

Agenda

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West Area Planning Committee

Date: **Wednesday 14 September 2011**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

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If you would like help to understand this document please call Alec Dubberley, Democratic Services Officer on or email adubberley@oxford.gov.uk in advance of the meeting.

West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park
Vice-Chair	Councillor John Goddard	Wolvercote
	Councillor Elise Benjamin	Iffley Fields
	Councillor Colin Cook	Jericho and Osney
	Councillor Michael Gotch	Wolvercote
	Councillor Graham Jones	St. Clement's
	Councillor Shah Khan	Cowley
	Councillor Bob Price	Hinksey Park
	Councillor John Tanner	Littlemore

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AGENDA

	Pages
1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS	
2 DECLARATIONS OF INTEREST	
<p>Councillors serving on the Committee are asked to declare any personal or personal prejudicial interests they may have in any of the following agenda items.</p>	
3 ST CLEMENT'S CAR PARK AND PUBLIC CONVENIENCE, ST CLEMENT'S STREET, OXFORD - 11/01044/CAC	1 - 36
<p>Demolition of public toilets. Redevelopment of St Clements car park to provide student accommodation (141 bedrooms) and ancillary facilities over 3 blocks. Replacement car park (74 spaces), public toilets and landscaping and ancillary works.</p> <p><u>Officer recommendation:</u> Approve with conditions</p>	
4 12A FRIAR'S ENTRY, OXFORD: 11/001814/FUL & 11/01815/CAC	37 - 48
<p>Part demolition of existing sub-station building fronting Red Lion Square. Erection of part 4 storey, part 7 storey building to provide 29 No. en-suite student bedrooms. Provision of 15 No. secure cycle parking spaces.</p> <p>Part demolition of existing sub-station building fronting Red Lion Square.</p> <p><u>Officer recommendation:</u> Refuse.</p>	
5 376 BANBURY ROAD, OXFORD: 11/01928/EXT	49 - 70
<p>Application to extend the time limit on planning permission 08/02720/FUL for "Amendments to planning permission 07/02903/FUL (Demolition of existing building, erection of 4 storey building to form 34 bedroom guest house with underground parking area), comprising various alterations to the building approved. Removal of third floor communal roof garden (amended description and plans)</p> <p><u>Officer recommendation:</u> Approve with conditions.</p>	
6 GROVE HOUSE CLUB, GROVE STREET, SUMMERTOWN, OXFORD: 11/01165/FUL	71 - 82
<p>Demolition of existing building. Erection of two storey terrace (with accommodation in roof space) comprising 1 x 4-bed house and 3 x 3-bed houses. Provision of off street parking, bin and cycle storage. (Amended</p>	

Plans and Description)

Officer recommendation: Approve with conditions.

7 59 - 63 COWLEY ROAD, OXFORD: 11/02020/EXT 83 - 106

Application to extend planning permission 08/01382/FUL for demolition of frontage buildings of 61/63 Cowley Road. Retention of rear workshop/store and 59 Cowley Road. Erection of 4 storey building (with basement) and conversion of workshop/store and No.59, to provide 2 shop units on ground floor and 5 flats above (2x2, 2x3, 1x1 bed), with private terrace, communal garden and refuse/recycling/cycle parking store (for 13 bicycles).

Officer Recommendation: Approve with conditions.

**8 66 AND 68 WOODSTOCK ROAD ST ANTONY'S COLLEGE
(MIDDLE EASTERN CENTRE), OXFORD:07/02818/FUL,
09/01557/LBC 107 - 110**

Compliance with condition 4 of the planning permission and condition 3 of the listed building consent for approval of exterior materials for the extension to Middle Eastern Centre to provide new library facilities, common area, lecture room, storage areas.

Officer recommendation: Approve.

9 PLANNING APPEALS 111 - 114

To receive information on planning appeals received and determined during July 2011

The Committee is asked to note this information.

10 FORTHCOMING APPLICATIONS

The following items are listed for information. They are not for discussion at this meeting.

- 1) Travis Perkins Site, Chapel Street: 11/01712/FUL: Student accommodation.
- 2) St. Hugh's College: 10/01794/FUL & 11/01795/CAC: Student accommodation & Chinese Institute.
- 3) Green Templeton College: 11/01493/FUL: Temporary sports pavilion (call in).
- 4) 15 Farndon Road: 11/01942/FUL: Extensions (call in).
- 5) 46 / 48 Union Street: 11/01966/FUL: Extensions (call in).

- 6) 38 Linkside Avenue: 11/01860/FUL: Extension (call in).
- 7) 1 Wytham Street: 11/02150/FUL: Extension (call in).
- 8) University Science Area: 11/00940/CONSLT: Science Area Masterplan (not a planning application).

11 MINUTES

115 - 118

Minutes of the meeting held on 10 August 2011.

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;

(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;

 - (d) 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 Officer/s and/or other speaker/s); and
 - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to planningcommittee@oxford.gov.uk before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application(or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. 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,
6. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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West Area Planning Committee

14 September 2011

(1) Application Number: 11/01040/FUL

Decision Due by: 18 July 2011

Proposal: Demolition of public toilets. Redevelopment of St Clements car park to provide student accommodation (140 bedrooms) and ancillary facilities over 3 blocks. Replacement car park (74 spaces), public toilets and landscaping and ancillary works. (Amended Plans, Additional Information)

Site Address: St Clements Car Park And Public Convenience St Clement's Street (**Appendix 1**)

Ward: St Clement's Ward

(2) Application Number: 11/01044/CAC

Decision Due by: 18 July 2011

Proposal: Demolition of public toilets

Site Address: St Clements Car Park And Public Convenience St Clement's Street Oxford

Ward: St Clement's Ward

Agent: N/A

Applicant: Watkin Jones Group

Recommendation:

Application for Planning Permission

It is recommended that the West Area Planning Committee resolve to grant planning permission subject to the conditions and obligations set out below and to delegate authority to officers to issue the notice of permission following satisfactory completion of the legal agreement for the following reasons:

- 1 The principle of development is established by Local Plan policy DS82. In consideration of the site and development constraints, as well as its sustainable location, the general layout of the proposal, along with its number of car parking spaces, is considered to be acceptable on balance. The impact of the proposal on neighbouring residential properties and the character and

appearance of the conservation area, and the setting of the nearby listed buildings, is not considered to be unacceptable, in accordance with Local Plan policy CP1, CP8, CP10, HS19, HE3 and HE7 and Core Strategy policy CS18. Matters of the management of the proposed student accommodation and restrictions on residents bringing cars into the City can be secured by planning condition or obligation in accordance with Core Strategy policy CS25.

- 2 The Council has had regard to all the comments received through the consultation process. The matters raised have been addressed within the report and when taken on balance are not considered to warrant refusal of the application.
- 3 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 issues, 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 In accordance with approved plans
- 3 Students in full time education only
- 4 Details of educational establishment /Management company
- 5 Student Accommodation – Management Controls
- 6 Scheme to prevent students bringing cars into the City
- 7 Samples of Materials in Conservation Area
- 8 Submit further architectural & construction details
- 9 Boundary details before commencement
- 10 Public Art - Scheme Details & timetable
- 11 Landscaping plan required (including areas of hard
- 12 Landscaping carry out by completion
- 13 Landscape hard surface design - tree roots
- 14 Landscape underground services - tree roots
- 15 Tree Protection Plan (TPP) 1
- 16 Mitigation and enhancement in accordance with Ecological Assessment
- 17 Arboricultural Method Statement (AMS) 1
- 18 Archaeology - Implementation of programme
- 19 Temporary car park provided before closure of existing car park (including relevant signage)
- 20 Construction Traffic Management Plan
- 21 Travel Plan
- 22 Provision of pedestrian access to Angel and Greyhound Meadow during construction period
- 23 Bin and cycle storage in accordance with plans
- 24 Land contamination study
- 25 Design of vehicular access (application site only)
- 26 Develop in accordance with FRA
- 27 Remediation Verification report
- 28 Disposal of Surface Water

- 29 Fire Hydrant
- 30 Removal of site from Controlled Parking Zone
- 31 Translucency of glazing in north elevation
- 32 Temporary public toilets during construction
- 33 Details of CCTV
- 34 Lighting scheme for site
- 35 In accordance with NRIA
- 36 3rd floor south facing windows of Building B to be omitted

Application for Conservation Area Consent

It is recommended that the West Area Planning Committee grant conservation area consent for the following reasons:

1. The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

Conditions:

- 1 No demolition prior to contract for redevelopment

Planning Obligations:

In accordance with the Councils Planning Obligations SPD the following contributions are required to mitigate the impact of the proposals on City and County Services and infrastructure and have been agreed by the applicants. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment.

- £8,460 towards indoor sports facilities
- £50,000 towards general environmental improvements in the local area
- £8,883 towards library infrastructure
- £19,458 towards cycle safety measures
- £19,950 towards the Oxford Transport Strategy
- £10,000 towards public transport infrastructure
- £600 as a travel plan monitoring fee

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP6 – Efficient Use of Land and Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

CP13 – Accessibility

CP14 – Public Art

CP17 – Recycled Materials

CP18 – Natural Resource Impact Assessment
CP20 – Lighting
CP21 - Noise
NE14 – Water and Sewage Infrastructure
NE15 – Loss of Trees and Hedgerows
NE16 – Protected Trees
HE2 – Archaeology
HE3 – Listed Buildings and Their Setting
HE7 – Conservation Areas
HE9 – High Building Area
HE10 – View Cones of Oxford
HS19 – Privacy and Amenity
TR1 - Transport Assessment
TR2 – Travel Plans
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR11 – City Centre Car Parking
DS82 – Part of St Clements Car Park – University of Oxford Use

Oxford Core Strategy 2026

CS2 – Previously Developed and Greenfield Land
CS4 – Green Belt
CS9 – Energy and Natural Resources
CS11 – Flooding
CS12 – Biodiversity
CS13 – Supporting Access to New Development
CS14 – Supporting City-wide Movement
CS17 – Infrastructure and Developer Contributions
CS18 – Urban Design, Townscape Character and the Historic Environment
CS19 – Community Safety
CS25 – Student Accommodation

Other Material Considerations:

The site lies within the St Clements and Iffley Road Conservation Area
PPS 1 – Delivering Sustainable Development
PPS 4 – Planning for Sustainable Economic Growth
PPS 5 - Planning for the Historic Environment
PPS 9 - Biodiversity and Geological Conservation
PPG 13 – Transport
PPS25 – Development and Flood Risk
Regional Spatial Strategy for the South East
St Clements and Iffley Road Conservation Area Appraisal
Planning Obligations Supplementary Planning Document
Parking Standards, Transport Assessments and Travel Plans Supplementary
Planning Document
Natural Resource Impact Analysis Supplementary Planning Document
Manual for Streets

Relevant Site History:

10/02848/CAC - Demolition of public toilets - withdrawn

10/02790/FUL - Redevelopment of St Clement's car park to provide student accommodation (141 bedrooms) and ancillary facilities over 4 blocks. Replacement car park (65 spaces), public toilets and waste recycling facilities. Student cycle parking provision (with buildings). Retention of public footpath to Angel and Greyhound meadow – withdrawn

11/01993/CT3 - Temporary change of use of existing car park at Harcourt House to public car park. Provision of two pay machines (Note: This application is to provide a temporary replacement car park during closure of St Clement's Car Park during construction works) – pending decision at time of writing this report. It is intended to report the application to the East Area Planning Committee on the 7th September 2011.

Representations Received: A total of 643 comments have been received, including a 2929 signature petition. Following concerns raised by officers the original submission was amended and formal re-consultation undertaken on the 15th July 2011 at the request of the West Area Planning Committee. A summary of the comments received under both consultations is set out below.

Third Party Comments on Original Plans

- Loss of trees harmful to ecology and character of conservation area
- Adverse impact on the Setting of the Listed Florey Building
- Inadequate replacement car parking
- No temporary car park during construction would be detrimental to vitality and viability of St Clements shops and restaurants
- Proposed parking is not safe due to cramped layout
- Cramped overdevelopment of the site
- Design and density out of keeping with and harmful to the character and appearance of the conservation area
- Poor quality public realm due to lack of activity at ground level and undercroft parking
- Loss of light and outlook to St Clements properties
- Loss of light and outlook to Florey Building
- Loss of light and outlook to Allan Bullock Close
- No agreed end user for the student accommodation
- Student car parking in area. No realistic way to prevent this
- More students will adversely affect balance of community
- Poor quality architecture
- Adverse impact on Angel and Greyhound Meadow
- Lack of community engagement
- Significant impact on vitality of St Clements businesses
- Adverse impact on residential amenity due to noise and nuisance from development
- Negative impact on mental health and literary and intellectual production of neighbouring residents on St Clements

- Loss of privacy to adjoining property
- Flood concerns
- Adverse impact on servicing of shops and restaurants from existing car park

Third Party Comments on Amended Plans

- Redevelopment for student housing will damage future health of City
- Development does not follow mixed and open pattern of development and uses seen in the East Oxford area
- Buildings provide no outlook of meadow, and when seen from Meadow are ugly
- Poor design compromises Florey Building rather than complimenting it
- Arbitrary assortment of colours, shapes, styles, fenestration and roof patterns conceal any sense of integrity and do not relate to context
- Inadequate cycle parking
- Unfortunate no shared access with Florey Building
- Adverse impact on light to and outlook from Alan Bullock Close
- Inadequate level of car parking retained contrary to policy DS82
- Temporary solution at Harcourt House is not adequate due to number of spaces, distance from St Clements and its isolated and insecure location
- Alterations to buildings result in increased height in contravention with policy HE9
- Design changes incorporate large areas of flat roof and uncharacteristically steep pitch roofs which fail to harmonise with character of area
- Destruction of open space, trees and wildlife
- Daylight/Sunlight Assessment submitted by applicant is inaccurate
- Significant adverse impact on daylight and privacy to, and outlook from, the flats at No 33 St Clements
- Poor level of consultation
- Loss of parking would have significant adverse impact on vitality of St Clements, Cowley Road and the High Street
- Overbearing impact on St Clements properties
- Loss of privacy and light to, and over bearing impact on, No 1 Pensons Gardens
- Creation of student ghetto
- Proposed parking inadequate in number and layout
- Noise and disturbance
- Impact on access to rear of shops and fire escape of St Clements flats
- Out of keeping with character and appearance of conservation area
- Loss of trees is detrimental to wildlife and appearance of area
- No end user has been specified
- Overdevelopment. Buildings too big and dense for site
- Negative impact on mental health and literary and intellectual production of neighbouring residents on St Clements
- Student accommodation not needed
- Negative impact on views of the Dreaming Spires
- No car status of development unenforceable
- Fence attached to No1 Penson's Gardens not acceptable

Statutory and Internal Consultees:

Comments Received Regarding Original Plans

Highways And Traffic – No objection subject to conditions

English Heritage Commission – Changes to the scheme help to mitigate the impact on setting of conservation area. However, due to increased activity associated with development the nature of the site will change when seen from Angel and Greyhound Meadow. Planning Authority should satisfy itself that the wider benefits of the scheme outweigh this harm to the conservation area.

Thames Water Utilities Limited – No objection

Environment Agency Thames Region – No objection subject to conditions

Thames Valley Police – Concern raised about community cohesion due to lack of defensible space between public realm and buildings. If undercroft parking to Building B can not be removed would recommend CCTV. Adequate lighting needed. No details at this stage to comment on. CCTV needed. Surveillance of public toilets needed and should not be open 24 hours a day.

Berks, Bucks And Oxon Wildlife Trust (BBOWT) – Application should accord with Core Strategy policy. Recommend that development carried out in accordance with Ecology Report and the mitigation and biodiversity enhancements as specified there in, in order to comply with policy

Natural England – No objection

Oxford Preservation Trust – Essential that concerns of stakeholders are considered given the vital role this plays to vibrancy of area. Proposals have addressed main concerns of Trust.

Oxford Civic Society – Design and position of blocks improved from last scheme. Still too large and overwhelming. Overdevelopment of site in conservation area. Attention to temporary car park needed. Increase in permanent parking if possible.

Oxford Green Belt Network – Concern about views of site from Angel and Greyhound Meadow.

Comments Received Regarding Amended Plans

Highways And Traffic – No objection subject to conditions

Thames Water Utilities Limited – No objection

Environment Agency Thames Region – Deemed to be low risk (see previous comments and recommendations)

Thames Valley Police – No further comments to make (see previous comments and recommendations)

Natural England – No further comments to make (see previous comments)

Oxford Civic Society – Buildings provide no outlook to meadow and would appear ugly in views from the meadow. The design incorporates an arbitrary assortment of colours, shapes, styles, fenestration and roof patterns which conceal any sense of integrity and which do not relate to the context. Fails to compliment the Florey Building. This is a wasted opportunity of this site. Cycle parking is inadequate. A missed opportunity to improve the access. No proposal for management of the accommodation, 24hr supervision is essential. No temporary replacement car park provided.

Twentieth Century Society – Welcome principle of developing site, because the existing car park constitutes very poor setting for Florey Building. However, the proposal lacks architectural distinction and represents a wasted opportunity for this special part of the City. The scheme does not resolve the concerns raised by the Society in the past nor do they reflect a significant improvement as far as the setting of the Florey Building is concerned.

Sustainability: The application proposes the more efficient use of a brownfield site within an existing urban context with access to shops, services and public transport. The proposals include an acceptable Natural Resource Impact Analysis that sets out the sustainable credentials of the proposal in terms of its resource and energy efficiency.

Officers Assessment:

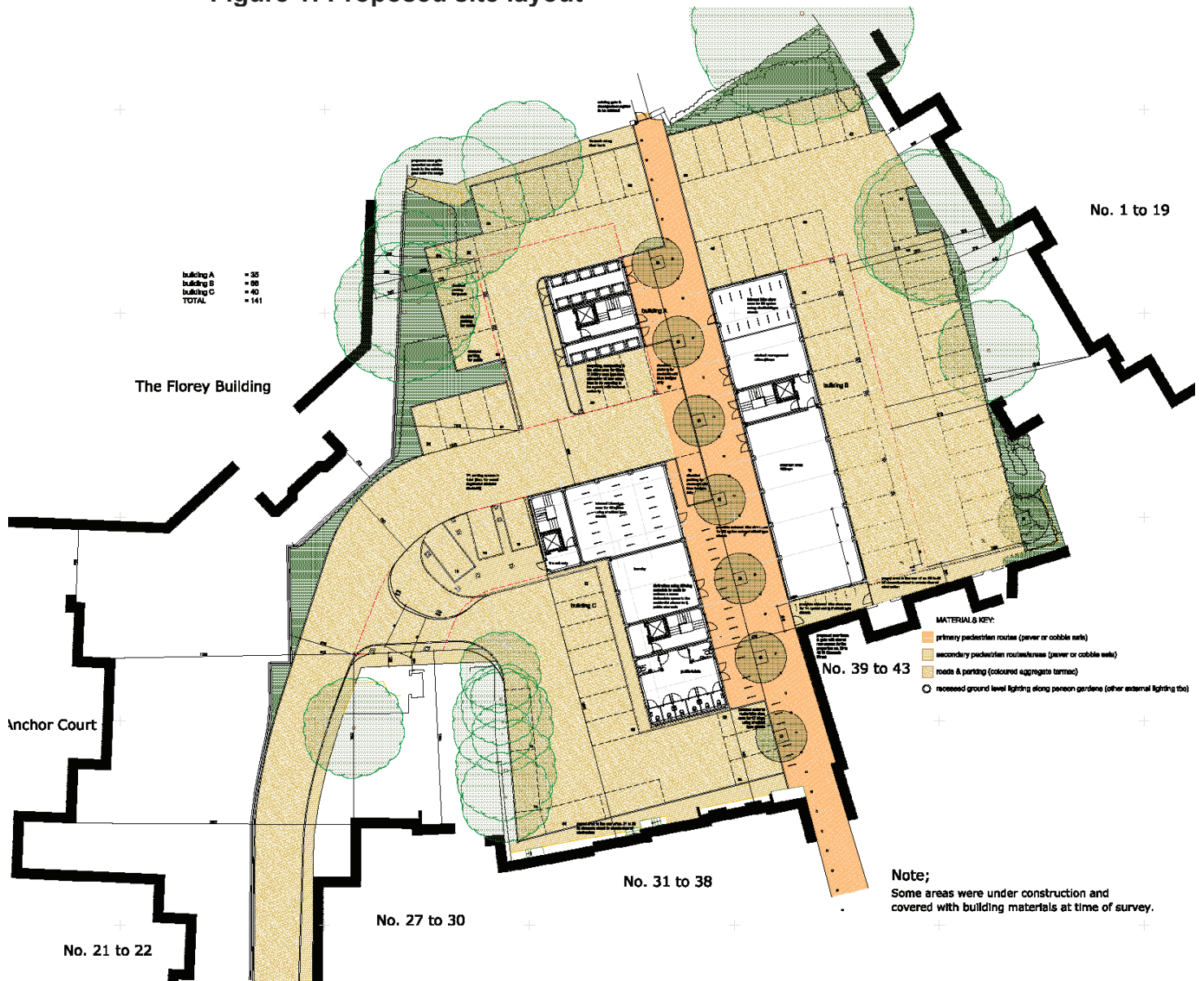
Site Description and Proposal

1. The application site comprises St Clement's Car Park, a public car park located approximately 50m to the east of the Plain. The site is accessed from the south off St Clement's Street via a vehicular access adjacent to that of the Florey Building, and Pensons Gardens a pedestrian route which is approximately 50m to the east. The site provides 112 parking spaces, public toilets and recycling facilities. There is also a small number of cycle stands. The Penson's Gardens route runs northwards through the site leading from St Clement's to the Angel and Greyhound Meadow.
2. The site is tightly constrained. To the north is the tree-lined bank of the River Cherwell, and the Angel and Greyhound Meadow beyond, to the east is Alan Bullock Close, a part 2/3/4 storey graduate student development. The southern boundary abuts the rear of the St Clement's and Penson's Gardens properties, which range from 3 to 4 storeys in height, and to the west is the 5-storey Anchor Court building and the Grade II Listed Florey Building which stands at 6-storeys in height.
3. The site is within the St Clement's and Iffley Road Conservation Area and

the northern portion of the car park is located within Flood Zone 3. There are a number of mature trees on the site, most notably those that create an informal edge to the footpath which leads to the meadow, and those that line the northern edge of the site. To the north the Angel and Greyhound Meadow is a Site of Local Interest for Nature Conservation (SLINC) a protected open space and undeveloped flood plain.

- The applications seek conservation area consent for the demolition of the public toilet block and planning permission for the erection of three buildings, ranging from 3 to 5 storeys in height, to provide 140 studio bedrooms, including common room facilities, a laundry room, and a cycle parking and bin storage area. The proposals retain 72 public car parking spaces, with 2 further spaces for disabled residents, and public toilet facilities. Figure 1 shows the proposed site layout.

Figure 1: Proposed site layout



5. Officers consider the principal issues in this case to be:

- Principle of Development
- Impact on the Character and Appearance of the Conservation Area and the Setting of Listed Buildings
- Layout and Public Realm
- Scale, Built Form and Appearance
- Trees
- Biodiversity
- Archaeology
- Impact on Residential Amenities of Neighbouring Properties
- Parking and Highways
- Temporary Replacement Car Park
- Impact on Vitality of St Clement's
- Energy and Resource Efficiency
- Planning Obligations

6. Following concerns raised by officers regarding the scale, bulk and architectural treatment of the buildings, the original plans have been amended. The following changes have been made to the buildings, **Appendix 2** shows all elevations, as originally submitted and as amended.

