set out in the amenities and facilities guide and the property will provide a good standard of accommodation internally.
- 10.11. Policy HP13 sets out that private amenity space equivalent to the footprint of the dwellinghouse must be provided for family-sized dwellings. In this case, the amenity space provided to serve the property is enclosed, private and of appropriate size in accordance with HP13 of the Sites and Housing Plan.
- 10.12. The proposal is considered to comply with HP7 of the Sites and Housing Plan.

#### **d. Bin and Cycle Stores**

- 10.13. The property benefits from existing bin and cycle stores on site. The cycle store has capacity for 6no. cycles which is in line with the requirements set out

under HP15 of the Sites and Housing Plan. A condition has been recommended which requires the stores to be retained on site solely for the storage of refuse and cycles and shall not be removed without the prior written consent of the Local Planning Authority.

10.14. On the basis of the above, the proposal is considered to comply with HP13 and HP15 of the Sites and Housing Plan.

#### **e. Car Parking**

10.15. Policy HP16 of the Sites and Housing Plan sets out that the maximum parking standard for HMOs is two off-street parking spaces for each property.

10.16. The application form and site plan indicate that there are two parking spaces serving the property. This is in line with the standards set out under HP16 and is considered acceptable. The Highway Authority have reviewed the proposal and confirmed that the parking provision is acceptable. On the basis that the proposal complies with the maximum standards, it would not be reasonable or policy compliant to require any further off-street parking spaces to be provided.

10.17. A number of objections have been received on the basis that the access to the site is inadequate. This is an existing situation and the pedestrian and vehicular access into the site will be unaltered by the proposals. The access is of an appropriate width to provide vehicular access into the site. Furthermore, there is sufficient turning space to ensure that vehicles can enter and leave the site in forward gear. This access and parking arrangement is an existing layout and it would not be reasonable to object to the proposal on this basis when policy compliant parking spaces are provided.

10.18. Concerns have been raised in relation to fire access. The layout on site is an existing situation and the change of use would not result in an intensification of the use of the site. The existing dwelling is six-bed and the proposed change of use would allow for a total of six occupants in the property. It would not be reasonable to refuse the application on fire access grounds on the basis that the layout is an existing arrangement and the proposal will not result in an intensification of the use of the site.

10.19. On the basis of the above, the proposal is considered to comply with HP16 of the Sites and Housing Plan and the NPPF.

#### **f. Neighbouring Amenity**

10.20. Objection comments have been received with regard to noise and disturbance that would arise from the change of use. There is no evidence to suggest that the occupants of the HMO would create any noise or disturbance above that of the existing dwelling. In the event that any anti-social behaviour were to occur from the proposed use, there is separate legislation in place to deal with this and would be enforced by the Council's Environmental Health team.

10.21. On this basis, the proposal would comply with HP14 of the Sites and Housing Plan in that the proposal would not impact upon the amenity of neighbouring properties.

#### **g. Flooding**

10.22. Objection comments have been received with regard to flood risk. Specifically, the objection states that the basement of the dwellings floods and that dwellings have springs running through them when it rains. The objection states that the use of the basement for bedrooms is unacceptable.

10.23. The internal layout at the dwelling is an existing arrangement and will not be changed by the proposals. There are no external works proposed under this application. As such, the impact of flood risk upon the properties will be unchanged by these proposals and the proposal is acceptable in accordance with CS11 of the Core Strategy.

### **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 proposed change of use will not result in an overconcentration of HMOs within 100m street length of the property. The internal space is considered to comply with the standards set out in the Oxford City Landlord's Guide to Amenities and Facilities and the bin and cycle stores are acceptable. The off-street car parking is acceptable in compliance with the maximum parking standards. 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.

## **12. CONDITIONS**

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

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

- 2 The development permitted shall be carried out 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 bin and cycle stores provided on site and as indicated in the application shall be retained on site solely for the storage of cycles and bins and shall not be used for any other purpose or removed without the prior written consent of the Local Planning Authority.

Reason: To ensure satisfactory stores are provided in accordance with HP13 and HP15 of the Sites and Housing Plan.

### **INFORMATIVES :-**

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

## **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.

This page is intentionally left blank

Do not scale from this drawing. All dimensions are approximate and should be checked on site prior to construction.  
All discrepancies must be reported to the Architect for verification prior to commencement of the affected works.

