

# Agenda

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## West Area Planning Committee

Date: **Wednesday 11 January 2012**

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Time: **6.00 pm**

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

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For any further information please contact:

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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](mailto:adubberley@oxford.gov.uk) in advance of the meeting.

# West Area Planning Committee

## Membership

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

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# AGENDA

## Pages

**1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

**2 DECLARATIONS OF INTEREST**

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.

**3 FOX AND HOUNDS, 279 ABINGDON ROAD, OXFORD - 11/02594/FUL**

1 - 20

Demolition of existing public house. Erection of 3 storey building to provide retail store on ground floor and 1x3 bedroom, 1x1 bedroom and 2x2 bedroom flats on upper floors. Provision of plant enclosure, service yard, 9 x retail car parking spaces, 7 x residential car parking spaces, cycle parking, bin storage, landscaping and communal open space.

Item deferred from meeting of 8 December 2011.

**Officer recommendation:** Approve with conditions.

**4 FOX AND HOUNDS, 279 ABINGDON ROAD, OXFORD - 11/0297/FUL, 11/02595/FUL, 11/02596/FUL AND 11/02591/ADV**

21 - 30

(1) 11/02597/FUL – New shop front and ramped access.

**Officer recommendation:** Approve with conditions.

(2) 11/02595/FUL – Plant and associated fencing.

**Officer recommendation:** Approve with conditions.

(3) 11/02596/FUL – Installation of ATM.

**Officer recommendation:** Approve with conditions.

(4) 11/02591/ADV – Externally illuminated fascia signs and internally illuminated hanging sign.

**Officer recommendation:** Approve with conditions.

Items deferred from meeting of 8 December 2011.

<b>5</b>	<b>CANTAY HOUSE, PARK END STREET, OXFORD - 11/02477/FUL</b>	31 - 40
	Demolition of rearmost building. Erection of 5 storey building to comprise 44 student study rooms plus wardens accommodation.	
	<b>Officer recommendation:</b> Approve with conditions.	
<b>6</b>	<b>109A BANBURY ROAD, OXFORD - 11/02850/FUL</b>	41 - 48
	Alterations to garden building including the addition of a kitchen to enable it to be used as a self contained annexe ancillary to 109A Banbury Road.	
	<b>Officer recommendation:</b> Approve with conditions.	
<b>7</b>	<b>RECREATION GROUND, MEADOW LANE, OXFORD - 11/01473/FUL</b>	49 - 58
	Demolition of existing timber skate park facilities and construction of new concrete skate park facilities.	
	<b>Officer recommendation:</b> Approve with conditions.	
<b>8</b>	<b>GREEN STREET BINDERY AND 9 GREEN STREET, OXFORD - 11/02850/FUL</b>	59 - 72
	Demolition of existing buildings. Erection of 2 and 3 storey building to provide 1x1 bed, 5x2 bed and 1x3 bed residential properties. Provision of car and cycle parking and landscaping.	
	<b>Officer recommendation:</b> Refuse.	
<b>9</b>	<b>3 LATHBURY ROAD, OXFORD - 11/02722/FUL</b>	73 - 82
	Erection of a two storey side extension and first floor extension to rear of property together with associated internal alterations.	
	<b>Officer recommendation:</b> Approve with conditions.	
<b>10</b>	<b>PLANNING APPEALS</b>	83 - 86
	To receive information on planning appeals received and determined during November 2011.	
	The Committee is asked to note this information.	

## **11 FORTHCOMING APPLICATIONS**

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

- (1) Linton Lodge Hotel, Linton Road: 11/02916/FUL: Extensions etc
- (2) 376 Banbury Road: 11/03008/FUL: 9 flats
- (3) 56 St. Clements: 11/02722/VAR: Variation to residential permission.
- (4) Innovations House, Mill Street: 11/03005/FUL: Student accommodation
- (5) Castle Mill, Roger Dudman way: 11/02881/FUL: Student accommodation
- (6) University Science area: 11/00940/CONSLT: Masterplan (Not a planning application)

## **12 MINUTES**

Minutes of the meeting held on 8 December 2011.

87 - 92

## **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](mailto: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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# Agenda Item 3

**West Area Planning Committee**

**11 January 2012**

**Application Number:**

1. 11/02594/FUL
2. 11/02597/FUL
3. 11/02595/FUL
4. 11/02596/FUL
5. 11/02591/ADV

**Decision Due by:** 6 December 2011

**Proposal:**

1. Demolition of existing public house. Erection of 3 storey building to provide retail store on ground floor and 1 x 3 bedroom, 1 x 1 bedroom and 2 x 2 bedroom flats on upper floors. Provision of plant enclosure, service yard, 9 x retail car parking spaces, 7 x residential car parking spaces, cycle parking, bin storage, landscaping and communal open space.
2. Alterations to frontage of existing building to provide new shop front and creation of a ramped access.
3. Installation of plant and associated fencing
4. Installation of an ATM
5. Display of 4 externally illuminated fascia signs and one internally illuminated hanging sign

**Site Address:** Fox And Hounds Public House 279 Abingdon Road  
[Appendix 1 to the original report]

**Ward:** Hinksey Park

**Agent:** CgMs Ltd

**Applicant:** Tesco Stores Ltd

1. The above applications were originally called into the meeting of West Area Planning Committee held on 8 December 2011 by Councillors Van Nooijen, McManners, Clarkson and Sinclair to allow consideration of the issues by Committee. In the event, although the applications were debated at the meeting, the committee resolved to defer consideration of the applications pending the receipt of further advice from Oxfordshire County Council as Local Highway Authority on matters relating to the impact on traffic and pedestrian movement as a result of the development. The previous reports to committee are attached as Appendix 1 for ease of reference.
2. The following additional comments have been received from the Local Highway Authority:

In relation to right-hand vehicular movements into and out of the site:-

- *“Oxfordshire County Council Traffic Signals Team have been further consulted and have advised that the proposed access/egress*

*arrangement [including right hand turns into and out of the site] is not an unusual situation and given the small, 9 space car park, is unlikely to have a significant impact"*

In relation to pedestrian safety (in particular across Weirs Lane)

- *"The Road Safety Team have been consulted again and have advised that there are no relevant or significant recorded injury accidents involving pedestrians in the vicinity of the application site."*
  - *"With regard to the perceived lack of pedestrian [crossing] facilities, in particular on Weirs Lane, there are adequate pedestrian facilities and opportunities in the area to serve the application site"*
  - *"It is not considered appropriate for a pedestrian phase to be incorporated into the existing traffic signals at the junction of Wiers Lane and Abingdon Road at this time as this is likely to lead to significant traffic problems; however this issue will be considered when major improvements at this location are investigated as part of the Community Infrastructure Levy [CIL] which has not yet been adopted by the City Council"*
  - In respect of concerns that have been raised in connection with the proposed ATM facility and the possibility of cars parking illegally to use it, this issue can be addressed by the imposition of a 'Grampian' style condition (requiring that no development takes place until off-site issues have been resolved) on the planning permission for the ATM requiring a scheme to be approved for the installation of bollards, cycle parking stands and landscaping to prevent cars being able to park on the pavement outside the ATM. Such a condition is also recommended on the planning permission for the redevelopment scheme [condition 18 of 11/02594/FUL]
3. In the light of the Highway Authority's comments, Officers consider that the concerns of the committee relating to vehicular and pedestrian safety have been addressed. The West Area Planning Committee is recommended
- (i) to approve applications 11,02595/FUL [plant and fencing], 11/02596/FUL [ATM with an additional condition relating to pavement obstructions] and 11/02591/ADV [signage];
  - (ii) to defer applications 11/02594/FUL [redevelopment of site] and 11/02597/FUL [new shop front and ramped access] in order to finalise accompanying legal agreements relating to unfettered access over the site and delegate to officers the issuing of the notices of planning permission on the completion of these legal agreements.

**Background Papers:**

10/02882/FUL	11/02596/FUL
11/02594/FUL	11/02591/ADV
11/02597/FUL	11/02595/FUL

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 19 December 2011

**Application Number:** 11/02594/FUL

**Decision Due by:** 6th December 2011

**Proposal:** Demolition of existing public house. Erection of 3 storey building to provide retail store on ground floor and 1 x 3-bedroom, 1 x 1-bedroom and 2 x 2-bedroom flats on upper floors. Provision of plant enclosure, service yard, 9 x retail car parking spaces, 7 x residential car parking spaces, cycle parking, bin storage, landscaping and communal open space.

**Site Address:** Fox And Hounds Public House 279 Abingdon Road  
[Appendix 1]

**Ward:** Hinksey Park

**Agent:** CgMs Ltd

**Applicant:** Tesco Stores Ltd

Application called in by Councillors Van Nooijen, McManners, Clarkson and Sinclair to allow consideration of the issues by Committee.

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**Recommendation:** Committee is recommended to support the proposals in principle but defer the applications in order to draw up an accompanying legal agreement relating to access through the site and delegate to officers the issuing of the notice of planning permission on its completion.

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the site and the surrounding development and would positively improve the appearance of the street scene. The revised plans satisfactorily address the concerns raised by the Inspector in dismissing the previous appeal and the proposal would not detract from the amenities enjoyed by neighbouring occupiers. The proposal is therefore considered to be acceptable subject to the completion of a legal agreement which would allow unfettered access across the application site to enable the future development of the adjacent land and complies with adopted policies contained in the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Objections to the proposal have been received from statutory consultees and

local residents and the comments made have been carefully assessed. However it is considered that the objections raised do not form sustainable reasons for refusing planning permission, particularly given the planning history of the site and that the imposition of appropriate conditions of the planning permission will ensure the provision of an acceptable form of development that will improve the street scene and the character and appearance of the area.

- 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.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Landscape plan required
- 5 Landscape carry out by completion
- 6 Car parking area
- 7 Car and cycle parking
- 8 Close Weirs Lane access
- 9 Construction Travel Plan
- 10 Service Management Plan
- 11 Staff Travel Plan
- 12 Hours of operation
- 13 Flood Risk Assessment
- 14 Noise levels
- 15 Details of plant
- 16 Contaminated Land - Desktop study etc.
- 17 Further contamination

- 18 Obstructive footway parking
- 19 Details of bollards
- 20 Sustainable construction measures

**Principal Planning Policies:**

**Oxford Local Plan 2001-2016**

- CP6 - Efficient Use of Land & Density
- CP1 - Development Proposals
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space
- RC8 - Neighbourhood Shopping Centres
- RC13 - Shop Fronts
- RC18 - Public Houses

**Oxford Core Strategy 2026**

- CS2\_ - Previously developed and greenfield land
- CS9\_ - Energy and natural resources
- CS10\_ - Waste and recycling
- CS11\_ - Flooding
- CS18\_ - Urban design, town character, historic environment
- CS23\_ - Mix of housing
- CS31\_ - Retail

**Other Material Considerations:**

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS4 – Planning for Sustainable Economic Growth
- PPG13 - Transport
- Balance of Dwellings [BoDS] Supplementary Planning Document

**Relevant Site History:**

10/01499/FUL

Demolition of public house. Erection of 2 storey building as retail store together with plant enclosure and landscaping. Provision of service area and 16 car

parking spaces all accessed off Abingdon Road

Refused

10/01555/FUL

Demolition of existing public house. Erection of building on three levels consisting of retail store at ground level and 1 x 1 bedroom, 2 x 2 bedroom and 1 x 3 bedroom flats on floors above, together with plant enclosure and landscaping. Provision of service area, 16 car parking spaces to serve the retail store and 7 to serve the residential accommodation accessed off Abingdon Road.

Refused

10/02882/FUL

Demolition of existing public house. Erection of building on three levels consisting of retail store at ground level and 1 x 1 bedroom, 2 x 2 bedroom and 1 x 3 bedroom flats on floors above, together with plant enclosure and landscaping. Provision of service area, 16 car parking spaces to serve the retail store and 5 to serve the residential accommodation accessed off Abingdon Road. Provision of communal open space.

Refused and dismissed on appeal

**Representations Received:**

2 letters of support: The main points can be summarised as follows:

- More choice of shopping
- Help for the elderly who cannot get to the out of town supermarkets
- Much needed local jobs
- The site used to be a very busy pub
- The building is an eye sore that needs to be redeveloped

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

- Increase in traffic at a very busy junction will increase the potential for accidents
- Existing high pollution levels would increase. None of the previous assessments have taken any account of the air pollution issue which is already at a dangerous level
- The area already has a convenience store with post office both of which would be put at risk
- Whilst the proposed new building looks attractive, the current pedestrian access is inadequate and it will be dangerous
- Could Tesco incorporate a post office in its new store
- Can the petrol filling station site be improved
- This is a piecemeal development; it would be better to redevelop the whole

- site for affordable housing and community facilities
- There are too many Tesco stores in the city

**Statutory and Other Consultees:**

Highways And Traffic, Thames Water Utilities Limited, Drainage Team Manager, Environment Agency Thames Region.

Thames Water

No objections

Environment Agency

No objection subject to the imposition of conditions relating to:

- Development to be carried out in accordance with the approved Flood Risk Assesemnt
- Contamination investigation
- Flood proofing measures

Oxford Civic Society

This is a handsome building with some forceful character and could sympathetically be remodelled for retail and flats.

Access for cars and lorries is difficult and dangerous as is access for pedestrians.

The petrol filling station could be developed for car parking and a new post office provided in the store.

Oxford Preservation Trust

Regret the loss of another public house in Oxford. Whilst the building is run down, there is no reason why it could not be regenerated and reused. More supermarkets pose a threat to independent shops

Oxfordshire County Council as Local Highway Authority

No objection subject to the following conditions:

- Parking provision and cycle parking as per plan 111331/Ado5 Rev B
- Closure of access onto Weirs Lane
- Service Management Plan to be submitted and approved to include delivery times outside the hours of 23.00 hours and 6.30 hours, 7.30 hours and 9.30 hours and 4.00 hours and 6.30 hours; delivery vehicles turning left out of the site at all times and delivery vehicles no longer than 12.6 metres
- Construction Travel Management Plan to be submitted and approved
- Staff Travel Plan to be submitted and approved
- Scheme for minimising obstructive footway parking [bollards, planting, cycle parking] to be submitted and approved

## **Officers Assessment:**

### Site Location and Description

1. The site lies at the junction of Abingdon Road and Weirs Lane and comprises the former Fox and Hounds Public House which has been vacant for some time and is boarded up as a result of fire damage in 2009. There is an existing access off Abingdon Road. The site extends to some 0.17 hectares and the applicant owns a further 0.085 hectares of land which comprises part of the former pub car park and lies immediately to the south of the application site. This land is not part of the application site area.
2. The locality is characterised by terraced and semi detached dwellings with a small parade of local shops further north on the Abingdon Road which together make up the New Hinksey Neighbourhood Shopping Centre.
3. The site is well served by public transport with bus stops to the north and south of the site on Abingdon Road. There is limited on street car parking opposite the site on Weirs Lane and there are no parking restrictions in Peel Place to the east of the site. There is no on street car parking on Abingdon Road.

### The Proposal

4. The application seeks planning permission for the demolition of the existing public house and the erection of a new 2/3 storey building comprising a retail store at ground floor level and 1 x 1 bedroom, 2 x 2 bedroom and 1 x 3 bedroom flats on the upper floors. The application also seeks permission for the provision of a plant enclosure, a service yard, 9 x retail car parking spaces, 7 x residential car parking spaces, cycle parking, bin storage, landscaping and communal open space.
5. The application is accompanied by a Planning Statement, a Flood Risk Assessment and a Design and Access Statement.
6. The plans have been revised in accordance with the appeal decision [copy attached to this report] and in line with two further pre application meetings held between officers and the applicant's agent.
7. Officers consider the principle determining issues to be:
  - Previous Refusal and Appeal
  - Form and Appearance
  - Highways and Parking
  - Amenity Space
  - Legal Agreement



## Previous Refusal and Appeal

8. In December 2010, planning permission was refused under delegated powers for a similar proposal for the demolition of the public house and the erection of a 3 storey building to provide a retail store and 4 flats. The 3 reasons for refusal related to:
  - the prominence of the site and the failure of the new building to address the Abingdon Road frontage and satisfactorily ‘turn the corner’;
  - the poor quality of the communal open space to serve the occupiers of the new flats and
  - the provision of 16 car parking spaces to serve the retail store which exceeds the maximum standard as set out in the Oxford Local Plan and would compromise the layout of the site.
9. A subsequent appeal was dismissed by letter dated 12 July 2011. In dismissing the appeal, the Inspector agreed with the Planning Authority that the proposed building would have a greater presence on Weirs Lane than Abingdon Road which would distort the established character of the area. The Inspector also agreed that there was no justification to exceed the maximum parking standards as set out in the local plan and that 16 parking spaces was substantially more than the 9 that would be required under the adopted standards. However the Inspector did not agree that the standard of outdoor amenity space for the occupiers of the flats was inadequate and that the communal open space proposed was of a reasonable quality. The Inspector’s decision on the appeal is attached in Appendix 2 to this report.
10. Moreover paragraph 17 of the appeal decision refers to concerns raised by local residents regarding the potential impact of the development on the viability of existing shops in the area. The Inspector accepts that Government policy recognises the importance of local shops including post offices in local centres but goes on to say that it is evident from the appellant’s Retail Capacity Assessment that there is a considerable, unmet demand for top-up shopping within the vicinity of the site and the proposed store would assist in meeting that need and serve to broaden the range and quality of convenience retail shopping in the area.
11. Throughout the previous application and appeal, the principle of a new retail express store on the site and the loss of the public house have not been at issue. In addition the Environment Agency is not raising any objection to the current proposal on grounds of flooding and is satisfied with the Flood Risk Assessment that has been submitted. Oxfordshire County Council as Local Highway Authority has consistently raised no objection to the proposal on highway safety grounds but has requested the imposition of a number of conditions on any planning permission granted.