Building A

- The roof form has changed and now reads as two separate ranges, one side has a flat roof (facing the Florey Building), whilst the other is seen with a pitch roof;
- The ridge height of the building has increased by 3.15m while the eaves level and flat roof side have been lowered by 1.4m and 1.1m respectively;
- Windows have been inserted in the north elevation, these constitute narrow landing windows and small porthole style windows. The top floor of the flat roof element is now glazed. There is also a step in the elevation where the flat and pitch roof sections meet;
- The building is treated in two different facing materials providing distinction between the two forms.

Building B

- The 6th storey has been omitted;
- The roof form has been simplified, with the roof plane that fronts onto Penson's Gardens now running front to back. Like Building A, Building B is seen as two ranges, with a pitched roof fronting Penson's Gardens and a flat roof element facing Alan Bullock Close;
- The height of building B has been reduced by 3.6m, while the eaves level has been reduced by 3.3m;
- The southernmost element that is closest to No 1 Penson's Gardens now has a flat roof design to match the elevation that

faces Alan Bullock Close, this results in new windows at 3rd floor level;

- Windows have been inserted in the north elevation, these constitute narrow landing windows and small porthole style windows. The top floor of the flat roof range is now glazed. There is also a step in the elevation where the flat and pitched roof sections meet;
- The palette of materials has been simplified, omitting the double level render section previously seen facing Penson's Gardens.

Building C

- The roof form have been simplified. The entire building now has a flat roof;
- The palette of materials has been altered, omitting the double storey render section that previously faced Penson's Gardens. The language of the 'contemporary' wing (closest to the vehicular entrance) has been extended further into the eastern part of the building;
- The height of the eastern part of the building has been reduced by 0.5m.

7. The Committee in resolving to defer the application at the July meeting to allow public re-consultation on the amended plans, also requested that the matter of the temporary replacement car park be resolved. The Councils Corporate Assets Services have identified a site and a planning application has been submitted for the temporary change of use of the Harcourt House car park to a public car park. This application is due to be considered by the East Area Planning Committee on the 7th September 2011. Officers would point out that if the Harcourt House application is approved it is for the West Area Planning Committee to consider as part of its deliberations of this application whether it would provide an acceptable temporary replacement car park during construction works at St Clement's car park.

Background

8. The Council marketed the site in 2008 for disposal to provide student accommodation, with replacement car parking and public toilets. Although the disposal of the land is not a planning matter, officers consider it important that the Committee is aware that the proposal has been to a great extent shaped by the development constraints of the site, i.e. relationship with neighbouring buildings and land, and the requirements of the brief, i.e. number of student rooms and car parking spaces required for the development to be delivered.
9. Following the withdrawal of planning application reference 10/02790/FUL, officers have had lengthy discussions with the applicants to resolve the concerns previously raised. Those discussions have seen the proposals evolve from four separate blocks of up to 6 storeys in height, to three blocks ranging from 3 to 5 storeys. The buildings have moved away from the edges of the site, whilst the number of public car parking spaces has

been increased to 72 and the number of those provided in undercroft locations has been greatly reduced.

10. The overall layout has been revised, pulling the buildings away from the boundary and also creating a more cohesive environment. The route to the Angel and Greyhound Meadow has therefore been strengthened by the planting of new trees, albeit at the expense of the existing ones, and with the reduction in the number of undercroft parking spaces the ground floor space now comprises an enlarged common room, staff office, cycle and bin store, and laundry. This has improved the extent of active street frontage.
11. The design principles have been reviewed, with the intention of establishing a more appropriate architectural language for the development, using contemporary and traditional detailing, to help the building forms assimilate with their surroundings.

Principle of Development

12. Local Plan policy DS82 relates specifically to the St Clement's Car Park site and states that *'Planning permission will be granted on part of St Clements car park for the development of purpose built student accommodation. The development of this site will be subject to the provision of satisfactory replacement car parking. Planning permission will not be granted for any other uses.'* It is policy DS82 that sets out the principle of redeveloping the site to accommodate student accommodation and surface level car parking and in this respect it is considered in broad terms acceptable.

Impact on the Character and Appearance of the Conservation Area and the Setting of Listed Buildings

Heritage significance

13. In the C17th St Clement's was demolished as part of the campaign to defend Oxford during the civil war. It faced wholesale demolition again during the 1960s and 1970s as part of a programme of redevelopment. The Florey Building is part of that programme to redevelop and followed the clearance of C19th terraced housing and other workshop buildings that occupied the site of the car park and Florey Building. All evidence of the former street pattern on the site is gone.
14. The existing car park is visible from St Clement's at the point of access (shared with the access to the Florey Building) and has a negative impact with poor quality surfaces and boundary treatments. There is a view of the 'bastion' towers to Florey building (a grade II listed building) from this access, but the setting the car park provides is not attractive. The appearance of the site, as an expanse of tarmac is mitigated by the tree coverage with the view down Penson's Gardens towards the meadows framed by trees. In longer distance views the tree canopies are an important characteristic that blend with the sylvan qualities of the river bank and meadow.

15. Remaining 'backland areas' have already been developed with C19th terraces, C20th student and other housing and the Florey building. The car park remains one of the few undeveloped areas (earlier C19th buildings having been demolished as part of the slum clearance in the 1960s). In views from the Meadows the site is obscured by the tree lined banks of the river, but the glazed north elevation of the Florey building, rising to 5 storeys, is visible as a dramatic foil to the natural landscape of the riverside.
16. Of the trees on the site (probably planted following the slum clearance of the 1960s) The ash (T4) and 2 of the planes (T2 and T3) are poor quality trees with low amenity value, but the other plane trees (T1, G2 and G3) are large mature trees that are prominent in internal views from within the car park site and in external views into the site from surrounding properties. Plane tree T1 is particularly valuable as an individual amenity tree standing adjacent to and overhanging the Penson's Gardens pedestrian route that links St Clements to the Angel and Greyhound meadow.
17. The city council's conservation area appraisal identifies the glimpse views down to the meadow *through an intimate space that originally led to Penson's Gardens, the building height and narrow width of the alley forming the strong sense of enclosure*. The appraisal also identifies the simplicity in the design of buildings with facades 'unadorned' and generally of brick or render. It concludes that there is a general character to the north side of St Clement's, generally three stories with buildings of differing heights to create a streetscape of stepped roofs with varying pitches.

Summary of character and appearance of the site:

- Historic street pattern is lost;
- The grade II listed Florey building, a modern re-interpretation of the traditional college quadrangle, is a prominent part of the context of the application site;
- The site access has a negative impact on the appearance of the conservation area;
- The trees add colour and texture and frame views and access to the meadows;
- Penson's Gardens is an alley characterised by a strong sense of enclosure;
- Outside of normal working hours the car park feels less safe.

Heritage Policy Framework

18. Planning Policy Statement No. 5: "*Planning for the Historic Environment*" (PPS5) explains the government's commitment to the protection of the historic environment and provides a policy framework on its effective management. The guidance asks that applicants and the local planning authority have sufficient information to understand the significance of a heritage asset and to understand the impacts that any proposal would have. It advises in particular that local planning authorities should take into

account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability. PPS 5 recognises that intelligently managed change is necessary if heritage assets are to be maintained for the long term, but equally that it is desirable for development to make a positive contribution. Where there are impacts that will cause harm, that harm must be justified, and the greater the harm, the greater the justification. This makes clear that some harm can be accepted, particularly if there are wider public benefits that would follow from a development.

Heritage Impacts

19. The applicants have undertaken a detailed analysis of the character and appearance of the area to inform the layout and design of buildings. The site is a challenging one with a development that has to:
- mediate between the scale of the Florey Building and the lower frontage development onto St Clement's;
 - secure an appropriate setting for the listed Florey Building;
 - accommodate a sloping site;
 - respond to the contribution the tree cover makes;
 - relate to the broader urban context in views from the meadows and South Park (roofscape);
 - provide some 'active frontages'.
20. The initial submission, which was withdrawn, missed a lot of these opportunities and would have resulted in buildings that were unrelated to their context, too bulky and of poor quality appearance, with a poor quality public realm.

Layout

21. Officers have given advice explaining the need to deliver a layout that has a relationship to the surrounding street pattern, seeks to provide a more appropriate setting for and views of the Florey Building and delivers a tree lined approach down Penson's Gardens to the meadows. This proposal shows evidence that this can be achieved with a 'street' and alley with buildings fronting them and space in front of Florey. It involves the loss of trees and the replanting of suitable replacements (covered separately in the report). Retaining the trees has been explored, but to do so would compromise the layout.

Setting of Listed Buildings

22. There is a statutory duty for the City Council to have regard to the setting of listed buildings as well as the preservation or enhancement of the character or appearance of the conservation area. 27 St Clement's is a grade II late C17th stone building and Florey a Grade II 1960s building. The setting of No27 relates more to the street than the car park, but the quality of the access and the location of the existing ticket machines do little to enhance views from the car park. The Florey building commands a wider setting and again is compromised by the present access

arrangements and quality of the car park area.

- 23.** The new buildings provide the opportunity of creating a streetscape for the Florey Building to sit within and to frame views of it, which will help to improve its setting. In addition there is an opportunity that arises from this proposal to rationalise and significantly improve the visual quality of the existing access arrangements. Queens College is supportive of this ambition and has indicated its willingness to collaborate on a suitable alternative single access. Such works would improve the setting of the Florey Building when viewed from St Clements, improve the quality of experience for pedestrians and improve perceptions of safety and crime, enhancing this part of the conservation area. It is thought that the new access arrangements would provide opportunity for additional tree planting and soft landscaping. Although part of the land is not in control of the applicant or the Council, there is a commitment from all parties to drive these improvements forward. These improvements would enhance the character and appearance of this part of the conservation area.

Bulk and height

- 24.** Officers have had long and detailed discussions with the applicant to secure a design solution that delivers a viable development yet does not have an unacceptable adverse impact on the character and appearance of this part of the conservation area, including views of it from close by or in more distant views (e.g. South Parks). This has not been easy, given the need to retain surface level parking, which effectively adds an extra storey to the height of the buildings. Lower buildings will have a larger footprint and result in the loss of car parking, taller buildings retain car parking spaces but will be more prominent, making the design challenge even greater.
- 25.** Through discussions with officers the height has been reduced from earlier proposals and by careful design of the roof forms the apparent height is also reduced (pitched roofs with attic storeys). The revised site layout, which responds more positively to the existing street pattern, will help the development to appear a more integrated part of the townscape with pitched roof elements that have a similar form to traditional roofs. These elements break through the Carfax height limit and in longer distance views from South Park the ridges will be visible. However, Local Plan policy HE9 does not rule out this approach where these elements are of no great bulk. The view from South Park will be of a cluster of buildings with varied roof forms that will in part mask the present views of the Florey Building and integrate it more seamlessly into the townscape. Although visible the proposed buildings will not harm the view of Oxford's skyline or dominate foreground or middle ground views.
- 26.** The site has few buildings on it at the moment and any development would become more prominent in views from the meadow. The view will change and there is a need to ensure that the visibility of buildings (by virtue of the design, siting height and bulk) does not lessen the experience of the viewer or understanding of Oxford's green setting. In this respect the

proposed avenue of trees leading up to St Clement's from the meadow will be important.

Design and use of materials

27. Critical to the success of the scheme is the quality of the design and use of materials. Officers and others have been very disappointed in the earlier design proposals, which showed little evidence of delivering the quality required. Through a process of iteration the building design has improved. Key issues that officers have sought to address are:

- the treatment at street level, creating as much of an active frontage as possible,
- a fenestration pattern that adds interest and a finer grain detail to the building envelopes, blending the traditional and the contemporary, adding elements where there is a functional and aesthetic necessity,
- a roofscape with finished roof levels that have variety and an eaves line that has an acceptable height relationship to the context.

28. The revised plans now include detail that shows that officers' concerns have been adequately addressed. There remain some details (e.g. bay windows, eaves details) that require some further refinement, but it is proposed that these smaller elements can be controlled by condition.

Streetscape

29. Retaining the car parking creates challenges in the provision a high quality public realm, in design, use of materials and in the way it is managed to ensure that this development is successful and that the users of the area are and feel safe. The vision is to create a tree lined avenue to the meadow, lined with buildings that have some active frontages and arrange the building blocks so that the car park access has the sense of being part of a street. This will help in the pattern of movement for cars and pedestrians and will be reinforced with a simple palette of materials using textures and colour to suggest informality and shared spaces, rather than a car park. Lighting is an important and integral part of the streetscape and is proposed to include some architectural lighting.

30. As stated earlier the existing access arrangements are harmful to the character and appearance of the conservation area, spoiling the streetscape of St Clements and this proposed development offers a rare opportunity to deliver significant enhancements. Queens College have expressed an interest in addressing the access issues, which could involve additional tree planting and soft landscaping at the entrance. The separate details have yet to be finalised, but discussions with Queens College are ongoing.

Tree Matters

31. These amended proposals have sought to resolve the deficiencies in the earlier submitted scheme (10/02790/FUL), these were:

- the visual impacts resulting from the removal of removing existing trees;
 - the lack of new trees which are necessary to mitigate these impacts;
 - the pruning of retained trees; and
 - the inappropriate retention of existing trees.
- 32.** In order to accommodate the revised layout, it is proposed to remove 8 existing trees (from 10 that stand within the application site). These include 7 London planes (T1, T2, T3, G2 and G3) and 1 ash (T4) that stand within the car park site. The removal of T1, G2 and G3, which are prominent in internal views from within the car park site and in external views into the site from surrounding properties, would adversely affect visual amenity and the character and appearance of this part of the conservation area.
- 33.** All other trees within the site, including the large ash (T5) along the eastern boundary, the group of trees (G1) which stand along the boundary with the Angel and Greyhound Public House and the group of trees (T7-11 inclusive; 2 ash, 2 field maple and a Norway maple) in the north western corner of the site, near the Florey Building, will be retained
- 34.** The revised layout includes additional new trees to mitigate for the loss of existing trees. Most significantly, it is proposed to plant a row of 7 Turkish hazel trees along the length of Penson's Gardens. It is commonly planted in paved areas as a street tree and should be well suited to the location along Penson's Gardens, which is a relatively narrow pedestrian route between tall buildings, and at the spacing proposed can be expected to provide a nearly continuous canopy above head height when mature. The new trees will be advanced nursery stock sized specimen trees which will be about 5.5 metre tall so that they will make some contribution to visual amenity in the area as soon as they are planted. In local views along Penson's Gardens the trees will be important, however wider views of the trees will be limited by the tall buildings either side of Penson's Gardens so that the contribution these trees make to visual amenity in the area will be very localised.
- 35.** The mitigation provided by the proposed new trees is welcome but will be limited in extent, particularly in the early years post construction when the new trees are relatively small. However, as the new trees mature they will make a valuable contribution to visual amenity in the area, to the benefit of the character and appearance of this part of the conservation area.

Biodiversity

- 36.** Policy CS12 of the Core Strategy states development that results in the net loss of sites or species of ecological value will not be supported. The policy goes on to state that opportunities for biodiversity enhancements should be taken within new development. Local Plan policy NE21 states that planning permission will not be granted for developments that would harm animal species specifically protected by law, unless the harm can be overcome by appropriate mitigation through compliance with planning conditions or planning obligations.

37. The application site is to the south of the Angel and Greyhound Meadow which is a Site of Local Importance for Nature Conservation (SLINC) and a designated wildlife corridor. Further north is a Site of Special Scientific Interest (SSSI) designated for its geological value. The river corridor to the north and the tree band also has potential to support bats.

Statutory Designated Sites

38. The Extended Phase 1 Ecological Assessment concludes that the application site is of no ecological value and that although it is adjacent to designated sites, i.e. Angel and Greyhound Meadow, the application site is not suitable to support features or species for which nearby sites are designated. The proposals would not therefore adversely affect those sites.

Non Statutory Designated Sites

39. Due to the location of Angel and Greyhound Meadow and the River Cherwell the Extended Phase 1 Ecological Assessment concludes that new lighting on the site may give rise to a conflict with the wildlife corridor. The report therefore recommends that any lighting scheme not increase light levels within the meadow and river corridor.

Birds

40. There was no evidence of nesting birds within the trees on site. However, the Extended Phase 1 Ecological Assessment indicates that the trees may be a foraging resource. In the light of this the report recommends that the trees be removed outside breeding season and that bird boxes are erected elsewhere in the site.

Bats

41. A Bat Survey and Assessment accompanied the application. It concludes that there was no evidence to suggest that the toilet block and trees on site provide roosting opportunities. It did consider however that the neighbouring urban context would provide opportunities for roosting in roof voids. Bats were recorded foraging adjacent to, across within the application site. The site itself was not considered to be of any ecological value, however the wildlife corridor to the north was deemed to be a key foraging resource.

42. In the light of the above the Bat Survey and Assessment recommends that lighting level within the wildlife corridor should not increase. Officers therefore recommend a condition requiring details of a lighting scheme to be submitted prior to the commencement of development.

Other Biodiversity Matters

43. The Extended Phase 1 Ecological Assessment recommends that a Construction Environmental Management Plan be agreed prior to work commencing on site in order to protect the wildlife corridor. It is also recommended that planting proposals and other biodiversity enhancements be incorporated into the development. All of the above

recommendations can be secured by condition, and officers have recommended one accordingly.

44. No objection was received from Natural England or the Berks, Bucks And Oxon Wildlife Trust. In the light of this, and the conclusions of the Extended Phase 1 Ecological Assessment and Bat Survey and Assessment, officers raise no objection with regard to biodiversity.

Archaeology

45. The application site lies within the historic core of St Clement's where there is potential for Late Saxon/Scandinavian, medieval and post medieval remains. An archaeological evaluation has been carried out by Southampton City Council Archaeology. This has identified a number of shallow medieval and post medieval pits and gully's along with two prehistoric flints that may indicate Mesolithic activity in the vicinity. The size and character of the medieval and post medieval features suggests non intensive use of this area, likely associated with rubbish deposition to the rear of properties on St Clements Street.
46. In the light of this, officers would recommend that a condition be attached to any grant of permission for a written scheme of investigation to be provided prior to commencement of development.

Impact on Residential Amenities of Neighbouring Properties

47. Core policy CP10 of the Local Plan states that development should be sited to ensure that the *'use or amenity of other properties is adequately safeguarded'*. Local Plan policy HS19 goes further and states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
48. Given the character and use of the application site, any redevelopment that would involve a more intensive use would inevitably have an impact on neighbouring properties. However, this is not to say that the impact would be unacceptable.

Impact on St Clement's Street Properties

49. Of the properties fronting St Clements, No 31-38 St Clement's would be the most affected by the proposals, and in particular by Building C which is closest to those buildings. Figure 2 below shows the rear elevation of No 31-38, on the left hand side of the image are office and store room windows, although the conservatory type addition at 4th floor level is residential. The windows on the right hand side of the image belong to the flats at No 33 St Clements and all serve habitable rooms. There is also a roof terrace.

Figure 2: Rear of No 31-38 St Clement's



50. As can be seen from figure 1, Building C has an L-shaped footprint and has been designed to minimise its impact on No 31-38 St Clement's. The highest part of the building (5 storeys) is parallel to the flats at 33 St Clements and is approximately 26.6m away. As the building turns at a right angle and moves closer to the St Clements properties it steps down in height, and where closest (approximately 9.4m) is 3 storeys, which is lower than the St Clements buildings. At this point Building C would be directly opposite windows which serve office and store space.
51. Officers recognise that the view out of the windows of the flats at 33 St Clement's would change, however, due to the distance between these windows and highest part of Building C, as well as its stepped roofline, it is considered that a sufficient degree of outlook would be retained and that the proposal would not have an unacceptably overbearing impact on the flats.
52. In regard to the impact on daylight, officers have applied the 45° vertical plane from the sill of the habitable room windows as advised by Appendix 6 of the Local Plan. Officers can confirm that it would not be breached by any part Building C and as such the impact on daylight to these windows is not considered to be unacceptable. Further, due to the position of the roof terrace in relation to the proposal officers consider this relationship to be acceptable.
53. Although there would be new windows facing those of No 33 St Clement's, they serve a corridor and due to the separation distance between them and the windows of 33 St Clements there would not be an unacceptable loss of privacy.

54. The Angel and Greyhound Public House and No 40-44 St Clement's have flats on their upper floors. The development would potentially be visible from windows and outdoor spaces, however due to the separation distances, and in some cases the intervening trees and buildings, the impact on light and privacy to, and outlook from habitable room windows or outdoor space is not considered to be unacceptable. However, the introduction of windows at 3rd floor level on the southern end of Building B may result in a perception of overlooking of the outdoor space of No 41A St Clements. The student development at 39/40 St Clements already has floor to ceiling height windows overlooking the rear terrace of No 41A and any increase in this is likely to affect the enjoyment of the outdoor space of No 41A St Clements. Officers would therefore recommend a condition to omit these windows.

Impact on No 1 Penson's Gardens

55. No 1 Penson's Gardens is a student residence located to the rear of No 40 and 41 St Clement's. The building, which abuts the application site, has windows serving study bedrooms at 1st and 2nd floor level facing north, east and west. There is also a dining room window at ground level and lounge window at 1st floor level facing north, both of these are set back within a recess and are approximately 2.65m from the northernmost edge of the building.
56. Building B is between 2 and 2.2m away from No 1 Penson's Gardens. The windows in the north elevation (facing building B) has slit windows which are secondary, those facing east and west are the primary source of light and outlook to the study bedrooms. In the light of this officers do not consider the impact on light to and outlook from the study bedrooms of No 1 Penson's Gardens to be unacceptable.
57. The communal room windows which are set within the buildings recess are approximately 4.8m away from building B. Despite of these windows being double width and full height, due to the height of Building B, and its proximity to the windows, the proposal would result in a reduction of light to and outlook from both sets. In balancing this harm officers would ask the committee to be mindful that student accommodation is not subject to the same amenity standards as normal housing, this is the reason why it is not a suitable form of accommodation for non-student occupants. To this end in applying the standards set out in policy HS19 and Appendix 6 of the Oxford Local Plan, officers would consider it reasonable if the Committee concluded that No 1 Penson's Gardens should not be treated in the same manner as normal residential accommodation.
58. No 1 Penson's Gardens has raised concern about the location of a gate between it and Building B. Officers do not consider it necessary to erect a gate in this location and take the view that it would be visually detract from the environment being created. Windows can be easily inserted at ground floor to provide natural surveillance of this space which would negate the need for it to be gated. If the Committee are in agreement officers would

recommend that the 'boundary treatment' condition be amended accordingly.

Impact on Alan Bullock Close

59. Alan Bullock Close is a graduate University of Oxford student residence. It is positioned in close proximity to the site boundary and has a number of habitable room windows looking across the site. Due to the undeveloped nature of the car park the residents of Alan Bullock Close have uninterrupted views across the car park, with the exception of the occasional tree that slightly obscures some views. In this regard it is accepted that any meaningful redevelopment of the site would curtail existing views enjoyed by residents of Alan Bullock Close. In response to this Building B, which is closest to Alan Bullock Close, has been designed so as to minimise the impact and deliver an acceptable form of development.
60. The form of Building B effectively appears as two ranges, both running north to south. The westernmost range has a pitch roof and is therefore higher, whilst the easternmost range, which faces Alan Bullock Close, has a flat roof. The elevation has a slight stagger, which seen along side the variation in materials serves to break up the bulk of the elevation. The top floor is also treated in a different material, being glazed, and as such appears more as an attic storey, thus reducing the perceived height and bulk of the building.
61. At its closest Building B is approximately 13.2m away from Alan Bullock Close, however this distance sharply increases to as much as 33m as Alan Bullock Close tapers away from the boundary. The impact of the proposal on the outlook of Alan Bullock Close is therefore not considered to be unacceptable due to the careful treatment of the east elevation of Building B and the reasonable separation distance. In addition the intervening vegetation, albeit limited, helps to soften the view at certain points.
62. In regard to the impact on daylight, officers have again applied the 45° rule in the vertical plane from the cill of habitable room windows as advised by Appendix 6 of the Local Plan. Officers can confirm that it would not be breached by Building B and as such it is not considered to have an unacceptable impact on daylight to Alan Bullock Close.
63. As regards the impact on privacy, the separation distance between Alan Bullock Close and Building B, being between 13.2m and in excess of 33m, is considered reasonable to ensure that there would not be an unacceptable loss of privacy to the existing student accommodation as a result of facing windows.

