

Agenda

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Planning Review Committee

Date: **Thursday 22 December 2011**

Time: **6.00 pm**

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

For any further information please contact:

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

Planning Review Committee

Membership

Chair	Councillor Tony Brett	Carfax;
Vice-Chair	Councillor Antonia Bance	Rose Hill and Iffley;
	Councillor Mohammed Altaf-Khan	Headington Hill and Northway;
	Councillor Alan Armitage	North;
	Councillor Laurence Baxter	Quarry and Risinghurst;
	Councillor Mark Lygo	Churchill;
	Councillor Mike Rowley	Barton and Sandhills;
	Councillor Ed Turner	Rose Hill and Iffley;
	Councillor Nuala Young	St. Clement's;

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AGENDA

Pages

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Councillors serving on the Committee are asked to declare any personal or prejudicial interests they may have in any item on the agenda.

3 PLANNING APPLICATION 11/02446/FUL - CANTAY HOUSE, 36-39 PARK END STREET

1 - 14

The Head of City Development submitted to West Area Planning Committee on 8th December 2011 a report which detailed 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 officer recommendation was to approve subject to conditions.

West Area Planning Committee discussed the item as follows:-

The Planning Officer reported that the comments made by Oxford Civic Society had subsequently been withdrawn, and that the figure of £19,738 to be sought by planning agreement for library facilities was included in error and should be deleted as the West End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

The application was subsequently called in to Planning Review Committee by

Councillor Cook, supported by Councillors Sinclair, Turner, Coulter, Hazell, Rowley, McManners, Wilkinson, Humberstone, Jones, Brown and Pressel; for the following reason:-

This proposal for 9 number two-bed flats i.e. one flat short of triggering a social housing requirement. It is my contention that this site is perfectly capable of taking 10no. flats and that the developers have deliberately under-developed this site in order to avoid making a contribution to social housing contrary to policy CP.6 in the Affordable Housing SPD.

4 PLANNING APPLICATION 11/02032/FUL - UNIT 1, JOHN ALLEN CENTRE.

15 - 48

The Head of City Development submitted to the East Area Planning Committee on 6th December 2011 a report which detailed a planning application for the refurbishment of Unit 1, John Allen Centre, comprising:

- External alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvers; (Additional information);
- Mezzanine floor space within retail units 1A, 1B and 1C;
- Alterations to the pedestrian and parking areas to front of the retail building and replacement compound/new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;
- Formation of three Class A3 café-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south;
- Demolition of part of the rear of existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking. (Additional information) (Amended plans):

The Officer recommendation was to approve subject to conditions.

The East Area Planning Committee agreed the following (extract from the unconfirmed minutes)-

71. UNIT 1, TEMPLARS SHOPPING PARK, OXFORD - 11/02032/FUL

The Committee considered all submissions, both written and oral and agreed:

- To support the proposals in principle and subject to the 22 conditions as laid out in the Planning Officers report with an additional condition (23) to remove Permitted Development Rights which would have allowed a change of use from café/restaurants to retail shops without the need for planning permission and to allow servicing of the food store at Unit 1A from the rear yard on Sundays and Bank Holidays and from the car park area overnight;*
- To defer the application to allow a "Deed of Variation" to be drawn up and to delegate to Officers the issuing of the Notice of Planning Permission on its completion.*

The application was subsequently called in to Planning Review Committee by Councillor Shah Khan, supported by Councillors Rowley, Cook, Turner, Price, Sinclair, Tanner, Timbs, Lloyd-Shogbesan, Darke, Humberstone, Van Nooijen and Baxter for the following reasons:-

Issues of significant public concern regarding public safety and lighting were not considered in the report and so were not addressed at East Area Planning. Local Plan policies CP9 (j) and (k) are relevant

5 DATES OF FUTURE MEETINGS

Meetings are scheduled for the following dates, starting at 6pm:-

25th January 2012
29th February
28th March
25th April

DECLARING INTERESTS

What is a personal interest?

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

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

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

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

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

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

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

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

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

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

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

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

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

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

(Speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;

 - (d) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officer/s and/or other speaker/s); and
 - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to planningcommittee@oxford.gov.uk before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting,
6. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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Planning Review Committee

22 December 2011

Application Number: 11/02446/FUL

Decision Due by: 21st November 2011

Proposal: Demolition of rearmost building. Erection of 5 storey building consisting of 9 x 2-bed flats with cycle parking, bin stores and landscaping.

Site Address: Cantay House 36 - 39 Park End Street.