## Form and Appearance

12. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for developments that show a high standard of design, that respect the character and appearance of the area and use 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.
13. Policy CP8 of the local plan suggests 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 and policy CP10 states that planning permission will only be granted where developments are sited to ensure acceptable access and circulation and where street frontage and streetscape are maintained, enhanced or created.
14. The proposed new building would be part 2 storey and part 2.5 storey with rooms in the roof space and would have a maximum height of 12 metres. It would be erected using a mix of facing bricks and render for the external walls and clay tiles for the roof. The new retail store would be wholly on the ground floor and would extend to some 369 square metres.
15. The new building would be well broken up with differing room forms, feature gable features and dormer windows. The applicant maintains that it would appear as a 'landmark' building that would repair the street scene, contribute to the enhancement of the area and provide an important focal point for the street.
16. The principal change to the previously refused scheme is the extension of the Abingdon Road frontage by some 4.5 metres to increase the prominence of the new building at this important junction. In addition the proposed entrance to the new store has been repositioned in a more central location on the Abingdon Road frontage which will similarly emphasise this frontage as being the primary elevation. Officers consider that this increase in the length of the new building fronting Abingdon Road will equate more with the size of the existing pub building and its relationship with the street and ensure that the new building 'turns the corner' and contributes to the much needed repair of this part of Abingdon Road.
17. The proposals therefore seek to reduce the prominence of the new building fronting onto Weirs Lane by reducing the gable on the Weirs Lane elevation and reducing the bulk of the roof on the single storey element of the Weirs Lane frontage. This is in line with the Inspector's concerns that the previous scheme was inappropriately weighted in favour of Weirs Lane.

## Highways and Parking

18. In accordance with the Inspector's recommendations, the current plans propose 9 car parking spaces to serve the retail store [including one disabled space] together with 7 car parking spaces to serve the residential flats. These would be safeguarded for residential use only by the installation of some form of automatic bollards. In the interests of pedestrian safety, similar bollards would also be installed at the entrance to the service yard.
19. The scheme also provides 12 cycle parking spaces and these are located outside the entrance to the store. Oxfordshire County Council as Local Highway Authority are not raising any objection to the application subject to conditions on the planning permission requiring the submission and approval of travel plans, construction travel plan and servicing plan for deliveries to the new store.
20. Apart from the actual number of car parking spaces, the proposals are the same as previously proposed to which no objection was raised.

## Amenity Space

21. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for new residential development where insufficient or poor quality private open space is proposed. It goes on to say that each dwelling should have access to a private open space, possibly in the form of a balcony and that family dwellings of two or more bedrooms should have exclusive use of an area of private open space.
22. The 2 x 2 bedroom flats would both have access to private balconies and the 3 bedroom flat would have access to a large balcony measuring 17 square metres. The one bedroom flat would not have any private amenity space; however an area of communal open space extending to 145 square metres is proposed at the back of the site accessed across the car park. The poor quality of this open space comprised one of the reasons for refusing the previous scheme.
23. In dismissing the appeal, the Inspector considered the issue of amenity space and concluded that the larger flats have generous balconies and that the communal open space would provide an acceptable area for outdoor use that would be private and not unduly enclosing. Officers therefore consider that, given the Inspector's comments, it would not be reasonable to refuse the current application on grounds of inadequate amenity space.

## Legal Agreement

24. The site has become very unsightly in the street scene and this is compounded by the poor state of the adjoining site, a former petrol filling station, which is in separate ownership. Ideally this site needs to be

developed in conjunction with the residual Tesco owned land to the rear in order to fully repair the street scene along this part of Abingdon Road.

25. In highway safety terms, an additional access from the Abingdon Road to serve this adjacent land is unlikely to be acceptable or supported by the Local Highway Authority. It is therefore important to secure alternative access onto this land to allow future development to proceed there. To this end negotiations have been on going with the current applicants to enter into a legal agreement to secure such unfettered access. At the time of writing, a draft legal agreement has been drawn up accordingly. Committee will be updated at the meeting as to whether the legal agreement has been finalised.

26. Officers take the view that access onto the adjacent site should enable some form of future development to take place that will contribute to the environmental improvement and proper planning of the area. Whilst the applicants are not prepared to become involved in any such future development themselves, they have fully co-operated with the Planning Authority to ensure that the necessary access will be available.

### Sustainability

27. The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal would constitute a sustainable form of development that would make more efficient use of an existing brownfield site.

### **Conclusion:**

28. The proposal forms an appropriate visual relationship with the site and the surrounding development and would positively improve the appearance of the street scene. The revised plans satisfactorily address the concerns raised by the Inspector in dismissing the previous appeal and the proposal would not detract from the amenities enjoyed by neighbouring occupiers. The proposal is therefore considered to be acceptable subject to the completion of a legal agreement which would allow unfettered access across the application site to enable the future development of the adjacent land and complies with adopted policies contained in the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016.

### 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:**

10/01555/FUL  
10/02882/FUL  
11/02594/FUL

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 21st November 2011

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# Appendix 1

## Fox and Hounds, Abingdon Road, Oxford



**Legend**

Scale: 1:1250

Km 0.02 0.04 0.06 0.08 0.1

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Organisation	Not Set
Department	Not Set
Comments	
Date	24 November 2011
SLA Number	Not Set



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## Appeal Decision

Hearing held on 8 June 2011

Site visit made on 8 June 2011

by **Olivia Spencer BA BSc DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 July 2011

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**Appeal Ref: APP/G3110/A/10/2142828**

**279 Abingdon Road, Oxford OX1 4TJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Tesco Stores Ltd against the decision of Oxford City Council.
  - The application Ref 10/02882/FUL, dated 26 October 2010, was refused by notice dated 8 December 2010.
  - The development proposed is demolition of an existing public house and erection of a 3 storey building comprising a retail store at ground floor level, 1no. 1 bedroom flat, 2no. 2 bedroom flats and 1no. 3 bedroom flat on the upper floors, together with plant enclosure, service yard, 16no. retail car parking spaces, 5no. residential car parking spaces, cycle parking and landscaping and an area of residential amenity space.
- 

### Decision

1. I dismiss the appeal.

### Main Issues

2. Following refusal of the application the Council wrote to the appellant advising them that sentences in the first reason for refusal referring to comprehensive development of the whole site and prejudice to the development of the adjacent petrol filling site were withdrawn. The first reason for refusal was amended by the Council's letter dated 8 March 2011 to read as follows:  
*The site is located on one of the main thoroughfares into Oxford City and constitutes a highly prominent site which is important in terms of its contribution to the street scene. The proposal fails to provide an efficient and effective use of land in that the form and layout of the building would not satisfactorily address the Abingdon Road frontage and the building would not turn the corner. The proposal is therefore contrary to policies CP1, CP6, CP7, CP8, CP9 and CP10 of the adopted Oxford Local Plan 2001- 2016.*
3. I therefore consider the main issues are:
  - the effect of the proposed development on the character and appearance of the Abingdon Road street scene
  - whether the proposed development would make effective and efficient use of the site having regard to national and development plan policies for sustainable development
  - the effect on the living conditions of future occupiers of the development with regard to the provision of private open space

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<http://www.planning-inspectorate.gov.uk>



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**Reasons**

*Character and appearance*

4. The proposed shop would occupy a corner of the Abingdon Road – Weirs Lane junction. Weirs Lane provides a link to the east and is a well used route. It is Abingdon Road however that both historically and now provides a major route into the city. The suburban community that the shop will serve has grown up around this road and the other shops which make up the neighbourhood centre lie along it. The relative widths of these streets, and the scale and form of the buildings that line them reflect and make legible this historic townscape hierarchy.
5. Like the public house that now occupies the site, the proposed building would mark the corner with a set of 3 small gables. However, unlike the existing building beyond this corner element the Abingdon Road frontage would be left open for parking and access. A full 2 storey elevation with large windows and signage would on the other hand, extend a considerable distance along the Weirs Lane frontage. Whilst a portico would signal the main entrance on Abingdon Road, the building would as a result have a greater presence on Weirs Lane. This would be particularly evident when approaching the site along Abingdon Road from the north at a point where both road elevations would be visible. The size and function of the proposed building would give it a prominence in the local townscape. For such a building to have a greater presence on a side road than on Abingdon Road would distort the hierarchy and thus the established character of the area.
6. Vegetation could provide some enclosure of the parking area at the side of the building and future development of the filling station site could potentially repair the street frontage to the south leaving a gap between buildings that is not uncharacteristic of the area. This would not however redress the imbalance of the building itself which would remain inappropriately weighed in favour of Weirs Lane. I conclude therefore that the proposed building would detract from the character and appearance of the Abingdon Road street scene contrary to Policies CP1, CP7, CP8 and CP9 of the Oxford Local Plan 2005.

*Sustainable development*

7. Government policy in *Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth* and *Planning Policy Guidance (PPG) 13: Transport* requires local authorities to seek both the efficient use of land and to promote more sustainable transport choices by using parking policies alongside other planning and transport measures. Paragraph 52 of PPS 13 states that local authorities should use their discretion in setting the levels of parking appropriate for small developments so as to reflect local circumstances.
8. LP Policy TR3 and Appendix 3 to the Local Plan set out the City's maximum parking standards for retail development. Provision on the appeal site in accordance with these standards, if first floor retail space is included, would amount to a maximum of 9no. parking spaces. The proposed development would include substantially more than this providing 16no. retail parking spaces occupying a considerable area within the site. The Local Plan Policy approach is supported not only by the Government guidance to which I have referred but also by the Inspector considering objections to the Local Plan. The Inspector's report notes that the provision of non-essential parking would not make effective use of land and would encourage further trips to be made by car prejudicing the increased use of sustainable modes of transport.

9. The policy allows for some variation in provision subject to the merits of each proposal and to local conditions. However, in this case the appellant's Transport Assessment provides evidence to demonstrate that the site is well served by buses and readily accessible on foot from nearby high density residential areas. The report states that pedestrian and cycle infrastructure in the vicinity of the site is good, with good standard flat continuous footways and cycle route connections to the City centre and to a National Cycle Network Route. It concludes at paragraph 2.30 that the site provides the opportunity for future users to walk, cycle or use public transport facilities as a genuine alternative to the car.
10. Parking half on and half of the footway is a common feature of local narrow residential streets and it is not surprising therefore that the submitted parking survey records a demand for parking in excess of available safe on-street parking spaces. Nevertheless when I visited the site during the morning and evening rush hours, and later at night, a number of safe on street spaces were available in surrounding roads. When I conducted the accompanied site visit between 5pm and 6pm participants found spaces in streets close to the site with apparent ease. This suggests strongly to me that short-term on-street parking arising from the proposed development would not necessarily add to unsafe parking practices in the area. Notwithstanding its consultation response at application stage, the Highway Authority has stated that it would not have objected to provision of just 9 on-site retail parking spaces albeit with measures to prevent pavement parking.
11. The Tesco store at Southborough in Tunbridge Wells referred to by the appellant has a similar use class, floor area and edge of town location. However car ownership levels in Tunbridge Wells are substantially higher than those in Oxford and a considerably higher percentage of people in Oxford travel to work by bicycle. It is perhaps not surprising therefore that parking standards for Tunbridge Wells allow for more parking spaces per square metre than those in Oxford. The Oxford parking standards are set to reflect local conditions. A comparison with the Southborough store is not sufficient on its own therefore to justify the considerably higher than standard parking provision proposed.
12. In dismissing appeals on the basis of a lack of on-site parking spaces the decision letters referred to by the appellant set out in detail the specific features of the site and locality which led to that conclusion. Unlike the Tesco store at Ringwood appeal ref APP/U1240/A/07/2041910, the proposed Abingdon Road store would serve a neighbourhood shopping function, would be served by frequent public transport and, given its location at the road junction passing drivers would be most unlikely to stop at the kerb or on the pavement outside the store. In the case of the Sheffield appeal ref APP/J4423/A/09/2119387, the Inspector noted that steep gradients and pedestrian detours and crossing delays would encourage customers to park close to the store. The submitted Transport Assessment and my own observations at the site visit indicate that customers walking to the proposed Abingdon Road store would not experience the same difficulties.
13. I consider the evidence before me is not sufficient therefore to justify the provision of on site parking spaces in excess of the maximum standards set out in the Local Plan and conclude that the proposed development would fail to make effective and efficient use of the site contrary to the objectives of LP Policy TR3 and national policies for sustainable development.

*Amenity space*

14. The development would include 4no. residential flats on the upper floors. The Council has concluded on other schemes that a combination of private balconies and communal open space is sufficient to meet the requirements for residential private open space set out in LP Policy HS21. The Council's concern in this case relates not to the quantity but to the quality and accessibility of the proposed communal garden.
15. Residents would need to cross the entrance to the service yard to reach the garden and this could pose a risk to children from manoeuvring vehicles. However, all but the 1 bedroom flat would have generous private balconies which would provide direct access to outside space and it is unlikely in any event that parents would allow very young children to go to, and play in, the garden unsupervised. The garden would have very similar proportions to those of nearby houses and given its proposed size, the 2 metre screen walls would not be experienced as unduly enclosing. In common with the adjoining private garden the space would benefit from a southern aspect and whilst residents would be aware of activity in the adjacent car parking and delivery areas, screen walls of the height proposed would limit any intrusive impact and provide good levels of privacy.
16. I conclude therefore that the proposed development would provide sufficient private open space of a reasonable quality and that there would be no adverse impact therefore in this respect on the living conditions of future occupiers. The development would thus accord with LP Policy HS21.

*Other considerations*

17. I have considered carefully the concerns raised by many local residents with regard to the potential impact of the development on the viability of existing shops in the area. Government policy recognises the important role of shops, services and other small scale economic uses including post offices in local centres. However, even taking account of the relative inaccessibility of some residential areas within a 1 kilometre radius of the site it is evident from the appellants' Retail Capacity Assessment that there is a considerable unmet demand for top-up food shopping within the vicinity of the site. The proposed store would assist in meeting that need and serve to broaden the range and quality of convenience retail shopping in the area. As such it would accord with PPS 4 objectives for promoting vibrant, competitive and sustainable town and neighbourhood centres.

**Conclusion**

18. The Ministerial Statement *Planning for Growth* published in March this year directs local authorities to take a positive approach to development which would promote economic growth and jobs except where, as in this case, development would compromise sustainable development principles. My conclusions with regard to the impact on existing shops and the effect on the living conditions of future occupiers of the development are not sufficient to outweigh the considerations that led to my conclusions on the first two main issues. I conclude overall therefore that the appeal should be dismissed.

*Olivia Spencer*

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Roe BA (Hons) MTP MRTPI	Agent for the appellant
Mr N Bridges RIBA	Ettwein Bridges Architects
Mr S White	Barrister Landmark Chambers
Mr R Lyons MSc CMILT	Transport Planning Associates

FOR THE LOCAL PLANNING AUTHORITY:

Mrs A Fettiplace BA DipTP MRTPI	Principal Planner
Mr M Armstrong	Development Control Team Leader

INTERESTED PERSONS:

Ms C Bradbury	Local resident
Mr J Williams	Local resident
Mr N Afzal	Local resident
Cllr. O van Nooijen	Speaking as a local resident
Mrs J Chipchase	Local resident
Cllr. Tanner	Speaking as a local resident
Dr P Fryer	Local resident
Mr B Muir	Local resident
Ms S Smith	Local resident
Mr M Haines	Marston resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Images of the consented proposal for the Motorworld site Abingdon Road
- 2 Extract from the Oxford Green Space Study 2007
- 3 Appendices 3 and 4 to the Oxford Local Plan 2005
- 4 Letter from the Council dated 31 May 2011 regarding the Transport Statement of Common Ground

West Area Committee

8 December 2011

**Application Number:**

1. 11/02597/FUL
2. 11/02595/FUL
3. 11/02596/FUL
4. 11/02591/ADV

**Decision Due by:** 6th December 2011

**Proposal:**

1. Alterations to frontage of existing building to provide new shop front and creation of a ramped access.
2. Installation of plant and associated fencing
3. Installation of an ATM
4. Display of 4 externally illuminated fascia signs and one internally illuminated hanging sign

**Site Address:** Fox And Hounds Public House 279 Abingdon Road  
[Appendix 1]

**Ward:** Hinksey Park

**Agent:** CgMs Ltd

**Applicant:** Tesco Stores Ltd

Application called in by Councillors Van Nooijen, McManners, Clarkson and Sinclair to allow consideration of the issues by Committee.

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**Recommendation:** Committee is recommended to support the proposals in principle but defer the applications in order to draw up an accompanying legal agreement relating to access through the site and delegate to officers the issuing of the notices of planning permission and advertisement consent on its completion.