Impact on the Florey Building and Anchor Court

64. The Florey Building is a student residence built in the 1960's. With the exception of the dual aspect duplex study bedrooms on the 4th and 5th floor, the building has a single aspect, with the landings located along the car park side of the building and the bedrooms facing north towards the

Angel and Greyhound Meadow. As a result of this layout there are no habitable student room windows facing the application site on the lower levels. There is however a ground floor caretaker's flat in the north eastern corner of the building. This flat is adjacent to Building A.

65. The flat benefits from floor to ceiling height windows along its entire car park elevation, although the living room also has windows facing north. Between the flat and the car park is an area of hardstanding that is used as an amenity space, the living room also opens out onto an area of decking to the north of the flat.
66. Building A is 5 storeys in height and has a similar design approach to Building B. This sees the elevation facing the Florey Building lower in height with its top floor glazed. At its closest Building A is approximately 10m away from the flat. The flat has three rooms facing the car park, a bedroom, which also has an outlook to the south, a kitchen, and a living room which also has an outlook towards the north. Due to the undeveloped nature of the car park and the proximity of Building A to the flat, as well as its height, the outlook from the flat, and in particular the kitchen would significantly change.
67. In regard to the impact on daylight, officers have again applied the 45° rule in the vertical plane from the midpoint of the full height windows of the flat. Officers can confirm that it would not be breached by Building A and it is therefore considered to not have an unacceptable impact on the flat. It is also noted that the flat is served by floor to ceiling height windows that extend across the entire width of the car park elevation. This arrangement would allow more daylight in to the flat than conventional windows. The flat is also to the west of Building A and given the orientation of the site, Building A would not unacceptably curtail the amount of direct sunlight.
68. The flat is positioned beneath the main bulk of the Florey Building, with its upper levels projecting out above. At ground level Building A has no windows facing the flat, whilst any view down to the flat from the 1st, 2nd, 3rd and 4th floor windows would to an extent be curtailed by the upper levels of the Florey Building and in particular the canopy of the trees which stand between. As a result, despite the relatively close proximity between the caretaker's flat and Building A, any overlooking and effect on privacy would not be unacceptable.
69. The duplex study bedrooms have windows at 5th floor level overlooking the site. These are high enough to not be adversely affected by the proposals and are in any event dual aspect rooms.

General Impact of Student Use

70. Concern has been raised regarding the proposed use of the site. Notwithstanding policy DS82 which allocates the site for student accommodation, officers would highlight the terms of policy CS25 of the Oxford Core Strategy which states that the management of the site can be adequately controlled by condition. This would adequately address any

concerns there are about potential for noise and disturbance or other management matters.

Parking and Highways

Replacement Car Parking

71. Further to the replacement car parking requirements of Local Plan policy DS82, policy TR11 states that the *'City Council will not allow any significant increase in the overall number of parking spaces in the Transport Central Area, and will maintain approximately the present number of off street parking spaces.'*
72. The site currently accommodates 112 car parking spaces arranged in a substandard layout. The proposal would result in this being reduced to 72 public spaces which would be provided to adopted standards. The site is located within the Transport Central Area and as such is highly accessible by non-car modes of transport. The application has been supported by a Transport Assessment which indicates that during the week only 62% of the car park is used. The same assessment however acknowledges that on the weekend this usage increases.
73. The site is located within a Controlled Parking Zone and as such if parking displacement occurs as a result of the reduced level of car parking it is unlikely that this would result in an adverse impact on the highway network as parking controls are present in the area. On this basis and in the light of the accessibility of the site, the Highway Authority raises no objection to the reduction in the number of car parking spaces.

Temporary Car Parking

74. A planning application has been submitted for a temporary replacement car park at Harcourt House on Marston Road. This application will be reported to the East Area Planning Committee on the 7th September 2011 with an officers' recommendation to support the application. The report concludes that the Highway Authority consider the site to be suitable in terms of highway safety, and that it is also acceptable in terms of crime and safety. The change of use of the site would also not adversely impact upon the character and appearance of the conservation area or biodiversity.
75. In selecting Harcourt House the Councils Corporate Assets Service has reviewed alternative sites, including South Park and St Clements Church, both of which are not suitable due to potential adverse heritage impacts, and Oxford University Rugby Club which is of insufficient capacity. Harcourt House can accommodate 55 car parking spaces and is approximately 800m away from St Clements. Whilst, this is not comparable to St Clements Car Park in terms of number of parking spaces and proximity to the amenities in St Clements, a more suitable site is not available. In this regard, Harcourt House would not be a like for like replacement but it will nevertheless provide a temporary solution that is acceptable in terms of highway and crime safety.

76. Concern has been raised regarding the inappropriateness of Harcourt House for people with disabilities. Harcourt House is 800m from St Clement's and this distance may prove problematic for less able bodied persons. There is existing on street car parking provision on St Clement's and at the bottom end of Morrell Avenue, both of which have unrestricted parking in the evening. The Highway Authority have also confirmed that Blue Badge Holders are permitted to park on the residential side streets off St Clement's.
77. Should the West Area Planning Committee deem Harcourt House to be an acceptable temporary solution and grant planning permission for the St Clement's redevelopment, officers would recommend a condition to ensure that Harcourt House is operational prior to closure of St Clement's Car Park.

Student Parking

78. Officers acknowledge the concerns raised in regard to student cars and the potential impact this can have on the highway network. However, the site is situated within a Controlled Parking Zone (CPZ) which extends a considerable distance. Officers would recommend that the site be removed from the CPZ removing any resident entitlement to park on street.
79. As a further level of protection the applicant has submitted details of how they prevent residents keeping car at their other developments. The details provided are too lengthy to go into details here, suffice to say that the approach would accord with the requirements of policy CS25 of the Core Strategy which requires management controls and an undertaking that residents do not bring car into the City. The latter can be secured by condition and/or as an obligation.

Impact on Vitality of St Clements

80. The local business community has raised concerns about how the proposals will affect their livelihood. This concern largely relates to the need for a temporary replacement car park during construction and the level of car parking to be provided in the new development.
81. The Committee have before them a proposal for a temporary replacement car park.
82. In regard to the level of replacement car parking, the Highway Authority has already confirmed that due to the sustainable location, a reduction in the number of car parking spaces is acceptable. Officers have studied the survey produced by the applicant and also have a survey carried out by the City Councils Parking and Shopmobility team. The latter was conducted between November and December 2010 and included evening surveys. This survey showed an average 58% spare capacity during this period.
83. Whilst officers do not have any survey information to explain for what

purpose people use the car park, the site is in a highly sustainable location, with excellent public transport connections. It is also worth noting that if the car park were laid out to meet current adopted standards, the number of existing spaces would be reduced from 112 to 98. Officers fully appreciate the concerns of the local business community in respect of the eventual reduction in the total number of car parking spaces, however increasing the number of spaces would have adverse design implications, i.e. building height or undercroft car parking would need to increase, which is likely to be unacceptable. It is considered that the proposed scheme achieves a satisfactory balance between these competing issues.

Energy and Resource Efficiency

84. The City Council encourages all development to combine resource efficiency and renewable energy into their design. The development due to its size exceeds the threshold where a Natural Resource Impact Analysis (NRIA) is required. In this regard policy CS9 of the Oxford Core Strategy states that planning permission will only be granted for developments where, if through the NRIA, the proposal demonstrates careful attention to a) minimise energy use, b) delivery of a portion of renewable or low carbon energy on site, c) use of recycled or reclaimed materials, and minimise water consumption.
85. A Natural Resource Impact Analysis has been submitted and the development scores highly, attaining 9 out of 11 on the checklist score (a minimum of 6 /11 required). The proposals would achieve a 34% reduction in CO₂ omissions and 37% of onsite energy requirements will be provided through the use of Air Source Heat Pumps. Further to the NRIA the development also achieves a 'Very Good' BREEAM score.
86. Officers therefore consider that the proposals are satisfactory in terms of resource and energy efficiency in accordance with policy CS9.

Planning Obligations

87. In accordance with the Councils Planning Obligations Supplementary Planning Document contributions are required to mitigate the impact of the proposals on City and County Services and infrastructure. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment.

City Council:

- £8,460 towards indoor sports facilities
- £50,000 towards general environmental improvements in the local area

County Council:

- £8,883 towards library infrastructure
- £19,458 towards cycle safety measures
- £19,950 towards the Oxford Transport Strategy
- £10,000 towards public transport infrastructure
- £600 as a travel plan monitoring fee

County and City Council monitoring and administration fees also apply.

Conclusion

88. The broad principle of developing the site is established by Local Plan policy DS82 and the matters of management, including the restriction on residents keeping cars in the City, can be secured by condition and/or obligation as advocated by Core Strategy policy CS25.
89. Considering the characteristics of the site, it is recognised that any redevelopment would give rise to some adverse impacts, however as set out above this should be balanced against the benefits of the proposal. In this instance the proposal would provide purpose-built student accommodation within a sustainable location, which is supported by both the Core Strategy and the Local Plan. The scheme would also provides a new public car park and toilet facilities within a more secure and active environment.
90. The proposals will also offer the opportunity to improve the setting of the Florey Building and would be a catalyst to future improvements to the vehicular access, which would enhance the appearance of this part of the St Clement's and Iffley Road Conservation Area.
91. Weighing all the above in the balance, officers would conclude that the proposal would not be unacceptable and as such would recommend that the Committee resolve to grant planning permission but delegate authority to officers to issue the notice of permission, following completion of the s106 agreement and subject to the above conditions.

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

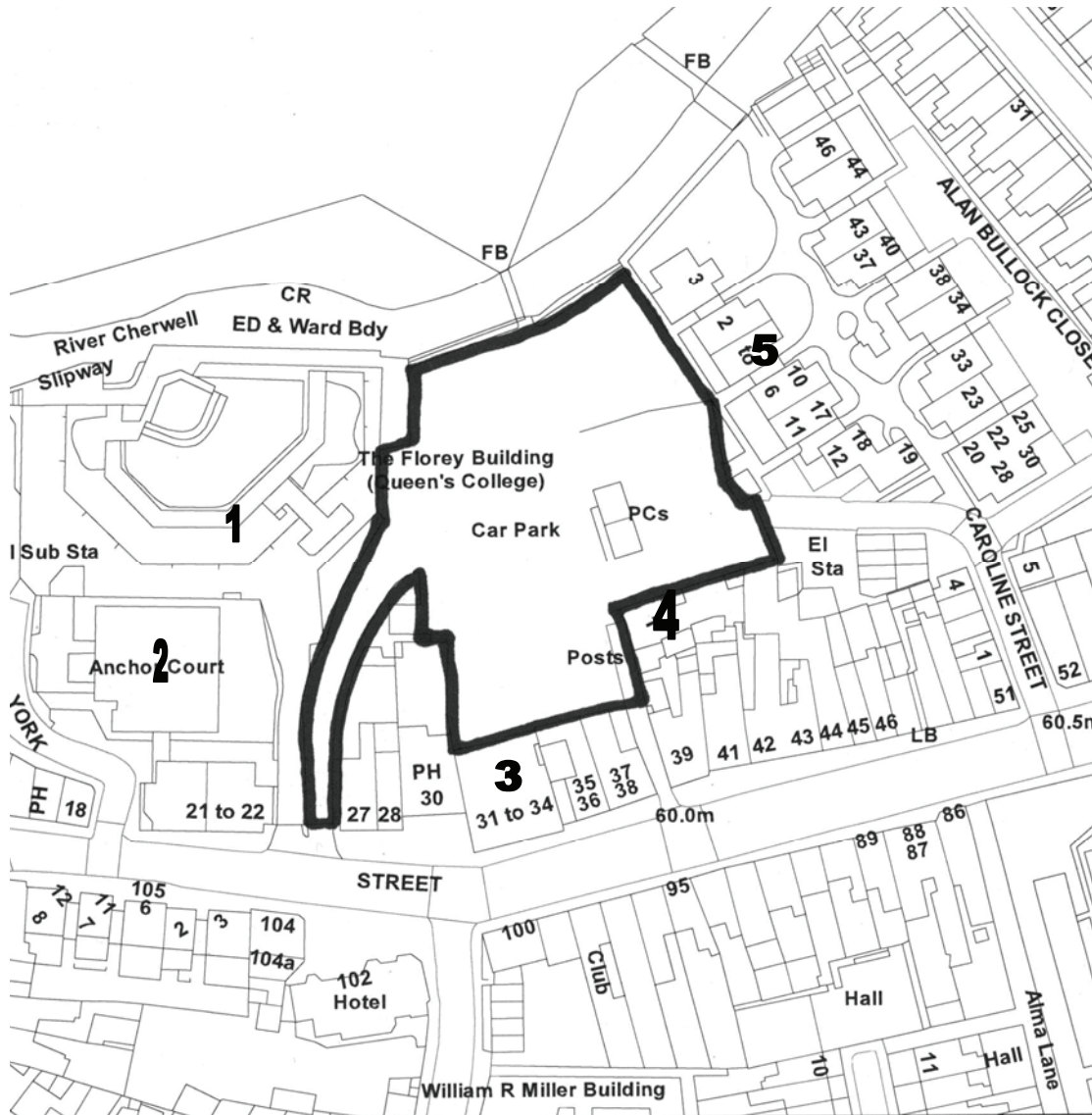
Background Papers: 11/01040/FUL, 11/01044/CAC

Contact Officer: Steven Roberts

Extension: 2221

Date: 30 August 2011

Appendix 1

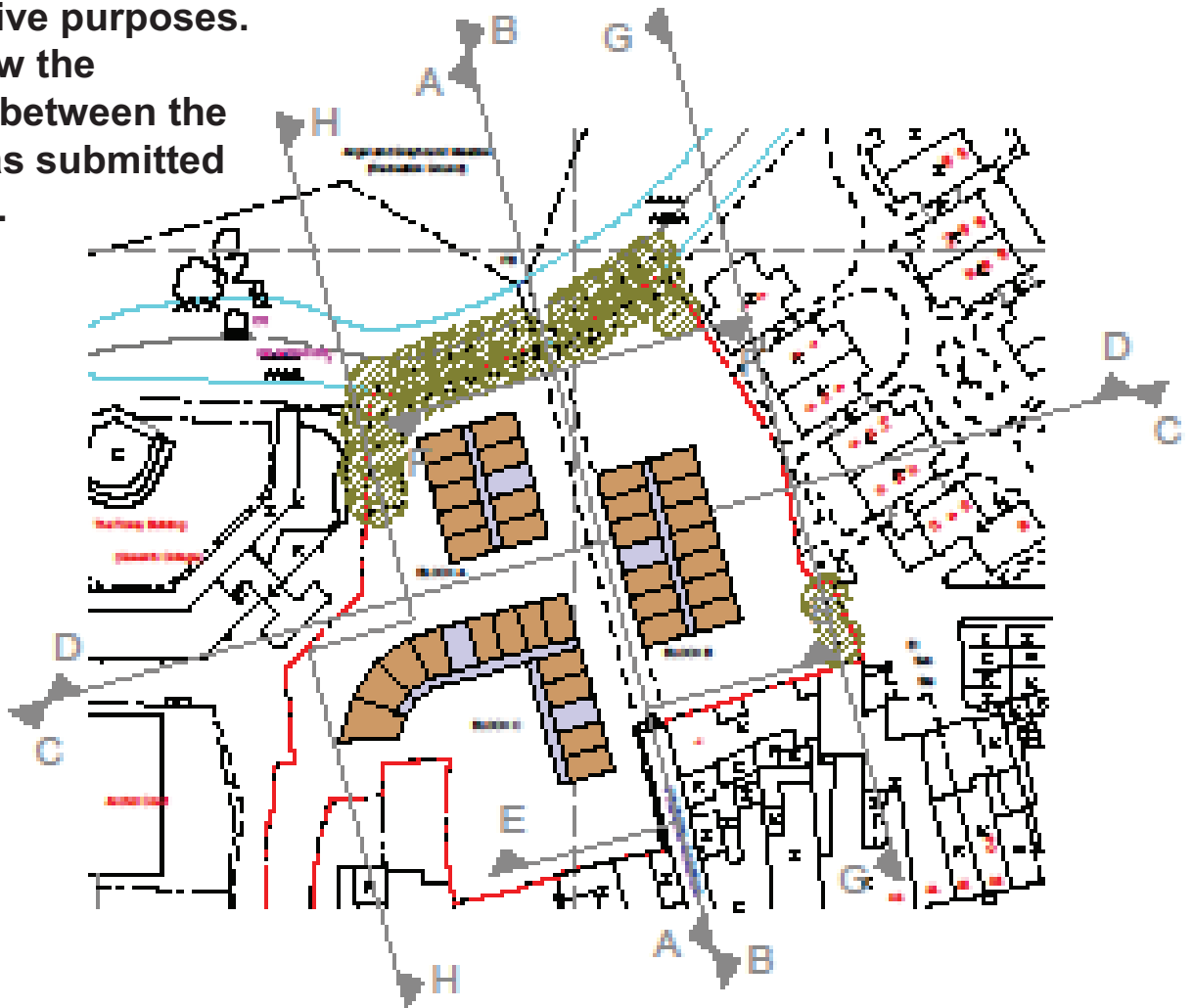


- 1 – Florey Building
- 2 – Anchor Court
- 3 – 33 St Clement's
- 4 – 1 Penson's Garden's
- 5 – Alan Bullock Close

Appendix 2 (illustrative)

Site sections

For illustrative purposes. Images show the differences between the elevations as submitted and revised.



Images produced using plans originally drawn by the



Illustrative



section elevation a-a (looking west)



Section elevation a-a as originally submitted

Illustrative

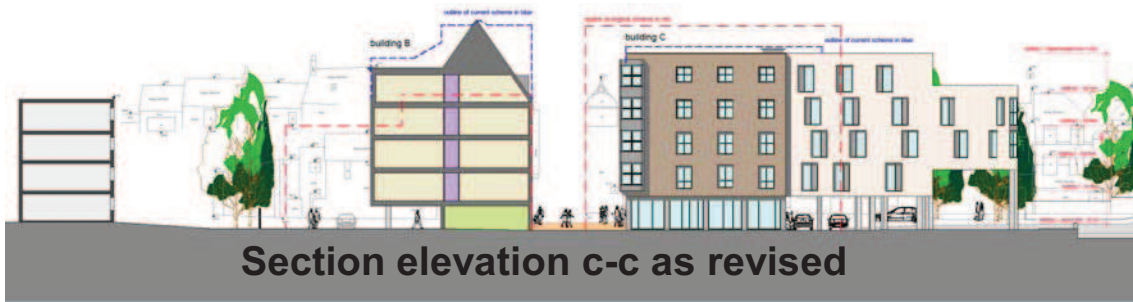


section elevation b-b (looking east)



Section elevation b-b as originally submitted

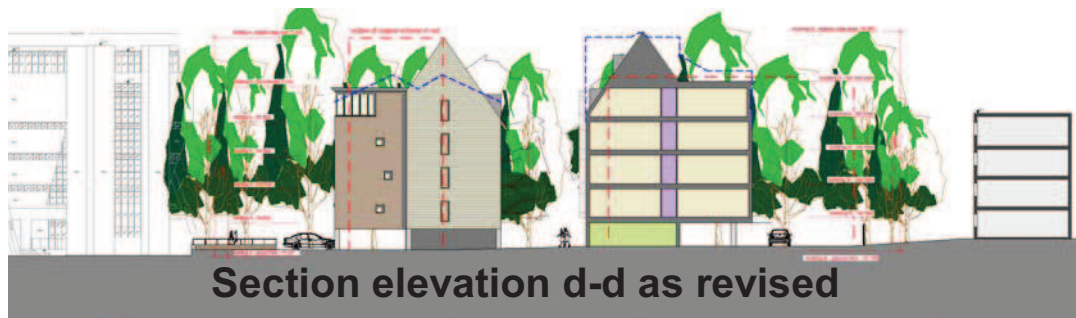
Illustrative



section elevation c-c (looking south)



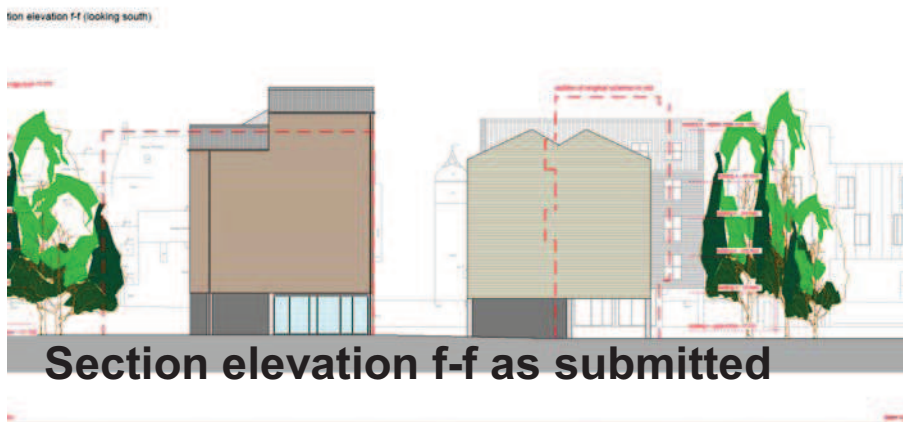
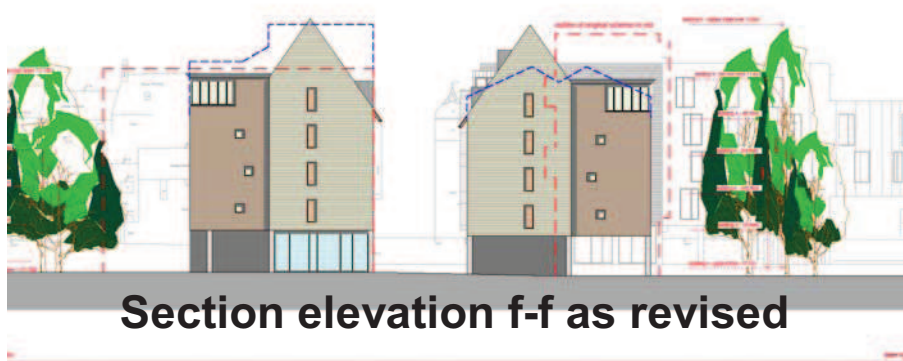
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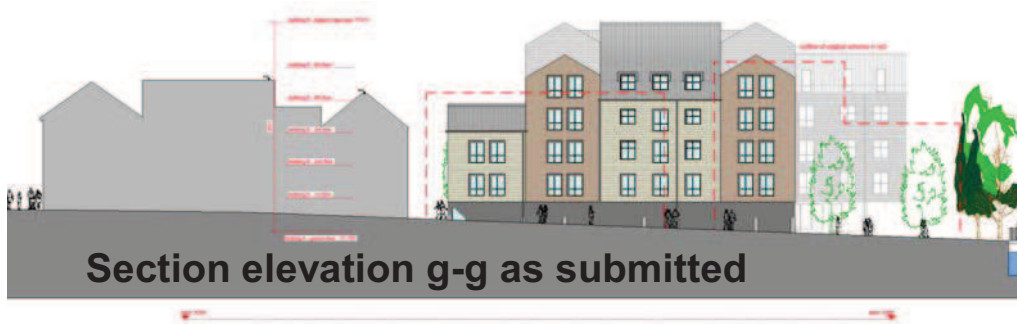
section elevation d-d (looking north)