Ward: Carfax Ward

Agent: John Philips Planning
Consultancy

Applicant: Cantay Investments Ltd

1. This application was determined at the meeting of West Area Committee on 8 December 2011 when Members resolved on a vote of 6 – 2 to approve the application in accordance with the officer recommendation and subject to the conditions set out in the attached report.
2. A 12 member motion to call in the application to Planning Review Committee was received on 9 December 2011 on grounds that the proposal is for a development of 9 x 2 bedroom flats which is one flat short of triggering a social housing requirement; that the site is capable of providing 10 flats and that the developers have under developed the site in order to avoid making a contribution to social housing contrary to policy CP6 of the Affordable Housing SPD.
3. Paragraphs 18 – 21 of the attached report sets out the main issues relating to the provision of affordable housing and the applicant's reasons for not seeking permission for 10+ units which would trigger the need to include a percentage of affordable homes. Officers remain of the view that the site is physically constrained and that increasing the number of units would either unacceptably increase the size and bulk of the proposed building to the detriment of the visual amenity of the area and the outlook of neighbouring occupiers or compromise the quality and residential amenity of the accommodation proposed. Whilst it may be possible to accommodate more than 9 units within the same amount of floorspace, this would compromise the quality of the accommodation and its residential amenities. Officers consider the application to be acceptable as submitted.
4. Planning Review Committee is recommended to support the proposal in principle but defer the application in order to draw up an accompanying legal

agreement and delegate to officers the issuing of the notice of planning permission subject to conditions.

Background Papers:

11/02181/FUL

11/02446/FUL

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 24th November 2011

Application Number: 11/02446/FUL

Decision Due by: 21st November 2011

Proposal: Demolition of rearmost building. Erection of 5 storey building consisting of 9 x 2-bed flats with cycle parking, bin stores and landscaping.

Site Address: Cantay House 36 - 39 Park End Street, **Appendix 1.**

Ward: Carfax Ward

Agent: John Philips Planning Consultancy

Applicant: Cantay Investments Ltd

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 sited in a highly sustainable location. Flats would have adequate private amenity space provision in the form of large balconies, together with cycle parking and bin storage facilities. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Oxford Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Three letters of objection have been received to the proposals. However the points raised do not provide 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 carry out after completion
- 5 Provision of cycle parking
- 6 Bin storage
- 7 Archaeology - Implementation of programme Bronze
- 8 Flood Risk Assessment
- 9 Landscape Management Plan
- 10 Details of fire hydrants
- 11 Privacy screens to balconies
- 12 Details of external lighting
- 13 Sustainable construction measures

Planning Obligation

- £48,915 towards infrastructure improvements in the West End [City]
- £19,738 towards education and libraries within the City. [County]

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 of Development to meet Functional Needs
- CP11 - Landscape Design
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HE2 - Archaeology
- HS4 - Gen Requirement - Provide Affordable Housing
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space

Oxford 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
- CS23 - Mix of housing

West End Area Action Plan

WE1 - Public realm
WE10 - Historic Environment
WE11 - Design Code
WE12 - Design & construction
WE14 - Flooding
WE15 - Housing mix
WE16 - Affordable housing
WE29 – 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 flat, cycle parking, bin stores and landscaping. Withdrawn

Public Consultation:

Statutory Consultees:

Highway Authority: No objection; site lies within the central area for transportation and has good public transport, cycling and walking links; no requirement to remove the site from the controlled parking zone as no permits are issued within the central area; pedestrian access from St. Thomas Street; refuse vehicles via yard from Park End Street; vehicular deliveries from St. Thomas Street; cycle provision acceptable.

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

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

Third Part Comments:

Oxford Civic Society: Concern raised over the loss of the existing building built in 1901 by Lucy's Iron Works; should be appropriately used with minimal alterations; Unfortunately it is vulnerable as it does not lie within a conservation area and is not listed.

Individual Comments: New building would make an excessively large block opposite Stream Edge and dominate the courtyard; 4 storey building would be less imposing; existing circle of buildings acts like an echo amphitheatre and the proposed high building will make this worse; Stream Edge flats already suffer noise and

disturbance from the various clubs and bars in the area and the proposal would increase this nuisance; new building should be kept to the height of the existing building.