11/02597/FUL - New shop front and ramped access

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the existing building and the surrounding development and would not detract from the character of the area. No objections have been received from statutory consultees or third parties and the proposal complies with adopted policies contained within the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all

other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Development begun within time limit
- 2 Development in accordance with approved plans

11/02595/FUL - Plant and associated fencing

APPLICATION BE APPROVED

For the following reasons:

1. The proposal forms an appropriate visual relationship with the existing building and the surrounding area and will not appear intrusive in the street scene. No objections have been received from statutory consultees or third parties and the proposal complies with adopted policies contained within the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016.
2. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

1. Development begun within time limit
2. Development in accordance with approved plans
- 3 Details of mechanical plant including sound attenuation measures
- 4 Noise levels

11/02596/FUL - Installation of ATM

APPLICATION BE APPROVED

For the following reasons:

1. The proposal forms an appropriate visual relationship with the existing building and the surrounding area and will not appear intrusive in the street scene. No objections have been received from statutory consultees or third parties and the proposal complies with adopted policies contained within the Core Strategy

2026 and the Oxford Local Plan 2001 – 2016.

- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

1. Development within time limit
2. Development in accordance with the approved plans

11/02591/ADV - Externally illuminated fascia signs and internally illuminated hanging sign

APPLICATION BE APPROVED

For the following reasons:

1. The proposed illuminated signs form an appropriate visual relationship with the existing building and the surrounding area and would not be detrimental to highway safety. No objections have been received from third parties or statutory consultees and the proposal complies with policy RC14 of the adopted Oxford Local Plan 2001 – 2016.
2. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Subject to the following conditions which have been imposed for the reasons stated:

1. Development within time limit [5 years]
2. Development in accordance with approved plans
3. Advert – statutory conditions
4. Adverts to be illuminated only while store is open

**Principal Planning Policies:**

**Oxford Local Plan 2001-2016**

**CP1 - Development Proposals**

**CP6** - Efficient Use of Land & Density  
**CP8** - Design Development to Relate to its Context  
**CP10** - Siting Development to Meet Functional Needs  
**CP11** - Landscape Design  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**HS19** - Privacy & Amenity  
**RC13** – Shop fronts  
**RC14** - Advertisements

### **Oxford Core Strategy 2026**

**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy and natural resources  
**CS10\_** - Waste and recycling  
**CS11\_** - Flooding  
**CS18\_** - Urban design, town character, historic environment

### **Relevant Site History:**

See separate report on agenda relating to planning application 11/02594/FUL

### **Representations Received:**

Both Oxford Civic Society and Oxford Preservation Trust have made representations in response to the redevelopment scheme and have made it clear that they favour the retention and renovation of the existing building.

### **Officers Assessment:**

#### Site Location and Description

1. The site lies at the junction of Abingdon Road and Wiers Lane and comprises the former Fox and Hounds Public House which has been vacant for some time and boarded up as a result of fire damage in 2009. There is an existing access off Abingdon Road. The site extends to some 0.17 hectares and the applicant owns a further 0.085 hectares of land which comprises part of the former pub car park and lies immediately to the south of the application site. This land is not part of the application site area.
2. The locality is characterised by in the main terraced and semi detached dwellings with a small parade of local shops further north on Abingdon Road which together make up the New Hinksey Neighbourhood Shopping Centre.

#### The Proposal

3. These four applications seek planning permission and advertisement consent for firstly, alterations to the frontage of the existing building to



provide a new shop front and the creation of a ramped access; secondly, the installation of plant and associated fencing to the rear of the building; thirdly the installation of an ATM and fourthly the display of 4 x externally illuminated fascia signs and 1 x internally illuminated hanging sign.

4. The new aluminium shop front would have a contemporary appearance and would be sited in a central position on the front elevation of the building. The new plant would be enclosed by close boarded fencing.
5. The application for the new plant enclosure is accompanied by a Noise report which sets out an assessment of the impact of the new plant on neighbour amenity.
6. The ATM facility would be located on the Abingdon Road frontage of the existing building and the new fascia signs would be displayed on both the Weirs Lane and Abingdon Road frontages. A fascia sign is also proposed on the side of the building facing down Abingdon Road. The illuminated hanging sign is proposed to be sited above the ATM.
7. Officers consider the principle determining issues in this case to be:
  - Principle of development
  - Form and appearance
  - Noise
  - Signage
  - Legal agreement

### Principle

8. The site has been in use as a public house since the 1950's and the lawful use of the site falls within Use Class A4 [pubs and bars]. The Town and Country Planning General Permitted Development Order 2005 allows a permitted change from A4 use to A1 [shops], A2 [financial and professional services] or A3 [restaurants and cafes] uses without the need for any planning permission. In this case therefore, permitted development rights allow the retail use of the existing premises.
9. The four applications the subject of this report therefore only relate to alterations to the front elevation to provide a new shop front and ramped access, the installation of plant and associated fencing, the display of signage and the installation of an ATM. In turn, the recommended conditions relate only to the particular details of the development proposed in each application. Conditions relating to the more general use of the site as a retail store and associated car park are not appropriate as this use is permitted without the need for planning permission. For this reason it is not possible to condition access, car and cycle parking deliveries or servicing.

### Form and Appearance

10. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for developments that show a high standard of design, that respect the character and appearance of the area and use materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests 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.
11. In addition to the planning applications, other alterations to the existing building are, for the most part, works of renovation and repair following fire damage and would include a new roof. These works do not require planning permission. The new entrance door and shop front on the Abingdon Road elevation of the building would comprise a new opening with the existing entrance door into the pub being retained but not used. The new shop front would utilise aluminium window frames and would appear simple and modern. The ramped access would also appear as a simple structure. Officers have no objection to these proposals which would serve to increase the prominence of this elevation as the main entrance to the building.
12. The proposed plant would be sited to the rear of the building and would not be prominent from the public realm. It will not be visible at all in views from Weirs Lane and only the close boarded fencing would be visible in views from Abingdon Road. Officers have no objection to this proposal.
13. The ATM would be sited on the Abingdon Road frontage and would replace the existing cellar entrance. The ATM would be sited sufficiently far away from the new entrance to the store to ensure that it would not cause any problems in terms of pedestrian queues or obstruction. Railings are proposed to the front and side of the ATM which would ensure its use would not impact or obstruct the footway or the vehicle access into the site. ATM facilities are regularly seen on supermarket buildings and no objection is raised to this proposal.

## Noise

14. Policy CP21 of the Oxford Local Plan states that planning permission will be refused for any development that results in excessive noise. The proposed new plant has the potential to create noise and a Noise Report has been submitted setting out the results of a survey that has been carried out. The residential properties most affected are considered to be number 10 Weirs Lane and numbers 2 and 4 Peel Place.
15. Officers have considered the report and are generally satisfied with its contents. However two conditions are considered to be appropriate, one requiring the details of the proposed mechanical plant and sound attenuation measures to be submitted to and approved by the City Council and the other restricting noise levels to 45 dB LAeq 15 min when measured 1 metre from the façade of number 10 Weirs Lane between

8.00 and 23.00 hours and 35 dB LAeq 15 min at any other time.

### Signage

16. Policy RC14 of the Oxford Local Plan states that planning permission will be granted for new, outdoor advertisement proposals provided that:

- they suit their visual setting in terms of scale, design, appearance and materials
- they preserve or enhance the visual amenity of the building and
- they do not significantly prejudice highway safety or residential amenity.

17. The advertisement application proposes the display of 4 x externally illuminated fascia signs and 1 x internally illuminated hanging sign which would be sited above the new ATM facility. Two fascia signs would be displayed on the Abingdon Road elevation, one on the Weirs Lane elevation and a further fascia sign would be displayed on the side elevation facing down Abingdon Road.

18. The signs would display the standard corporate Tesco logo and officers raise no objection to the proposal. However, given that the site is located in a residential area, a condition restricting the illumination of the signs to the opening hours of the store would seem reasonable.

### Legal agreement

19. As part of the negotiations in processing these applications, a legal agreement is being prepared which would allow unfettered access through the site to the adjacent land to the south to enable some form of future development to take place there. In this way, should the applicant decide to implement these permissions and use the existing building as a retail store then the potential for the beneficial use of that land would be created. Such access would be both for construction traffic and for future occupiers of and visitors to the adjacent land.

20. At the time of writing, a draft legal agreement has been drawn up. Committee will be updated at the meeting as to whether the legal agreement has been finalised.

### **Conclusion:**

The application proposals form an appropriate visual relationship with the existing building and the surrounding development, would not detract from the character of the area and would not adversely impact upon highway safety. No objections have been received from third parties or statutory consultees and the proposals comply with adopted policies contained within the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016. An accompanying legal agreement would allow land to the south not required for the retail store to be beneficially developed in the future.

### 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 and advertisement consent, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

#### **Background Papers:**

10/02882/FUL	11/02596/FUL
11/02594/FUL	11/02591/ADV
11/02597/FUL	
11/02595/FUL	

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 22nd November 2011

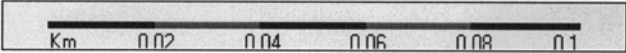
# Appendix 1

## Fox and Hounds, Abingdon Road, Oxford



**Legend**

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	24 November 2011
SLA Number	Not Set

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**West Area Planning Committee**

**11 January 2012**

**Application Number:** 11/02447/FUL

**Decision Due by:** 21 November 2011

**Proposal:** Demolition of rearmost building. Erection of 5 storey building to comprise 44 student study rooms plus wardens accommodation.

**Site Address:** Cantay House 36 - 39 Park End Street Oxford [Appendix 1]

**Ward:** Carfax Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** Cantay Investments Ltd

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**Recommendation:** Committee is recommended to support the proposal in principle but to defer the application in order to draw up an accompanying legal agreement and delegate to officers the issuing of the notice of planning permission.

### **Reasons for Approval.**

- 1 The proposal forms an appropriate visual relationship with the site and the surrounding development and would contribute to the character and appearance of the area. The development would be car free and the site lies in a sustainable location. The proposed student accommodation would be served by adequate amenity areas to the front and rear of the new building together with bin storage and cycle parking. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Four letters of objection have been received to the proposals. However the points raised do not constitute sustainable reasons for refusing the application and appropriate conditions can be added to the planning permission to ensure a development which would not adversely impact on the amenities enjoyed by neighbouring occupiers.
- 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 Landscape plan required
- 5 Landscape carry out after completion
- 6 Cycle parking details required
- 7 Bin storage
- 8 Flood Risk Assessment
- 9 Landscape Management Plan
- 10 Arch - Implementation of programme - Bronze Age and Early Modern remains
- 11 Provision of fire hydrants
- 12 External lighting
- 13 Sustainability measures
- 14 No cars agreement
- 15 Out of term use
- 16 Full time students only
- 17 Day to day management
- 18 Retain warden accommodation

## **Planning Obligation.**

- £49,984 towards infrastructure improvements in the West End [City]

## **Principle Planning 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
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HE2** - Archaeology
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

### Core Strategy 2026

- CS1** - Hierarchy of centres
- CS2** - Previously developed and greenfield land
- CS5** - West End
- CS9** - Energy and natural resources
- CS10** - Waste and recycling
- CS11** - Flooding
- CS13** - Supporting access to new development
- CS17** - Infrastructure and developer contributions
- CS18** - Urban design, town character, historic environment



**CS21** - Green spaces, leisure and sport  
**CS25** - Student accommodation

West End Area Action Plan

**WE1** - Public realm  
**WE10** - Historic Environment  
**WE11** - Design Code  
**WE12** - Design & construction  
**WE14** - Flooding  
**WE18** - Student accommodation  
**WE30** - Streamlined contributions

Other Material Considerations:

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPG13 - Transport

Relevant Site History:

11/02181/FUL: Demolition of external stairs and rear most building. Change of use and alterations of retained building on ground and first floors from use class D1 [conference use] to use class B1 [A] [offices]. New escape staircase. Redevelopment of rear building and erection of 5 storey building to comprise 9 x 2 bedroom flats, cycle parking, bin stores and landscaping. Withdrawn.

11/02446/FUL: Demolition of rearmost building. Erection of 5 storey building consisting of 9 x 2 bedroom flats with cycle parking, bin stores and landscaping. Approved but called to Planning Review Committee on 22 December 2011.

**Public Consultation**

Statutory Consultees

Highway Authority: No objection. The site is within a 5 minute walk to Oxford rail station to the west and the city centre to the east. The entrance yard will be secured by a brick wall and gate and contain cycle shelters for 50 cycles. Vehicular and pedestrian access to Cantay House is from Park End Street. Pedestrian and cycle access to the student accommodation will also be from Park End Street through a pedestrian gate and over a dedicated and marked walkway. A condition should be imposed preventing the resident students from bringing cars into Oxford.

Thames Water: No objection on grounds of water or sewerage infrastructure.

Environment Agency: No objection subject to the development being carried out in accordance with the approved Flood Risk Assessment; Landscape Management Plan for all communal landscaped areas.

Third Party Comments:

Oxford Civic Society: Speculative student accommodation is not appropriate and the

site should be developed for flats.

Individual Comments: The proposed building is too high and would close off the last bit of open space along the Wareham Stream; the visual impact of the new building would be considerable; more student accommodation would be too great a concentration in a small area with more noise and disturbance especially at night; the existing circle of buildings act as an echo amphitheatre and a higher building will make this worse; if permission is granted could due consideration be paid to construction timings.

### **Officers Assessment:**

#### **Site Description**

1. Cantay House lies on the south side of Park End Street and within the area defined in the West End Action Area Plan. The buildings are not listed and do not lie within a conservation area.
2. The application site relates only to the former garage building at the rear of the site which has been used for storage purposes in the past and is now the main conference hall. It is a brick building with large garage doors and a maximum height of 10 metres. It lies between the more substantial Cantay House buildings fronting Park End Street and a traditional, brick built development of residential flats with access off St. Thomas Street.
3. In support of the application, the agent maintains that it would not be cost effective to convert the existing building which is of limited merit and not prominent in the public realm.

#### **Proposals**

4. The application seeks planning permission for the demolition of the existing building and the erection of a new building, laid out over 5 floors, to provide 44 student study rooms together with warden accommodation. The scheme also includes the provision of 50 covered cycle rack together with landscaping to the front and rear of the new building. Pedestrian access to the site would be from Park End Street and also via the existing footway adjacent to the rear of Cantay House.
5. The proposed building would possess a flat roof with the top floor inset within a lightweight structure. On each of the lower floors there would be two student accommodation clusters, each with 5 study bedrooms and a shared kitchen. The top floor would have only 4 study bedrooms with a shared kitchen together with a small warden's flat and a plant/boiler room. The new building would have a contemporary appearance and would be erected using facing brick with concrete faced banding and timber cladding.
6. Officers consider the principle determining issues in this case to be:
  - planning policy;
  - flooding;

- form and appearance;
- private amenity space;
- impact on neighbours;
- highways and parking;
- landscaping;
- biodiversity; and
- sustainability

## **Planning Policy**

7. PPS3 identifies the need to make efficient use of land and this 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 constitutes previously developed land and no in principle objection is raised to its redevelopment.
8. The site lies within the West End and policy WE18 of the West End Area Action Plan acknowledges that the area is suitable for some additional student accommodation; however this should not jeopardise the need to achieve a balanced and mixed community. Policy WE18 states that where speculative student accommodation is proposed, occupancy restrictions will be secured to ensure that the accommodation is only available to full time students studying at Oxford Brooks and Oxford University,
9. The Oxford Core Strategy has now been adopted and is the overarching document of the Local Development Framework within Oxford which all other development plan documents lead from [including the WEAAP]. As a result of its adoption, policy HS14 of the Oxford Local Plan which deals with speculative student accommodation, has now been cancelled.
10. This has been replaced by policy CS25 of the Core Strategy which states that planning permission will be granted for student accommodation which is restricted in occupation to students in full-time education on courses of an academic year or more. Appropriate management controls will be secured, including an undertaking that students do not bring cars into Oxford. The main difference between this policy and policy WE18 of the WEAAP is that reference to Oxford Brooks and Oxford University has been removed. As the Core Strategy is the most recent development plan document, it holds significant weight in the determination of this application.

## **Flooding**

11. The Flood Risk Assessment [FRA] submitted with the application makes the following conclusions:
  - the site is located in Flood Zones 1 and 2;
  - the flow from the site will be reduced due to the soft landscaping proposed;

- the finished floor level of the proposed building would be set at a minimum of 700 mm above the 100 year flood level;
  - ground levels should remain as existing;
  - there is a low flooding risk from river and ground water; and
  - there is a low risk of overland flow from surrounding areas to the site.
12. The Environment Agency has now removed its original ‘holding objection’ and are now raising no objection to the proposal subject to the development proceeding in accordance with the FRA and the imposition of a condition requiring the submission of a landscape management plan.

### **Form and Appearance**

13. 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 CP8 suggests 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 and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation and private amenity space.
14. The proposed new building would be erected using facing bricks with concrete faced banding together with timber cladding and would have a height of some 14 metres. The front elevation of the new building would face away from the stream and would have a large amount of glazing. The elevation facing the stream would have six windows per floor [4 windows on the top floor] and would be broken up with timber cladding. The eaves height of the new building would be very similar to the adjoining buildings to the south and east and its overall height would be over a metre lower than the adjoining Cantay House buildings. The new building would appear modern and bold and is considered to be sympathetic to the character of the area including the recently constructed contemporary developments at Stream Edge.