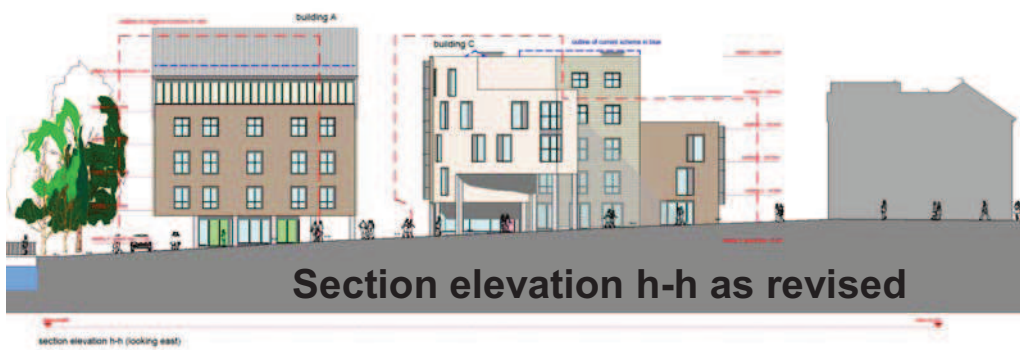
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Illustrative



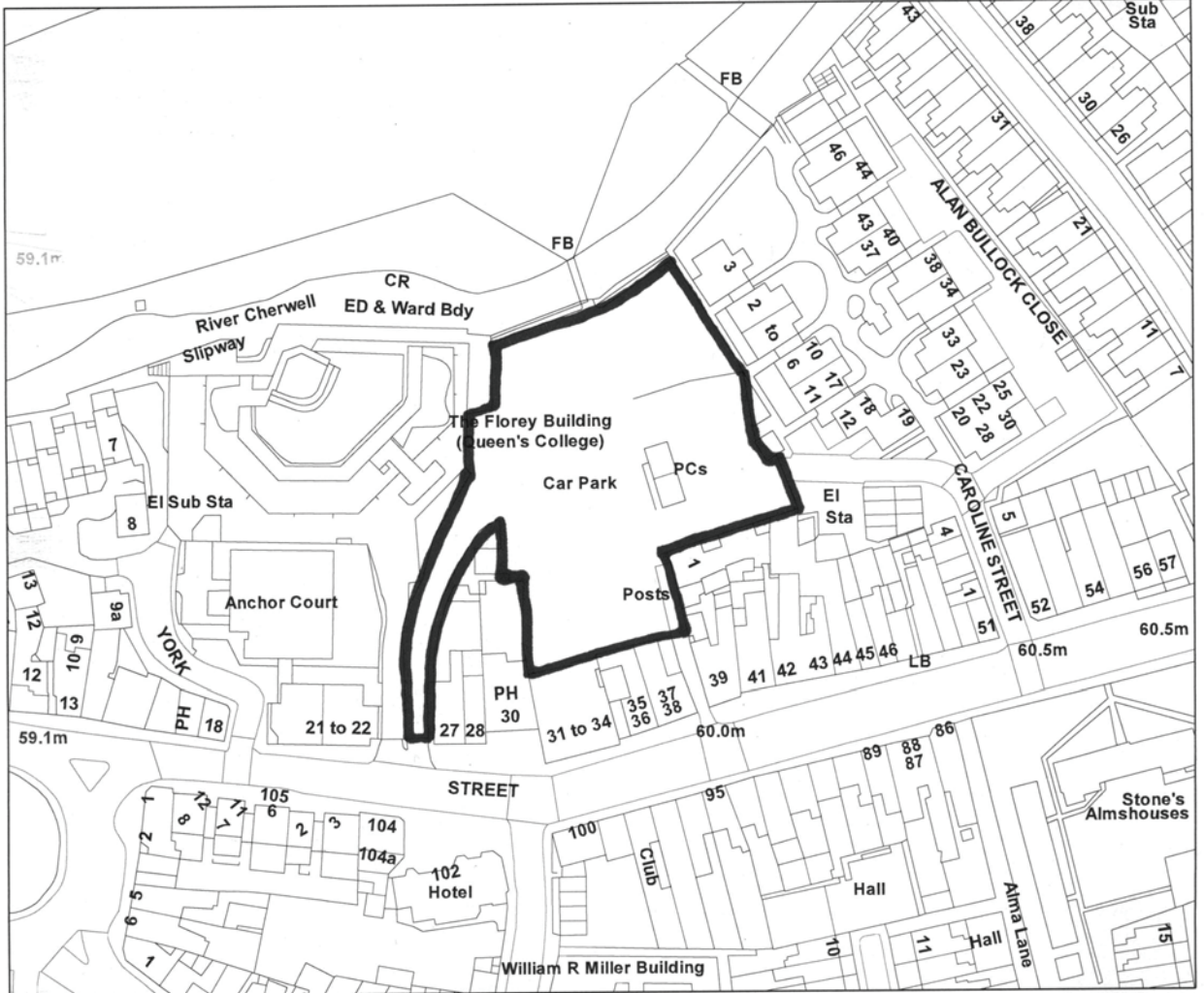
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59.1m

11/01040/FUL

St. Clement's Car Park and Public Convenience, St. Clement's Street



Legend

Scale: 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	01 July 2011
SLA Number	Not Set

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West Area Planning Committee

14 September 2011

Application Number: 1. 11/01814/FUL
2. 11/01815/CAC

Decision Due by: 30 August 2011

Proposal:

1. Part demolition of existing sub-station building fronting Red Lion Square. Erection of part 4 storey, part 7 storey building to provide 29 No. en-suite student bedrooms. Provision of 15 No. secure cycle parking spaces.
2. Part demolition of existing sub-station building fronting Red Lion Square

Site Address: 12A Friars Entry Oxford [Appendix 1]

Ward: Carfax Ward

Agent: JP Planning Ltd

Applicant: Eckersley (Oxford) Limited

Recommendation:

11/01814/FUL

APPLICATION BE REFUSED

For the Following Reasons:-

1. The proposal to provide 29 en suite student bedrooms for use by the adjacent Eckersley English Language School is unacceptable in that only a small proportion of the language students attend the School firstly, on a full time basis and secondly, on structured courses of at least one academic years duration. The majority of students attend short, intensive courses. Furthermore there is an extant planning permission for the erection of a building to provide 5 x 1 bedroom and 2 x 2 bedroom open market apartments which, if implemented, would make a positive contribution towards overcoming the general shortage of housing in Oxford City. The proposal is therefore contrary to the strict criteria set out in policy CS25 of the adopted Core Strategy 2026 which states that new student accommodation will be restricted to students in full time education on courses of at least one academic year.

2. The proposal does not provide any communal open space for the occupiers of the student bedrooms and there is only a limited courtyard area outside the caretaker's flat and within the Eckersley site for students to sit outside. The proposal would therefore be contrary to policies CS10 and HS21 of the adopted Oxford Local Plan which seek to ensure that the outdoor needs of occupiers of new developments are adequately catered for.

Legal Agreements:

Should planning permission be granted, the following contributions are required to mitigate the impact of the proposals on City and County services and infrastructure:

£919 towards libraries
£4910 towards cycle safety measures
£1740 towards indoor sports provision

11/01815/CAC

APPLICATION BE REFUSED

For the following reason:

1. The site lies in the Central Conservation Area and the proposal to part demolish the existing building on the site would not be justified in the absence of an appropriate scheme for the development of the site and would be contrary to national advice contained in PPS5 – Planning for the Historic Environment.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
HE2 - Archaeology
HE7 - Conservation Areas
HE9 - High Building Areas
HE10 - View Cones of Oxford
HS19 - Privacy & Amenity

Core Strategy

CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS10_ - Waste and recycling

CS11_ - Flooding
CS17_ - Infrastructure and developer contributions
CS19_ - Community safety
CS25_ - Student accommodation

Other Material Considerations:

This application is in or affecting the Central Conservation Area.

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment
PPG13 - Transport

Relevant Site History:

09/00651/FUL and 09/00650/CAC

Part demolition of existing sub-station building fronting Red Lion Square. Erection of part 3 storey, part 7 storey building to provide 5 x 1 bedroom and 2 x 2 bedroom apartments. Provision of bin/recycling store and 14 covered cycle parking spaces.

Approved

Representations Received:

No neighbour letters received

Statutory and Internal Consultees:

Oxford Civic Society, Oxford Preservation Trust, Thames Water Utilities Limited, Drainage Team Manager, Thames Valley Police, Internal - Conservation – Archaeology.

Thames Water

No objections – the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

Thames Valley Police

No objection but recommend the creation of a ‘safe’ entrance from the public realm into the development; the installation of appropriate lighting and CCTV in the area of the entrance door and in the immediate area surrounding it; the use of an uneven pavement finish around the entrance door to discourage people from lingering in the doorway and to reduce the opportunity for anti-social behaviour such as rough sleeping.

Oxford Civic Society

In architecturally terms, the proposal is an improvement on the extant permission.

However concerns that this proposal eliminates the opportunity to provide general residential housing which is a high priority for the Council. The accommodation is intended for English language students at a private college where there is no policy restriction on student numbers and could result in a proliferation of uncontrolled student growth. Language students should live with host families to experience British culture. Also there is no apparent provision for a resident warden.

Oxford Architectural and Historical Society

The site has clear archaeological potential and a proper historic building appraisal should be carried out before the application is approved. The building was a stable or coach house of some kind with the hayloft door and pulley beam still intact above it and was probably associated with the Red Lion public house.

Oxford Preservation Trust

Concern over impact of the development on Red Lion Square. The building which houses the sub station and is proposed to be partly demolished plays a significant role in enhancing the low level streetscape of the area. There does not appear to any historic assessment of this building and this should be provided before any decision is made to change it. At the very least, the whole of the front two storey façade of the building should be saved and incorporated into the new scheme.

Oxfordshire County Council as Local Highway Authority

No comments received. No objection raised to the previously approved application subject to the submission of a construction travel plan and the provision of secure and sheltered cycle parking.

Officers Assessment:

Site location and description

1. The application site comprises a derelict sliver of land in the heart of Oxford City with employment, retail, entertainment and transport facilities all located close by. It has a narrow frontage onto Friars Entry and gradually widens as it goes back towards Red Lion Square where it accommodates a two storey building which partly contains an electricity sub-station.
2. The site lies adjacent to the Debenhams building, a large, imposing building that dominates Friars Entry and to a lesser extent, Red Lion Square where the delivery area is located. The site is only 4 metres wide where it fronts onto Friars Entry and, for this reason, it is not overly prominent. To the west of the site is the Eckersley Oxford English Language School [the applicants for this application] and this building incorporates a caretaker's flat at second floor level with a roof terrace.
3. The site lies within the Central Conservation Area which is characterised by a wide mix of uses although these are limited residential units in the

vicinity of the site.

The Proposal

4. The applications seek planning permission and conservation area consent for the part demolition of the existing sub-station fronting Red Lion Square and the erection of a part 4 storey, part 7 storey building to provide 29 ensuite student study bedrooms for use by the Eckersley Oxford English Language School. The main entrance to the new building would be off Friars Entry which would give access to a communal lift and staircase. The central lobby would also give access to secure and sheltered cycle store for 15 cycles and a new access would be provided into the new lobby area from the existing, adjacent Eckersley building which would provide shared communal facilities and a refuse store.
5. The new building would be erected using facing brickwork with the most prominent flank wall facing Gloucester Green being broken up using brick detailing and glazing.
6. Officers consider the determining issues in the case to be:
 - Principle of the development
 - Demolition
 - Student accommodation
 - Form, appearance and impact in the conservation area
 - Impact on neighbours
 - Amenity space
 - Bin storage and cycle parking
 - Crime prevention

Principle of the development

7. The application proposes the more efficient use of a brown field site within the city centre in accordance with government guidance in PPS3. This advice is reflected in policy CP6 of the Oxford Local Plan which states that development proposals should make efficient use of land by making the best use of site capacity. However it goes on to say that this should be in a manner that does not compromise the character of the surrounding area. The site lies in a conservation area and the proposal is for student accommodation for an English Language School and both of these issues require further consideration.
8. It should be noted that there is an extant planning permission for the erection of a broadly similar building of the same height and proportions to that now proposed. The approved building would provide 7 duplex apartments together with cycle parking, bin storage and a communal roof terrace. This application was granted planning permission in May 2009.

Demolition

9. The principle of the part demolition of the existing building has been established by the grant of conservation area consent in May 2009. This permitted the demolition of most of the existing building bar the area containing the existing sub-station with the two existing arched windows being retained, repaired and repointed and used as the starting point for the composition of the new façade. The extant conservation area consent is tied to the extant permission for new flats and is due to expire at the end of May 2012.
10. The current application for conservation area consent is part of the proposal to erect new student accommodation on the site which is recommended for refusal. Therefore in accordance with guidance in PPS5, the application for conservation area consent is also recommended for refusal on grounds that demolition is not justified in advance of an appropriate and accompanying redevelopment scheme for the site.

Student accommodation

11. Policy CS25 of the adopted Core Strategy 2026 states that all new student accommodation [built either speculatively or directly by the Universities or Colleges] will be restricted in occupation to students in full time education on courses of an academic year or more. The Inspector's report on the Core Strategy confirmed that any discrimination against non-University Colleges in terms of occupation of student accommodation was not justified in equity terms and that full time students at other colleges, when attending courses of upwards of an academic year, are just as likely as University students to be seeking their own housing as opposed to living in lodgings.
12. At the request of officers, the agent has now provided further information regarding student numbers at the Language School and the types of courses on offer. This information can be summarised as follows:
 - During the current year [2011] there have been 312 students at the school and of these 33 have studied full time for 24 weeks or more with the average being 29 weeks
 - Dover House in Bradmore Road is leased by the Language School to provide accommodation for 16 students
 - The lease will expire in 18 months time
 - There is an existing warden flat that would serve the new student rooms
 - The School expects the number of full time students on pre-University foundation courses to increase
 - A condition could be imposed on a planning permission requiring that occupiers of the new student accommodation must be full time and on courses of at least one year duration
13. The agent goes on to say that the number of full time students at the

Language School for the coming academic year is “likely to be of a similar order, if not increased”.

14. Officers accept that the site is very conveniently sited for the proposed development, being adjacent to the existing Language School site with its existing facilities. Officers also accept that there do appear to be a very small number of students attending for periods longer than a few weeks or months. However these represent a very small minority of students, the majority of which attend short, intensive courses to suit their individual learning needs and who are accommodated with host families living in Oxford.
15. The agent’s lack of clarity regarding student numbers for the coming academic year and the supposition that demand by full time students will increase over the coming years is not considered to constitute firm evidence that there is a need for accommodation for full time students on courses of upwards of an academic year. Furthermore the School currently offers accommodation for 16 students at Dover House in North Oxford which is described in the School Prospectus as “the school’s own residence open all year round”.
16. In addition, there is no evidence to show that longer duration students attend structured courses that are spread over an academic year as with Oxford University and Brookes students who potentially have a housing need for at least 9 months of the year. Attendance at the Language School for between 24 and 29 weeks of the year could effectively mean that the students require accommodation for only half of the year if the courses are intensive.
17. Whilst the former restriction on non-University student accommodation has now been lifted, officers take the view that it is important to ensure that the strict criteria set out in policy CS25 are fully met to avoid a ‘flood’ of student accommodation to serve private colleges. It is considered that insufficient and inadequate information has been submitted with this application to provide the necessary evidence to show that the policy can be satisfactorily complied with.
18. Furthermore the site is suitable for residential accommodation for permanent Oxford residents for which an extant permission exists.

Form, appearance and impact in the Conservation Area

19. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area.

20. Policy CP8 of the Oxford Local Plan states that the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area whilst policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
21. There is an extant permission for the erection of a similar building in terms of height, scale and bulk. The main difference to the current proposal is that the applicant is the owner of the Language School and the sites are being considered as a whole and there are no longer the same restrictions on overlooking. This has resulted in a building that would have more windows on the west elevation facing towards Gloucester Green and a more gradual increase in height when compared to the approved scheme.
22. The main west elevation would fold outwards in a sinuous curve as it moves south which would add interest to the elevation and, as with the approved scheme, would serve to screen the unattractive Debenhams building which currently dominates the street scene in short and mid range views.
23. As with the previously approved scheme, the key question is whether the proposed new building would preserve or enhance the special character and appearance of the conservation area. Officers consider that the changes to the west elevation in terms of its design and the addition of numerous windows have broken up the massing of this part of the new building such that it would not appear unacceptably high or imposing and would preserve the character of this part of the conservation area. The approved scheme also breaks up this important elevation but uses recesses and brick detailing rather than windows.
24. Views of the new building from Friars Entry and Red Lion Square would be limited given the narrow nature of the site in Friars Entry and the vertical emphasis of the building and the lack of any significant pedestrian activity in Red Lion Square. Overall therefore, officers consider that the proposal would positively contribute to the character and appearance of the area, would effectively screen the Debenhams side elevation and part of its roofscape and would preserve and enhance the character and appearance of the Central Conservation Area.

Impact on neighbours

25. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupiers of the proposed and existing neighbouring properties.
26. The only residential property directly affected by the proposal is number 13 Friars Entry which is the caretaker's flat for the Language School and is now owned by the school [at the time of the previous approval, this flat

was in separate ownership to the Language School and plans were amended to ensure there was no loss of amenity to the occupiers of this flat]. Given that this is now part of the Language School, officers, consider that the previous restrictions relating to amenity and overlooking are no longer so fundamental and that the windows now inserted in the west elevation of the new building facing towards part of the flat and the courtyard, which serve primarily corridors but also three student bedrooms, would not unacceptably impact upon the amenities of the occupiers of the flat or the enjoyment of their outside sitting area.

Private amenity space

27. Policy HS21 of the Oxford Local Plan relates states that planning permission will not be granted for development proposals involving residential uses where inadequate or poor quality private open space is proposed. Policy CP10 of the Oxford Local Plan refers, in more general terms, to the need to site development to ensure that functional needs, including amenity space, are accommodated.
28. Whilst the provision of communal open space relating to student accommodation is not specifically addressed in policy terms, officers take the view that it is entirely reasonable to require some form of open area where students can sit and socialise outside and enjoy the open air. The approved flatted scheme for this site provided individual balconies to some of the flats together with a sizeable, communal roof terrace. The current proposal for 29 student rooms does not provide any communal open space and the Language School has only one small courtyard within the site where students can sit outside.
29. This lack of any communal open space is considered to be unacceptable and questions whether this site, which is unusual in terms of its limited size and irregular shape, is appropriate for the provision of student accommodation.

Bin storage and cycle parking

30. Policy CP10 of the Oxford Local Plan also requires the provision of screened refuse and recycling storage for new developments and refers to the need to give priority to pedestrians and cyclists both in terms of access to the site and circulation within it. Policy TR4 of the Oxford Local Plan requires the provision of minimum cycle standards which, for student accommodation is one space per 2 residential students and 1 space per resident staff.
31. The proposal would utilise an existing refuse store within the Eckersley building and the new, proposed, internal door would enable students to access this refuse area which has a floor area of approximately 20 square metres. This arrangement is considered to be acceptable.
32. In terms of cycle parking, it is proposed to provide 15 cycle stands on part

of the ground floor of the new building with access from both Friars Entry and Red Lion Square which meets the required standard. There are also public cycle racks opposite the site on Friars Entry.

Crime Prevention

33. Comments received from the Crime Prevention and Design Advisor at Thames Valley Police have been set out earlier in this report. Whilst raising no objection, concerns are raised regarding the proposed access onto Red Lion Square which has minimal pedestrian movements and virtually no natural surveillance. As a result of this and to try and address any fears of crime for the residents to the new building, the following measures are suggested:

- Use of CCTV in the area of the entrance door and its immediate environs
- Use of an uneven pavement finish around the entrance door to discourage people from lingering in the doorway and to reduce the opportunity for anti social behaviour including rough sleeping.

34. Should Members resolve to grant planning permission for the proposed development, these measures could be required by condition.

Sustainability

35. The site lies in a sustainable location within the central core of the city and has easy access to shops, services and public transport links. The design and access statement accompanying the application states that the new building will be extremely energy efficient using highly sustainable heating and ventilation systems which will filter the incoming air and reduce energy consumption for the whole building.

Conclusion:

36. The application for planning permission is recommended for refusal on grounds of non compliance with policy CS25 of the Core Strategy 2026 relating to student accommodation and the lack of any communal amenity space. No objection is raised to the form and appearance of the proposed building, its impact in the Conservation Area, its impact on neighbouring occupiers or the provision of appropriate cycle parking and bin storage.

37. The application for Conservation Area Consent for the part demolition of the existing building on the site is also recommended for refusal on grounds that demolition is not justified in advance of an appropriate and accompanying scheme for the redevelopment of the site.

Human Rights Act 1998

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.

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 part refuse and part approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

09/00651/FUL and 09/00650/CAC
11/01814/FUL and 11/01815/CAC

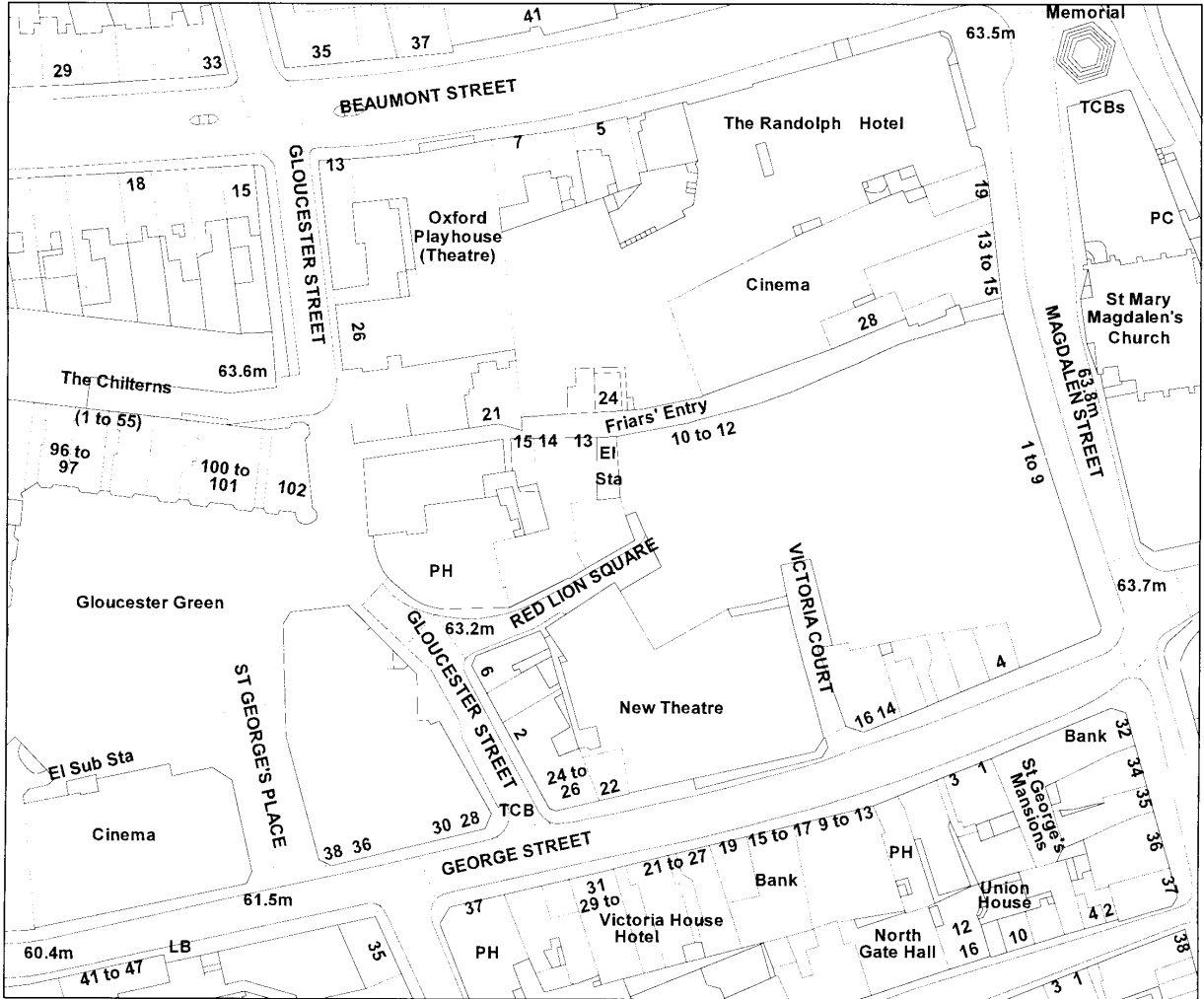
Contact Officer: Angela Fettiplace

Extension: 2445

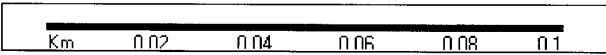
Date: 18 August 2011

11/01814/FUL & 11/01815/CAC

12A Friars Entry - APPENDIX 1



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Scale:	1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	31 August 2011
SLA Number	Not Set

West Area Planning Committee

14 September 2011

Application Number: 11/01928/EXT

Decision Due by: 19 October 2011

Proposal: Application to extend the time limit on planning permission 08/02720/FUL for "Amendments to planning permission 07/02903/FUL (Demolition of existing building, erection of 4 storey building to form 34 bedroom guest house with underground parking area), comprising various alterations to the building approved. Removal of third floor communal roof garden (amended description and plans)

Site Address: 376 Banbury Road (**Appendix 1**)

Ward: Summertown Ward

Agent: John Philips Planning
Consultancy

Applicant: Mr R Swailes

Recommendation: The West Area Planning Committee is recommended to be minded to grant planning permission but to delegate authority to officers the power to issue the notice of permission on completion of the legal agreement for the following reasons:

- 1 The principle of redeveloping the application site was established by the previous planning permission reference 08/02720/FUL and 07/02903/FUL. This application seeks to extend the permission and in the light of there having been no changes to the policy context or other circumstances the proposals remain appropriate and in accordance with the policies of the Oxford Local Plan and the Oxford Core Strategy.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 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 Develop in accordance with approved plans
- 3 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Tree protection measures
- 8 Details of car ramp
- 9 Means of Access
- 10 Car Parking
- 11 Visibility Splays
- 12 Bin storage
- 13 Restaurant for residents use only
- 14 Construction no mud on highway
- 15 Construction Travel Plan
- 16 Scheme for treating cooking fumes
- 17 Details of terrace screens
- 18 Controlled barrier system
- 19 In accordance with NRA
- 20 Variation of parking order
- 21 No air conditioning systems
- 22 No access to wild flower garden
- 23 Traffic management measures

Planning Obligations:

The following contributions are required in accordance with the Planning Obligations SPD to mitigate the impact of the proposals on City and County Services and infrastructure. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment.