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 9 x 2 bedroom flats together with cycle parking, bin storage and landscaping. The new building would possess a flat roof with the top floor inset within a lightweight structure. There would be two apartments to the lower four storeys and one apartment and terrace to the top storey. The new building would have a contemporary appearance and would be erected using facing brick with some timber boarding.
5. The development would be car free with pedestrian access from St. Thomas Street. Cycle parking would be provided in the communal garden area and bin storage would be provided within the new building.
6. Officers consider the principle determining issues in this case to be:
 - planning policy;
 - flooding;
 - form and appearance;
 - private amenity space;
 - highways and parking
 - affordable housing;
 - Impact on neighbours;
 - 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. As the site lies in the West End Action Area, policy WE15 of the West End Action Area Plan is relevant rather than policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.
9. Policy WE15 requires an overall provision in the West End of no more than 65% of residential units being flats, at least half of which should have 2 bedrooms and 35% houses. However the policy accepts that some sites will lend themselves more easily to flatted development than others, especially when the residential accommodation is on upper floors of a building. In this case officers accept that the site is tightly constrained and not generally suitable for family housing. The proposal to erect 9 x 2 bedroom flats therefore complies with the mix required in the West End Action Area Plan.

Flooding.

10. 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 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.
11. The Environment Agency has now removed its original 'holding objection' and are now raising no objection to the proposals 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.

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 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.

13. The proposed new building would be erected using facing bricks and timber boarding and would have a height of some 14 metres. The front elevation facing towards the stream would be largely glazed whilst the rear elevation would appear more solid. The eaves height of the new building would be very similar to the adjoining buildings to the south and east and the 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. It would also be similar in scale to older properties such as the adjacent Cantay House buildings.

Private Amenity Space.

14. 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 private open space is proposed. It goes on to say that each dwelling should have access to a private open space and that this could be provided by way of a balcony.
15. The proposal is for the erection of 9 x 2 bedroom flats. The two ground floor flats would both have small, private, rear garden spaces as well as large, front verandahs. The 6 flats on the first, second and third floors would have front and rear balconies and the flat at roof level would have an open roof garden. Given that this is a city centre location, officers take the view that this provision of amenity space is appropriate and acceptable.

Highways and Parking.

16. Oxfordshire County Council as Local Highway Authority are not raising any objection to the application based on the information submitted. Given the location of the site within the central transportation area, no objection is raised to a car free development and there is no need to exclude the site from the CPZ as no permits are issued in the central area. The cycle parking proposed would be both secure and sheltered and a condition is recommended to require that it is provided prior to occupation.
17. A condition is also attached requiring details of fire hydrants. This is because the exact number of fire hydrants cannot be calculated until detailed consultation plans are provided showing the size and location of water mains in relation to the highway.

Affordable Housing

18. Policy WE16 of the West End Area Action Plan states that the Council will seek the provision of generally a minimum of 50% affordable housing from any development that includes residential development on a site within the West End having the capacity for at least 10 dwellings. This should be in the ratio of 80% social rented and 20% shared ownership.
19. In this case the site area is clearly restricted and a higher building would not be acceptable. The flats themselves are of a good size however with about 100 sq m floorspace each. At this size it might be possible to develop a greater number but smaller flats within the same building envelope. The applicant has responded that there are a variety of factors to take into account in not doing so:
- The need to provide appropriate standards of accommodation and to provide adequate separation from the proposed offices and the night club in the existing building
 - The proposed built form is the maximum that could be achieved bearing in mind there are flats which overlook the site to the east, west and south and office windows to the north which need adequate light
 - The flats have been arranged to have their main living rooms facing onto the stream and landscaped courtyard to provide a high standard of amenity
 - The proposed landscaping scheme will enhance the stream to the east
 - The density of the development is 126 dwellings per hectare which is in excess of the minimum density set out in policy CP6 of the OLP
 - The site is in a flood zone
 - The scheme provides for adequate cycle parking and bin storage
 - Each flat has sufficient amenity space with acceptable outlooks
 - Each flat would have 2 bedrooms and there is a specific requirement in the WEAAP to provide at least 50% 2 bedroom flats with no upper limit
 - None of the flats are overly large for the location
 - The site could not be developed in a more developed way to provide more units without having poor amenities and affecting the adjacent buildings
 - Any endeavours to split the accommodation in a front to back arrangement would result in substandard accommodation that would be narrow and dark
 - The applicant does not wish to pursue a development that would reduce the standards included in the current proposal but would instead seek alternative uses for the site
20. Officers have considered the above and concur with the agent's view that there are particular site constraints which need to be considered in relation to the suitability for greater numbers of residential units and therefore a

proportion of affordable housing.

21. The proposal is for a development that takes advantage of the attractive location towards the Wareham and Castle Mill Streams to the east, but would have a poorer aspect to a service yard to the west. Sub dividing the new building or expanding its footprint to create additional units would inevitably compromise the standard of accommodation and result in some flats having their main living rooms overlooking the existing service yard, which is currently avoided. It would also create unacceptable relationships with neighbouring residential properties, and difficulties in providing supporting facilities such as additional amenity areas, cycle and bins stores etc. For these reasons, officers are persuaded that a good case has been made to restrict the number of units to that proposed as the site does not lend itself to the provision of a larger number of units without compromising the quality of the residential amenities which existing and proposed residential occupiers should enjoy at what is a tightly constrained site.