### **Amenity Space**

15. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for new development proposals involving residential uses where inadequate or poor quality open space is proposed. Whilst there is no specific requirement to provide amenity space for student accommodation, officers consider that some outdoor amenity space should be provided for use by students in their leisure time.
16. Given the physical constraints of the site, it is not possible to provide extensive amenity areas in this case. At the front of the new building, it is proposed to provide 50 covered cycle racks which would utilise much of the space available although the plans do show the provision of benches.

At the back of the new building, facing towards the stream, would be a larger sitting out area which would be enhanced by shrub and tree planting. It is considered that this provision of amenity space is acceptable, particularly given the proximity of the site to public sitting out areas by the stream and the Oxford Canal.

## **Impact on Neighbours**

17. 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 occupants of the proposed and existing neighbouring, residential properties.
18. In this case, the properties primarily affected by the proposals are the flats at Stream Edge on the opposite side of the Wareham Stream and flatted development to the south accessed from St. Thomas' Street. In addition there are residential units to the west at The Old Bakery site. The building to the south of the site, which has a long flank wall running along the boundary with the application site and which would be only 1.8 metres away from the side wall of the new building, contains only small windows serving mainly corridors and other non-habitable rooms. There would not therefore be any loss of privacy to these properties.
19. Stream Edge, opposite the site, comprises a four storey flatted development with balconies looking towards the site. The proposed new building is significantly larger than the existing building on the site and clearly, outlook from the Stream Edge flats will be affected. However the distance involved is some 25 metres and officers consider this to be acceptable in such a tight, urban environment to ensure that the new building does not appear overbearing in the outlook from the flats opposite or affect the amount of daylight they receive.
20. In relation to the residential flats to the west, there is also a separation distance of 22 metres between these units and the front wall of the proposed new building and this is also considered to be acceptable. There are no upper floor balconies on either the front or rear elevations and all of the windows serve only study bedrooms, shared kitchens or communal stairwells.
21. Concern has been raised that occupation of the new building by 44 students will cause additional noise and disturbance to nearby residents, especially at night. However the proposal includes a small flat for a resident warden and a condition is recommended to ensure this is retained and not lost to provide a further study bedroom. A further condition requires details of the day to day management of the student accommodation.

## **Landscaping**

22. The application is accompanied by a landscaping scheme which includes the planting of 4 new trees together with shrub planting to the rear of the building facing towards the stream and further shrub planting to the front of the new building. Officers welcome the planting of new trees in a tightly constrained area where currently none exist. The landscaping scheme includes a predominantly evergreen framework of shrub and herbaceous perennial planting to provide year round cover and interest.
23. Officers however consider that there is further scope to plant new trees at the front of the building and for this reason, a landscaping condition is recommended to secure additional planting. It is the case that 6 new birch trees were proposed for the current residential scheme on the same site and it is considered that this level of planting should be maintained on the current scheme.
24. Officers take the view that the landscaping proposals, together with additional tree planting required by condition, will positively enhance the appearance of the site and will also provide a foil to the new and existing buildings.

### **Biodiversity**

25. Policy CS25 of the Core Strategy states that new developments will be expected to enhance Oxford's biodiversity where there is an opportunity. In this case, the existing stream which borders part of the site provides such an opportunity and in particular officers consider that new nesting facilities for Kingfishers and Sand Martins would be appropriate. An informative is recommended to encourage the applicants to consider such provision.

### **Sustainability**

26. The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal constitutes a sustainable form of development in that it would make more efficient use of an existing brownfield site.
27. The application is accompanied by an Energy Statement that sets out the passive and active energy efficiency measures that will be considered and, if feasible, incorporated into the development. The report considers the form of the development and its orientation in terms of sunlight and solar gain; the shape and mass of the building in terms of low energy use; the installation of a high efficiency natural gas boiler plant, lights, pumping arrangements and heating/hot water systems and the possibility of installing centralised plant; the use of sustainable materials with a green guide rating of A or A+ together with measures to reduce water usage.
28. In terms of renewable energy, the report confirms the use of solar water heating as the most appropriate low carbon technology for the site given

its restraints in terms of site area and limited roof area for the use of photovoltaics.

**Conclusion:**

29. The proposal forms an appropriate visual relationship with the site and the surrounding development and would contribute to the character and appearance of the area. The development would be car free and the site lies in a sustainable location. The proposed student accommodation would be served by adequate amenity areas to the front and rear of the new building together with bin storage and cycle parking. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016.

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:**

11/00218/FUL  
11/02446/FUL  
11/02447/FUL

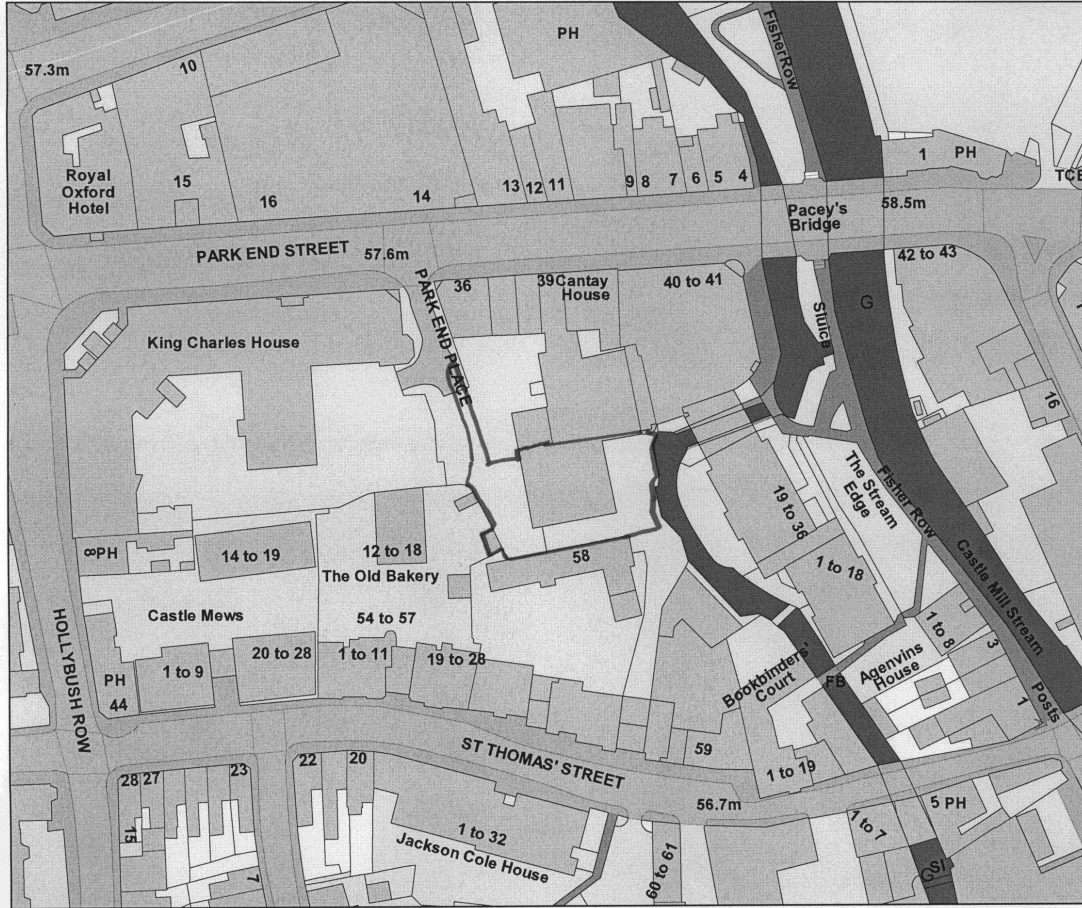
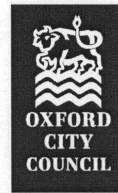
**Contact Officer:** Angela Fettiplace

**Extension:** 2445

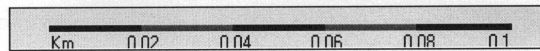
**Date:** 13 December 2011

# Appendix 1

## Cantay House, Park End Street, Oxford



Legend	
Scale:	1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	13 December 2011
SLA Number	Not Set



**West Area Committee**

11 January 2012

**Application Number:** 11/02850/FUL

**Decision Due by:** 10th January 2012

**Proposal:** Alterations to garden building including the addition of a kitchen to enable it to be used as a self contained annexe ancillary to 109A Banbury Road (amended plan)

**Site Address:** 109A Banbury Road Oxford Oxfordshire OX2 6JX

**Ward:** St Margarets Ward

**Agent:** N/A

**Applicant:** Mr A Fiorentino

**Reason:** Application called in by Cllrs Campbell, McCreedy, Wilkinson, Jones and Brundin, on the grounds that "the inclusion of a kitchen in an annexe that was originally permitted for "ancillary" purposes could constitute a change of use".

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**Recommendation:**

**APPLICATION BE APPROVED**

**Reasons for approval:**

1. The proposal is considered due to its use remaining ancillary to the occupation of 109A, the reinstatement of the boundary wall and the absence of any changes to the exterior of the building would preserve the character of the North Oxford Victorian Suburb Conservation Area. As a result of the ancillary use there would also be no adverse impact on neighbouring amenity, privacy, or highway safety. As such the proposal complies with policies CP1, CP6, CP8, CP10, HE7, HS19 and TR3 of the Adopted Oxford Local Plan 2001-2016
2. Officers have considered carefully all objections to these proposals and 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.

subject to the following conditions:-

- 1 Time Limit.

- 2 The accommodation hereby permitted shall be occupied only as an annexe, ancillary to the occupation of 109A Banbury Road, by persons closely related to the occupants of that property and shall not at any time be occupied as an independent dwelling.
- 3 Removal of Permitted Development. Classes A, B, C, D, E of Schedule 2, Part 1 or Classes A and B of Part 2.
- 4 In accordance with the submitted plans.
- 5 Closure of gap in boundary wall prior to occupation.

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

CP1 - Development Proposals  
CP8 - Design Development to Relate to its Context  
HE7 - Conservation Areas  
HS19 - Privacy & Amenity  
TR3 - Car Parking

**Other Material Considerations:**

This application is in the North Oxford Victorian Suburb Conservation Area.

**Relevant Site History:**

93/530/NFH – Rebuilding at side and rear, 3 storey extension. Formation of hardstanding to provide two off street parking spaces in the front garden. Approved.

97/0127 – Change of use from 6 flats to guest house (9 guest bedrooms and 1 bed flat for residential staff). Provision of 7 parking spaces plus 2 spaces for proprietor at 109A. Not Implemented.

01/1894 – Subdivision of rear garden and erection of 2 storey 3 bedroom detached house with integral garage accessed from Rawlinson Road. Refused

02/2261 – Erection of 6 bedroom house on 3 levels. Provision of 4 parking spaces to forecourt. Refused. Appeal dismissed.

The appeal was dismissed on the basis of the impact of the three storey building into the important open space between 109 Banbury Road and 2 Rawlinson Rd and the break in the important wall along the Rawlinson Road frontage.

06/01371 – Erection of detached single storey studio and ancillary accommodation in the rear garden. Approved.

### **Third party Comments:**

13 letters of objection and 13 letters of support have been received.

The comments in the letters of objection are summarised as follows:

- To grant a permission would lead to further alterations to create a self contained house, the original intentions of the 2001 application.
- Impact on first floor flat 2B Rawlinson Road.
- Concern about the gap in the wall on Rawlinson Road

Oxford Civic Society – Consider that the ancillary use of the annexe should continue and object to the proposal.

The Victorian Group of the Oxfordshire Architectural and Historical Society - Object to the application and consider that the building is out of character in with the Conservation Area and should not have been allowed.

The comments in the letters of support are summarised as follows:

- The objector's comments are personal and not relevant.
  - The addition of a kitchen is sensible for such a detached annexe.
  - The accommodation will free up accommodation elsewhere
  - The accommodation will allow a family to live together but with some independence and should be encouraged.

### **Internal, statutory and other consultees:**

Highways And Traffic – No objection, subject to a condition restricting the accommodation as ancillary to 109A.

Thames Water Utilities Limited – No objection.

### **Officers Assessment:**

#### Site Location and description

1. The site is located on the North West corner of Banbury Road and Rawlinson Road, within the North Oxford Victorian Suburb Conservation Area.
2. 109 Banbury Road is a three storey building which is divided into flats, whilst 109A

is a three storey attached house located at the rear of 109 and occupied by the applicant. The property has its own access and vehicular parking and large rear garden which is occupied by the building to which this application relates. The rear garden has a boundary wall extending along the Rawlinson Road frontage.

### The Proposal

3. The application seeks planning permission to create a self-contained annexe within the garden of 109A by installing a kitchen into the building permitted in 2006 (06/01371/FUL). That consent gave permission for a single storey studio and ancillary accommodation comprising a studio, bathroom and guest bedroom. Condition 3 of the planning permission stipulated that the building shall not be used as self contained living accommodation.

4. Whilst the approved development is nearly completed the applicant now wishes to include a kitchen within the building to enable the building to be self-contained, though still ancillary.

The applicant has confirmed that it is intended to use the building for an elderly relative, and for it to still remain ancillary to the occupation of 109A Banbury Rd.

5. The access to the building would be via the entrance gates to 109A and the garden would be shared with that property. No external changes to the building are proposed and as such the only difference between the approved permission and this proposal is the inclusion of a kitchen, to allow for a greater degree of privacy and independence whilst retaining its ancillary link.

6. The applicant has confirmed that the existing gap in the wall, created to allow construction of the building, will be blocked up and the wall reinstated.

7. The application description has been amended to clarify the ancillary intention of the building. Officers consider the determining issues in this case to be:

- Principle of Development
- Design and Impact on the Conservation Area
- Impact on Neighbours
- Highways

### The Principle

8. Whilst the annexe would be capable of independent living due to its range of facilities and its detached nature the proposal is, as outlined above, importantly for it to remain ancillary. The building would remain within the curtilage of 109A, as an ancillary building. It would have no separate vehicular or pedestrian access and no separate garden area. No additional boundaries are proposed.

9. Whilst there have been a number of objections to the proposal it is also noted that there are a number of letters of support received. The concerns raised by third parties in respect of the use of the property as an independent dwelling are noted, however, this application only seeks to provide ancillary self-contained accommodation for an elderly relative and not an independent dwelling. It is

considered that with appropriate conditions, including the removal of all "permitted" development rights, that the use would remain ancillary to 109A allowing a relative to live within the curtilage of the applicants property whilst retaining a greater degree of independence.

10. It is considered appropriate, as with the previous permission, to include a condition stipulating that the building shall be occupied only ancillary to 109A. Any future change to the current requirement would therefore require planning permission.

11. Planning permission has previously been refused and dismissed at appeal for an independent dwelling at this site (02/2261) that proposal related to a three storey dwelling with no links to 109A and with its own separate vehicular access and curtilage. This application is materially different to that proposal as it would have no vehicular access and no separate curtilage. Furthermore the building has already been approved and is single storey.

12. On the basis of the above, whilst noting the third party objections there is considered no justification to refuse in principle the proposal on planning grounds provided that it is restricted as ancillary, albeit self contained, accommodation within the curtilage of 109A Banbury Road.

#### Design and Impact on the Conservation Area

13. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings.

14. Policy CP8 requires that new development should relate to its setting with a view to strengthening and enhancing local character. New development should seek to reflect the scale, mass, design and materials of the surrounding area to form an appropriate visual relationship.

15. The application site lies within the North Oxford Conservation Area, wherein Policy HE7 applies. Planning permission will only be granted where the development is considered to preserve or enhances the character and appearance of the Conservation Area.

16. The proposal makes no external changes to the approved building and includes the reinstatement of the gap in the Rawlinson Road boundary wall.

17. As such the proposed addition of a kitchen within the building would preserve the character and appearance of the Conservation Area.

#### Impact on Neighbours

18. Given that it is intended that the building would remain as an annexe in connection with the occupation of 109A the proposal would have no additional impact on the amenities of either 109a or the adjoining properties 2 Rawlinson Road and 111 Banbury Road than the consented building.

### Highways

19. The proposal would retain the existing parking area and access serving 109 and 109A Banbury Road. The Highways Authority have raised no objection subject to there being a condition which ensures that the use of the building remains ancillary.

### Conclusion

20. On the basis of the above the application is considered acceptable in principle, in respect of its impact on the Conservation Area, on neighbouring amenity and any highway considerations.

21. Committee is recommended to support the application subject to imposing appropriate conditions to ensure that the building remains ancillary to the use of 109A.

### Human Rights Act 1998

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

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

### Section 17 of the Crime and Disorder Act 1998

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

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

**Background Papers:**

**Contact Officer:** Mark Spragg

**Extension:** 2716

**Date:** 12th December 2011

APPENDIX 1



- 109A BANBURY ROAD
- 11/02850/FUL



**West Area Planning Committee**

**11 January 2012**

**Application Number:** 11/01473/FUL

**Decision Due by:** 5 September 2011

**Proposal:** Demolition of existing timber skate park facilities and construction of new concrete skate park facilities.  
(additional information)

**Site Address:** Recreation Ground Meadow Lane (**Appendix 1**)

**Ward:** Iffley Fields Ward

**Agent:** Gray Baynes And Shew

**Applicant:** Mr Jack Richens

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**Recommendation:** The West area Planning Committee is recommended to grant planning permission subject to the conditions set out in this report.