£31,275 towards traffic management measures in the vicinity of the development

Main Local Plan Policies:**Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP18** - Natural Resource Impact Analysis
- TR1** - Transport Assessment
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS19** - Privacy & Amenity
- TA4** - Tourist Accommodation

Oxford Core Strategy 2026

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS17_ - Infrastructure and developer contributions

CS18_ - Urban design, town character, historic environment

CS32_ - Sustainable tourism

Other Material Considerations:

PPS 1 – Delivering Sustainable Development

PPG 13 – Transport

Regional Spatial Strategy for the South East

Parking Standards Supplementary Planning Document

Planning Obligations Supplementary Planning Document

Relevant Site History:

11/00755/FUL - Demolition of existing building. Erection of 5 storey building providing 3 x 3 bedroom and 6 x 2 bedroom flats, with 18 car parking spaces, cycle parking and bin store at basement level accessed from Hernes Road. (Amended plans) - refused

08/02720/FUL - Amendments to planning permission 07/02903/FUL (demolition of existing building. Erection of 4 storey building to form 34 bedroom guest house with underground parking area.) Comprising various alterations to the building approved. Removal of third floor communal roof garden (Amended description and plans) - approved

07/02903/FUL - Demolition of existing building. Erection of 4-storey building to form 34-bedroom guesthouse with underground parking area – approved

07/02723/ADV - Retention of 1 logo advertisement and 2x non-illuminated adverts on hoardings. (Amended description) - refused

07/02722/FUL - Retention of hoardings to Banbury Road and Hernes Road frontage. (Amended description) – refused

Representations Received:

Statutory and Internal Consultees:

Thames Water – No objection

Third Parties

Three letters of comment has been received. The issues raised can be summarised as follows:

- Proposal would result in substantial increase in volumes of traffic
- Dangerous junction, proposal would only exacerbate this

- Not obvious that guest house is needed at this location
- Increase in temporary visitors would destroy sense of community
- Construction of underground car parking would be disruptive in terms of noise and vibration. Risk to foundations
- Overdevelopment
- Not a commercial area
- If permission granted it should be for minimum length of time

Officers Assessment:

Site Description and Proposal:

1. The application site comprises No 376 Banbury Road, a two storey building (with accommodation in the roof space) situated on the corner of Banbury Road and Hernes Road. The property is currently used as a student hostel.
2. The area is characterised by residential development, with the application site forming part of triangle of land bounded by Banbury Road, Hernes Crescent and Hernes Road, which with the exception of No 376 Banbury Road has been intensively redeveloped.
3. Planning permission is sought to extend the consent granted under reference 08/02720/FUL for the demolition of the existing building and erection of a 4 storey building to form a 34 bedroom guest house with underground parking area. That consent was an amendment to an earlier planning permission reference 07/02903/FUL. The Committee reports for both applications are attached as **Appendix 2 and 3**.

Principle of Development

4. The proposal before Committee is an application to extend the extant planning permission. In response to the current economic climate the Government in October 2009 formalised a mechanism for Local Planning Authorities to extend the period for implementation of a planning permission beyond the normal 3 year period where it was appropriate to do so.
5. Local Planning Authorities are advised that they should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application to extend a planning consent will have already been judged to be acceptable in principle when permission was originally granted. Whilst Planning Authorities must consider these applications against the policies of the Development Plan, the Government advises that in making a decision the Authority should focus their attention on development plan policies and other material considerations which may have changed significantly since the granting of the original permission. In other words if the circumstances have not changed to a significant extent

then there is a presumption towards granting permission to extend the period of consent.

6. Since granting the original planning permission the Oxford Core Strategy 2026 has been adopted. The Core Strategy, like the Oxford Local Plan, is supportive of providing new short stay tourist accommodation and states that they should be focused on the City centre or along main arterial routes. In this regard the proposal remains acceptable in planning policy terms, and as there have been no other changes in circumstances officers would therefore raise no objection to the extension of the planning consent.

Conclusion: In the light of the above, officers would recommend that the Committee support the planning application subject to the above conditions and accompanying legal agreement.

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

Background Papers: 11/01928/EXT, 08/02720/FUL, 07/02903/FUL

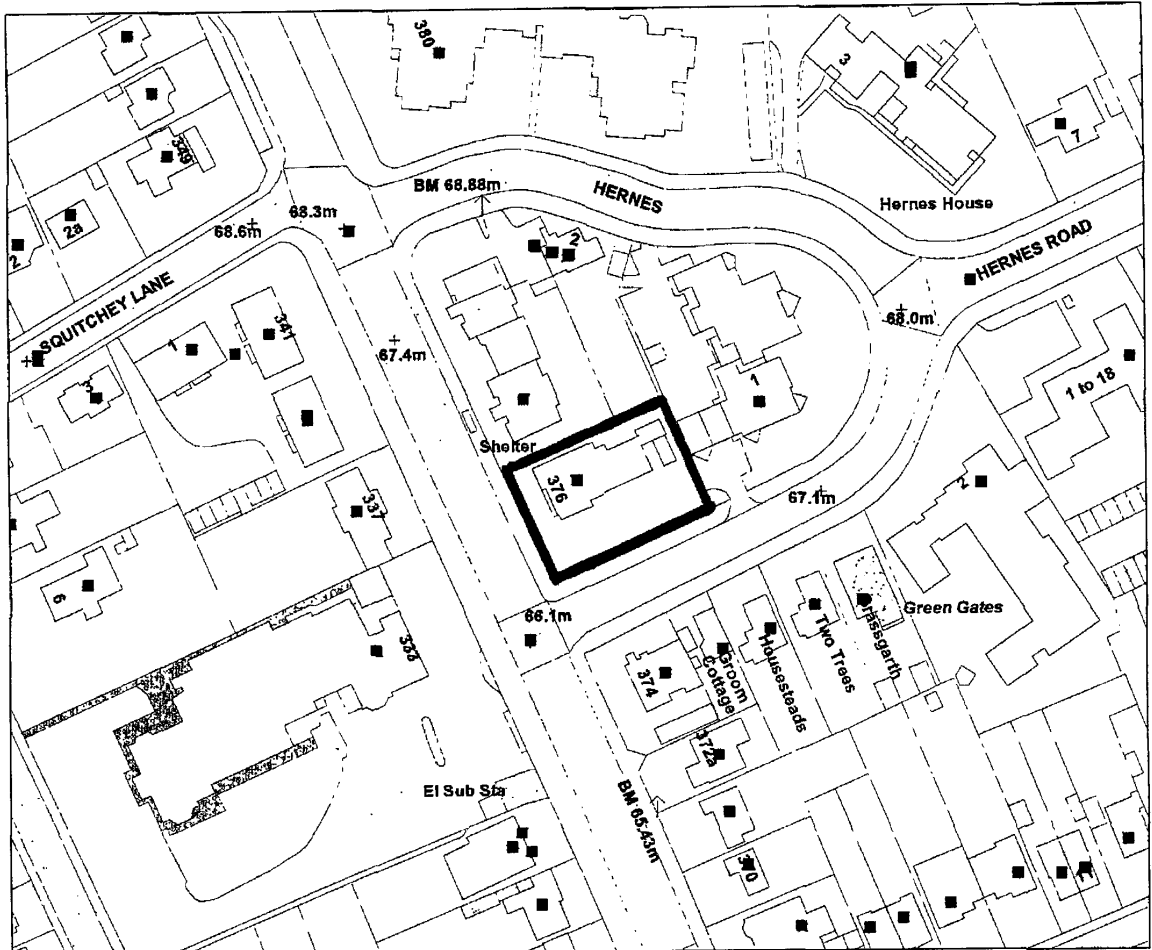
Contact Officer: Steven Roberts

Extension: 2221

Date: 31 August 2011

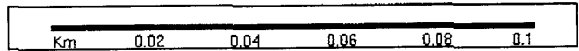
Appendix 1

376 Banbury Road



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	29 February 2008
SLA Number	Not Set

APPENDIX 2

North Area Committee

- 6th March 2008

Application Number: 07/02903/FUL

Decision Due by: 21st March 2008

Proposal: Demolition of existing building. Erection of 4-storey building to form 34-bedroom guesthouse with underground parking area.

Site Address: 376 Banbury Road Oxford (**Site Plan: Appendix 1**)

Ward: Summertown Ward

Agent: Riach Architects

Applicant: Mr Swailes

Recommendation:

Resolve to **approve** subject to completion of legal agreement for the following reasons:

- 1 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Samples
- 3 Boundary details before commencement
- 4 Landscape plan required
- 5 Landscape carry out after completion
- 6 Landscape management plan
- 7 Tree protection
- 8 Further access info
- 9 Mean of access
- 10 Parking
- 11 Vision splays
- 12 Bin store
- 13 Breakfast only
- 14 Restaurant for resident use only
- 15 Construction no mud on highway

REPORT

- 16 Construction restriction on times
- 17 Construction Travel Plan
- 18 Treatment of cooking fumes
- 19 Details of terrace screening

**Main Local Plan Policies:
Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP7** - Urban Design
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP15** - Energy Efficiency
- CP16** - Renewable Energy
- CP2** - Planning Obligations
- TA4** - Tourist Accommodation
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR1** - Transport Assessment
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

Other Material Considerations:

- PPS 1 – Delivering Sustainable Development
- PPG 13 – Transport
- Oxfordshire County Structure Plan 2016

Relevant Site History: None

Representations Received: 23 letters of comment have been received the issues can be summarised as follows:

- Increase in traffic
- Inadequate parking
- Intensification of access
- Noise and disturbance from new access to basement parking area
- Use not in keeping with residential area
- Deliveries and traffic
- 34 bedroom guesthouse too much
- Loss of light
- Loss of privacy
- Excessive overshadowing
- Scale and bulk of building too much
- Too high
- Out of keeping with the character of the area

REPORT

- Overly dominant on prominent corner

Statutory and Internal Consultees:

Oxford Association Of Hotels And Guest Houses – no comments received

Thames Water Utilities Limited – no objection

Environment Agency Thames Region – no objection, low risk

Oxfordshire Fire Service – no comments received

North Oxford Community Association – no comments received

Apsley Road Resident's Association – no comments received

Summertown Trade & Business Association – no comments received

Victoria Road Group – no comments received

Oxford Civic Society – height of building overbearing, roof gables not characteristic of area. The scheme should be excluded from the CPZ

Environmental Health – No objection subject to a condition dealing with cooking odours

Highways And Traffic - A Transport Statement was submitted as part of the planning application. The site is located in a controlled parking zone on the north side Hernes Road restricted to permit holders only Mon-Fri 10 am to 4.00pm. The south side is subject No Waiting at any time.

The Highways Authority comments are set out in full below

The site is only 400m from the Cutteslow Roundabout and the A40 with direct access to the ring road etc. The existing use has a private access point that serves approximately 3 spaces, back to back with no turning facility. Banbury Road at this location is 3-lanes wide including a bus lane southbound into the city. A Cycle lane exists on the opposite side of the road and parking is prohibited on both sides. A bus stop on Banbury Road is directly outside the proposal with good links to and from the city centre. The accident data for the area shows that 5 personal injury accidents have occurred in the previous five years at the Hernes Road junction and all involved either motor cycles or pedal cycles. None were serious accidents.

The proposal is for 34-bed guesthouse with basement parking for 17 cars and 16 bicycle stands for staff and guests. There would not be any significant ancillary facilities ie. No conference facilities, restaurant or bar. The previous use was a children's home catering for 20 children. The applicant estimates the home would have one or two resident staff, 3 or 4 part time staff, two cleaners and a cook.

The applicant estimates that for the proposed hotel only 5 guests would drive to the site and the total number of vehicle trips per day would be 32 with 70 being by non-car modes. This is based in part on surveys undertaken for an extension to Marlborough House Hotel 321 Woodstock Road, which found that 21% guests drove to the hotel. It also assumes 72% occupancy

It is estimated that the previous use as a children's home would have generated about 6 vehicle trips in the peak hour. From reference to TRICS for similar size hotels (Travel Inn and Comfort Inn based on a 40 or 41 bed hotel type) it is estimated the number of vehicular trips to the site would be about 10 trips in the morning peak hour and 20 in the evening peak. It is accepted however that the location and market being addressed may make the actual levels different from the TRICS data but it provides a robust estimate.

REPORT

Average peak hour trips therefore= 15 trips.

Additional trips taking in to account the existing use as 6 trips =15 – 6 =Additional 9 trips in the peak hour.

According to the city SPD on Obligations a contribution of £3,325 per trip = £29,925 towards traffic management measures together with infrastructure improvements to encourage alternative modes of transport other than the private car.

The access point as shown on the layout requires part of the controlled parking zone bay to be altered and an amendment to the order etc to be made. This contribution is a £1300 to include physical measures to alter the bay and also the cost of advertising the traffic order. The proposal must also be excluded from the zone.

As far as the layout is concerned the first 5.0m of the car park ramp nearest the highway should be a maximum gradient of 1 in 20. This ensures that vehicles can slow down after accelerating up the ramp and cross the footway with care. Any gates to the parking should be set back 5.0m from the highway. The access is proposed as 4.5m wide which allows two movements into and out of the site. However the existing telegraph pole adjacent to the existing access will require moving to accommodate the new access.

A construction travel plan must also be submitted and conditioned etc

In principle the highway authority have no objections to the proposal subject to a legal agreement securing the appropriate contributions.

Issues:

- Principle of development
- Design/appearance
- Impact on neighbouring properties
- Parking/highway issues

Sustainability: The application site is situated on an arterial route and seeks to redevelop a brownfield site. The application is committed to providing a building that contributes to the reduction of greenhouse gas emissions. The application includes a Natural Impact Resource Assessment and proposes solar water heating and electricity generation systems. A roof garden is also proposed to further enhance the green credentials of the development. The materials are also proposed to be sourced locally.

Officers Assessment:

Site Description and Proposal:

1. The application site is situated on the corner of Banbury and Hernes Road to the north of Summertown. The site comprises a two-storey building, which operates as a children's care home (though this use has now ceased).

REPORT

2. The site is adjacent to Randolph House to the east and No 378 Banbury Road (Poets Place) to the north, both of these buildings are large three storey structures.
3. The application comprises the demolition of the existing building and the erection of a 4-storey building to provide a 34-room guesthouse, with basement level car parking for 17 cars.

Principle of development:

4. The existing building is a two-storey 1950/60's building, which despite its address fronts onto Hernes Road. The building is not listed or within a conservation area and is of little architectural value. Officers would therefore have no objection to its demolition.
5. The use that resides within the building, that of a children's care home, is not protected by the Oxford Local Plan and as such there are no policy reasons to resist the loss of the current use. Again officers would not object to this element of the proposal.
6. With reference to the guesthouse use, policy TA4 of the Oxford Local Plan 2001–2016 states that planning permission will be granted for development that maintains, strengthens and diversifies the range of short-stay accommodation subject to the following criteria:
 - a) it is located on a main route into the city, with excellent alternatives to the car (Banbury Road is one of the routes specified by the policy),
 - b) it is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements
 - c) part of the existing dwelling is retained for residential use (in this case the existing use not of a dwelling house so this criterion is not applicable)
 - d) it will not result in an unacceptable level of noise and disturbance to nearby residents (this element will be discussed in a later section)
7. The OLP identifies the need for short stay accommodation and in terms of the principle of the land use proposed, the guesthouse would be acceptable and in keeping with TA4.

Design/appearance:

8. Policies CP1, CP7 and CP8 of the OLP indicate that the siting, massing and design of proposed development should create an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area, development proposals should demonstrate good urban design and respect the character and appearance of the area
9. The area is characterised by a mix of two, three and four storey buildings. Banbury Road exhibits a number of larger and higher buildings, and

developments such as 378 Banbury Road to the north and Randolph House to the east of the application site both stand at a full three storeys with large frontages incorporating gables with high ridge lines. These buildings and these design elements are very prominent within the area.

10. Officers consider these large buildings, along with various others within the immediate vicinity, to form part of the context of the area which policy CP8 of the OLP indicates as being important in assessing the visual impact and design merits of an application.
11. The footprint of the proposed building is not greatly increased from that of the existing building, however this is an issue that has been raised by objectors to the scheme.
12. The proposed building will project a maximum of 4.6m closer to the Hernes Road boundary than that of the existing building. This is still some 6.2m from the Hernes Road boundary and this element of the building is a glazed corner feature. There are large areas around the building on all road frontages and as such the building remains set well within the site. The proposed building, will for example, be set further off the footway than Easter Cottage to the north, and as a result of the areas of landscaping can allow the planting of trees to soften the visual impact as has been successfully achieved at Ritchie Court. These areas of green space around the proposed building and other tall buildings in the locality serve to absorb what could otherwise be an overly dominant visual impact.
13. Policy CP8 of the OLP also states that while development should relate to its context it should not necessarily replicate local characteristics, and should not rule out innovative design. The proposed building does not follow the traditional appearance of the adjoining developments but instead reflects the language of these buildings. Visually the proposed building is contemporary but it incorporates a series of gable and vertical features that links it to the architectural uniformity of the surrounding buildings where that occurs.
14. In proposing a contemporary design the building has four floors, which in traditional form would stand above the adjoining properties. Instead the modern appearance allows the overall height to be kept to that of Randolph House and although higher than No 378 Banbury Road, it does not exhibit a traditionally strong, consistent and visually prominent ridgelines like its traditional neighbours. The proposal uses a series of gables and variations in height, successfully achieved by the contemporary design, which soften the visual appearance of the building. These design elements make the proposed building fair less stark than adjoining properties and would positively and sympathetically contribute to the character of the area.
15. Policy CP6 of the OLP seeks to achieve the efficient use of land. While this is generally applied to residential development it is equally applicable to this application in that the policy indicates that in achieving an efficient use

REPORT

of land the scale of development, including building heights and massing, should be at least equivalent to the surrounding area. The policy goes on to state that larger scale proposals will be encouraged in appropriate locations. Officers are of the opinion that the site and locality are suitable for a development of this scale, massing and height, and while the proposal, due to its appearance, would form a prominent building, this would not be to the visual detriment of the area. Officers do not have any objections to the design or appearance of the proposed building.

Impact on neighbouring properties:

16. Policy HS19 of the OLP states that new development should not compromise the amenities of existing or proposed neighbouring residential properties. Policy TA4 of the OLP states that short stay accommodation should not result in an unacceptable level of noise and disturbance to nearby residents. Throughout the pre-application discussion the impact on neighbouring properties has been an issue of concern, while the development is in an appropriate location in terms of its siting along an arterial route, it also falls within a residential area and as such the impact of the use and the building must be considered in determining this application.

Loss of light and privacy:

17. The applicants have provided sectional diagrams to show the impact of the proposed building on the rear flats of No 378 Banbury Road. These diagrams indicate that as a result of the stepping of the building at each level away from the northern boundary that the 45/25degree plane taken from the nearest rear habitable room window would pass over the proposed building. The impact of the proposed building on daylight to that flat and that building as a whole would therefore be little or no greater than at present. The mature trees along the common boundary curtail this impact further.
18. With regard to the impact on Randolph House the nearest property to the development is No 1 Randolph House, which is the western most flat and adjoins the application site. This property has a northern and southern outlook with the nearest habitable room opening onto a balcony. The proposed building does not breach the 45/24degree plane taken from this window and balcony and only a line taken at a 20degree angle from this window would hit the proposed building. The room this window serves has another outlook to the north and as such benefits from two sources of light.
19. In addition to this officers have requested shadow diagrams to be provided. These diagrams show that although some degree of overshadowing will occur this will be towards the evening when the sun has already passed behind existing buildings. The diagrams show that the proposed building would have no significantly additional impact upon the adjoining residential properties.

REPORT

20. These diagrams indicate that No 1 Randolph House and its private balcony would not suffer from any greater degree of overshadowing than exists at present. Officers would consider that due to the distance between the balcony and proposed building, and in particular the element that protrudes forward of the building line of Randolph House, the additional impact upon No 1 Randolph House would be minimal and reasonable.
21. No 1 Randolph House also has a west facing roof light that due to the step plane of the roof acts more as a normal window than a roof light. The proposed building does not breach the 45 degree vertical plane taken from this side facing roof light and as such officers would consider the relationship between the proposed building and No 1 Randolph House is acceptable both in terms of maintaining adequate light and outlook.
22. The shadow diagrams show the impact of the proposed development on the entirety of Randolph House, due to the orientation, the stepping and height of the building and its contemporary design, would be minimal, the relationship with Randolph House is therefore both acceptable and reasonable. Officers do not therefore consider the proposed building to adversely affect the daylight to or privacy of adjoining properties.
23. The main outlook of the proposed building orientates onto Banbury Road and Hernes Road, though there are some rooms within the development that face north onto No 378 Banbury Road. These rooms are few and open onto small terraces that have 1.8m high screens to prevent overlooking. As a result of the screens the doors and windows of these rooms would look directly onto the terrace and the screen would prevent any overlooking of the adjoining flats. In light of this officers have no objection to the development on loss of privacy grounds, though officers would recommend that if the Committee are minded to approve the application (subject to the legal agreement) a condition be attached requesting further details of the privacy screens are submitted and agreed prior to any work commencing on site.