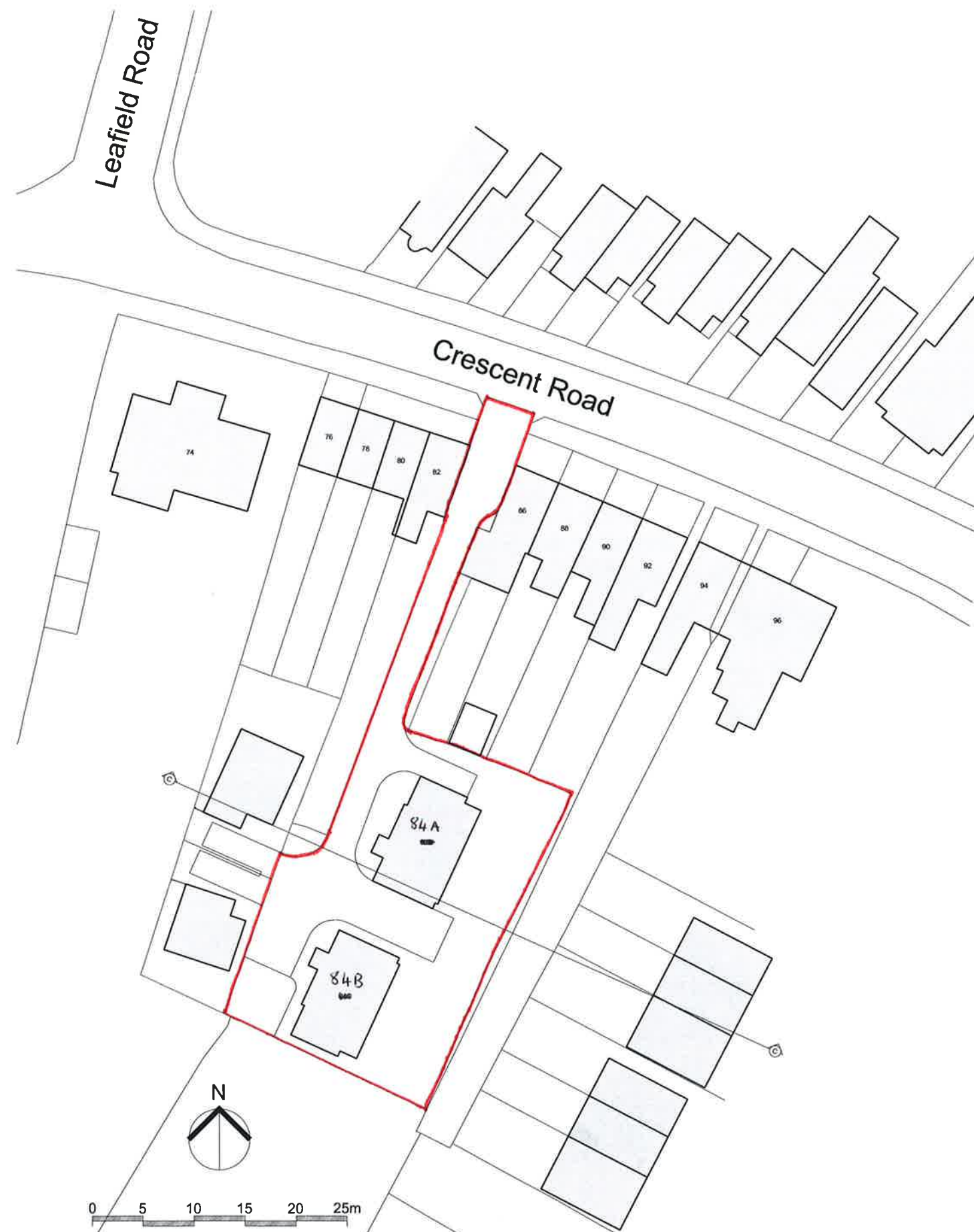
This drawing is Copyright protected and must not to be reproduced or used without prior written permission

Notes:

95



Location Plan 1:1000



Block Plan 1:500

**RIACH**  
architects

Riach Architects Limited, Company Number: 8867519  
65 Banbury Rd, Oxford, OX2 6PE. Tel:01865 553772  
mail@riacharchitects.com www.riacharchitects.com

Client

Mr I Hussein

Project

Crescent Road  
KARAM HOUSE 84A + FATIMA HOUSE 84B

Drawing title

Location Plan  
Block Plan

Date	Scale
March 2016	1:1000@A3 1:500@A3

Stage	Drawn By	Checked By
Planning	TS	JC

Drawing Number	Revision
1449_PA.100	A

This page is intentionally left blank



## EAST AREA PLANNING COMMITTEE

<b>Application number:</b>	20/00162/FUL		
<b>Decision due by</b>	27th March 2020		
<b>Extension of time</b>	TBC		
<b>Proposal</b>	Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4).		
<b>Site address</b>	84 Church Way, Oxford, Oxfordshire, OX4 4EF – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Rose Hill And Iffley Ward		
<b>Case officer</b>	Alice Watkins		
<b>Agent:</b>	N/A	<b>Applicant:</b>	Ms Martha Gregory
<b>Reason at Committee</b>	Called in by Councillors Turner, Pressel, Tanner, Rowley, Munkonge, Fry, Clarkson and Kennedy due to the need to weigh the material considerations very carefully in this case.		