Reasons:

- 1 The proposal is acceptable in principle in that it would make use of an existing urban site which has excellent access to public transport nodes. The site is presently used for outdoor sporting purposes and the redevelopment of the site to provide improved outdoor sporting facilities is also considered to be acceptable in principle. The Councils Leisure Services has undertaken research into the City's sports facilities and has identified a shortfall in facilities for skateboarding and BMX, in this regard the proposals would seek to meet this shortfall in at a highly accessible location. The proposal would not have an unacceptable impact on the amenities for nearby residential properties in terms of noise resulting from the activities associated with the use. The site would not have an adverse impact upon drainage or flooding. Statutory consultees on Flooding and Ecology raise no objection to the proposals. The application is therefore considered to accord with the policies of the Local Plan and 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 Hours of use
- 4 Landscape plan
- 5 Landscape carry out after completion
- 6 Boundary details before commencement
- 7 Details of acoustic fence
- 8 Maximum Noise Levels
- 9 Develop in accordance with Flood Risk Assessment
- 10 Cycle parking
- 11 Develop in accordance with Ecology Report

**Planning Obligations:**

The County Council as Highway Authority have requested a contribution of £5,000 towards the implementation of a Traffic Regulation Order in Meadow Lane to mitigate the impact of the proposal upon on street parking.

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016 (OLP)**

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP19 - Nuisance
- CP20 - Lighting
- CP21 - Noise
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HS19 - Privacy & Amenity
- NE23 - Habitat Creation in New Developments
- SR2 - Protection of Open Air Sports Facilities
- SR5 - Protection of Public Open Space

**Oxford Core Strategy 2026**

- CS2\_ - Previously developed and greenfield land
- CS11\_ - Flooding
- CS12\_ - Biodiversity
- CS17\_ - Infrastructure and developer contributions
- CS18\_ - Urban design, town character, historic environment
- CS19\_ - Community safety
- CS20\_ - Cultural and community development
- CS21\_ - Green spaces, leisure and sport

**Other Material Considerations:**

PPS 1 – Delivering Sustainable Development  
PPS 9 - Biodiversity and Geological Conservation  
PPG 13 – Transport  
PPG17 - Planning for Open Space, Sport and Recreation  
PPS25 – Development and Flood Risk  
Regional Spatial Strategy for the South East  
Planning Obligations SPD  
Parking Standards, Transport Assessments and Travel Plans SPD  
Sports and Physical Activity Review (OCC)

**Relevant Site History:**

04/01408/VAR - Variation of condition 4 of planning permission 97/72/NF to allow extended opening hours of Street Sports Site (09.00 - 19.00 hours daily except Thursday and Friday 09.00 to 21.00 hours) (This application is only to extend hours on Friday.) - Approved

00/01685/VF - Variation of condition 3 of planning permission 97/72/NF in order to allow permanent use of site for street sports & skateboarding - Approved

00/00917/VF - Variation of condition No. 3 of planning permission 97/72/NF in order to allow permanent use of the site for street sports and skateboarding - Approved

99/01013/VF - Variation of condition 4 on planning permission 97/72/NF to allow extended opening hours (09.00-19.00 hrs daily except for Thursday 09:00 - 21:00 hrs) for Oxford Wheels Project - Approved

97/00072/NF - Construction of ramps and street sports area enclosed by fencing for temporary period of 5 years pending provision of permanent facility elsewhere. (Amended plans) - Approved

81/00512/GF - East Oxford Adventure Playground Meadow Lane - Erection of hut to serve as indoor facility for play scheme activities – Deemed Consent

80/00568/GF - Use of land as Adventure Playground – Deemed Consent

**Third Party Representations Received:** 111 letters of comment have been received, 110 of which are in support of the application. The comments made can be summarised as follows:

- Wonderful idea for children and adults
- Don't want to lose this facility
- City and community in desperate need of improved facilities
- Great facility for people to come together as a community
- Object to Citywide skate park
- Lack of toilets, lighting and shelter at the proposed facility
- Overdevelopment

- Server degradation of environmental quality of site
- Removal of landscaping and trees will be harmful to visual amenity
- Poor access and not car parking
- Noise and disturbance
- Poor drainage

**Statutory and Internal Consultees:**

Environment Agency Thames Region – Initial ‘holding objection’ withdrawn following submission of a Flood Risk Assessment. Recommendation to support subject to conditions relating to development being in accordance with the Flood Risk Assessment.

Thames Water Utilities Limited – No objection

Thames Valley Police – No objection

Natural England – No objection, would encourage biodiversity enhancement opportunities to be explored

Environmental Health – No objection. Satisfied by details submitted in Noise Assessment. Would recommend hours of use condition.

Highway Authority – No objection subject to conditions relating to cycle parking and drainage. Request £5,000 pound contribution towards a Traffic Regulation Order in Meadow Lane (see below for details).

**Officers Assessment:**

**Site Description and Proposal**

1. The application site comprises a 1400m<sup>2</sup> enclosure located to the west of the Meadow Lane playground. The southern half of the site has some existing timber ramps associated with its authorised permanent skate boarding and BMX use. The remainder of the site is overgrown. Access is presently taken through the playground, although there is a secondary access into the site from the recreation ground to the north. The site has no car parking or cycle parking.
2. The application proposes the removal of the existing timber ramps and the erection of concrete facility which would occupy the entire area. A new access is provided to the north of the site via a new footpath from Meadow Lane adjacent to the playground boundary. The proposal also includes an 2.5m high acoustic fence and earth bund along the south and eastern boundary,
3. Officers consider the main issues of the case to be the development need, principle, visual impact, noise, biodiversity, flooding and drainage, and highways and parking.

**Need**

4. Sport has an important role to play in sustaining and creating strong communities, it provides a reason for people from different backgrounds to come together. It provides opportunities for people to share experiences

and whether it is through participation, watching or volunteering it encourages participation in community life.

5. The City Council has produced its Sport & Physical Activity Review and Action Plan 2009-2014, within which it has identified 'Focus Sports'. Of the Focus Sports identified in this review skateboarding and other street sports were highlighted. The proposals before the committee are a realisation of this and seek to meet an established need within the community for high quality and fit for purpose skating and BMX facilities.

### **Principle of Development**

6. The site presently accommodates a well used, albeit small and outdated, skating facility and in land use terms the principle of this continued use would not be unreasonable. Core Strategy policy CS21 makes it clear that it is important to provide new facilities where there are gaps in existing provision. The Council will also look to ensure that the new facilities are located in areas that are realistically accessible by walking and cycling and more heavily used facilities should be accessible by public transport.
7. The application site is an existing facility, which is within a highly accessible location with excellent access to public transport nodes. It operates on the edge of a residential area without any Environmental Health record of instances of noise and disturbance in 1999. The proposal would offer the opportunity to better control the site in this particular regard.
8. In the light of the existing use of the site, the policy context, and the Councils identified need for skateboarding and BMX facilities, officers consider the principle of development to be acceptable.

### **Visual Impact**

9. The site is mostly hidden from public view by the trees which surround it on adjacent sites. The proposal will retain these trees and as such there would be limited views of the proposal. The only clear view of the site is from the east where there is a break in the eastern tree line. However, views of the ramps would be entirely obscured by the 2.5m high acoustic fence and earth bund along the eastern edge of the site. The application proposes new planting to soften the visual impact of the acoustic fence.
10. Although there would be a more intensive use of the site, due to the surrounding trees the facility would from the outside retain the same appearance, with the exception of the acoustic fencing, as at present. In this regard officers would not consider it to have an adverse visual impact on the site or area.

## **Noise**

11. The application was accompanied by a Noise Report which assesses the impact of the proposal on the nearby residential properties (closest 50m away). The report concludes that noise arising from the new facility would be a reduction upon that which exists. With this in mind, as well as the other out door activities adjacent to the site, officers would raise no objection to the proposal in terms of noise. Officers would however recommend two noise related conditions, the first to control the opening hours (10am – 9pm weekdays and 10am-7pm weekends), and the second relating to maximum noise levels when measured from the nearest residential property.

## **Biodiversity**

12. The Ecological Appraisal which accompanied the application concludes that due to the existing use and conditions of the site there is no significant ecological constraint to the proposed development. Officers therefore support the recommendations of the Ecological Appraisal but would recommend that any biodiversity enhancement opportunities be explored. Natural England raise no objection to the proposals.

## **Flooding and Drainage**

13. The site is within flood zone 3b which is the functional floodplain. PPS25 – *Development and Flood Risk* states that within flood zone 3b outdoor sports facilities are considered to be acceptable uses. The application was accompanied by a Flood Risk Assessment which concludes that the proposal will not increase flood risk to neighbouring properties and that drainage will be no worse than at present. The Environment Agency have raised no objection to the conclusions of the Flood Risk Assessment. In light of this officers would also raise no objection subject to a condition to ensure that the development accords with the recommendations of the Flood Risk Assessment.

## **Highways and Parking**

14. The existing facility has no car parking and the proposed facility will also have no off street car parking. The site is within a highly accessible location with excellent access to public transport nodes. To this end the Highway Authority raises no objection to the proposal subject to cycle parking being provided. Officers support this approach.
15. The Highway Authority does however have concerns that the intensification of the existing use would potentially result in an increase traffic movements and due to the saturation in on street parking in the area vehicles may park on Meadow Lane. To mitigate this the Highway Authority has requested a contribution of £5,000 towards implementation of a Traffic Regulation Order in Meadow Lane.

16. Officers appreciate the concerns of the Highway Authority, however the applicant is relying on funding from several organisations in order to implement the proposals and the proposed contribution is not accounted for nor is it considered to be fair as there is no evidence of vehicular traffic generation from the existing facility. In view of this the Committee is advised that as the determining authority the City Council is not obligated to accept the request of the Highway Authority, and should consider such requests for against the guidance set out in CLG Circular 05/2005 *Planning Obligations*. The Circular advises that planning obligations should only be sought where it would meet the below tests. The obligation should be:

- Relevant to planning;
- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects.

17. While planning officers are sympathetic to the position of the Highway Authority, it is their view that if the above tests are strictly applied then the contribution is not justified. In view of this above officers would recommend that if planning permission is granted the Committee resolve to not endorse the request for a financial contribution towards a Traffic Regulation Order.

**Conclusion:** The development would make a more efficient use of an existing site which is within a highly accessible location. The intensification of the use would not adversely affect the amenities of the nearest residential properties and it would not increase the risk of flooding. The development would be mostly hidden from public view by trees and where visible landscaping would be provided to soften the visual impact of the acoustic fencing.

Officers therefore conclude that the application is acceptable and would recommend that planning permission is granted subject to the conditions set out above. If the Committee resolve to accept the Highway Authority's request for a contribution towards a Traffic Regulation Order then officer would further recommend that authority be delegated to officers to issue the notice of permission on completion of a legal agreement to secure the contribution.

### **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:** 11/01473/FUL

**Contact Officer:** Steven Roberts

**Extension:** 2221

**Date:** 19 December 2011

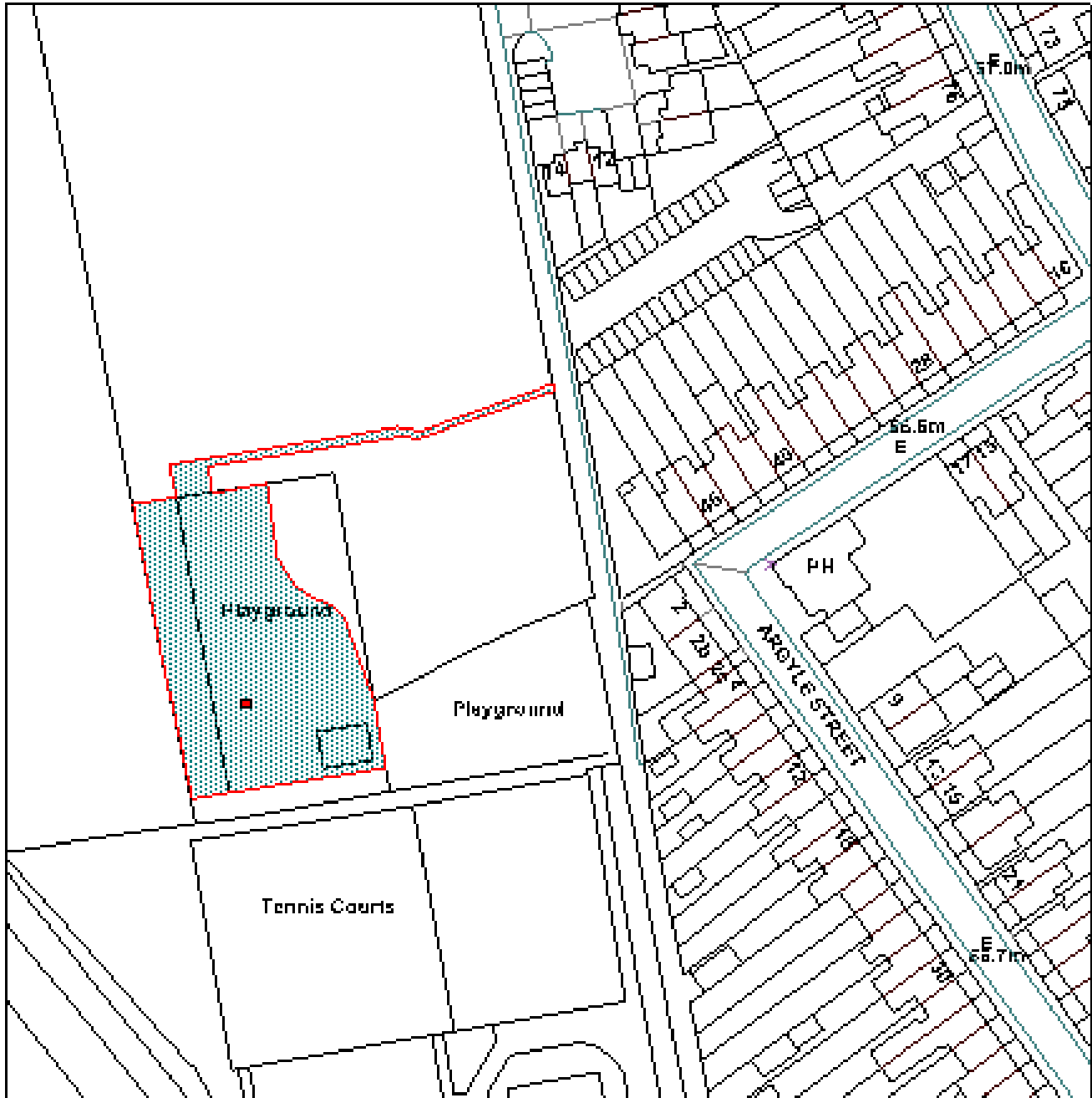


# Appendix 1

## 11/01473/FUL - Recreation Ground, Meadow Lane



OS 2500 100000



Scale : 1:1000

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Organisation	Hot Set
Department	Hot Set
Comments	
Date	20 December 2011
SLA Number	Hot Set

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**West Area Planning Committee**

11 January 2012

**Application Number:** 11/02717/FUL

**Decision Due by:** 16 December 2011

**Proposal:** Demolition of existing buildings. Erection of 2 and 3 storey building to provide 1x1 bed, 5x2 bed and 1x3 bed residential properties. Provision of car and cycle parking and landscaping.

**Site Address:** Green Street Bindery and 9 Green Street, **Appendix 1.**

**Ward:** St Mary's Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** Cantay Investments Ltd

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**Recommendation:** West Area Planning Committee is recommended to refuse planning permission for the following reasons:

### **Reasons for Refusal**

- 1 The proposed development would represent the loss of a key protected employment site, and the applicant has failed to provide sufficient material considerations to justify a departure being made from the current up-to-date development plan policies that seek to protect and safeguard these sites in order to maintain a sustainable distribution of business premises and employment land within Oxford. As a result the proposal would be considered contrary to policy CS28 of the Oxford Core Strategy 2026.
- 2 The proposed development would fail to provide an appropriate and suitable balance of dwellings which would meet the future household needs for the East Oxford Neighbourhood Area, and the City as a whole. This would be contrary to the aims and objectives of policy CS23 of the Oxford Core Strategy 2026 and the Balance of Dwellings Supplementary Planning Document (2008).
- 3 The proposed development, by reason of the overall size, scale, and bulk of the two-and-a-half storey building to the rear of the site which would fail to create an appropriate visual relationship with the built form of the frontage building and create a discordant feature to the rear that would not relate well with the built form of the plot and the local context. Furthermore the overall layout of the building would not exhibit a high quality of urban design or help

establish a sense of place given the poor active frontage for the residential units would not help improve natural surveillance of the street or the rear courtyard. As a result the proposal would be contrary to the aims and objectives of policy CS18 of the Oxford Core Strategy 2026 and policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016.