Impact on Neighbours

22. 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.
23. In this case the properties primarily affected by the proposal are the flats at Stream Edge on the opposite side of the Wareham Stream and the 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 has a long flank wall running along the boundary with the application site but this contains only small windows serving mainly corridors and other non habitable rooms. There would not therefore be a loss of amenity to these properties.
24. Stream Edge opposite the site comprises a four storey flatted development with balconies looking towards the site. The proposed building is significantly larger than the existing building on the site and clearly the 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.
25. In relation to the residential flats to the west, there is also a separation distance of 22 metres between these units and the rear wall of the proposed new building and this is also considered to be acceptable. Nevertheless In order to further address any issues of overlooking, it is recommended that a condition be imposed requiring details of privacy screens for the upper floor balconies.

Landscaping.

26. The application is accompanied by a landscaping scheme which includes the planting of 6 new birch trees [*Betula ermanii*] together with shrub planting at the front and rear 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 interest and cover.
27. The landscaping scheme also proposes the removal of the existing stream side planter wall trellis fence and amenity planting and its replacement with cascading/trailing ground cover ivy and cotoneaster to visually soften or conceal the wall and provide a more natural planting form adjacent to the water course. Additional planting at the base of the blank wall of the adjacent flat building is also included with new climbers to supplement the existing planting.
28. Officers consider that the landscaping scheme will positively enhance the appearance of the site and will also provide a foil to the new and existing buildings.

Biodiversity.

29. Policy CS12 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. In particular, officers consider that new nesting facilities for Kingfishers and Sand Martins would be appropriate and an informative is recommended to encourage the applicant to consider such provision.

Sustainability:

30. The site lies in sustainable location within easy access of shops, services and public transport links and the proposal constitutes a sustainable form of development that would make more efficient use of an existing brownfield site.
31. 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 high efficiency type boilers, 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 either A or A+ together with measures to restrict water usage.

32. 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.

33. 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 proposed car free development would be sited in a highly sustainable location and the flats would have adequate private amenity space provision in the form of large balconies, cycle parking and bin storage. No objections have been received from statutory consultees and the proposal complies with adopted policies contained within the Core Strategy and Oxford Local Plan.

34. Committee is recommended to support the application accordingly.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. 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 subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/02181/FUL, 11/02446/FUL.