### 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **Refuse the application** for the following reasons:

1. The proposed development fails to provide adequate off-street parking in accordance with the maximum parking standards and fails to demonstrate that there is sufficient on-street car parking capacity to mitigate for any increase in parking pressure resulting from the change of use in an area which is not subject to a Controlled Parking Zone (CPZ). The proposal is therefore considered to be contrary to policy HP16 of Sites and Housing Plan 2011-2026 and the NPPF.

2. The proposal fails to make provision for covered and secure cycle storage and bin storage in accordance with HP13 and HP15 of the Sites and Housing Plan and the NPPF.

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

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

## 2. EXECUTIVE SUMMARY

2.1. This report considers the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4).

2.2. The proposal is considered unacceptable on the basis that it would not provide off-street car parking in accordance with the maximum parking standards and would fail to provide adequate bin and cycle stores, contrary to the relevant planning policies and NPPF.

## 3. LEGAL AGREEMENT

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

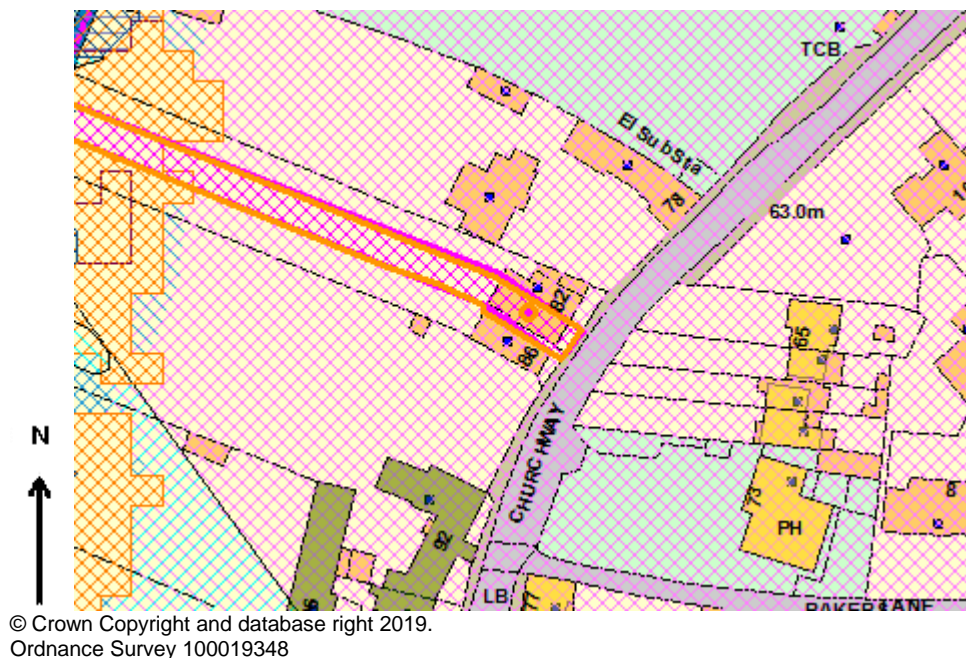
## 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

## 5. SITE AND SURROUNDINGS

5.1. 84 Church Way comprises of a four storey semi-detached dwelling located on the western side of the road. The dwelling benefits from a generous rear garden which is bounded by the river at the rear. The land level steps down into the rear garden and there is a stepped access into the rear garden.

5.2. See block plan below:



## 6. PROPOSAL

6.1. The application seeks planning permission for a change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4).

The property is set over four storeys. The lower ground floor contains a kitchen, breakfast room and 1no. en-suite bedroom and the upper ground floor contains a drawing room, sitting room and study. The first floor contains 2no. bedrooms and a family bathroom whilst the second floor contains a master bedroom, dressing room and bathroom.

## 7. RELEVANT PLANNING HISTORY

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

02/01502/CAT - Prune ash and elm trees in the Iffley Conservation Area at 84 Church Way, Iffley. RAISE NO OBJECTION 28th August 2002.

05/02267/CAT - Crown lift Ash tree identified as T2 at 84 Church Way in the Iffley Conservation Area. RAISE NO OBJECTION 27th December 2005.

19/00880/FUL - Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). Provision of bin and cycle storage.. WITHDRAWN 6th June 2019.