- 4 The proposed development by reason of the size, scale, and design of the two-and-a-half storey building to the rear would create an unacceptable bulk along the north-western boundary of the site that would have an overbearing and oppressive impact upon the rear gardens of 10 Green Street and the Randolph Street properties. As a result the proposed development would have a detrimental impact upon the living conditions of the occupants of these residential properties, contrary to policies CP1, CP10 and HS19 of the adopted Oxford Local Plan 2001-2016.
- 5 The proposed development would fail to provide good quality accommodation by reason that the overall layout of the properties would result in the main habitable areas being situated on the first floor with bedrooms on the ground floor, which would not provide natural surveillance of the street or the rear courtyard which would improve security. Furthermore the location of the ground floor bedroom windows of units 2-6 under the cantilevered first floor would provide these rooms with a restricted outlook and restrict natural light into the rooms, whilst the living room for unit 1 would also have a restricted outlook by not making best use of its aspect on to Green Street. As a result the proposed development would constitute poor living conditions for the future occupants of the properties to the detriment of their residential amenities. This would be considered contrary to Policy CP1, CP10, HS19, and HS20 of the Oxford Local Plan 2001-2016
- 6 The proposed development would fail to provide any private amenity space for units 1 and 7, and as a result would not make adequate provision for outdoor needs to the detriment of the residential amenities of the future and long term occupants of these dwellings, contrary to policies CP10, HS20, and HS21 of the Oxford Local Plan 2001-2016.
- 7 The proposed development has failed to provide adequate off-street parking provision for the units of accommodation, which would be likely to increase on-street parking demand in Green Street and the surrounding roads. Furthermore the development fails to demonstrate that there is sufficient space within the internal courtyard to manoeuvre vehicles and that suitable pedestrian and vehicle vision splays can be provided at the access/egress to the site. As a result the proposed development would have a detrimental impact upon highway safety contrary to policies CP1, and TR3 of the Oxford Local Plan 2001-2016.

### **Principle Planning 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  
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

CS2 - Previously developed and greenfield land  
CS18 - Urban design, town character, historic environment  
CS23 - Mix of housing  
CS12 - Biodiversity

#### Other Material Considerations:

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPS5: Planning and the Historic Environment
- Balance of Dwellings Supplementary Planning Document

#### **Relevant Site History:**

03/02115/OUT - Outline planning application (with all matters reserved) for demolition of industrial buildings (Use Class B2) and redevelopment of site for student accommodation: REFUSED

03/02116/OUT - Outline planning application (with all matters reserved) for demolition of industrial buildings (Use Class B2) and redevelopment of site for residential purposes: REFUSED

04/01955/FUL - Demolition of buildings, erection of three storey building for live/work units incorporating 6 ground floor workshops and 6 flats (5x1, 1x2). Access and parking for 6 cars. Bin and cycle store: APPROVED

06/01911/FUL - Demolition of buildings. Erection of two storey building incorporating workshop on ground floor and 2x1 bed flats on first floor. Bin and cycle store. (Amendment to planning application 04/01955/FUL) (AMENDED DESCRIPTION): APPROVED

#### **Representations Received:**

Letters have been received from the following properties, whose comments are summarised below.

- 1, 2, 7, 8, 9, 10, 13, 14, 15, 18, 19, 20 Green Street; 2a, 12 Randolph Street; 44 Aston Street
- Affect local ecology

- Close to adjoining properties
- Conflict with Local Plan
- Development is too high
- General dislike of the proposal
- Inadequate access
- Inadequate parking provision
- Inadequate public transport provisions
- Increase danger of flooding
- Increase in traffic
- Increase of pollution
- Information missing from plans
- Loss of light
- Loss of parking
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Not enough information given on the application
- Out of keeping with the character of the area
- Overdevelopment
- Strain on existing community facilities
- This is a family area
- The flats will appeal to students which will create a transient residency in area
- It will create a lot of traffic
- This is a rare old building of local interest which should be retained and will result in loss of East Oxford heritage
- It is surprising that this building is not listed
- The replacement building would be of a poor quality and would be out of keeping with the character of the area.
- The development is a boxy unimaginative design which maximises the living units but not the character of the area.
- The building could be used for a community space
- The existing bindery is attached to my property (8 Green Street) and there is a concern that the demolition will have an impact upon my house
- Unit 7 will lead to a loss of light at the rear of my house (8 Green Street), and Units 2-6 will have an impact upon out privacy
- The balconies will overlook 7 Green Street
- There is inadequate parking
- Parking pressures exist in Green Street
- It is an overdevelopment
- Potential noise and air pollution from demolition (i.e. asbestos)
- Impact of construction traffic
- The proposal will impact upon safety of children and families in the area
- Disturbance of land of archaeological significance

**Statutory and Other Consultees:**

Oxfordshire County Council Highways Authority:

The Highway Authority recommends refusal to this application on the following grounds:

- The existing waiting restrictions are extremely worn and are not enforced which leads to vehicles parking on both sides of Green Road, Oxford partly on the footway and the carriageway. After reviewing the plans supplied with this application the number of parking spaces provided. This limited amount of parking supplied will increase the parking demand on Green Street and the surrounding roads which currently have no enforced parking restrictions.
- The current Bin Store doors which as shown on the supplied plans open outwards onto the access road into the site would have a safety impact on vehicle and pedestrian movements.
- Vehicle tracking not shown on plans
- The proposed vehicular access arrangement it does not meet standards regarding pedestrian and vehicular awareness vision splays and thus would have a high risk regarding pedestrian and vehicular safety.

Oxfordshire County Council Drainage: All surface water should be dealt with on site, no run off should enter the highway. The applicant ticked the box for SUDs on their application form but there is no mention of a drainage plan. The parking spaces are a good opportunity for a permeable surface.

Thames Water Utilities Limited: No objection

### **Officers Assessment:**

### **Site Location and Description:**

1. The site is situated on the northern side of Green Street, and is bordered by residential properties 8 and 10 Green Street to the east and west respectively and to the north by the rear of the Cowley Road properties, **Appendix 1**.
2. The site comprises a single-storey industrial building which has previously been used for book binding albeit on a small scale. The building has a pitched roof with gable end and is constructed of red brick under an asbestos sheet roof. There is no car parking for the building. The site is a key protected employment site.
3. The site measures 20m along the frontage and has a depth of 35m. There is a passageway at the side of the building which provides emergency access to the rear of Cowley Road properties that back onto the site.

### **Background to Case.**

4. In 2004, planning permission was granted for the demolition of the existing building and the erection of a two-storey building along the frontage and a three storey building to the rear, to provide live / work units incorporating 6 ground floor workshops and 6 flats (5x1 bed, and 1x2 bed) with access and parking for 6 cars, refuse and cycle storage under reference number 04/01955/FUL.
5. Following this decision, planning permission was then granted in 2006 for an

amendment to this scheme which involved the subdivision of the 2 bedroom flat within the approved frontage into 2x1 bedroom units under reference 06/01995/FUL.

6. These permissions were not implemented on site, and have subsequently lapsed.

### **Proposals**

7. The proposed development is now seeking planning permission for the demolition of the existing industrial building and the erection of a two and two-and-a-half storey building to provide wholly residential accommodation.
8. The scheme would provide a total of 7 dwelling houses (5x2 beds, 1x2 bed, and 1x1 bed) in a frontage building with a row of terraces to the rear which face onto an internal courtyard. The internal courtyard would also provide car and cycle parking and associated amenity space.
9. Officers consider the principle determining issues in this case to be:
  - principle of development;
  - balance of dwellings
  - residential amenities
  - design
  - impact upon adjoining properties; and
  - highway matters.

### **Principle of Development**

10. National planning policy in the form of PPS1: Delivering Sustainable Development promotes the efficient use of land and actively encourages the use of suitably located previously developed land in order to achieve this target.
11. The general principle of redeveloping the site in order to make an efficient use of the land would accord with these overarching objectives. However, the general principle of the change of use to wholly residential would depend on current up-to-date development plan policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016.

### **Loss of Key Employment Site**

12. The site is designated within the Oxford Core Strategy 2026 as a key protected employment site, and is therefore subject to Policy CS28 of the Oxford Core Strategy 2026. This states that permission will not be granted for development that results in the loss of key protected employment sites.
13. The previous applications (04/01955/FUL & 06/01911/FUL) both granted permission for the redevelopment of the site to live / work units, which maintained a level of employment on site. The current proposal would result in the loss of all employment use from the site which would be contrary to the policy.
14. The planning statement accompanying the application suggests there are



material considerations that warrant a departure from this policy. The statement indicates that following the grant of the previous permissions the site has been marketed for live/work units but no developer was found to take this forward. However despite the fact that permission was initially granted in 2004, the statement has not provided any information to show how this marketing took place and what level of interest was received over that period of time. Moreover as the development was not implemented, there is no means of knowing if there would have been interest post construction. In short there is little evidence to demonstrate that the live/work units would not be viable on the site.

15. The statement also includes a list of the available office premises throughout the City to suggest that the loss of this site would not impact upon the overall job market in Oxford. Again this is considered insufficient to justify a departure in the policy, when the purpose of the policy is to maintain a supply of larger and smaller employment sites to provide opportunities for a diverse range of different businesses.
16. Furthermore the statement points to the Oxford Employment Land Study dated March 2006 which concluded that the site was the least preferable of all the key employment sites because of its location in a residential area and the access problems that existed. However, the Oxford Employment Land Study does state that certain businesses can function reasonably well within older buildings with limited road access, and not all employment uses need good strategic road access. In this case it should also be noted that there are few sites allocated for employment uses in the East Oxford area.
17. Overall therefore officers have concluded that the proposed development would represent the loss of a key employment site, which would be contrary to policy CS28 of the Oxford Core Strategy 2026, and that the material considerations put forward are not sufficient to justify a departure from this current up-to-date development plan policy.

### **Balance of Dwellings**

18. Policy CS23 of the Oxford Core Strategy 2026 requires residential schemes to deliver a balanced mix of housing to meet future household needs, within each site and across Oxford as a whole. The Balance of Dwellings Supplementary Planning Document (BoDSPD) provides guidance on the appropriate housing mixes for each Neighbourhood Area within the City. The application site is located within the East Oxford Neighbourhood Area where there is need to secure a higher proportion of family dwellings as part of the mix for new residential schemes.
19. The proposed development would create 7 residential dwellings, with the overall mix being 1x1 bed, 5x2 bed, and 1x3 beds. This does not meet the prescribed mix set out within the BoDSPD, as there are too many 2 bedroom units and not enough 3 bedroom units. It should also be recognised that the 1 bed unit could also be used as a 2 bedroom unit, as there is a large room on the ground floor which could be used as a bedroom. The proposal would fail to provide a balanced mix of units that meets the needs identified for the East Oxford

Neighbourhood Area, and is therefore contrary to Policy CS23 and the BoDSPD.

20. While the applicant has acknowledged that the proposed mix does not satisfy these policies, it is suggested that it is consistent with the constraints of the location, the building itself, and also allows for a better mix than the previous schemes (04/01955/FUL & 06/01911/FUL). However, officers do not consider that this provides sufficient justification to warrant a departure from the policy. The previous schemes were for live / work units with the residential element promoted as necessary to maintain a level of employment within the site, and were submitted prior to the adoption of the BoDSPD which sets out the evidence base for the housing need within particular areas. Similarly although the site has some constraints, it is being completely redeveloped and there is no reason why the proposal could not provide a better mix of units that complies with the BoDSPD.

### **Residential Amenities**

21. In terms of residential uses, national policy guidance in the form of PPS1: Delivering Sustainable Development promotes high quality inclusive design and the provision of good quality new homes. This is supported by PPS3: Housing.

22. The Oxford Local Plan 2001-2016 acknowledges in Policy HS20, that residential units should be provided with a good standard of internal and external environment regardless of their size, while Policies HS19 and CP10 both seek adequate provision for the residential amenities of the future occupants of any dwellings.

23. The proposed residential units are of a size that would exceed the Council's minimum standards. However, officers consider that the layout of the units would not result in good quality accommodation for the types of dwellings they are now providing. The scheme effectively replaces the workshops within the previously permitted schemes with additional bedrooms for the flats sited above. As a result the primary habitable areas (living room / lounge) are sited on the first floor, which does not help encourage natural surveillance in Green Street or the internal courtyard and also for units 2-6 separates these bedrooms from the main bedroom in the roofspace which is not ideal given that the 2/3 bedroom units would be capable of accommodating children. At the same time the ground floor bedrooms of units 2-6 are sited underneath the cantilevered floor of the upper levels, which restricts their outlook and the amount of natural light received in the spaces. In addition the lounge within Unit 1 would not make the most of the outlook onto Green Street, with it only being lit by a single window out onto this space other than the obscure glazed windows in the side elevation. As a result officers consider that the proposed scheme, rather than being a well conceived holistic redevelopment of the site, is simply providing poor quality internal environments for the properties, which in turn has implications for the external environment.

24. In terms of amenity space provision, the Local Plan states in Policy CP10 that development should be sited to meet functional needs, with outdoor needs properly accommodated. Policy HS21 also states that permission will not be

granted for development where insufficient or poor quality private open space is proposed. Family dwellings of two or more bedrooms should have exclusive use of a private space.

25. The scheme would provide individual amenity spaces for units 2-6 in the form of balconies for the 2 beds, and a balcony and individual amenity space for the 3 bed unit, which would be acceptable. The two dwellings within the frontage building would not be provided with any form of external space, and while officers recognise that the previously permitted schemes did not include any external space for the units in the frontage building, this was considered acceptable given they were 2x1 bedroom units. In the case of the current proposal, Unit 1 would be a 2 bed, and Unit 7 is capable of being a 2 bed unit given the large room on the ground floor of the unit and as such it is not acceptable that this type of unit has no access to a form of private space contrary to the aims of Policies CP10 and HS21.
26. The scheme would provide an individual refuse store which would be sited in a practical location for the occupants of the dwellings and collections. Officers would raise no objection to this.

## **Design**

27. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design through responding appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture. The Oxford Local Plan 2001-2016 takes this further with Policy CP8 requiring development to relate to its local context by ensuring that the siting, massing, and design of development creates an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area.
28. The proposal would involve the demolition of the existing industrial building. In considering the previous proposals for the site, this building was considered to be of limited value in architectural or visual terms and, as such, no objection was raised to its removal. During the consultation process concerns have been raised with regards to the building's loss, and clearly it is considered to be an important 'heritage asset' for local residents as defined in Planning Policy Statement 5 (published in March 2010). The building is not listed or designated as a building of local interest. In terms of local significance, it is the employment use which reflects the historical development of the suburb, providing both historical and archaeological interest and contributing to the area's character, rather than the building itself. The loss of a locally significant heritage asset would require justification that should demonstrate that the proposed development would make a positive contribution to both the character and local distinctiveness of the historical environment. For its part the local planning authority would need to bear in mind the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that sustaining and enhancing heritage assets can have in developing sustainable communities and economic vitality. As such, the employment use of the site contributes to its heritage significance and

the character of the wider area as a heritage asset. Its loss has not been sufficiently justified in the present application.

29. The overall size, scale, and design of the proposed building has been based on the previously approved schemes (04/01955/FUL & 06/01911/FUL). The two-storey frontage building would be of a size that reflects the properties on either side, (albeit with a slightly higher ridgeline), and as such would be of an appropriate scale for the street scene. The detailing of the frontage would be simplified from the previously approved scheme, but the appearance of the building would not look out of place within the street scene.
30. The building to the rear would be two-and-a-half storeys (with room in the roofspace) and has been sited along the north-western boundary in order to create an internal courtyard which provides a parking area. This element of the proposal differs significantly from the previously approved schemes, with an increased ridge height and mansard roof replacing the pitched roof that was of a similar height to the existing building. As a result the building to the rear appears relatively bulky in comparison to the previous scheme. The impact of this is made worse by the treatment of the roof in the south-east elevation with the balconies moved to first floor level punching holes in the mansard roof. As a result officers consider that the overall size and scale of the building to the rear would fail to create an appropriate visual relationship with the frontage building to the detriment of the character and appearance of the surrounding area.
31. The street is characterised by its residential properties that face directly onto the street, which helps establish an active frontage and encourage natural surveillance of the street scene. The previously refused schemes had workshops at ground floor level also provided an active frontage for the building. The current scheme has replaced the workshops with bedrooms for the dwelling houses, with the main living areas at first floor level and as a result the building does not help maintain the streets active frontage.
32. Therefore officers consider that the proposed development, by reason of the overall size, scale, and bulk of the two-and-a-half storey building to the rear would fail to create an appropriate visual relationship with the built form of the proposed frontage building and would have a detrimental impact upon the character and appearance of the surrounding area. Similarly the building would fail to provide sufficient active frontage within Green Street or its courtyard to the rear, to help encourage natural surveillance of the public areas. This would be contrary to the overall aims and objectives of Policy CS18 of the Oxford Core Strategy 2026 and Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016.

### **Impact upon Adjoining Properties**

33. The Council seeks to safeguard the amenities of properties surrounding any development. This is particularly important for existing residential properties, as new development can block light, have an overbearing effect and overlook adjoining properties. Policy HS19 requires development to provide for the protection of the privacy or amenity of proposed and existing residential properties, specifically in terms of potential for overlooking into habitable rooms,

sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10.

