

East Area Planning Committee

3rd April 2012

Application Number: 12/00281/VAR

Decision Due by: 7th May 2012

Proposal: Application to vary condition 4 of planning permission 05/02333/FUL to allow occupation of two warden flats by ex-homeless persons.

Site Address: 169 And Temple Cowley United Reformed Church Hall
Oxford Road, Site Plan **Appendix 1**

Ward: Cowley Marsh Ward

Agent: N/A

Applicant: Emmaus Oxford

Recommendation: East Area Planning Committee is recommended to agree to vary the wording of the condition to allow approval of the submitted details and implementation of the development in accordance with those details.

Reasons:

- 1 It is considered that the proposed variation to condition 4 would not be harmful to the development approved under 05/02333/FUL or adjacent residential amenities. No objections have been received. It is in accordance with Local Plan, Core Strategy and Housing DPD Proposed Submission policies.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Approved Plans
- 3 Use
- 4 Occupation of 169 and details of supervision
- 5 Samples as approved
- 6 Landscape plan as approved
- 7 Landscape commencement
- 8 Means of enclosure as approved
- 9 Parking

- 10 Cycle parking details as approved
- 11 Means of access
- 12 Access for disabled required
- 13 Archaeological evaluation as approved
- 14 Cooking fumes as approved
- 15 Music/refuse
- 16 Obscure glazing
- 17 Noise

Main Local Plan Policies:
Oxford Local Plan 2001-2016

CP1 - Development Proposals
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space

Core Strategy:
CS23 – Mix of housing

Housing DPD – Proposed Submission

HP14_ - Privacy and Daylight
HP16_ - Residential car parking
TR3 - Car Parking Standards

Other Material Considerations: None

Relevant Site History:

01/02104/OUT: Demolition of church hall and outbuildings. Outline application seeking approval of means of access) to erect a building to provide accommodation for the homeless and 2 warden's flats. (Amended description). Approved 13.05.2002.

05/00723/FUL: 2/3 storey building to provide residential and community facility for homeless. Parking at rear accessed from Temple Road. (Amended Plans). Approved 10.08.2005.

05/02333/FUL: 2/3 storey building to provide residential and community facility for homeless. Parking at rear accessed from Temple Road. (Variation to permission 05/00723/FUL). Approved 16.01.2006 and constructed.

Representations Received: No representations have been received.

Statutory and Internal Consultees:

County Highways Authority: After reviewing the proposed plans at 169 and Temple Cowley United Reformed Church Hall, Oxford Road, Oxford the Highway Authority has no objection in principle to the following application.

Thames Valley Police: I have liaised with the local Neighbourhood Team and reviewed crime and disorder reported from this area. I have no comments to make in relation to this planning application.

Officers Assessment:

1. Full planning permission was granted for the redevelopment of the site and erection of a 2/3 storey building to provide residential and community facility for homeless accommodation and parking at rear accessed from Temple Road in 2005 (05/00723/FUL refers) and a variation to this was approved in early 2006 as it was discovered that the original site survey was inaccurate leaving the site smaller than previously stated. This permission has been fully implemented. No.169 Cowley Road formed part of this overall redevelopment, providing 2 flats for wardens to enable onsite supervision/ care , which was secured by condition.
2. The application seeks to vary the wording of condition 4 of 05/0233/FUL which restricts the occupation of No. 169 to wardens to allow occupation of the house as a shared single dwelling by 4 ex-homeless persons.

Issues:

3. Officers consider the main issue is the principle of the proposed variation, residential amenities and highways issues.

Principle of Development:

4. No.169 Cowley Road is a semi-detached house fronting Cowley Road and formed part of the redevelopment of the larger site for homeless accommodation managed by Emmaus. It is therefore considered that the use of the dwelling by ex-homeless persons would not constitute a change of use. The applicant has submitted detailed supporting information and it would appear that the need for 24hr on-site warden presence has never materialised. Only one of the flats has ever been constantly occupied and the other available if needed for over night stays, which apparently it never has. There are 4 wardens for the site operating an on-call system, 3 of whom live off-site within a 30 minute drive time. Therefore, whilst there is a warden living at No. 169, they are only on duty a small proportion of the time.
5. The current warden living at No.169 has recently left Emmaus and they feel that the house could be put to better use by providing a 'half way house' between the halls of residence adjacent and going to live independently. For them this is an important step to help acclimatise an ex-homeless person (they call a Companion) to living on their own and managing work. They would still nevertheless be able to use the facilities next door within the main building and be provided with support, food and communal facilities. It would therefore remain as part of the overall development. The on-call warden system currently operating would also remain in place, assisted by a number of Companion Assistants who have gained responsibility to manage minor incidents.
6. Officer's consider that the proposed occupation by ex-homeless persons would be a benefit to the provision of homeless accommodation in the City

and would be entirely appropriate in this location in accordance with Local Plan, Core Strategy and DPD Policies to provide a mix of housing in the city. The development is considered acceptable in principle. Appropriate rewording of the condition could secure the occupation solely by 4 homeless persons and ensure that the warden system is still kept in place. No objection is therefore raised.

Residential Amenities:

7. No objections have been received from adjacent residential properties. The occupation as a shared house would not involve any external or internal alterations and therefore have no adverse impact on the residential amenities of the adjoining property.

Highways and Traffic:

8. The County Highway Authority has raised no objections. There would be no adverse impact in terms of car parking, pedestrian safety or traffic. No objection is raised.

Other:

9. As the development has been constructed, there is no requirement for pre-commencement submissions as included on the original permission 05/02333/FUL. It is therefore appropriate to re-word those relevant conditions (Nos.5,6,8,10,13,14) to relate to the approved condition documents/ information submitted.

Conclusion: The proposal accords with Local Plan, Core Strategy and emerging DPD Housing Site Policies and as such officers recommend that planning permission be granted.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998.

In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/00281/VAR

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Date: 20th March 2012

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