Noise and disturbance:

24. Policy TA4 indicates that short stay accommodation should be sympathetic to and not result in an unacceptable level of noise and disturbance to nearby residents. Banbury Road is a busy arterial route into the City Centre, with Hernes Road being a main route Islip Road and adjoining residential roads. It is not therefore uncommon to see high levels of vehicular movements in this area.
25. The Highways Authority have indicated that the proposed 34 room guesthouse will have only 9 additional peak hour trips than the existing use. This additional level of activity is not considered to be unreasonable, and although comments have been made in relation to vehicle drop off this would be situated at the proposed main entrance which is some 20m away from the nearest residential property. Unlike residential or employment

developments where vehicle movements are generally at the same time of day, a guesthouse use can expect arrivals throughout the day and as such the level of vehicular movement would be irregular and therefore far less noticeable.

26. The access to the underground car park is adjacent to Randolph House, however the Highways Authority have requested that the ramp be a 1 in 20 plane in order to ensure adequate visibility and also this will prevent the excessive revving of engines. Officers appreciate the concerns raised about this access but like the drop off point the level of traffic movements associated with a guesthouse can be expected to be infrequent. Officers would not therefore consider the proposed guesthouse to have an adverse impact upon residential amenity.

Legal Agreement:

27. The Local Highways Authority has requested a contribution of £29,925 towards traffic management measures together with infrastructure improvements to encourage alternative modes of transport other than private car. The applicants have indicated that they are prepared to pay the contribution that will be secured by a section 106 Agreement following the approval of the planning application.

Highway and parking issues:

28. The application proposes 17 car parking spaces, which is in accordance with appendix 3 of the OLP. The development proposes 16 cycle parking spaces at basement level and 8 further spaces at ground level, this also accords with the OLP. The applicant proposes to run a scheme that allows residents to loan a bicycle while at the guesthouse to further reduce car use while in the city. The Highways Authority has no objections to the scheme, their comments are set out above.

Conclusion:

The application accords with the policies within the OLP in that it provides much needed short stay accommodation within a highly accessible location. The design and appearance of the building while contemporary is sympathetic to both visual and residential amenity and the development promotes sustainability and energy efficiency. Officers would therefore recommend that the Committee approve the application subject to the above conditions and completion of the legal agreement.

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

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

Background Papers: 07/02903/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 22nd February 2008

REPORT

APPENDIX 3

North Area Committee

5th March 2009

Application Number: 08/02720/FUL

Decision Due by: 23rd March 2009

Proposal: Amendments to planning permission 07/02903/FUL (demolition of existing building. Erection of 4 storey building to form 34 bedroom guesthouse with underground parking area.) Comprising various alterations to the building approved. Removal of third floor communal roof garden. (Amended description and plans)

Site Address: 376 Banbury Road Oxford Oxfordshire OX2 7PW

Ward: Summertown Ward

Agent: Riach Architects

Applicant: Mr Robin Swailes

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Samples
- 3 Boundary details before commencement
- 4 Landscape plan required
- 5 Landscape carry out after completion
- 6 Landscape specified protection to trees

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- 7 Additional access information
- 8 Means of access
- 9 Parking spaces
- 10 Vision splays
- 11 Bin stores
- 12 Restaurant for use by residents only
- 13 Construction no mud on highway
- 14 Construction Travel Plan
- 15 Extraction equipment
- 16 Details of terrace screening
- 17 Controlled barrier system
- 18 Details of NRIA
- 19 Variation of Road Traffic Order (new) Hernes Road and Hernes Crescent,
- 20 No air conditioning systems
- 21 No access to wild flower garden

Planning Obligation

County

- £31,275 towards traffic management measures in the vicinity of the development site

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP7** - Urban Design
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP15** - Energy Efficiency
- CP16** - Renewable Energy
- CP2** - Planning Obligations
- TA4** - Tourist Accommodation

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HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space
TR1 - Transport Assessment
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities

Core Strategy

CS_03 - Previously developed and greenfield land
CS_11 - Energy and natural resources
CS_12 - Waste and recycling
CS_19 - Infrastructure & developer contributions
CS_20 - Urban design/townscape/historic environ
CS_34 - Sustainable tourism

Other Material Considerations:

PPS 1 - Delivering Sustainable Development
PPG 13 - Transport
Oxfordshire County Structure Plan 2016

Relevant Site History:

07/02903/FUL

Demolition of existing building. Erection of four storey building to form 34 bedroom guest house with underground parking area.

Approved August 2008

Representations Received:

6 letters of objection. The main points raised can be summarised as follows:

- Increasing the height of the new building is not acceptable
- Too many consents for major developments have been granted in the neighbourhood with consequent long term disruption and overload of traffic
- The roof garden would be unneighbourly
- An unauthorised hoarding has been in place on the site for nearly 2 years
- The building would appear out of keeping with the character of the area
- The proposals would result in overlooking and loss of privacy
- The foot print of the new building is too large
- Flatter elevations would give the new building a more bland appearance

Statutory and Internal Consultees:

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, Oxfordshire Primary Care Trust, Oxford Association Of Hotels And Guest Houses, Thames Water Utilities Limited, Environment Agency Thames Region, Oxfordshire Fire Service, North Oxford Community Association, Apsley Road Resident's Association, Summertown Trade & Business Association, Victoria Road Group, Highways And Traffic, Oxford Civic Society, Kevin Caldicott.

Environment Agency

The application has a low environmental risk

Thames Water

No objections with regard to waste or surface water drainage

Issues:

- The extant 2007 planning permission for a 34 bedroom guest house on the site
- The proposed alterations the subject of this planning application

Sustainability:

The application site is situated on an arterial route and the application seeks to redevelop a brown field site. The application is committed to providing a building that contributes to the reduction of green house gas emissions and it is accompanied by a Natural Resource Impact Analysis that proposes the use of solar water heating and electricity generation systems together with renewable technologies where practical.

Officers Assessment:

The Extant 2007 Planning Permission

1. A planning application for the demolition of the existing building on the site and the erection of a 4 storey building to provide a 34 bedroom guest house together with underground parking was considered by the North Area Committee at their meeting on 6 March 2008. The application was approved subject to a total of 20 conditions and a copy of the officer's report and the decision notice are attached to this report at Appendix II.
2. As a result of this extant permission, the principle of the current proposal is not at issue.

The Proposed Alterations

3. The proposed alterations to the approved building relate primarily to the height of the building and its relationship with the site boundaries.
4. In terms of height, the agent states that the roof levels have changed

REPORT

following SBEM energy calculations and the consequent increases in construction thicknesses [floor and roof insulation] to meet building regulations and also to enable horizontal and vertical service runs to include vertical "passive ventilation" integration.

5. The differences in height between the highest point of the current application compared with the previous permission, taken from the apex of the pitched roofs would be approximately 150 mm on the Hernes Road elevation and approximately 450 mm on the Banbury Road elevation.
6. As regards the relationship of the proposed building with the site boundaries, the current application would move the new building some 1045 mm over 2 storeys away from the eastern boundary with number 1 Hernes Road and some 850 mm over 3 storeys away from the northern boundary with number 378 Banbury Road. This latter change is the result of removing the cantilevered element to the north west elevation with a consequent reduction in the width of the building.
7. Other proposed alterations are as follows:
 - Removal of a window to the bathroom of room 1
 - The glazed wall to the lounge has been changed to a solid wall with a window opening following comments from building control
 - Rooms 13, 14, 24 and 25 have been reduced in size
 - Rooms 1 – 6 and 15 – 17 have also been reduced in size
 - The lift and stair arrangements have been revised following comments from building control.
8. Amended plans have been submitted that take out reference to a third floor communal roof garden adjacent to number 1 Hernes Road. Officers consider that the use of this area for outside sitting by guests and residents would result in an unacceptable loss of privacy to the occupiers of 1 Hernes Road and the amended plans refer instead to a wild flower roof garden with access only for maintenance purposes. Condition 21 is recommended to reinforce this restriction on access.
9. All other details of the current proposal are as per the previously approved plans and officers take the view that the proposed alterations are, on balance, acceptable. Whilst the increase in the height of parts of the building is regrettable, this would appear to be a direct result of increasing the sustainability and reducing the carbon footprint of the new building.
10. The application is recommended for approval subject to a total of 21 conditions. The agent has submitted some details pursuant to the conditions imposed on the previous permission but at the time of writing this report no conditions have been formerly discharged.

Conclusion:

11. This application proposes alterations to an approved scheme for the

erection of a 34 bedroom guest house laid out over four floors. The alterations, relating primarily to the height of the new building and its relationship with the site boundaries, are considered to be acceptable in terms of the visual appearance of the building and its likely impact on neighbouring properties. The application is recommended for approval.

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

Background Papers:

07/02903/FUL

08/02720/FUL

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 11th February 2009

REPORT

West Area Planning Committee

14 September 2011

Application Number: 11/01165/FUL

Decision Due by: 5 July 2011

Proposal: Demolition of existing building. Erection of two storey terrace (with accommodation in roof space) comprising 1 x 4-bed house and 3 x 3-bed houses. Provision of off street parking, bin and cycle storage. (Amended Plans and Description)

Site Address: Grove House Club Grove Street (**Appendix 1**)

Ward: Summertown Ward

Agent: John Philips Planning
Consultancy

Applicant: Ms C Evans

Recommendation: The West Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal is considered to make a more efficient use of a brownfield site, in a manner that would be sympathetic to the character and appearance of the area and the amenities of neighbouring properties. The development would create an acceptable residential environment, preserving important trees on site and promoting the use of non-car modes of transport. The application therefore accords with policy CP1, CP6, CP8, CP10, CP11, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 - 2016 and CS2, CS18, CS20 and CS23 of the Oxford Core Strategy 2026.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 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 Develop in accordance with approved plans
- 3 Samples
- 4 Boundary treatment
- 5 Landscape underground services - tree roots
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1
- 8 Landscape hard surface design - tree roots
- 9 Landscape plan required
- 10 Landscape carry out after completion
- 11 Car Parking Space
- 12 Bin and cycle storage
- 13 Design - no additions to dwelling
- 14 Suspected contamination - Risk assess
- 15 Construction Traffic Management Plan
- 16 Surface Drainage Scheme
- 17 Variation of Road Traffic Order

Main Local Plan Policies:**Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Oxford Core Strategy 2026

- CS2_** - Previously developed and greenfield land
- CS18_** - Urban design, town character, historic environment
- CS20_** - Cultural and community development
- CS23_** - Mix of housing

Other Material Considerations:

- PPS 1 – Delivering Sustainable Development
- PPS 3 – Housing
- PPG 13 – Transport
- Regional Spatial Strategy for the South East
- Balance of Dwellings Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

11/01131/DEM - Prior notification of proposed demolition of Grove House Club buildings – prior approval not required

10/03026/FUL - Demolition of existing club house. Erection of two and three storey building to provide school boarding house with 24 bedrooms - withdrawn

Representations Received:**Statutory and Internal Consultees:**

Thames Valley Police – No objection

Thames Water – No objection

Oxford Civic Society – Inadequate car parking. Any eligibility of future residents to parking permits would add pressure to street parking in area. Cycle parking and bin store inadequate. No tracking diagram for access to single parking space, it seems likely to be difficult to manoeuvre into.

Highways And Traffic – No objection subject to removal of site from Controlled Parking Zone, provision of adequate cycle parking and a Construction Traffic Management Plan.

Environmental Health – No objection subject to a phased contaminated land risk assessment.

Third Parties:

15 letters of comment have been received, along with a petition with 33 signatures in objection to the proposal. The following comments have been received:

- Loss of community facility
- Loss of large boundary wall between site and Dudley Court
- 2nd floor terraces will overlook private gardens of Dudley Court
- Loss of privacy to properties opposite and at Dudley Court
- Loss of light to properties opposite and at Dudley Court
- Overdevelopment
- Inadequate car parking
- Plans of no benefit to community
- Would like boundary wall between site and Dudley Court replaced prior to commencement of development
- Would like to see car club plus contribution to maintain it
- Location and size of bin and cycle storage inadequate
- More cycle stands required
- Gardens inadequate in size
- Wall attractive feature and should be retained
- Materials do not blend in with street
- Noise and dirt generated by construction

Officers Assessment:

Site Description and Proposal

1. The application site comprises the former North Oxford Grove House Club, a single and three storey building located on the corner of Grove Street and Middle Way. The building provided a private members club, with function room and bar on the extended ground floor, and residential accommodation on 1st and 2nd floor levels.
2. Until recently the site was enclosed by a high boundary wall. However demolition works commenced on the site in May which have included the removal of the wall. There are two common yew trees to the eastern end of the site which are subject to Tree Preservation Orders. There is also a protected group of trees within the grounds of Dudley Court to the immediate south of the application site which includes two *Malus robusta* and two *Prunus Hisakusa*.
3. The application seeks planning permission for the erection of a terrace of four two storey houses with additional accommodation in the roof space (comprising a 3x3 bed and 1x4 bed). One off street car parking space is provided along with a bin and cycle storage area.

Background

4. The application originally proposed a two storey terrace comprising 1x4 bed and 3x3 bed houses, plus 1x2 bed and 1x1 bed flats. Following concerns raised by officers relating to the size of, and access to, the private gardens, as well as the location of the bin and cycle store, the application has been amended from that originally submitted in the following ways:
 - No of units reduced to four;
 - Footprint reduced slightly to create larger bin and cycle storage area to the north east of the site;
 - Floor area of houses increased;
 - Private gardens increased in width from 5.8m to 6.6 and 7m;
 - Inclusion of roof terraces; and
 - Insertion of windows in southwest elevation overlooking communal garden
5. Officers consider the determining issues in the case to be:
 - The principle of development;
 - The form and appearance of the development and its visual impact on the area;
 - The quality of the residential environment created;
 - The impact of the proposal on the living conditions of neighbouring properties;

- The impact on trees; and
- The impact on parking and the highway network.

Principle of Development

6. Policy CS20 of the Core Strategy seeks to protect existing community facilities. For the purpose of policy CS20 community facilities are defined as being facilities that serve the local community, i.e. sports centres, community centres or public houses. As the North Oxford Grove House Club was a private members venue it should perhaps not be considered a local community facility in these terms.
7. Notwithstanding the above, it was established in the case of *WE Black v First Secretary of State* (2006) - which involved the site of a demolished health centre - that the use which had resided within the demolished building could not reasonably continue without the building itself. The court therefore concluded that the protective development plan policies pertinent to that use were not relevant. This logic could be applied to the application site, and even if the building had provided a community facility, that use would have ceased with the demolition of the building. On this basis officers would raise no in principle policy objection to a residential use on this site.
8. PPS 3 identifies the need to make efficient use of land. This is reflected within OLP policy CP6 which states that development proposals should make efficient use of land by making best use of site capacity. PPS 3 also encourages a mix in the balance of dwellings and again this is reflected in policy CS23 of the Oxford Core Strategy, which indicates that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this policy CS23 supports a balance of dwelling types within any given locality.
9. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoDs) has assessed the housing stock within Oxford and has identified areas of pressure. The aim of BoDs is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.
10. The application site falls within an area defined by the SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. In this area the SPD requires developments of this size to include a minimum of 30% 3 bed units. The proposals exceed this requirement by providing 75% 3 bed units. On this basis the proposal complies with BoDs.

Form and Appearance

11. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development creates an appropriate visual relationship with the form, grain, scale, materials and details of the

surrounding area and CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.

12. The area is characterised by fairly dense residential development. Buildings are generally of a domestic scale, being two storeys in height and taking a more traditional form and appearance. There are exceptions, however such as Dudley Court, 18-24 Middle Way or 9A and 11 Middle Way.
13. The rectangular application site is bounded by two street frontages, both of which have slightly different qualities. In views from the north and south along Middle Way the site contributes to visual amenity, largely due to the two common yew trees at its western end, but also due to the fact that the single storey buildings were, prior to demolition, not obvious in views due to the high boundary wall. This gives the corner a sense of openness, particularly from the north, which is enhanced further by the gardens of Dudley Court to the south.
14. Grove Street has a different character, being far narrower, with buildings at its western end hard up to the footway. There is therefore a lesser sense of space. The houses are generally terraces and although there is variety in their style, the chief characteristic is the domestic scale of the buildings and the sense of enclosure that they create. Being three storeys in height the club house building appears rather imposing within the street which is uncharacteristic of its otherwise domestic scale.
15. In response to these characteristics the application proposes a two storey terrace comprising four houses, built hard up to the pavement on the Grove Street frontage. Whilst the buildings would be an obvious new addition to the street, their scale, mass and appearance are such that they would appear sympathetic to the character and appearance of the street and help to reinforce its distinctive qualities. Concerns have been raised through the consultation process about materials. These can be addressed in the more detail in response to the imposition of appropriate conditions. Materials must however be sympathetic to those already in use in the street.
16. In relation to the views along Middle Way, the proposed terrace does not extend westward as much as the existing building does, and as such maintains the openness at this corner and the important common yew trees are to be retained. In this regard there would be no adverse impact on views along Middle Way.

Proposed Residential Environment

17. Policy HS21 of the OLP states that residential development should have access to private amenity space and that in the case of family dwellings of 2 or more bedrooms this should be exclusive to the residential property and generally in excess of 10m in length.

18. The proposed rear gardens measure 5m in length and between 6.6 and 7m in width. Whilst this is less than the prescribed 10m length as set out in policy HS21, as their width is greater than typical of terraced properties and each house possesses a roof terrace, then officers take the view that reduced sized gardens are reasonable and acceptable in the circumstances of this particular case. In coming to this conclusion officers have had regard to:
- The tightly constrained nature of the site, being only 12.5m front to back;
 - That a communal garden also serves each house, in addition to its garden and roof terrace;
 - That the proposal presents the opportunity to redevelop a brownfield site for new houses; and
 - That a recent development nearby at Century Row has rear gardens measuring approximately 2.5m to 4.5m in length
19. Concern has been raised during the consultation process about the bin and cycle store. This is located to the northeast of the building, partly beneath the 1st floor overhang. The area measures approximately 3m in width and 10.4m in length. This would provide adequate space for the 8 bins and 4 cycle stands that would be required.

Impact on Neighbouring Properties

20. Policy HS19 of the OLP states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
21. The proposal introduces new windows at ground, 1st and 2nd floor level facing out towards Dudley Court. The existing club house has residential accommodation on the 1st and 2nd floor levels which also has windows facing Dudley Court.
22. Dudley Court is an L-shaped building, with its main range running parallel to the new terrace, and its shorter arm to the northeast. The two arms and the application site to the north effectively create an open quad which forms part of the communal gardens of Dudley Court. The windows of main Dudley Court range are approximately 20m away from those of the new terrace. This separation distance is in itself considered to be acceptable. In any event the intervening vegetation provides an amount of screening and reduces any impact further still. The shorter arm of Dudley Court does not directly face the new terrace and is separated by a number of mature trees. As such the impact on the privacy windows in that elevation is considered to be acceptable.
23. The quad style garden would experience some overlooking, however this is presently the case from the windows of Dudley Court and in any event

the trees provide a suitable buffer to ensure that the areas closest to the Dudley Court windows would retain an acceptable degree of privacy. Concern has been raised by the residents of Dudley Court that the 2nd floor terraces would result in overlooking. However officers believe that views from them would be greatly obscured by trees and would not therefore have an unacceptable impact.

24. Grove Street is relatively narrow, approximately 9.5m in width, and although the proposal would introduce new windows facing the Street, this is not considered to be unacceptable due to the existing relationship between facing buildings along the road. The return of No 19 Middle Way is also parallel to part of the site. However the new houses will not be directly opposite the rear garden of that property, and the closest window of the end house would serve a landing. Officers are therefore satisfied that the impact would not be unacceptable.
25. The new building does not project beyond the rear elevation of its adjoining Grove Street property and is a suitable distance away from Dudley Court and houses opposite in Grove Street to ensure that there would be no conflict with the 45° rule in the vertical or horizontal plane from the cill of neighbouring habitable room windows as advised by Appendix 6 of the Local Plan.

Trees

26. Two large mature yew trees stand within the site at the western end of the site. Both trees are covered by a Tree Preservation Order and are considered important trees that should be retained and well protected. The proposal involves construction of four terrace units, largely within the footprint of the existing building. Additional potential root zone would be created for the trees as a result of the removal of the existing building, which projects much further to the west than the proposal. On this basis the impact on the trees is considered to be acceptable and conditions a recommended accordingly to deal with protection etc during construction.

Parking

27. The application proposes one off street car parking space which will serve one of the houses. The development is otherwise proposed to be car free. The application site is within the Transport District Area. The Local Plan states that Transport District Areas are highly sustainable as they have good availability of shops, services and public transport. In such areas the Local Plan states that residential proposals that are car free will be treated favourably. In this regard officers consider the principle of a car free housing scheme to be acceptable. It is recommended however that the development be excluded entitlement to parking permits in order to prevent any undue pressure to on street parking. A condition is suggested accordingly.
28. The application proposes 18 cycle parking spaces. This level of provision exceeds the normal requirement of 8 for a development of this size, but in

view of the limited parking provided Officers support this approach.

Other Matters

29. Dudley Court has requested that the boundary between their site and the application site be replaced with a 2m high boundary wall or fence prior to the commencement of any approved development. Under normal circumstances this would be provided prior to occupation. However, officers are mindful of the concerns raised and have seen the current condition of the boundary following partial demolition of the existing building. In this regard officers can confirm that if the committee resolves to grant planning permission a condition can be put in place requiring the permanent fence or wall to be in place prior to commencement of the development.

Conclusion: The development would make a more efficient use of a brownfield site in a manner that would be sympathetic to visual and residential amenity. Whilst the gardens proposed do not fully meet the policy requirement, they are considered to be, on balance, suitable given the site constraints and particular circumstances of the case. Officers would therefore recommend that the Committee grant planning permission subject to conditions.