34. In granting planning permission for the previous schemes (04/01955/FUL & 06/01911/FUL) officers considered that the proposed development would not have a significant impact upon the adjoining properties in terms of loss of light, sense of enclosure, overbearing impact or overlooking. As the current proposal is similar to these previous schemes, it is necessary to consider whether any new issues are introduced which would have an impact on the adjoining properties.
35. The existing building is a significant structure that covers the full extent of the block and therefore already has an impact upon the adjoining properties. The two-storey frontage building would not have an impact upon either of the adjoining properties in the street (8 & 10 Green Street) in terms of loss of light, sense of enclosure etc.
36. With regards to the two-and-a-half storey building to the rear, this would be sited along the north-western boundary and would also have an impact upon the rear of 10 Green Street, and the rear gardens of the Randolph Street properties which abut the site. The previously approved schemes increased the height of the flank wall which runs along this boundary from 4m to 5m, while the pitched roof then sloped away from the properties in a similar manner to the existing building. The current proposal would also have a 5m high flank wall, but the pitched roof has been replaced with a mansard roof that by its nature has a steeper pitch, adding to the development's overall bulk. Officers consider that the previously approved schemes represented the limit of acceptability for the site. The increased bulk arising from the alterations to the roof have taken the two-and-a-half storey beyond this limit of acceptability and as a result the building would create a sense of enclosure that would have an overbearing impact upon the rear of 10 Green Street and also the rear gardens of the Randolph Street properties.
37. The north-west elevation of the building which faces onto these properties, have windows at ground and first floor level. The ground floor windows face onto the passageway that runs along the building and not directly onto the rear gardens, while the first floor windows would be obscure glazed. As such officers consider that this would not result in a significant loss of privacy for these properties especially given the tight knit nature of the surrounding properties.
38. The creation of the internal courtyard has created a separation distance of approximately 9m between the built form to the rear of the site and 8 Green Street and as such officers do not consider that this element to the rear would lead to a loss of light, or sense of enclosure for the rear garden of this property or that of 7 Green Street. The south-east elevation does have a number of windows at first floor level, and also balconies at roof level which would undoubtedly increase the perception of being overlooked in the rear gardens of 8 and 7 Green Street. However, as with the previously approved schemes (04/01955/FUL & 06/01911/FUL) the rear gardens of these properties will feel more open and lighter as a result of the proposal and as such given the tight knit nature of the area and the fact that the balconies at roof level would have 1.5m high obscure

glazed screens it is considered that this would not be sufficient reason to warrant refusal of the application.

39. The proposed development would not have an impact upon the rear of the Cowley Road properties to the north of the site, or the properties on the opposite side of Green Street.

### **Highway Matters**

40. The site is situated within a Transport District Area, which is considered a sustainable location which is accessible by walking and has good access to public transport links, shops and services and therefore in some circumstances it may be possible to accept lower levels of parking provision within these areas.
41. The current proposal would provide 6 off-street parking spaces for the units of accommodation, which would be below the maximum standards of 13 spaces for this number of units as set out within Appendix 3 of the Local Plan.
42. The Local Highways Authority has indicated that there are parking pressures within Green Road, and as such the limited amount of parking offered would be likely to increase the parking demands on Green Street and the surrounding roads. The area is considered a sustainable location, but the absence of any on-street parking restrictions it is not possible to ensure that the limited parking supplied would not increase parking demand on Green Street to the detriment of highway safety.
43. At the same time the parking spaces as shown do not meet the Local Highways Authorities standard of 2.5m x 5m and the applicant has failed to demonstrate that there is sufficient space to enable vehicles to successfully manoeuvre in and out of the spaces. Similarly the vehicular access arrangements do not meet the current standards with regards to pedestrian and vehicular vision splays which would cause a rise to pedestrian and vehicular safety. This would be particularly important given the existing waiting restrictions are extremely worn and not enforced so as to lead to vehicles parking on both sides of Green Road, often partly on the footway and carriageway.

### **Other Matters**

44. In terms of Archaeology, officers consider that given the character of the structure, the level of alteration that has already taken place within the building and the previous planning consents for the site, no archaeological recording would be required.
45. With regards to local ecology, having regard to the location of the building and its construction, it is unlikely that the building would be used by bats. It is not considered that and the development would give rise to any adverse impacts upon biodiversity.
46. Having regards to the previous use of the site, any permission should be subject to a condition requiring a contaminated land risk assessments and any identified

remediation to be carried out prior to development commencing.

**Conclusion:**

47. For the reasons given above, officers have concluded that the proposal is not in accordance with local plan policies and that it cannot be supported. Committee is recommended to refuse planning permission accordingly.

**Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to refuse planning permission. 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.

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

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

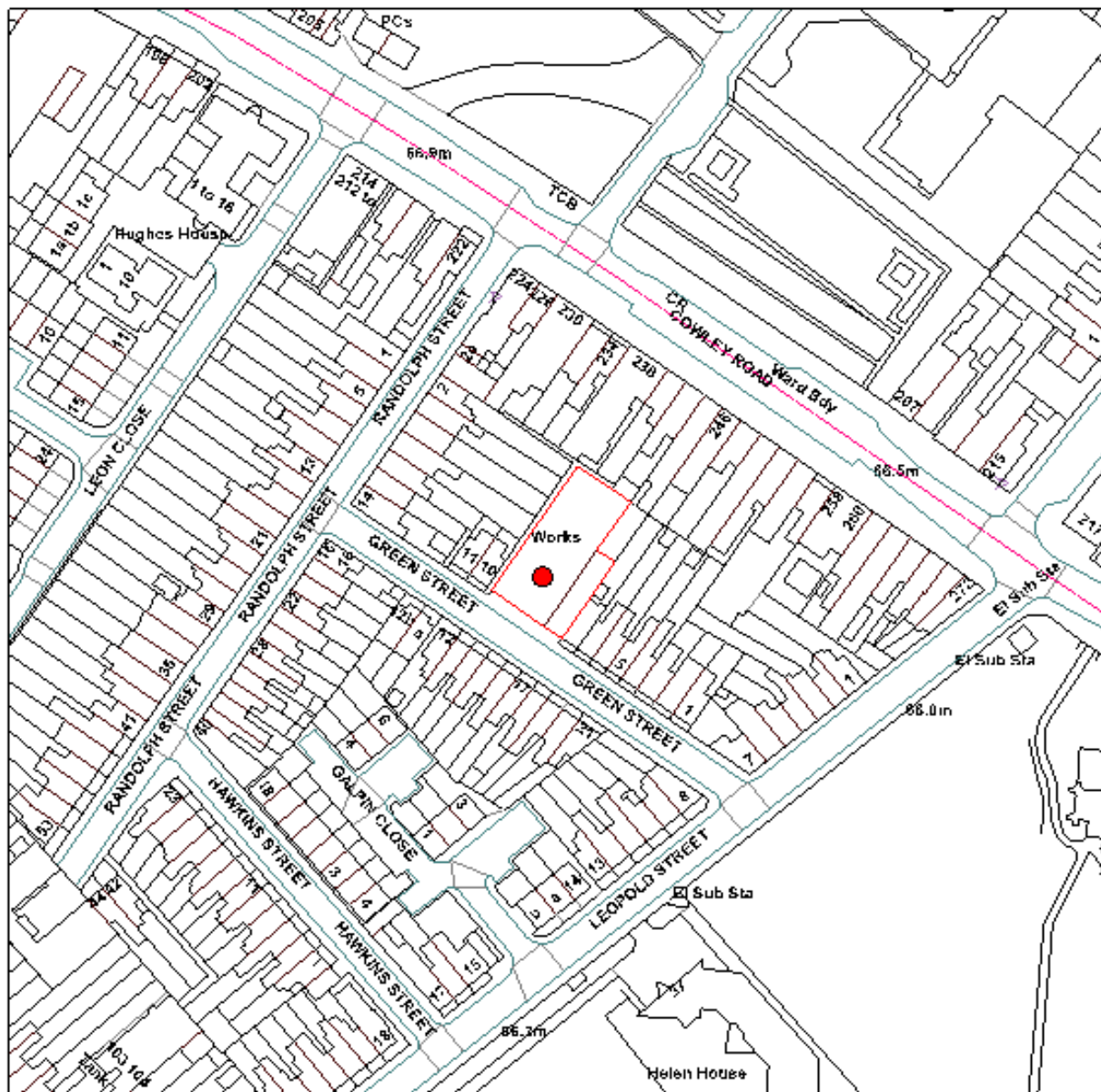
**Date:** 15 December 2011

# Appendix 1

Green Street Bindery 11/02/17/FUL



ESRI BY E.ON UK



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	20 December 2011
SLA Number	Not Set



## WEST AREA PLANNING COMMITTEE

11 January 2012

**Application Number:** 11/02722/FUL

**Decision Due by:** 26 December 2011

**Proposal:** Erection of a two storey side extension and first floor extension to rear of property together with associated internal alterations. (Amended plans)

**Site Address:** 3 Lathbury Road, Oxford (Appendix 1)

**Ward:** St Margarets Ward

**Agent:** Ridge

**Applicant:** Mr Laurie Kennedy

The application has been called-in by Councillors Campbell, Brundin, Jones and Gotch on the grounds that the proposed extension is potentially overbearing and out of keeping with the Conservation Area.

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### Recommendation:

APPLICATION BE APPROVED

Reasons for Approval:

- 1 The proposed extensions are considered to be of a form, scale and appearance such that they reflect the architectural integrity of the existing house as well as the special character and appearance of the North Oxford Victorian Suburb Conservation Area in which the application site is located. No significant harm to neighbouring residential amenity is considered to result from the proposals. The proposals are therefore considered to accord with policies CP1, CP6, CP8, CP9, CP10, HE7 and HS19 of the Oxford Local Plan 2001-2016 as well as policy CS18 of the Oxford Core Strategy 2026.
- 2 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Sample Materials
- 4 Timber Windows

- 5 No additional windows
- 6 Obscure Glazed Windows

### **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
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity

#### **Core Strategy**

- CS18** - Urban design, town character, historic environment

#### **Other Material Considerations:**

This application site falls within the North Oxford Victorian Suburb Conservation Area.

- PPS1** – Delivering Sustainable Development
- PPS5** – Planning for the Historic Environment

#### **Relevant Site History:**

03/00180/FUL – Demolition of garage and erection of single storey side and rear extensions – Permitted April 2003

08/01310/FUL - Erection of single and two storey side extensions and first floor rear extension. New railings and gate to front of property and new bicycle shed – Withdrawn September 2008

08/02428/FUL - Single and two storey side extensions. New railings and gate to front of property and new bicycle shed. (Amended plans) – Permitted January 2009

#### **Representations Received:**

Lathbury Road Residents Association – Object on the following grounds:

- Whilst the amended plans reduce the side extension the proposed rear extension will substantially reduce the amount of daylight and sunlight received into the windows of habitable rooms of 5 Lathbury Road;
- The scheme does not comply with the Council's daylight guidance set out in the Local Plan.

Oxford Civic Society – Object on the following grounds:

- The extensions would change the appearance of the semi-detached pair of houses due to the loss of symmetry.

The Victorian Group of the Oxfordshire Architectural and Historical Society – Object on the following grounds:

- The extensions would ‘throw out’ the proportions of the pair of houses as seen from the street.

Ten third party objections have been received from eight different addresses (1 Lathbury Road, 5 Lathbury Road, 2 Elmsfield Road, 2 Cunliffe Road, 11 Lathbury Road, 18 Lathbury Road, 24 Merrivale Square and 180 Woodstock Road) citing the following concerns:

- The proposed side extension is too close to 5 Lathbury Road and would create a detrimental sense of enclosure for the occupiers of that property;
- The extensions would significantly reduce light into windows of habitable rooms of both 1 and 5 Lathbury Road, particularly the dining room of 5 Lathbury Road;
- The pair of houses were designed by well known architect Frank Mountain in the Arts and Crafts style and present a very pleasing entrance to Lathbury Road. The houses were designed as a pair and the extensions proposed will result in a loss of the original symmetry – a key feature which contributes to the Conservation Area;
- The changes proposed do not preserve the character of the Conservation Area and, even the rear extension, would be visible from Lathbury Road;
- Views from the ground floor of 1 Lathbury Road towards the sunset would be partially blocked;
- The changes proposed are more radical than anything permitted by the Council in the past;
- The extension would reduce sunlight to the existing solar panels on the rear roofslopes of 1 Lathbury Road harming the energy efficiency of the house;
- The proposed rear extension is excessive in size and the roof form has changed from hip to gable such that the original character of the pair of houses would be harmed;
- Approving the proposed extensions would result in yet another ‘nibble’ at the North Oxford Conservation Area as a result of the intrusive scale of the extensions.

### **Statutory and Internal Consultees:**

Thames Water – No objection

### **Officers Assessment:**

#### Site Description

1. The application site relates to a large two storey semi-detached house in Lathbury Road that was built in 1905 by the notable architect Frank Mountain and features an original two storey element to the rear stepping down from the main range of the house. The dwelling has already been enlarged through the addition of single storey side and rear extensions in the recent past. The property features a large private rear garden, a feature common to the majority of other houses in Lathbury Road.

2. The site lies within the North Oxford Victorian Suburb Conservation Area where a key characteristic is the setting of large semi-detached and detached houses within generous sized plots featuring landscaped gardens and streetscenes.

3. The existing house primarily features white roughcast rendered external walls with facing brick cills, plinths and decorative panels in addition to a plain clay tiled roof with small sections of leaded flat roof. The windows and doors are of painted timber construction.

#### Description of Proposal

4. The application seeks permission for a hipped roof two storey side extension projecting towards 5 Lathbury Road and a two storey gabled rear extension. The materials are proposed to match those of the existing house. Amended plans were submitted part way through the application process and these differed from the original plans in that they reduced the size of the side extension and increased the depth of the rear first floor extension. Further public consultation was carried out following receipt of these amended plans and it is on the basis of these amended plans that the application will be considered.

Officers consider the principle determining issues in this case to be:

- Impact on the North Oxford Victorian Suburb Conservation Area
- Impact on Neighbouring Residential Amenity

#### Impact on the North Oxford Victorian Suburb Conservation Area

5. The Council acknowledges the strengths of Oxford as a historic city and, through policies CP1 and CP8 of the Local Plan, it aims to enhance the quality of the environment through the improved design qualities of new development. Indeed policy CP1 states that all new development should 'show a high standard of design that respects the character and appearance of the area'. In addition to these city wide design policies, the site is also covered by policy HE7 of the Local Plan as it is located within the North Oxford Victorian Suburb Conservation Area and, as such, all new development is required to preserve or enhance the special character and appearance of the area. The necessity for Council's to give due consideration to the special character and appearance of conservation areas in its decision making is set out in the Planning (Listed Building and Conservation Areas) Act 1990 as well as reflected in Government guidance document PPS5.

6. The North Oxford Victorian Suburb Conservation Area is, as set out in the Council's Conservation Area appraisal, characterised by large detached and semi-detached dwellings set within spacious plots. The gaps between buildings are recognised as helping to create the garden suburb quality that is a key feature of the conservation area in addition to the substantial private garden and street based landscaping.

7. The gap between the application site and 5 Lathbury Road has, to an extent, already been compromised by the single storey side extension at ground floor level. Although the first floor extension would reduce the appearance of this gap somewhat it would, in reality, only extend to half the width of the existing single storey extension. It is further noted that any impact on the streetscene would be lessened by the fact that it is set back approximately 11m from the front of the building and

would not be visible from oblique views into the site from Lathbury Road. It is also of substantial material weight in the consideration of the proposals that a two storey side extension of very similar form, scale and appearance was permitted by the Council in January 2009 such that officers consider that it would not be reasonable to now object to this element of the scheme.

8. The application also seeks permission for a first floor rear extension over the existing single storey rear extension (constructed following planning permission being granted in 2003) such that it continues the original rear projecting two storey element at its same height and width. Whilst the rear extension is likely to be visible from the street through the gap between 3 and 5 Lathbury Road officers consider do not consider this objectionable given that the rear first floor extension is thought to be entirely within keeping with the character and appearance of the house as well as the wider Conservation Area.

9. Whilst the property is located within the Conservation Area it is not considered to be of such significant individual architectural or historical merit to be worthy of listing and, by simply being in a conservation area, it does not put a blanket restriction on new development particularly where proposals are designed to be of an appropriate nature. Indeed Government guidance in PPS5 states that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment in their decision making.

10. It is the opinion of officers that the symmetry of the rear of the semi-detached houses of 1 and 3 Lathbury Road is not an important contributor to the Lathbury Road streetscene or the Conservation Area particularly as a direct view of either the side or rear aspects of both of these properties at the same time is not possible such that their symmetry could not directly be seen from the public realm. Many of the buildings designed by Frank Mountain were not contrived to be deliberately symmetrical and it should be noted that, as result of extensions and alterations to the two properties in recent years, that any of their original symmetry (other than that of the frontages) has been generally lost. Indeed many of Frank Mountain's designs simply reflected the budget available for construction and, as a result, a number of potentially pleasant features were often omitted. In this regard officers consider the proposed four light casement window to the rear at first floor level to be a most welcome addition.

11. On this basis officers consider the key elevation of the semi-detached properties to be the front since these not only remain largely original in appearance but also have the greatest visual impact on the Conservation Area. A first floor rear extension of the same scale, height, massing, alignment and materials as of the existing house is not considered to be at all out of character and the alteration to the roof form – from hip to gable – neatly matches the existing gables to the front, side and rear of the house as well as that at the adjoining property. Officers therefore consider that any impact on the Conservation Area would at the very least preserve its existing character and appearance particularly given the proposed siting of the extensions towards the rear of the property and only visible through a relatively narrow gap between 3 and 5 Lathbury Road that is partly screened by existing vegetation.