## 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	Emerging Local Plan:
Housing	5	CP1 Development Proposals CP6 Efficient Use of Land & Density CP10 Siting Development to Meet Functional Needs		HP7 Houses in Multiple Occupation HP13 Outdoor Space		H6 Houses in Multiple Occupation
Transport	9			HP15 Residential cycle parking HP16 Residential car parking	Parking Standards SPD	M1 Cycle Parking M3 Car Parking
Miscellaneous				MP1		

## **9. CONSULTATION RESPONSES**

9.1. Site notices were displayed around the application site on 19<sup>th</sup> February 2020 and an advertisement was published in The Oxford Times newspaper on 13<sup>th</sup> February 2020.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. The proposals seek the change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). The proposals are not in a CPZ. The proposals must present a minimum of three covered and secure cycle parking spaces to conform to policy requirements. None are presented in the attached plans and drawings. The proposals do not present any car parking spaces. It is also unclear how many bedrooms the proposed HMO will have. Based on the lack of off-street parking and absence of a CPZ, it would be impossible to stop the development from having a negative impact on Church Way. The approval of this change of use could result in a number of vehicles parking along Church Way and further reducing the width of the road. It is noted that the nearest bus stop is roughly 600m from the application site, meaning that the site is not conducive to a car free or low car development. The proposals will likely have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council object to the granting of planning permission.

### **Public representations**

9.3. 12 local people commented on this application from addresses in Church Way and Percy Street. The Friends of Iffley Village also commented on the application.

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

- No proposed plans submitted with the application
- Details of bin/cycle stores not provided
- Application form is incomplete.
- Application form states that the development will not provide bin stores but this is a HMO licensing requirement.
- Application form states that cycle parking will not be provided but the applicant states that her lodgers will have cycles and a cycle store is a requirement of the HMO license.
- Section 14 of the application form indicates that existing use is as a family dwelling. However, the applicant states that there are already five people living there. The property is already being used as an unauthorised HMO.
- Section 17 of the application form – “Does the proposal include the change of use of residential units?” – applicant has answered no but the change of use is what the application is about.
- Plans do not provide information as to how the HMO will comply with fire regulations.

- This is an area of village character consisting of family properties – no tradition of multiple occupancy in the village.
- Parking is incredibly difficult. At this point Church Way is at its narrowest and curves sharply meaning that it is a single car's width when cars are parked on one side.
- Existing traffic congestion and potential increase in car ownership.
- Front door faces on No. 86 – shared access. Concerned that change of use will affect privacy and cause increase in noise and disturbance.
- Limited space for bin and cycle storage.
- Existing garden is not maintained to a high standard.
- Bin and cycle stores would detract from elegant frontage of the property.
- HMO licences cannot be transferred but planning permission lies with the property.
- Block plan is inaccurate and does not show bay window or basement skylight accurately. Front gardens and adjoining pavements are not represented and doesn't show that 84 and 86 share one entrance.
- Site is a substantial distance from shops and bus routes on Iffley Road.

### **Officer response**

9.5. The concerns raised with regard to car parking, amenity and bin/cycle stores will be discussed below. The maintenance of the garden is not a material planning consideration and is not relevant in the determination of this application. Concerns regarding the character of the area will be discussed below. The issues relating to bin and cycle stores will be discussed below; details have not been provided with this application. The comments in relation to Section 14 and 17 of the application form are noted and the application has been assessed in accordance with the relevant planning policies. The concerns with the inaccuracies of the block plan have been noted. Officers carried out a site visit and have considered the proposal in relation to the current layout on site.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Concentration of HMOs
- Internal Space
- Bin and Cycle Stores
- Car Parking

### **a. Concentration of HMOs**

10.2. As of 24th February 2012 planning permission is required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple Occupation (Use Class C4) due to the removal of permitted development rights under an Article 4 Direction. Furthermore, Policy HP7 of the Sites and Housing Plan stipulates that change of use to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street

length either side of the application site does not exceed 20%. This includes side road and footpaths. The requirements of HP7 are carried through to the Emerging Local Plan under Policy H6.

10.3. Within 100m either side of 84 Church Way there is a total of 26 buildings. The proposal would result in 1 of these being classed as an HMO. This results in a total of 3.85%, well within the allowed 20%.

10.4. Objections have been received on the basis that the proposal would be out of character with the existing village and that there are no existing HMOs within Iffley. The purpose of policy HP7 is to ensure that an appropriate mix of housing is provided and that an appropriate level of family housing is retained. The proposal would ensure that a balanced community is maintained as required by HP7. Officers note concerns that there are not currently any HMOs in the area, however, this is not a reason to refuse planning permission and the proposal would be policy compliant.

10.5. The proposal complies with HP7 of the Sites and Housing Plan.

#### **b. Internal Space**

10.6. Policy HP7 of the Sites and Housing Plan sets out that internal space must comply with the standards set out in the Oxford City Council Landlord's Guide to Amenities and Facilities for HMOs.

10.7. The property is set over four storeys. The lower ground floor contains a kitchen, breakfast room and 1no. en-suite bedroom and the upper ground floor contains a drawing room, sitting room and study. The first floor contains 2no. bedrooms and a family bathroom whilst the second floor contains a master bedroom, dressing room and bathroom. All of the rooms comply with the standards set out in the Oxford City Council Landlord's Guide to Amenities and Facilities for HMOs and the property would provide a good level of accommodation internally. The outdoor amenity space is generous and would provide an appropriate level of outdoor space for the proposed use.