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

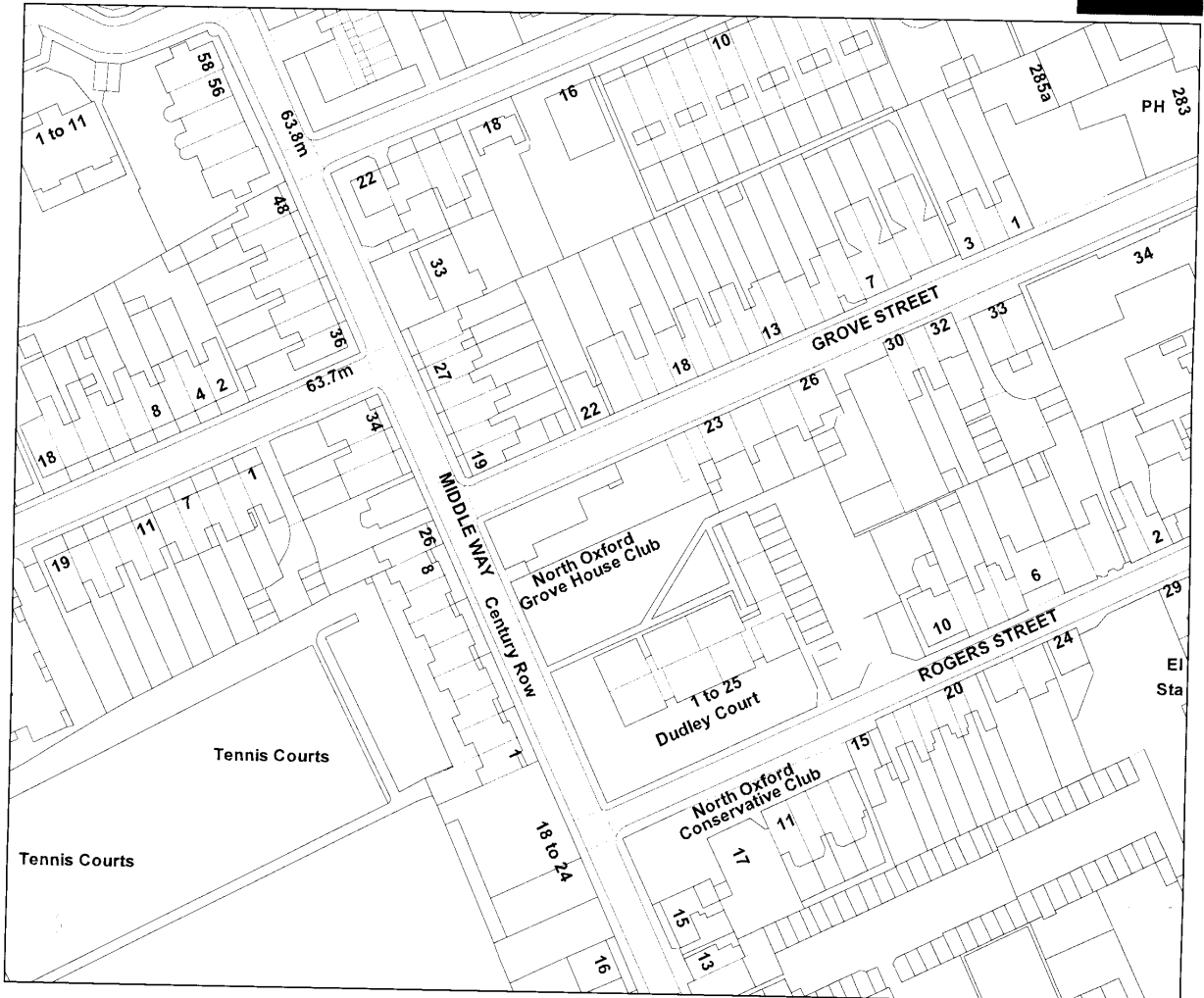
Background Papers: 11/01165/FUL

Contact Officer: Steven Roberts

Extension: 2221
Date: 31 August 2011

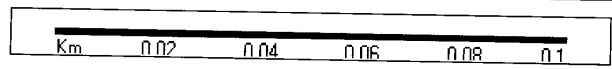
11/01165/FUL

Grove House Club, Grove Street - APPENDIX 1



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	31 August 2011
SLA Number	Not Set

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West Area Planning Committee

- 14th September 2011

Application Number: 11/02020/EXT

Decision Due by: 26th September 2011

Proposal: Application to extend planning permission 08/01382/FUL for demolition of frontage buildings of 61/63 Cowley Road. Retention of rear workshop/store and 59 Cowley Road. Erection of 4 storey building (with basement) and conversion of workshop/store and No.59, to provide 2 shop units on ground floor and 5 flats above (2x2, 2x3, 1x1 bed), with private terrace, communal garden and refuse/recycling/cycle parking store (for 13 bicycles).

Site Address: 59-63 Cowley Road (**Appendix 1**)

Ward: St Clement's Ward

Agent: Original Field Of Architecture **Applicant:** RTH Holdings

Recommendation: The West Area Planning Committee is recommended to be grant planning permission for the following reasons:

- 1 The principle of redeveloping the application site was established by the previous planning permission reference 08/01382/FUL. This application seeks to extend the permission and in the light of there having been no changes to the policy context or other circumstances the proposals remain appropriate and in accordance with the policies of the Oxford Local Plan and the Oxford Core Strategy.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 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 Develop in accordance with approved plans
- 3 Samples
- 4 Variation of Road Traffic Order
- 5 Landscape plan required
- 6 Landscaping prior to occupation
- 7 Details of privacy screens and obscure glass
- 8 Bin and cycle storage

Main Local Plan Policies:**Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- RC5** - Secondary Shopping Frontage
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

Oxford Core Strategy 2026

- CS1_** - Hierarchy of centres
- CS2_** - Previously developed and greenfield land
- CS18** - Urban design, town character, historic environment
- CS23_** - Mix of housing
- CS31_** - Retail

Other Material Considerations:

- PPS 1 – Delivering Sustainable Development
- PPS 3 – Housing
- PPS 4 – Planning for Sustainable Economic Growth
- PPG 13 – Transport
- Regional Spatial Strategy for the South East
- Balance of Dwellings Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

08/01382/FUL - Demolition of frontage buildings of 61/63 Cowley Road. Retention of rear workshop/store and 59 Cowley Road. Erection of 4 storey building (with basement) and conversion of workshop/store and No.59, to provide 2 shop units on ground floor and 5 flats above (2x2, 2x3, 1x1 bed), with private terrace, communal garden and refuse/recycling/cycle parking store (for 13 bicycles) – allowed on appeal

07/02568/FUL: Demolition of frontage buildings of 61/63 Cowley Road. Retention of rear workshop/store and 59 Cowley Road. Erection of 4 storey building (with basement) and conversion of workshop/store and No.59, to provide 2 shop units on ground floor and 6 flats above (5x1, 1x2 bed), with courtyard garden and refuse/recycling/cycle parking store (for 16 bicycles) – refused

Representations Received:

Statutory and Internal Consultees:

Highway Authority – No objection subject to a condition to remove the site from the Controlled Parking Zone and provide cycle parking

Thames Water – No objection

Third Parties

One letter of comment has been received, the issues can be summarised as follows:

- Application refused in 2008. Needs fresh consideration
- Four storey building would not sit well with surroundings
- Support 13 cycle parking spaces
- Car parking will be issue

Officers Assessment:

Site description and proposal:

1. The application site comprises No 59-63 Cowley Road, a part three storey (no. 59) and part two storey building (nos. 61 and 63). The building includes a mix of uses, with the ground floor level comprising a retail unit and its ancillary storage to the rear and on the first floor over nos. 61 and 63. A two bed flat accessed from Cowley Road is located above no. 59.
2. The site is located on the northern side of Cowley Road between the junctions of Tyndale Road and Alma Place. It is within the Secondary Shopping Frontage and therefore the main frontage along Cowley Road is typified by commercial uses at ground floor level with residential or storage above. The side roads are generally in residential in use.
3. Planning permission is sought to extend the consent granted on appeal in 2009 for the demolition of the frontage buildings of 61/63 Cowley Road and the erection of a 4-storey building (with basement) and refurbishment of the retained part of the building to provide 2 retail units on the ground floor and 5 flats at 1st, 2nd and 3rd floor level (comprising 2x3, 2x2 and 1x1 bed flats). The proposals also include private terraces, a communal garden and refuse/recycling storage and cycle parking to the rear. The officers' report to committee is attached as **Appendix 2** and the appeal decision is attached as **Appendix 3**.

Principle of Development

4. The proposal before Committee is an application to extend the extant planning consent. In response to the current economic climate the Government in October 2009 encouraged Local Planning Authorities to extend the period for implementation of a planning permission beyond the normal 3 year period where it was appropriate to do so.
5. Local Planning Authorities are advised that they should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application to extend a planning consent will have already been judged to be acceptable in principle when permission was originally granted. While Planning Authorities should consider these applications against the policies of the Development Plan, they are advised that they should in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the granting of the original permission. In other words if the circumstances have not changed to a significant extent then there is a presumption towards granting permission to extend the period of consent.
6. Since granting the original planning permission the Oxford Core Strategy 2026 has been adopted. The Core Strategy, like the Oxford Local Plan, is supportive of making efficient use of land and promotes the creation of balanced and mixed communities. In this regard the proposal, which provides a mix of unit sizes in accordance with the Balance of Dwellings SPD, remains acceptable in planning policy terms. There have been no other changes of circumstances and officers would therefore recommend that planning permission be granted.

Conclusion: In the light of the above, officers would recommend that the Committee grant planning permission subject to the above conditions.

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

Background Papers: 11/02020/EXT, 08/01382/FUL

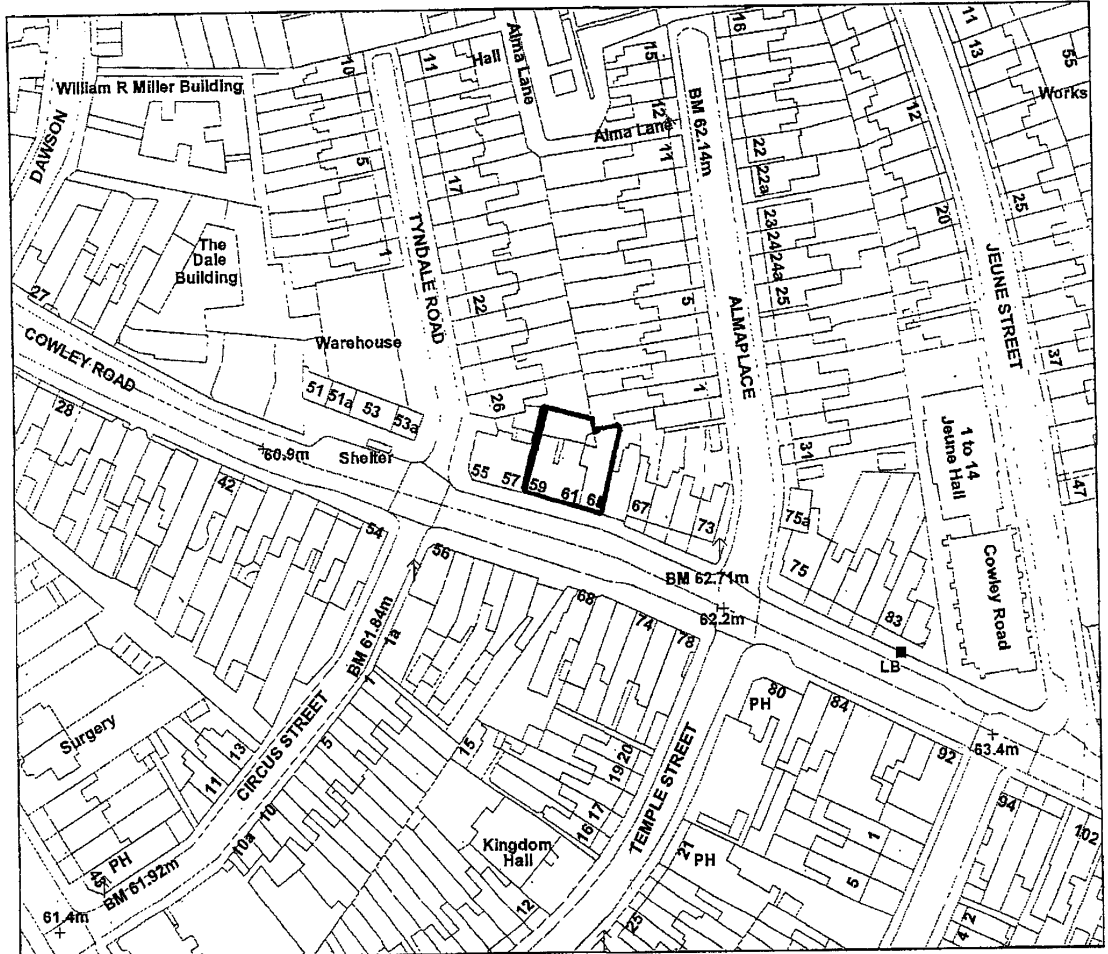
Contact Officer: Steven Roberts

Extension: 2221

Date: 31st August 2011

Appendix 1

59-63 Cowley Road 08/01382/FUL



Legend

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REPORT

APPENDIX 2

East Area Committee

- 20th August 2008

Application Number: 08/01382/FUL

Decision Due by: 2nd September 2008

Proposal: Demolition of frontage buildings of 61/63 Cowley Road.
Retention of rear workshop/store and 59 Cowley Road.
Erection of 4 storey building (with basement) and
conversion of workshop/store and No.59, to provide 2 shop
units on ground floor and 5 flats above (2x2, 2x3, 1x1 bed),
with private terrace, communal garden and
refuse/recycling/cycle parking store (for 13 bicycles).

Site Address: 59-63 Cowley Road Oxford (**Site Plan: Appendix 1**)

Ward: St Clement's Ward

Agent: Riach Architects

Applicant: Mr Matthew Harris

Recommendation: Application to be **approved** for the following reasons:

- 1 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Samples
- 3 Landscape plan required
- 4 Landscape carry out after completion
- 5 Landscape management plan
- 6 Bins and bikes prior to occupation
- 7 Details of privacy screens
- 8 Variation of Road Traffic Order (new)

Main Local Plan Policies:
Oxford Local Plan 2001-2016 (OLP)

CP6 - Efficient Use of Land & Density

CP7 - Urban Design

CP8 - Design Development to Relate to its Context

REPORT

CP1 - Development Proposals
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP19 - Nuisance
HS1 - Provision of Sites for Housing
HS2 - Recycling Land Target
HS8 - Balance of Dwellings
HS11 - Sub-Division of Dwellings
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space
RC2 - Retail Hierarchy District Centre
RC5 - Secondary Shopping Frontage
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities

Other Material Considerations:

PPS 1 – Delivering Sustainable Development
PPS 3 – Housing
PPG 13 – Transport
Oxfordshire County Structure Plan 2016
Balance of Dwellings Supplementary Planning Document
Parking Standards Supplementary Planning Document

Relevant Site History:

07/02568/FUL: Demolition of frontage buildings of 61/63 Cowley Road. Retention of rear workshop/store and 59 Cowley Road. Erection of 4 storey building (with basement) and conversion of workshop/store and No.59, to provide 2 shop units on ground floor and 6 flats above (5x1, 1x2 bed), with courtyard garden and refuse/recycling/cycle parking store (for 16 bicycles) – refused 25.02.2008 on the grounds of balance of dwellings, loss of privacy to proposed flats from communal garden and impact of privacy screens upon outlook from adjacent windows, and impact upon highway parking pressure in absence agreement to remove development from entitlement to parking permits.

Representations Received: Two letters of objection have been received from No2 Alma Place and 67 Cowley Road. Any further comments received will be reported orally to the Committee at the meeting. The issues identified in the letters of objection can be summarised as follows:

- Visual impact
- Impact of level of people that would live at the development
- Impact on neighbouring gardens by overlooking
- Imbalance of development in the area by ever increasing student accommodation
- Development unlikely to attract families and would therefore be students
- Overshadowing and loss of light to adjoining properties

REPORT

- Noise and disturbance
- More flats attracts transient population that does not care for developing the local community

Statutory and Internal Consultees:

East Oxford Community Association – no comments received

Oxford Civic Society – no comments received

Transport Strategy And Development Control – no objection

The site is located in a Transport District Area where shops, services and public transport are readily available. It is also within the East Oxford Controlled Parking Zone and therefore the car-free status proposed can be realistically enforced.

Given the above, the Highway Authority has no objection to the proposal subject to the following conditions;

The secure cycle parking must be provided as planned, and should be secure and covered.

The residential units should be excluded from the local Controlled Parking Zone prior to occupation, and any costs associated with amending the Traffic Regulation Order must be met by the applicant (unilateral undertaking).

Issues:

- Principle of development
- Design and appearance
- Impact on future and existing residential amenity
- Parking and highways implications

Sustainability: The proposal aims to make the best use of urban land within an existing residential area with good transport links and local facilities nearby.

Officers Assessment:

Site description and proposal:

1. The application site, Nos 59-63 Cowley Road, is located on the northern side of Cowley Road between the junctions of Tyndale Road and Alma Place. The site is within a Secondary Shopping Frontage and therefore the main frontage along Cowley Road is typified by commercial uses at ground floor level with residential above. The side roads are generally in residential in use.
2. The site comprises a 3-storey building (no. 59) and two 2-storey buildings (nos. 61 and 63). At ground floor level all three buildings have been linked to form a single retail unit currently occupied by Beeline Cycles. This shop has a storage area located to the rear of the building and at first floor level over nos. 61 and 63. A two bed flat accessed from Cowley Road is located above no. 59.

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3. The application seeks planning permission for the demolition of the frontage buildings of 61/63 Cowley Road with the retention of the rear workshop/store and 59 Cowley Road. The application further proposes the erection of a 4-storey building (with basement) and conversion of workshop/store and No.59 to provide 2 shop units on ground floor and 5 flats above (2x2, 2x3, 1x1 bed). The proposals also include private terraces, a communal garden and refuse/recycling/cycle parking storage areas to the rear.

Previous application:

4. A previous application on this site was refused by the East Area Parliament in February 2008 for the following reasons:

1 Having regard to the mix of dwellings proposed the development does not provide a range of dwellings to ensure choice for people with different housing needs, contrary to policy HS8 of the Oxford Local Plan 2001-2016 and Planning Policy Statement 3: Housing, which aim to achieve mixed, sustainable communities.

2 The use of the communal garden located at first floor level by all residents of the development would enable direct overlooking from this amenity area into the main living spaces of flats 1, 2, 3 and 4 to the detriment of the internal living environment of the residents of those flats. Furthermore, the only direct outlook for the occupiers of flats 1 and 2 would be limited due to the proposed high green screen. This screen would as a result overbear these rooms to the detriment of the internal living environment of the residents of those two flats. As such the proposal would be contrary to Policy HS.19 and HS.20 of the adopted Oxford Local Plan 2001 – 2016.

3 The proposed boundary wall to the first floor communal garden would have a detrimental effect on the occupiers of 65 Cowley Road by reason of an overbearing impact and an unacceptable loss of light. As such the proposal would be contrary to Policy HS.19 of the Oxford Local Plan 2001-2016

4 The site is located within an area of the city which suffers from acute on street car parking pressure and as no provision is made within the development for off street car parking, if permitted, and in the absence of an agreement to vary the existing traffic order that excludes the site from the Controlled Parking Zone that currently operates in the area, would add to congestion and be detrimental to highway safety. As such this proposal would be contrary to Policy TR.3 of the Oxford Local Plan 2001 - 2016.

5. Following pre application discussions the current application was

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submitted. Within this scheme the balance and mix of dwellings has been revised to comply with the Balance of Dwellings SPD, the layout of the development has been altered to address the issues of future and existing residential amenities and the applicants have confirmed within the Design and Access Statement that the development is to be car free.

6. The previous decision is a material consideration in determining the current application and as such the principle of certain parts of the proposals has already been established. The Parliament previously raised no objection to the proposed mixed use or the loss of retail floorspace, nor did it object to the design and appearance of the proposals. As such it would be inconsistent to raise these elements as issues in determining this application.

Principle of development:

Loss of Retail Floor Space

7. The application site is located within a Secondary Shopping Frontage where Policy RC5 of the adopted Local Plan applies. This policy prevents the loss of retail units (Class A1) however the proposals seek to retain the retail element and as such policy RC5 is complied with. There is a question of reduced floor area, however this was not an issue to which any objection was raised in the previous application and as such it would be unreasonable to do so here. In any event the proposed ground floor layout is improved in the current application and in fact maintains a larger area of retail space as a result. Officers therefore do not object to the scheme on this issue.

Balance of dwellings

8. PPS 3 identifies the need to make efficient use of land, this is reflected within OLP policy CP6 which states that development proposals should make efficient use of land by making best use of site capacity, however it goes on to state that this should be in a manner, which does not compromise the surrounding area.
9. PPS 3 also encourages a mix in the balance of dwellings and again this is reflected in policy HS8 of the OLP, which indicates that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this the Local Plan supports a balance of dwelling types within any given locality. PPS3 recognises the importance of encouraging the development of mixed and inclusive communities, which offer a choice of housing styles and types. Local Planning Authorities are encouraged to take an active approach to achieve mixed communities.
10. In support of policy HS8 the Balance of Dwellings SPD (BoD SPD) has been drafted (adopted Jan 08) which has assessed the housing stock

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within Oxford and has identified areas of pressure. The aim of the SPD is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.

11. The application site falls within an area defined by the SPD as red, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. The application proposes 2x3, 2x2 and 1x1 bed flats that are in accordance with the BoD SPD. Officers would therefore consider the proposals to provide adequately for the housing needs identified within the SPD and as such reason 1 of the previous planning application has been addressed and officer have no objection to the application on housing mix grounds.

Design and appearance:

12. Policy CP1 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for developments that show a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 reiterates this by stating that all new and extended buildings should relate to their setting to strengthen, enhance and protect local character and building design is specific to the site and its context and should respect local characteristics.
13. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.
14. This development proposes the retention and refurbishment of no. 59 Cowley Road and the replacement of nos. 61 and 63 with a new building of contemporary design. While the design approach is contemporary and clearly in contrast to the neighbouring buildings, the proposals have incorporated features seen within the immediate locality. To integrate the new building into the existing vernacular the ground floor shop façade of no.59 is extended across the ground floor frontage of the new build and the strong vertical and horizontal design features (ridge and window lines) of the adjoining buildings have been incorporated into the new building. To further soften the appearance of the building within the street scene the scheme proposes a mixture of render and patterned glazed bricks, with a copper roof which will break up the frontage and as such the building sits sympathetically within the more traditional streetscape.
15. No concerns were raised on the design and appearance or scale of the proposed development in the previous scheme and as such it would be inconsistent on unreasonable to do so now. Officers therefore consider the

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design and appearance of the development to be acceptable.

Impact on existing and future residential amenity:

16. Policy HS19 states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.

Existing residential amenity

17. The proposed development has had regard to the impact on neighbouring properties and in doing so has replaced existing windows that currently look over adjoining properties with obscure glaze. Also the current scheme has removed windows that were not considered to raise issues in the previous application to improve the amenities of adjoining properties. The current application is otherwise largely similar to the previous one and with the exception of the issue of loss of light and overbearing of No 65 Cowley Road there was no other objections raised with regard to existing residential amenity and as such to introduce issues now within an improved application would be unreasonable.
18. In terms of the amenity impact, the key relationship in the previous application, and this one, is between the proposed development and 65 Cowley Road. In the previous application it was considered that the 1.8 metre wall enclosing the first floor communal garden would have had a detrimental effect on the occupiers of 65 Cowley Road by reason of its overbearing impact and an unacceptable loss of light. In response of this concern the current application has revised the 1st floor layout and now has a void directly adjacent to the boundary with No 65 Cowley Road. In doing this privacy screen is not required along the boundary and as such there is no loss of light or overbearing.
19. Officers consider the previous reason for refusal to have been addressed and that no other matter of loss of existing residential amenity arise from the changes to the scheme.

Future residential amenity:

20. Policy HS11 of the OLP requires units of accommodation to exceed 25m² and that they have an adequate internal environment with separate living and cooking facilities and separate entrances. The 2x2 and 1x1 bed flats exceed this figure and are all well served by natural light and ventilated. The Balance of Dwellings SPD states that 3 bed flats should have a minimum floor area of 75m², the 2x3 bed flats proposed also exceed this measurement being approx 103m² and 97m².
21. The previous application and issues with the quality of the internal environment by reason of privacy screens directly outside habitable room

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windows of the proposed flats. The revised 1st floor amenity space layout has resulted in the improvement of this arrangement and as such officers consider this issue to have been addressed.

22. Policy HS21 of the OLP requires residential accommodation to have access to private amenity space, the policy states that 2 or more bed flats should have exclusive use of a private space though it is not prescriptive in terms of size. The current application includes private gardens for all flats in the form of terraces on the 1st floor and on the roof. There is also a shared garden at ground floor level. While it is acknowledged that the 1st floor terraces, and the one that serves the 3 bed flat in particular, are smaller than what may be accepted in schemes within more suburban locations in the City. It is the opinion of the Officer that the provision proposed is comparable to many developments seen along the Cowley Road. Officers consider that given the urban location and site constraints and that the scheme has provided an appropriate mix of dwelling types to include 2x3 bed flats the perhaps smaller sized amenity space provided is considered to be acceptable and in accordance with the requirements of the OLP.