### Impact on Neighbouring Residential Amenity

12. The properties that stand to be most affected by the proposed development would be the adjoining property of 1 Lathbury Road and the adjacent property, 5 Lathbury Road.

13. Policy HS19 of the Local Plan states that planning permission will only be granted for development that adequately provides for the protection of the privacy or amenity of the existing neighbouring residential properties. Policy CP10 of the Local Plan also states that development should be sited to ensure that the amenity of other properties is adequately safeguarded and this requirement is further reflected in policy CP1 which adds that development proposals must safeguard the amenities of adjoining land users and occupiers.

14. With regards to 1 Lathbury Road officers consider that the proposed development would have no material impact on the amenity enjoyed by occupiers of the dwelling. The extensions clearly comply with the daylight guidance set out in Appendix 6 of the Local Plan and, in combination with the property's south facing garden, the majority of the existing levels of sunlight would continue to be received. The proposed extensions are also sited a significant distance away from the boundary with 1 Lathbury Road and would therefore not be overbearing to occupiers enjoying the rear garden. An existing side window currently overlooks part of the rear amenity space of 1 Lathbury Road and the additional side window proposed is not considered to result in a material increase in overlooking such that it could be considered unacceptable. It is noted that concern has been raised by the occupiers about the loss of view to the southwest from the rear windows/garden of 1 Lathbury Road though officers would point out that such private views are not matters that should weigh in the determination of the planning application. Some concern has also been raised about the reduction in sunlight to the existing solar panels on the rear roof slopes of 1 Lathbury Road. However the height and width of the proposed first floor extension are not considered by officers to be significant enough to block significant amounts of sunlight and, in any event, the Council's amenity policies do not extend to safeguarding sunlight for such purposes.

15. The proposed two storey side extension projects towards the side of 5 Lathbury Road. It extends to approximately half the depth of the existing single storey side extension and, at its closest point, would be about 3.6m from the side wall of this neighbouring house. Whilst this is relatively close to the existing dining room window of the neighbouring property it is not proposed to be sited directly in front of this window and is set back and set down such that it complies with daylight guidance contained within Appendix 6 of the Local Plan. In any event, there is a secondary window of significant size in this neighbouring dining room that faces towards 7 Lathbury Road and which allows substantial amounts of light into the room. Officers would also point out the side extension proposed is very similar in form and scale to that permitted by the Council in January 2009 and this permission is still extant. Consequently officers consider that, similar to the extant scheme, it will adequately provide for neighbouring amenity both in terms of protecting unacceptable outlook from windows of habitable rooms as well as light into them. Facing ground floor windows in this side elevation are recommended to be conditioned such that only obscure glazing is used in order to prevent any loss of privacy into rooms of 5 Lathbury Road.

16. The proposals also include a first floor extension above the existing single storey rear extension. Despite the resultant increased in depth of the two storey rear extension the development would not breach the Council's daylight guidance (as demonstrated on the submitted plans) with respect to the east facing of the dining room of 5 Lathbury Road and it is considered to be of significant weight that a secondary window to the room of significant size is located in the opposite side wall. This should, in officers' opinion, ensure that more than sufficient amounts of light would still enter the dining room with no consequent significant harm to the amenity of occupiers caused. Furthermore, the proposed first floor extension would be set approximately 4.7m at its closest point from the neighbouring house which officers consider to be more than sufficient to prevent any significant overbearing impact on occupiers using the room. The proposed extension projects no further to the rear than the farthest rear wall of 5 Lathbury Road and as such will not have an overbearing impact on the rear garden or cause a material reduction in the amount of light to it.

17. The rear extension also includes a window at first floor level however given that the proposed extension projects less far than the existing rear of 5 Lathbury Road it is not considered to result in a significant loss of privacy for occupiers using the rear garden.

**Sustainability:**

The site is already developed for residential purposes and the proposals would attempt to make a more efficient use of land in a sustainable urban location.

**Conclusion:**

18. The proposed extensions are considered to reflect the character and appearance of the existing house as well as well preserve the important local distinctiveness of the North Oxford Victorian Suburb Conservation Area. In addition the extensions are not considered to result in significant harm to the levels of amenity currently enjoyed by occupiers of neighbouring residential properties. The proposals are therefore considered to comply with all relevant policies of the development plan with no other material considerations of sufficient weight to justify coming to any other conclusion that to recommend approval of the application.

**Human Rights Act 1998**

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

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

**Section 17 of the Crime and Disorder Act 1998**

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

**Background Papers:** 03/00180/FUL, 08/01310/FUL, 08/02428/FUL & 11/02722/FUL

**Contact Officer:** Matthew Parry

**Extension:** 2160

**Date:** 21 December 2011



# Appendix 1

11/02722/FUL - 3 Lathbury Road



**Legend**



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<b>Organisation</b>	
<b>Department</b>	
<b>Comments</b>	3 Lathbury Road
<b>Date</b>	15 December 2011
<b>SLA Number</b>	Not Set

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## Monthly Planning Appeals Performance Update – November 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 30 November 2011, while Table B does the same for the current business plan year, ie. 1 April 2011 to 30 November 2011.

Table A. BV204 Rolling annual performance (to 30 November 2011)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	10	(29%)	5 (50%)	5 (21%)
Dismissed	24	71%	5 (50%)	19 (79%)
<i>Total BV204 appeals</i>	34		10	24

Table B. BV204: Current Business plan year performance (1 April to 30 November 2011)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	8	(35%)	3 (43%)	5 (31%)
Dismissed	15	65%	4 (57%)	11 (69%)
<i>Total BV204 appeals</i>	23		7	16

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 30 November 2011

	Appeals	Percentage performance
Allowed	14	(30%)
Dismissed	33	70%
All appeals decided	47	
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 November 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 November 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 1/11/11 and 30/11/11

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
11/00636/OUT	11/00026/REFUSE	DEL	REF	DIS	08/11/2011	QUARIS	Garages To The Rear Of 1 3 5 7 And 9 Coppock Close Oxford Oxfordshire	Outline application with all matters reserved for the demolition of existing block of 11 garages. Erection of two storey building to provide 2 x 1- bedroom flats and 2 x 2-bedroom flats. Provision of car and cycle parking, bin store and amenity space.

Total Decided: 1

## TABLE E Appeals Received Between 1/11/11 and 30/11/11

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
11/00927/FUL	11/00044/REFUSE	COMM	D0204	I	Land To The Rear Of 17 To 41 Mill Street Oxford Oxfordshire OX2 0AJ	JEROSN	Erection of 3 storey building to accomodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. (Amended Plans)
11/01867/FUL	11/00042/REFUSE	DEL	REF	H	82 Cricket Road Oxford Oxfordshire OX4 3DH	COWLY	Proposed two storey side extension. Part single and part two storey rear extension.
11/02150/FUL	11/00043/REFUSE	DELCOM	PER	W	81 Wytham Street Oxford Oxfordshire OX1 4TN	HINKPK	Proposed two storey side extension and single storey rear extensions (amended plans)

**Total Received: 3**

## WEST AREA PLANNING COMMITTEE

**Thursday 8 December 2011**

**COUNCILLORS PRESENT:** Councillors Van Nooijen (Chair), Goddard (Vice-Chair), Benjamin, Cook, Gotch, Jones, Khan, Price and Tanner.

**OFFICERS PRESENT:** Alec Dubberley (Democratic and Electoral Services Officer), Murray Hancock (City Development) and Martin Armstrong (City Development)

### **66. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

No apologies for absence were received.

### **67. DECLARATIONS OF INTEREST**

3. Fox and Hounds, 279 Abingdon Road, Oxford - 11/02594/FUL.  
Councillor Bob Price, Personal, had attended a public meeting on the proposals..

3. Fox and Hounds, 279 Abingdon Road, Oxford - 11/02594/FUL.  
Councillor Elise Benjamin, Personal and Prejudicial, is employed by one of the objectors to the application.

3. Fox and Hounds, 279 Abingdon Road, Oxford - 11/02594/FUL.  
Councillor Oscar Van Nooijen, Personal, had attended a public meeting on the proposals..

3. Fox and Hounds, 279 Abingdon Road, Oxford - 11/02594/FUL.  
Councillor Shah Khan, Personal, was acquainted with one of the objectors to the development..

4. Fox and Hounds, 279 Abingdon Road, Oxford - 11/0297/FUL, 11/02595/FUL, 11/02596/FUL and 11/02591/ADV.  
Councillor Bob Price, Personal, had attended a public meeting on the proposals..

4. Fox and Hounds, 279 Abingdon Road, Oxford - 11/0297/FUL, 11/02595/FUL, 11/02596/FUL and 11/02591/ADV.  
Councillor Elise Benjamin, Personal and Prejudicial, is employed by one of the objectors to the application.

4. Fox and Hounds, 279 Abingdon Road, Oxford - 11/0297/FUL, 11/02595/FUL, 11/02596/FUL and 11/02591/ADV.  
Councillor Oscar Van Nooijen, Personal, had attended a public meeting on the proposals..

4. Fox and Hounds, 279 Abingdon Road, Oxford - 11/0297/FUL, 11/02595/FUL, 11/02596/FUL and 11/02591/ADV.  
Councillor Shah Khan, Personal, was acquainted with one of the objectors to the development..

7. 10 Park End Street, Oxford - 11/02537/FUL.

Councillor Bob Price, Personal, applicant is a fellow member of Oxford City Council..

7. 10 Park End Street, Oxford - 11/02537/FUL.

Councillor Colin Cook, Personal, applicant is a fellow member of Oxford City Council..

7. 10 Park End Street, Oxford - 11/02537/FUL.

Councillor Elise Benjamin, Personal, applicant is a fellow member of Oxford City Council..

7. 10 Park End Street, Oxford - 11/02537/FUL.

Councillor Graham Jones, Personal, applicant is a fellow member of Oxford City Council..

7. 10 Park End Street, Oxford - 11/02537/FUL.

Councillor John Goddard, Personal, applicant is a fellow member of Oxford City Council..

7. 10 Park End Street, Oxford - 11/02537/FUL.

Councillor John Tanner, Personal, applicant is a fellow member of Oxford City Council..

7. 10 Park End Street, Oxford - 11/02537/FUL.

Councillor Michael Gotch, Personal, applicant is a fellow member of Oxford City Council..

7. 10 Park End Street, Oxford - 11/02537/FUL.

Councillor Oscar Van Nooijen, Personal, applicant is a fellow member of Oxford City Council..

7. 10 Park End Street, Oxford - 11/02537/FUL.

Councillor Shah Khan, Personal, applicant is a fellow member of Oxford City Council..

8. Mansfield College, Mansfield Road, Oxford - 11/02210/EXT.

Councillor Oscar Van Nooijen, Personal, was friends with the architect for the development.

#### **68. FOX AND HOUNDS, 279 ABINGDON ROAD, OXFORD - 11/02594/FUL**

The Head of City Development submitted a report (previously circulated, now appended) detailing a planning application for the demolition of existing public house, erection of 3 storey building to provide retail store on ground floor and 1x3 bedroom, 1x1 bedroom and 2x2 bedroom flats on upper floors. Provision of plant enclosure, service yard, 9 x retail car parking spaces, 7 x residential car parking spaces, cycle parking, bin storage, landscaping and communal open space.

The Planning Officer advised that late comments had been received from Keith Taylor MEP raising concerns about air pollution, and from Kemp & Kemp on behalf of Mr Afzal of the local Nisa store advising that in their opinion the



proposal would result in the closure of the Nisa store and post office contained within it. The recommendation for approval remained.

In accordance with the criteria for public speaking Judy Chipchase and Mohammad Afzal spoke in objections to the development raising concerns over the proposed use for the site and environmental concerns. Simon Peter, Matthew Roe, William Rankin and Andy Garlick spoke in support of the applications stating that the development would improve the local area.

The Committee considered all submission both written and oral and it was:

Resolved to defer consideration of the application pending further advice from Oxfordshire County Highways on matters relating to the impact on traffic and pedestrian movement as a result of the development.

**69. FOX AND HOUNDS, 279 ABINGDON ROAD, OXFORD - 11/0297/FUL, 11/02595/FUL, 11/02596/FUL AND 11/02591/ADV**

The Head of City Development submitted a report (previously circulated, now appended) detailing four planning applications as follows:

- (1) 11/02597/FUL – New shop front and ramped access.
- (2) 11/02595/FUL – Plant and associated fencing.
- (3) 11/02596/FUL – Installation of ATM.
- (4) 11/02591/ADV – Externally illuminated fascia signs and internally illuminated hanging sign.

In accordance with the criteria for public speaking Judy Chipchase and Mohammed Afzal spoke against the applications and Matthew Roe spoke in support.

The Committee considered all submission both written and oral and it was:

Resolved to defer consideration of the application pending further advice from Oxfordshire County Highways on matters relating to the impact on traffic and pedestrian movement as a result of the developments.

**70. CANTAY HOUSE, 36-39 PARK END STREET, OXFORD - 11/02446/FUL**

The Head of City Development submitted a report (previously circulated, now appended) detailing a planning application for the demolition of rearmost building, erection of 5 storey building consisting of 9x2 bed flats with cycle parking, bin stores and landscaping.

The Planning Officer reported that the comments made by Oxford Civic Society had subsequently been withdrawn, and that the figure of £19,738 to be sought by planning agreement for library facilities was included in error and should be

deleted as the West End contribution also indicated represented an all inclusive figure for contributions from the development.

In accordance with the criteria for public speaking Nik Lyzba, the applicant's agent, spoke in support of the application.

The Committee considered all submissions both written and oral and it was:

Resolved to

- (1) Support the development in principle, subject to the conditions in the officer's reports, but defer the application in order to complete an accompanying legal agreement as outlined in the offers' report and to delegate to officers the issuing of the notice of planning permission on its completion.
- (2) Add the additional Informatives as follows:
  - i. To encourage the use of solar PVT panels where possible
  - ii. Grey water
  - iii. To make provision to encourage the nesting of Kingfisher and Sand martin varieties of bird.

**71. FORMER BUILDERS YARD, LAMARSH ROAD -11/024499/VAR**

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for a minor amendment to planning permission 09/00247/FUL to allow for the revision of drawing 113-208-102 revision J (controlled by condition 2) to provide 124.4 square metres of additional mezzanine floor space.

The Committee considered all written submissions and it was:

Resolved:

- (1) To support the development in principle, subject to the conditions in the officer's report, but defer the application in order to complete an accompanying legal agreement as outlined in the offers' report which should also include a pro rata sum of £1250 towards off site landscaping and / or flood prevention measures and to delegate to officers the issuing of the notice of planning permission on its completion. If this is not forthcoming then the application shall be referred back to this Committee.

**72. 10 PARK END STREET, OXFORD - 11/02537/FUL**

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for the installation of a new extracting system and external ducting.

The Committee considered all written submissions and it was:

Resolved to grant planning permission subject to the conditions in the officer's report.

#### **73. MANSFIELD COLLEGE, MANSFIELD ROAD, OXFORD - 11/02210/EXT**

The Head of City Development submitted a report (previously circulated, now appended) detailing an application to extend the time limit of planning permission 08/01741/FUL for erection of new buildings over four floors and basement to provide student accommodation (78 rooms), meeting rooms, offices, common rooms and ancillary facilities. Associated landscaping and pedestrian access and landscaping improvements to existing main quadrangle.

The Committee considered all written submissions and it was:

Resolved to grant planning permission subject to the conditions in the officer's report.

#### **74. FORTHCOMING APPLICATIONS**

Members noted the following planning applications which would be before the Committee at future meetings:-

- (1) Meadow Lane, Oxford – 11/01473/FUL – Skateboard Park
- (2) Roger Dudman Way, Oxford – 11/02881/FUL – Graduate student accommodation
- (3) Cantay House, Park End Street, Oxford – 11/02447/FUL – 44 student study rooms
- (4) 376 Banbury Road, Oxford – 11/03008/FUL – 9 flats
- (5) 56 St. Clement's Street, Oxford – 11/02497/VAR
- (6) 3 Lathbury Road, Oxford – 11/02722/FUL
- (7) University Science Area – 11/00940/CONSLT – Masterplan consultation (Not a planning application)

#### **75. PLANNING APPEALS**

The Head of City Development submitted a report (previously circulated, now appended) giving details of planning appeals received and determined during October 2011.

Resolved to note the report.

#### **76. MINUTES**

Resolved to approve as a correct record the minutes of the meeting held on 9 November 2011 as a correct record subject to the following amendment:

Minute 61, final paragraph (page 111)

Replace “That arrangements for the control of access to the site from Canterbury Road for pedestrians, cyclists and vehicles, (including during hours of darkness), should be agreed by Officers, following consultation with local residents.”

with

“That arrangements for the control of access to the site from Canterbury Road for pedestrians, cyclists and vehicles, (including the times of access), should be agreed by Officers, after consultation and agreement by the applicants and local residents. If an agreement cannot be reached between the three parties the arrangements for the control of access will be taken back to the West Planning Committee for approval.”

**The meeting started at 6.00 pm and ended at 8.00 pm**