10.8. The proposal is considered to comply with HP7 of the Sites and Housing Plan.

#### **c. Bin and Cycle Stores**

10.9. Policy HP15 of the Sites and Housing Plan sets out that one secure, undercover, enclosed and easily accessible cycle parking space is provided for each occupant for a HMO.

10.10. The proposal does not seek to provide any cycle storage on site. A total of five cycle spaces are required for a HMO of this size. The Highway Authority have advised that three cycle spaces would be required but Officers have established that the property could provide accommodation for five occupants. The cycle storage requirement has therefore been established on this basis. The space to the front of the property is very limited and is compromised by the presence of a large light well. This would mean that it would be very difficult to provide an adequate cycle store to the front of the property. The land level falls away at the

rear of the property and there is a stepped access down to the rear garden. Policy HP15 of the Sites and Housing Plan requires that level, unobstructed access to the street from the store is provided. Due to the change in ground levels and stepped access, it would not be possible to provide a cycle store in the rear garden that would be convenient for users. Overall, because of the limited size of the front garden and change in ground levels at the rear, Officers consider that it would be extremely difficult, if at all possible, to provide an appropriate store on this site that is policy compliant.

10.11. Policy HP13 of the Sites and Housing Plan sets out that adequate provision must be made for the safe, discrete and conveniently accessible storage of refuse and recycling.

10.12. The proposal does not seek to provide a bin store on site. As set out above, the space to the front of the property is very limited and compromised by the presence of a large light well. Officers consider that it would be very difficult, if at all possible, to provide an appropriate store to the front of the site. Furthermore, the site lies within the Iffley Village Conservation Area and in the absence of any specific details of a store, it cannot be established whether any store at the front would be acceptable in terms of its visual impact. Providing the store in the rear garden is considered unacceptable on the basis that there are steep steps down into the rear garden and it would be unreasonable to expect occupants to move waste and/or bins up steps. Overall, Officers are not satisfied that an appropriate bin store could be provided.

10.13. On the basis of the above, the proposal is contrary to HP13 and HP15 of the Sites and Housing Plan.

#### **d. Car Parking**

10.14. Policy HP16 of the Sites and Housing Plan sets out that a HMO of this size must comply with the maximum parking standard of two off-street parking spaces.

10.15. The property does not benefit from any off-street car parking and the occupants rely on on-street parking. The site lies at a narrow point in Church Way where there is a tendency for high-demand for on-street parking. The on-street parking effectively reduces the road width at this point and the road is not wide enough for two cars to pass. Further increase in the demand for parking at this point in the road would compromise highway safety on the basis that the width of the highway would be further restricted and the passing places along the road would be further reduced.

10.16. The demand for on-street parking associated with a HMO is often higher than for a single dwellinghouse. The site does not lie within a Controlled Parking Zone and there are no on-street parking restrictions in place. In the absence of a CPZ, the Local Authority could not restrict on-street parking associated with the proposed use.

10.17. The Highway Authority have reviewed the application and object to the proposed use on the basis that the site does not benefit from off-street parking and on-street parking is not restricted by a CPZ.

10.18. HP16 of the Sites and Housing Plan stipulates that planning permission will only be granted for HMOs without on-street car parking and outside of a CPZ where a parking survey has been provided to demonstrate that there is sufficient on-street capacity to accommodate the increased demand associated with the use. In this instance, the application has not been accompanied by a parking survey and as such, refusal is recommended on the basis that in the absence of any evidence to the contrary, the proposal would give rise to an increase in demand for on-street parking pressure.

10.19. On the basis of the above, the proposal is considered contrary to HP16 of the Sites and Housing Plan.

## **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 proposal would not result in an overconcentration of HMOs within 100m either side of the property. The internal space is considered to comply with the standards set out in the Oxford City Landlord's Guide to Amenities and Facilities. However the proposal fails to make adequate provision for bin and cycle stores and would give rise to an unacceptable demand for on-street parking that would be prejudicial to highway safety. Overall, the proposal is considered to conflict with the identified policies and the NPPF.

11.4. It is recommended that the Committee resolve to refuse planning permission for the development proposed for the reasons given at paragraph 1.1.1 of this report with the precise wording of those reasons being delegated to the Head of Planning Services to determine.

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

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

This page is intentionally left blank

## EAST AREA PLANNING COMMITTEE

3<sup>rd</sup> June 2020

<b>Application number:</b>	19/03392/FUL		
<b>Decision due by</b>	27th February 2020		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Erection of a single storey rear extension. Alteration to 1no window to side elevation. (Amended Plan)		
<b>Site address</b>	25A Mayfair Road, Oxford, OX4 3SR, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Littlemore Ward		
<b>Case officer</b>	Alice Watkins		
<b>Agent:</b>	N/A	<b>Applicant:</b>	Anna Dumitru
<b>Reason at Committee</b>	The applicant is a member of staff.		