Parking and highways implications:

23. The Design and Access Statement that accompanied the application confirms that the development is car free. The site is within a highly sustainable location just outside the district centre of Cowley Road and is therefore within close proximity to services and shops. The Local Highways Authority considers the location to be well served by public transport and that car free status is acceptable. The site is within a Controlled Parking Zone the car free nature can be realistically enforced. Officers would however suggest a condition to remove the site from eligibility for parking and visitor parking permits.
24. The application proposes 13 cycle parking spaces which is also considered to be acceptable however a condition should also be included to ensure the provision of these spaces prior to occupation and that they be retained thereafter.

Conclusion:

The application is of an appropriate design and appearance and provides adequately for the amenities of existing and future residential properties. The previous reasons for refusal have been addressed in this application and officers therefore recommend that the Parliament grant planning permission subject to the conditions suggest above.

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

Background Papers: 08/01382/FUL, 07/02568/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 5th August 2008

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APPENDIX 3

Town and Country Planning Act 1990

Appeal by Mr Matthew Harris against the decision of Oxford City Council to refuse planning permission for the demolition of frontage buildings of 61/63 Cowley Road. Retention of rear workshop/store and 59 Cowley Road. Erection of 4 storey building (with basement) and conversion of workshop/store and No.59, to provide 2 shop units on ground floor and 5 flats above (2x2, 2x3, 1x1 bed), with private terrace, communal garden and refuse/recycling/cycle parking store (for 13 bicycles), at 59-63 Cowley Road, Oxford.

Local Planning Authority Reference: 08/01382/FUL

Planning Inspectorate Reference: APP/G3110/A/08/2089022/WF

Written Statement of the Local Planning Authority

1. Appeal Site and Locality

The appeal site, No 59-63 Cowley Road is identified on the attached site plan (**appendix 1**). It is located approximately ½ a mile to the east of Oxford city centre within the St Marys ward. Cowley Road is a commercial centre with retail and business units primarily at ground floor with a mix of residential and office space on the upper floors. While the site and its immediate locality is commercial, the Cowley Road is sandwiched between residential development to the north and south and as such does not have a typically urban quality that one would expect from a location such as this. This is typified by the scale and appearance of the buildings along with the uses found at ground floor level. The site is also located within the St Clements and Iffley Conservation Area.

The site comprises a 3-storey building (no. 59) and two 2-storey buildings (nos. 61 and 63). At ground floor level all three buildings have been linked to form a single retail unit currently occupied by Beeline Cycles. This shop has a storage area located to the rear of the building and at first floor level over nos. 61 and 63. A two bed flat accessed from Cowley Road is located above no. 59.

2. Relevant Planning History

The following applications are considered relevant to the appeal:

07/02568/FUL: Demolition of frontage buildings of 61/63 Cowley Road. Retention of rear workshop/store and 59 Cowley Road. Erection of 4 storey building (with basement) and conversion of workshop/store and No.59, to provide 2 shop units on ground floor and 6 flats above (5x1, 1x2 bed), with courtyard garden and refuse/recycling/cycle parking store (for 16 bicycles) – refused 25.02.2008 on the grounds of balance of dwellings, loss of privacy to proposed flats from communal garden and impact of privacy screens upon outlook from adjacent windows, and impact upon highway parking pressure in absence agreement to remove development from entitlement to parking permits.

The Application and Proposal

The appeal relates to the demolition of the frontage buildings of Nos 61/63 Cowley Road. The erection of 4 storey building (with basement) and conversion of the retained workshop/store and No.59 Cowley Road, to provide 2 shop units on ground floor and 6 flats above (5x1, 1x2 bed). The proposals include a courtyard garden at ground floor level along with refuse/recycling and cycle parking storage for 16 bicycles.

The application submitted was received and registered by Oxford City Council on the 8th August 2008 and was assigned the reference No 08/01382/FUL. Receipt of the application was advertised in the City Councils weekly list of planning applications received and the Local Planning Authority consulted local residents inviting comments by the 2nd August 2008. Two letters of

representation were received and these were copied with the council's questionnaire.

In accordance with the Councils Constitution the application was reported to the East Area Parliament on the 20th August 2008. Planning permission was then refused on the 29th August 2008 for the following reasons:

- 1. *The proposed building due to its design and, in particular, its height and roofing materials, fails to relate to the context of the surrounding area and is out of keeping with the character, appearance and grain of the local urban fabric and is therefore detrimental to the visual amenities of the locality. As such the development is contrary to policy CP8 of the Oxford Local Plan 2001 - 2016.***

- 2. *The proposed building due to its orientation, design, size and position in close proximity to both the boundary, gardens and the adjacent residential dwellings themselves will unacceptably enclose and have an overbearing impact on the amenity of residents of Alma Place contrary to policy HS.19 of the Oxford Local Plan 2001-2016.***

A copy of the decision notice was attached with the council's questionnaire.

4. Relevant Planning Policy

Oxford Local Plan 2001 – 2016 (OLP)

- 4.1** The application was assessed against the policies within the Oxford Local Plan 2001 – 2016 (OLP). The OLP contains the following policies applicable to this appeal:

CP1 - Development Proposals
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP19 - Nuisance
HS1 - Provision of Sites for Housing
HS2 - Recycling Land Target
HS8 - Balance of Dwellings
HS11 - Sub-Division of Dwellings
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space
RC2 - Retail Hierarchy District Centre
RC5 - Secondary Shopping Frontage
TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

Copies of all the Local Plan policies and the supporting text are attached to the questionnaire.

Adopted Oxfordshire Structure Plan 2016

4.2 Policy G1 states, “The general strategy is to provide a framework for development to sustain economic prosperity, meet housing and other requirements and guide the investment decisions of a range of organisations for the period of 2016 in ways which will:

- a) deliver the level of development required to meet the objectives of this Plan while protecting and enhancing the environment, character and natural resources of the county;
- b) concentrate development in locations where;
 - i) a reasonable range of services and community facilities exist or can be provided; and
 - ii) the need to travel, particularly by private car can be reduced and walking, cycling and the use of public transport can be encouraged;
- c) make best use of previously developed land and buildings within urban areas to reduce the need for the development of Greenfield sites, while not permitting development on important open spaces.

The larger urban areas will be the main focus for development.....”

4.3 Policy G2 states that all development should;

- a) be of a scale and type appropriate to the site and its surroundings, and not cause harm to the character and amenities of the areas;
- b) incorporate a high quality of layout, design and landscaping; and
- c) be designed so as to reduce the need to travel and encourage the use of walking, cycling and public transport and telecommunications as alternatives to the car.

Development which would have an unacceptable impact on the environment because of its scale, location or cumulative effects will not be permitted”.

- 4.4** Having regard to the emphasis put on developing mixed and inclusive communities and offering a choice of housing styles and types in PPS3 and policy HS8 of the OLP the Balance of Dwellings SPD (BoD SPD) has been written (adopted Jan 08). This SPD takes a strategic approach and aims to ensure that development provides a balanced and mixed community.

National Planning Guidance

- 4.5** Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments national policy on the principles of sustainable development. It suggests that good design should be integrated into the existing urban form and while not being prescriptive with regard to architectural style does suggest that the scale, massing and layout of developments must be appropriate to the site and wider context. The document states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 4.6** Planning Policy Statement 3: Housing sets out the national planning policy framework for delivering the Governments housing objectives. PPS3 promotes the efficient use of land but stresses that this should not be to the detriment of visual or residential amenity. It suggests that development should be integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

5. The Case of the Local Authority

- 5.1** The appeal application was refused for two reasons as set out above. The Council will expand on each reason separately but in the first instance would take this opportunity to respond to the comments made in the Appellants Statement regarding the alleged inconsistency between the previous application and the one subject to this appeal.
- 5.2** This appeal application increases the roof height slightly and this coupled with the change in the shape of the roofline from that of the previous application led to the introduction of the design concerns that formed part of the refusal of the appeal scheme. The shape and the height of the roof had in fact been discussed on the previous application and therefore the appellants need not be surprised that, with the extra height and changed appearance, this became a material consideration in the Committee's discussion of the new application. The Committee did not seek to obstruct consent as is stated in the appellants statement but considered carefully all aspects of the changed application.
- 5.3** There was also still a concern that the application was contrary to the Councils Balance of Dwellings Supplementary Planning Document and policy HS8 of the Oxford Local Plan. Also that the proposals would constitute the loss of one of the few larger retail spaces (albeit the proposals did retain two smaller units) with loss of the generous storage space that is at the moment on the first floor as well as the ground floor. Concerns was raised that the probability

is that the two smaller units with less storage will become take-away outlets of which there are already numerous outlets along Cowley Road.

- 5.4** However, the Committee felt that the real problem, rather like the straw that broke the camel's back, was the extra height that is not sufficiently set back in the appeal application and would be detrimental to the overall view of the area as well as creating a significant added impact on the houses to the rear in Alma Place and could, as a result, not give consent.

Reason 1

- 5.5** The appellant's statement describes the Cowley Road frontage as merely a multi-cultural and commercial artery leading in to the centre of Oxford. This was perhaps the character of the road before the regeneration scheme and redesign of the last decade. But, since that redesign, the Cowley Road has become one of the iconic roads of Oxford, in the sense that although it is 'Town' rather than 'Gown', it is beloved of students of both universities, as well as the local residents.
- 5.6** While the appellants are correct to use the term 'urban' in describing Cowley Road this is far too generic assessment and its character is not a typical urban one. It was developed over the years as a road of small, varied and alternative, shops set in a backdrop of low, two and three storey houses. Its charm lies in this homely mixture of houses and small popular businesses and shops and now, rather than being seen as an arterial through road, it is recognised as a community and locality that is much treasured for its special character and human scale.
- 5.7** At this end of the road it joins two other roads (St Clements Street and Iffley Road) that are within the St Clements and Iffley Road Conservation Area. It is quite noticeable that this end of the Cowley Road has a quieter and more orderly character and not the 'apparent chaos of commercial activity' of the appellants description. That might be said of the far end of the road, but even that has the overall framework of low terraces of older houses and has a certain order.
- 5.8** The City end of the Cowley Road is not characterised by 4 storey buildings but rather by two and 3 storey buildings, some of them, as in the neighbouring house, with the original windows and very much unaltered. If anything, it is the design of the appeal scheme that is chaotic, with a fenestration different than that of the first application that has no regard to the grain of the adjoining buildings.
- 5.9** The design of the proposed building is quite out of keeping with the early part of the road in its height as a four-storey building as well as in its style. The roofline is significantly higher and, although slightly set back, is not sufficiently set back not to be noticed from the other side of the street nor to anyone approaching along that side.
- 5.10** The appellants quote the use of this copper roofing material in the Islamic Centre on the Marston Road. That building is indeed a monumental building

standing on its own and is really a prestigious and flamboyant building of quite different character and in a completely different context than this proposed building and as such not comparable to this appeal, which would sit in a terrace of simple brick and slate residential houses.

- 5.11** The style of the roof and material used really is too strong a statement for this point on the Cowley Road and would not only draw attention to the difference in height and roofline but the curved roof in the copper material would have a jarring effect.
- 5.12** In neither the form nor the materials would the proposed building be integrated or sit well within its context of close connected low buildings in brick and slate. The design would not create an appropriate visual relationship with the terrace of houses which so closely adjoin it and would not sit comfortably in that context.

Reason 2

- 5.13** The roofline of the new development is higher than the present building and would, from the rear have a disproportionate effect on the gardens and back outlook of the low terrace of family houses that comprise Alma Place. It is not consistent with the existing conditions of the area. The gardens of Alma place are enjoyed by their residents and this building would certainly have an overbearing effect on them.
- 5.14** The angles of the buildings and the complexity of sun shading at different times of year can perhaps really only be accurately understood by a site visit and by those who live there and have good experience of the position of the sun in relation to their gardens over those different times of year. But the Council would suggest that a site visit to one of those small gardens would give a proper sense of overbearing and the disproportionate effect of the higher roofline of this larger building.
- 5.15** The scale of the building coupled with the use of materials would have an overbearing visual impact upon the Alma Place properties that would be harmful to the amenities of those residents.

6 Summary

- 6.1** The Council do not oppose a well integrated new development in this position but maintain the view that this particular proposal does not comply with policy CP8 of the Oxford Local Plan in that it would not be well integrated with the adjoining buildings. It would be out of keeping with the simple and traditional style and materials of the adjoining buildings and be discordant with this part of the Cowley Road. In addition the development would create a sense of enclosure in the properties to the rear and would have an overbearing impact on their modest but pleasant gardens.
- 6.2** It is not considered that anything raised in the grounds of appeal introduces any issue that justifies allowing this development and the inspector is

respectfully requested to dismiss the appeal. However should the Inspector be minded to allow the appeal the Council would suggest attaching the following 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 Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of amenity and the appearance of the area.

- 6 The development hereby approved shall not be occupied until the areas for the storage of bins and bicycles have been constructed in strict accordance with the approved plans.

Reason: In the interest of residential amenity

- 7 Prior to work commencing on site details of the privacy screens to be erected on site (height and materials/appearance) shall be submitted to and approved

in writing by the Local Planning Authority. The approved screens shall be in place prior to occupation of the development.

Reason: In the interests of residential amenity

- 8 The development hereby permitted shall not be occupied until the Order governing parking at 59-63 Cowley Road has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality.

West Area Planning Committee

14 September 2011

Application Number: 07/02818/FUL, 09/01557/LBC

Permission granted: 31 March 2009, 15 October 2009

Proposal: Compliance with condition 4 of the planning permission and condition 3 of the listed building consent for approval of exterior materials for the extension to Middle Eastern Centre to provide new library facilities, common area, lecture room, storage areas .

Site Address: 66 And 68 Woodstock Road St Antony's College (Middle Eastern Centre) Oxford Oxfordshire OX2 6HR

Ward: North Ward

Agent: John Philips Planning
Consultancy

Applicant: The Warden And Fellows
Of St Antony's College

Recommendation:

That the use of stainless steel as the external cladding material BE APPROVED

For the following reason:

- 1 The proposed external cladding material is a critical element to the success of this project. The Council considers that the use of polished stainless steel will deliver the design intent for the building whilst producing an intriguing visual experience. The reflective nature of the cladding material emphasises the extruded qualities and fluidity of the building and will reflect its landscaped setting. It will not harm the character and appearance of the conservation area or setting of the listed buildings.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

HE3 - Listed buildings
HE7 - Conservation Areas

Core Strategy

CS18 - Urban design, town character, historic environment

Officers Assessment:

Background

1. The applications were considered by North Area Committee on 7th August 2008 and planning permission and listed building consent were granted for this extension designed by Zaha Hadid Architects in 2009. The design is contemporary and the proposed external material was proposed to be contemporary also – glass fibre reinforced polymer. The colour of this material was not decided, with options for white or black or bronze.
2. The officers report at the time discouraged the use of white or bronze colours commenting that *black is preferred out of the options put forward.... it adds an aesthetic edge to the sculptural quality, achieving sharper reflections of the surroundings*. Because the architects were still exploring the options and because there was not the opportunity to examine samples of the materials (only visualisations) it was agreed at the meeting that the choice of external cladding for this building would be determined by officers in consultation with the committee chairman. The then chairman, Councillor Gotch, was consulted on the current submission of polished stainless steel for the external cladding, but could not support the proposal, hence this report.

Selecting an external cladding material

3. Following the determination of the applications the architects reviewed the options for external cladding and in the summer of 2010 erecting 4 large scale sample panels - dark grey GFRP, Dark Brown GFRP, Stainless steel and weathered steel (COR-TEN), to test durability and weathering properties.
4. At the end of 2010 the architect's and college's preferred option was the use of COR-TEN Steel, based on performance, durability and ease of fabrication, Officers agreed with this and Councillor Gotch, chairman of North Area Committee concurred.
5. There are engineering consequences, involving some structural redesign in the use of COR-TEN. The college has explained that this will add to design and construction costs that will prejudice delivery of the project. More significant, perhaps, is following a design review there is now a design imperative to use polished stainless steel rather than weathered steel. The architects explain that the smooth reflective nature of stainless steel is more appropriate (than weathered steel) and is more appropriate in its setting literally reflecting its context – which will include the greenery and trees within the garden.

6. COR-TEN steel would develop a patina and texture, which will have a more 'organic' quality to it and contextually could work with the colour and hues of the garden setting. It's patina (rusty qualities) may develop unevenly with staining and this would affect the 'extruded' qualities of the design for this contemporary building. It would also be understood as a weighty and solid material. It is unfortunate that the architects promoted the use of COR-TEN when now they are very clearly in favour a material with high reflective qualities and an absence of any patina, something that weathered steel is most definitely not.

Conclusion

7. It is inevitable that there will be individual or personal preferences for one material or another. In this instance in coming to a conclusion officers have reviewed the design roots of this contemporary building to understand the materiality of the proposed building.
8. The work of Zaha Hadid has been described as 'baroque modernism' (by the Design Museum). The building avoids the classically formal, rule bound modernism and the old rules of space — walls, ceilings, front and back, right angles. The spaces are reassembled in what she calls "a new fluid, kind of spatiality" of multiple perspective points and fragmented geometry. Within the context of North Oxford and the rules of gothic architecture there is nothing that this building will have in common with its neighbours. The architects have explored a range of materials to find a contextual link and considered that the use of COR-TEN steel fitted the design objectives of the building and its setting. Following an internal design review they have come full circle back to the original intent of a material that was highly reflective and that accentuated the extruded qualities and fluidity of the building. The use of polished stainless steel is a 'reflection' of the strong will of the creator, but the design objective has been scrutinised and reviewed to ensure that the finished building is true to its architectural form and expression. Further change to the cladding material runs the risk of undermining the design intent for this extruded form and lightweight reflective quality and as the college has explained risks delivery of the project.
9. The success of stainless steel panels rests on a quality and precision in fabrication, installation and maintenance. To ensure this happens it is proposed that the use of this material is subject to:
 - a) The provision of reference panels on site to ensure consistency and quality in fabrication and installation.
 - b) The submission to and agreement by the local planning authority of a repair and maintenance schedule.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to approve the submitted materials, 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 officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Nick Worlledge

Extension: 2158

Date: 31 August 2011

Agenda Item 9

Monthly Planning Appeals Performance Update – July 2011

Contact: Head of Service City Development: Michael Crofton-Briggs.
Tel 01865 252360.

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 31 July 2011, while Table B does the same for the current business plan year, ie. 1 April 2011 to 31 July 2011.

Table A. BV204 Rolling annual performance (to 31 July 2011)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	13	(29%)	8 (57%)	5 (16%)
Dismissed	32	71%	6 (43%)	26 (84%)
<i>Total BV204 appeals</i>	45		14	31

Table B. BV204: Current Business plan year performance (1 April to 31 July 2011)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	3	(27%)	1(25%)	2 (29%)
Dismissed	8	73%	3 (75%)	5 (71%)
<i>Total BV204 appeals</i>	11		4	7

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C. All planning appeals (not just BV204 appeals): Rolling year to 31 July 2011

	Appeals	Percentage performance
Allowed	16	(28%)
Dismissed	42	72%
All appeals decided	58	
Withdrawn	7	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during July 2011.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during July 2011. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D

Appeals Decided Between 1/7/11 And 31/7/11

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
10/01412/FUL	11/00017/REFUSE	DELCOM	REF	DIS	07/07/2011	LITTM	3 David Nicholls Close Oxford Oxfordshire OX4 4QX	Two storey front extension (amended description and plans).
10/02882/FUL	10/00077/REFUSE	DEL	REF	DIS	12/07/2011	HINKPK	Fox And Hounds Public House 279 Abingdon Road Oxford Oxfordshire OX1 4TJ	Demolition of existing public house. Erection of building on 3 levels consisting of retail store at ground floor level, 1x3 bedroom, 1x1 bedroom, 2x2 bedroom flats and ancillary retail floor space on upper floors with plant enclosure and landscaping. Provision of service area, 16 parking spaces to serve the retail store and 5 to serve the flats, all accessed off the Abingdon Road. Provision of communal amenity space.

Total Decided: 2

TABLE E

Appeals Received Between 1/7/11 And 31/7/11

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
RECMND KEY: PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; TYPE KEY: W - Written representation, I - Informal hearing, P -
Public Inquiry, H - Householder

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
11/00029/FUL	11/00027/REFUSE	DELCOM	REF	W	1 Upland Park Road Oxford Oxfordshire OX2 7RU	SUMMT	Demolition of existing house. Erection of pair of semi-detached 4 bed houses and 1 x detached 4 bed house. Provision of 4 off street car parking spaces. (Additional Information)

Total Received: 1

WEST AREA PLANNING COMMITTEE

Wednesday 10 August 2011

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Goddard (Vice-Chair), Cook, Gotch, Jones, Keen, Tanner and Young.

OFFICERS PRESENT: Alec Dubberley (Democratic Services Officer), Murray Hancock (City Development), Steven Roberts (City Development) and Matthew Parry (City Development)

30. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Benjamin, Price, and Khan. Councillors Keen and Young attended as substitute members.

31. DECLARATIONS OF INTEREST

3. 9 St Bernard's Road, Oxford - 11/01350/FUL.

Councillor Michael Gotch, Personal, has known the applicant personally for a number of years.

3. 9 St Bernard's Road, Oxford - 11/01350/FUL.

Councillor Oscar Van Nooijen, Personal, has known the applicant personally for a number of years.

6. 190 Iffley Road, Oxford - 11/00268/FUL.

Councillor Oscar Van Nooijen, Personal, lives close to the application site.

32. 9 ST BERNARD'S ROAD, OXFORD - 11/01350/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing a retrospective planning application for the addition of a trellis to existing boundary fence panel.

Resolved to grant planning permission.

33. 65 DONNINGTON BRIDGE ROAD, OXFORD - 11/01350/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing a retrospective planning application for the demolition of an existing single storey extension, erection of a single storey rear extension, plus two storey side extension to form 2 x 1-bed residential units. Provision of 4 parking spaces to serve existing and proposed properties accessed off Frelands Road.

In accordance with the criteria for public speaking Huw Mellor, on behalf of the applicant, spoke in support of the development.

Resolved to approve the application subject to the following conditions:-

- 1 Develop in accordance with approved plans
- 2 Materials - matching
- 3 Car and cycle parking and bin stores
- 4 Sustainable Drainage
- 5 Traffic Regulation Order
- 6 Obscure glaze first floor living room windows
- 7 Complete development in accordance with construction travel plan

The Committee imposed an informative requiring the applicant to ensure neighbouring residents are kept fully informed of how the development is progressing.

34. OXONIAN REWLEY PRESS LTD, LAMARSH ROAD, OXFORD - 11/01214/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing a planning application for the demolition of the existing Oxonian Rewley Press premises plus the erection of 8 flats (2x1, 4x2 and 2x3 bed) in a three storey block with 10 car parking spaces, cycle and bin storage.

In accordance with the criteria for public speaking Huw Mellor, on behalf of the applicant, spoke in support of the development.

Resolved to refuse planning permission for the following reason:-

The development was considered unacceptable bearing in mind the constrained nature of the site, its non compliance with balance of dwellings policies, and in the absence of 2 of the proposed flats being offered as affordable units as had been the case in a similar recent permission granted at the same site.

35. 190 IFFLEY ROAD, OXFORD - 11/00268/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing a planning application for the erection of a single storey office in a rear garden.

In accordance with the criteria for public speaking Sara Wilde, a local resident, spoke in objection to the proposed development.

Resolved to grant subject to the following conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 External lighting
- 5 Hours of use
- 6 CCTV
- 7 Surface Drainage Scheme
- 8 Building to be removed if the existing use at the site were to cease.
- 9 No residential occupation of the building.

36. MINUTES

Resolved to approve as a correct record the minutes of the meeting held on 13 July 2011.

The meeting started at 6.00 pm and ended at 6.58 pm

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