### 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 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary.

### 2. EXECUTIVE SUMMARY

2.1. This report considers the erection of a single storey rear extension and enlargement of the ground floor side window. The extension extends by 3.5m from the rear and has a flat roof with a maximum height of 2.9m.

2.2. The extension and enlargement of the window are considered acceptable in design terms and will not have a detrimental impact upon the amenity of neighbouring properties. The development is considered to comply with the identified policies and approval is recommended.

### 3. LEGAL AGREEMENT

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

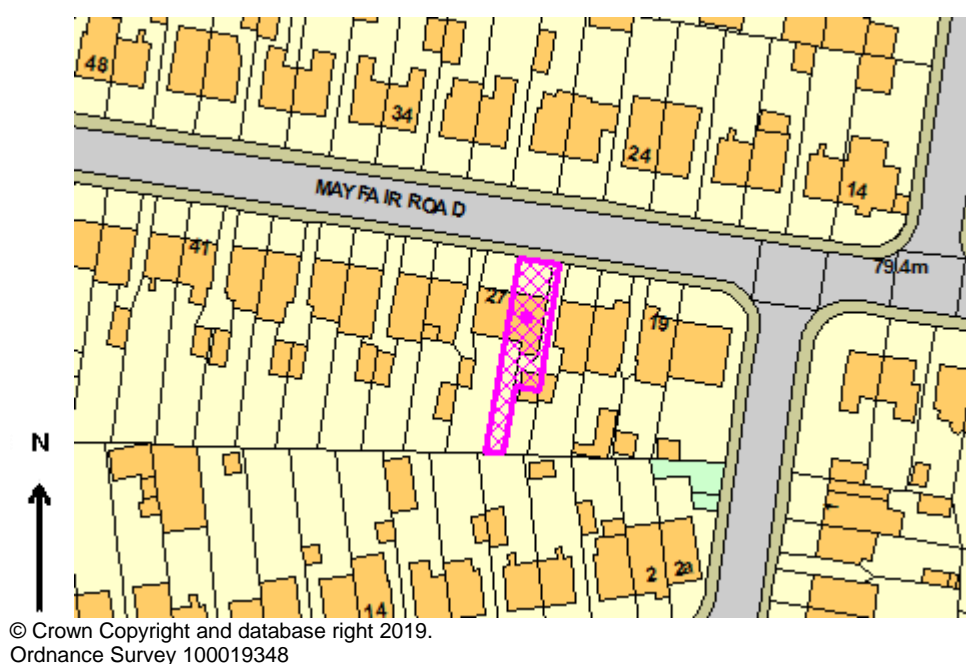
#### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

#### 5. SITE AND SURROUNDINGS

5.1. 25A Mayfair Road comprises of a ground floor flat located on the southern side of Mayfair Road. The flat is accessed via an independent entrance on the eastern elevation and benefits from an existing small rear extension, generous rear garden and garage.

5.2. See block plan below:



#### 6. PROPOSAL

6.1. The application proposes to erect a single storey rear extension and enlargement of the ground floor side window. The extension would be sited between the existing rear extension and the boundary shared with 27 Mayfair Road. The extension extends by 3.5m from the rear and has a flat roof with a maximum height of 2.9m.

#### 7. RELEVANT PLANNING HISTORY

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

07/00330/FUL - Single storey rear extension and conversion to 2x 1-bed flats.  
APPROVED 5th April 2007.

19/02892/H42 - Application for prior approval for the erection of a single storey

rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.8m. PERMISSION REQUIRED 18th December 2019.

## 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	Emerging Local Plan
Design	12	CP8 Designing Development to Relate to its Context CP10 Siting Development to Meet Functional Needs	CS18 Urban design, townscape, character, historic environment,	HP9 Design, Character and Context		DH1 Design
Housing	8	CP1 Development Proposals CP6 Efficient Use of Land & Density		HP14 Privacy and Daylight		H14 Residential Amenity
Miscellaneous				MP1		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 13th January 2020.

9.2. There are no statutory consultees associated with this application.

### Public representations

9.3. No public representations have been received in response to this application.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design
- Neighbouring amenity

### a. Design

10.2. The property benefits from an existing half width rear extension. The proposed extension would sit adjacent to the existing extension and extends by 3.5m from the rear. It features a flat roof with a maximum height of 2.9m and a 20cm roof lantern above. The extension forms an appropriate visual relationship with the existing property and will read as a subservient addition. It would reflect the pattern of development in the area where a number of examples of single storey rear extensions exist. The existing and proposed extensions together would be subservient and are of an appropriate scale for the site. The development is to be constructed from materials to match the existing property and is considered acceptable in design terms.

10.3. The development is considered to comply with CP1, CP6, CP8 and CP10 of the Local Plan, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.

**b. Impact on neighbouring amenity**

10.4. The site shares a boundary with 23 and 27 Mayfair Road.

10.5. The extension would be sited 5m from the dwelling at No. 23. It would sit beyond the existing extension serving No. 25A and would not be easily visible from No. 23 with only a small part projecting further in depth than the existing extension which is closer to no. 23 than the proposals. Due to the single storey height, existing extension and separation between the neighbouring dwelling and proposed extension, it is considered that the development will not detrimentally impact the light or outlook afforded to No. 23. For the same reasons, it is considered that the development will not be overbearing when experienced from 23 Mayfair Road.

10.6. There are patio doors to the rear of 27 Mayfair Road which serve a habitable room. The 45° line has been applied in relation to the doors and the extension would contravene it. The 25° uplift has been applied and the extension would slightly contravene this. However, due to the orientation of the site, limited depth and height of the extension, it is considered that the development will not detrimentally impact the light afforded to the rear facing patio doors at No. 27. Furthermore, at the time of the site visit Officers observed that the patio doors are a secondary source of glazing to a habitable room and the room is also served by a window which further limits any impacts.

10.7. Due to the single storey height, position of windows and limited depth, it is considered that the development will not result in a loss of outlook, privacy or overbearing sense of enclosure when experienced from No. 27.

10.8. The proposal also involves the enlargement of the ground floor side facing window. This window faces directly onto 23 Mayfair Road. The enlarged window will not introduce any new views into the neighbouring property and it is considered that the enlargement will not impact the privacy afforded to the neighbouring property.

10.9. All other properties are a sufficient distance from the site as to not be directly impacted by the proposals.

10.10. The development is considered to comply with HP14 of the Sites and Housing Plan.

## **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 development is considered acceptable in design terms and would read as a subservient addition. The proposal would not detrimentally impact the light or outlook afforded to the neighbouring properties and would not be overbearing. The development is considered to comply with the identified planning policies and the NPPF.

11.4. It is recommended that the Committee resolve to grant planning permission for the development proposed.

## **12. CONDITIONS**

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

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

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

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

- 3 The materials to be used in the external elevations of the new development shall match those of the existing building.

Reason: To ensure that the new development is in keeping with existing building(s) in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

## INFORMATIVES :-

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

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

### **14. HUMAN RIGHTS ACT 1998**

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

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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



## **Remote meeting**

### **Minutes of a meeting of the East Area Planning Committee on Monday 18 May 2020**

www.oxford.gov.uk



#### **Committee members present:**

Councillor Taylor (Chair)

Councillor Tanner (Vice-Chair)

Councillor Aziz

Councillor Chapman

Councillor Clarkson

Councillor Garden

Councillor Lloyd-Shogbesan

Councillor Simm

Councillor Roz Smith

#### **Officers present for all or part of the meeting:**

Adrian Arnold, Head of Planning Services

Anita Bradley, Monitoring Officer

Sally Fleming, Planning Lawyer

Hayley Jeffery, Development Management Team Leader

Andrew Murdoch, Development Management Service Manager

Jennifer Thompson, Committee and Members Services Officer

#### **Apologies:**

No apologies.

#### **Preliminary remarks**

1. As this was a remote meeting and for the benefit of anyone following the meeting on audio the Clerk read out the names of the committee members and of those officers in attendance.
2. The Clerk read out a statement on the procedures which would apply to the remote meeting, the main points of which were:

New regulations have been passed that enable the Council to hold meetings without some or all Committee Members being physically present together in a room. These regulations take precedence over existing legislation and the Council's pre-existing procedure rules.

To ensure the smooth running of remote meetings under the new regulations, it has been necessary to amend some of the Council's procedure rules. The Chief Executive has done this by using the emergency powers delegated to him in the Council's Constitution to adopt a protocol for remote meetings. The protocol is intended to

replicate the Council's normal meeting procedures as far as possible. It would be formally considered at the Annual Council Meeting on 20 May 2020.

When determining an application the voting would be by a roll call. Any Members who were not "in attendance" to hear the full presentation and debate on an agenda item are required to abstain from voting on that matter.

Members are "in attendance" provided that they can hear and be heard by the other participants.

3. The Planning Lawyer made a statement regarding the status of the Oxford Local Plan 2036, the main points of which were:

Once adopted, the Oxford Local Plan 2016-2036 will replace the Oxford Local Plan 2001-2016, the Core Strategy 2026 and the Sites and Housing Plan 2011-2026.

The current stage that the new Local Plan had reached was that following the examination and the consultation on the main modifications in late February to March 2020, the Inspectors' report on the Local Plan was received on 18 May 2020. It had been published on the Council's website and all people on the Council's local plan database were being contacted directly.

The next stage was for the Local Plan to be adopted by the Council and a report would be going to Cabinet and then to Full Council on 8 June 2020 recommending that it be adopted. Further publicity would then be required to be given following adoption of the plan.

The weight to be given to the new local plan, in making decisions on planning applications, had been gradually increasing as each stage in the plan's progress was reached. It was for this reason that policies in the new plan have been referred to in committee reports on planning applications as the plan has moved towards adoption although the weight to be given has been assessed against paragraph 48 of the National Planning Policy Framework. Full weight cannot be given to them until adoption of the plan has taken place.

As the Inspectors' report had now been received, and the new plan had reached an advanced stage, significant weight could now be given to the policies in the new plan which were referred to in each report. The receipt of the Inspectors' report did not, however, alter any of the recommendations in the reports on the agenda.

## **84. Declarations of interest**

20/00352/FUL Cllr Tanner and Cllr Henwood declared that they had a significant interest in the application as trustees of the village hall and that in the interests of good governance they would therefore withdraw entirely from the meeting for the duration of the debate and decision on this application. Cllr Tanner withdrew at the start of the item and Cllr Henwood withdrew after making his statement to the meeting.

20/00335/FUL: Cllrs Taylor and Tanner each confirmed that although they had supported the call in of this application, they were approaching it with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

## **85. 20/00352/FUL: Village Hall, Railway Lane, Oxford, OX4 4PY**

*Councillor Tanner left the remote meeting at the start of this item.*

The Committee considered an application for planning permission for alterations and insertion of door to window and repairs to stone piers in north elevation; formation of external access ramp, stairs and hardstanding to north at Littlemore Village Hall, Railway Lane, Oxford, OX4 4PY.

The planning officer recommended and the Committee agreed:

- a change to the published condition 3 to also require large scale joinery details of side lights, ramp and handrail, as well as for the door, to be submitted to and approved by the local planning authority prior to the installation of the door and the works carried out in accordance with the approved details only;
- an informative advising the retention of the existing stone (which is to be removed as part of the works) to be stored safely and securely on site for use in future repairs of the building and walls.

Claire Drinkwater and Cllr David Henwood, trustees of the village hall, spoke in support of the application.

Cllr Henwood then withdrew from the meeting.

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 with the changes to condition 3 and the informative as recommended above.

### **The East Area Planning Committee resolved to:**

1. approve the application for the reasons given in the report; and
2. subject to the required 5 planning conditions set out in section 12 of the report with amendments to condition 3 (large scale joinery details of side lights, ramp and handrail, as well as for the door, to be submitted to and approved by the local planning authority prior to the installation of the door and the works carried out in accordance with the approved details only) and an informative (retention of the existing stone removed as part of the works to be stored safely and securely on site for use in future repairs of the building and walls),  
grant planning permission; and
3. 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.

## **86. 20/00335/FUL: 5 Coolidge Close, Oxford, OX3 7NP**

*Councillor Tanner re-joined the remote meeting at the start of this item.*

The Committee considered an application for the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) at 5 Coolidge Close, Oxford, OX3 7NP.

The planning officer recommended and the Committee agreed:

- an amended condition 4 to read 'Prior to the occupation of the dwelling as an HMO details of bin storage shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation the approved bin storage shall be provided on site in accordance with the approved details and retained for this purpose only', and a consequential amendment to condition 2 to reflect that change.

In reaching its decision, the Committee considered all the information put before it, and confirmed that the property was subject to separate complimentary controls under both the planning and the HMO licensing regimes. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application with the changes to the conditions recommended above.

### **The East Area Planning Committee resolved to:**

1. approve the application for the reasons given in the report; and
2. subject to the required 5 planning conditions with an amended condition 4 (Prior to the occupation of the dwelling as an HMO details of bin storage shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation the approved bin storage shall be provided on site in accordance with the approved details and retained for this purpose only) and a consequential amendment to condition 2 to reflect that change, and 2 informatives, set out in section 12 of the report; and  
grant planning permission; and
3. delegate authority to the 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 Head of Planning Services considers reasonably necessary.

## **87. Minutes**

The Committee resolved to approve the minutes of the meeting held on 4 March 2020 as a true and accurate record, and noted that the Chair would sign these as such in due course.

## **88. Dates of future meetings**

The Committee noted the scheduled dates for future meetings and agreed that the remote meetings should start at 3pm.

**The meeting started at 3.00 pm and ended at 3.50 pm**

**Chair ..... Date: Wednesday 3 June 2020**

*When decisions take effect:*

*Planning Committees -after the call-in and review period has expired and the formal decision notice is issued. Details are in the Council's Constitution.*