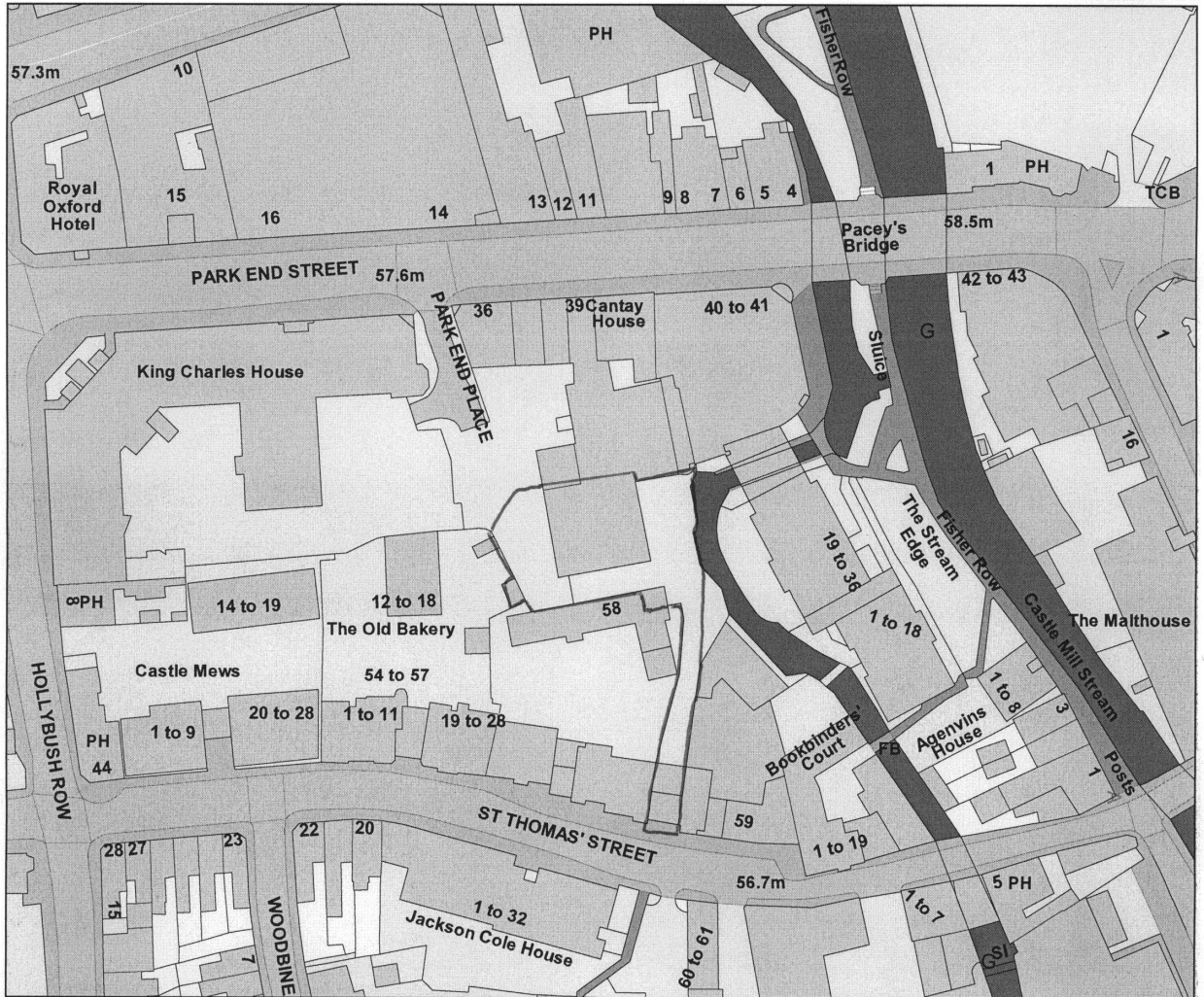
Contact Officer: Angela Fettiplace

Extension: 2445

Date: 24th November 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	28 November 2011
SLA Number	Not Set

Agenda Item 4

Planning Review Committee

22nd December 2011

Application Number: 11/02032/FUL

Decision Due by: 9th November 2011

Proposal: Refurbishment of Unit 1 comprising:-

- External alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvers; (Additional Information)
- Mezzanine floorspace within retail units 1A, 1B and 1C;
- Alterations to the pedestrian and parking areas to front of the retail building and replacement compound/ new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;
- Formation of three Class A3 cafe-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south;
- Demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking. (Additional Information) (Amended Plans)

Site Address: Unit 1 Templars Shopping Park Between Towns Road.

Ward: Cowley Ward

Agent: Blue Sky Planning

Applicant: Kyarra Sarl

This application was considered by East Area Planning Committee at its meeting of 6th December 2011. It has been called into this committee by Councillor Shah Khan supported by Councillors Rowley, Cook, Turner, Price, Sinclair, Tanner, Timbs, Lloyd - Shogbason, Darke, Humberstone, Van Nooijen and Baxter on the grounds that issues of public safety and lighting were not fully considered at the East area Planning Committee.

Recommendation: Committee is recommended to support the proposals in principle but defer the application in order to allow a "Deed of Variation" / legal agreement to be drawn up to relate to the expanded facilities and secure a financial contribution towards public safety measures in the locality, and

delegate to officers the issuing of the Notice of Planning Permission on its completion.

Background to Report.

1. The planning application relates to works at the Templars Retail Park and is the latest in a series of proposals which have sought to upgrade the retail park, add new facilities, and allow for new occupiers for the various retail units as current leases come to an end. The main parts of this latest planning application therefore relate to the provision of 3 small café units, 4 new houses fronting Rymers Lane on land where the garden centre to B and Q is currently located, and various enabling works. On vacation of the B and Q unit Sainsburys is anticipated to open a new supermarket on the greater part of the floorspace there. This latest application is referred to this committee following consideration at East Area Planning Committee. A copy of the officers' report to that committee is appended.
2. In considering the proposal East Area Planning Committee resolved to support the application subject to conditions and a legal agreement as outlined in its report, but also with two additional conditions restricting the otherwise permitted change of use from Class A3 café to Class A1 retail use, and controlling services hours.
3. One matter which was not discussed in detail at committee however relates to public safety issues, in particular in relation to the parkland to the east of the retail park and the additional use of footpath routes there through to residential streets at Cleveland Drive, Maidcroft Road and Havelock Road. These routes have been subject to a degree of antisocial behaviour and have been a concern raised by the local Neighbourhood Action Group (NAG) in the past. The footpaths are unlit at night and with new facilities opening later into the evening and during hours of darkness, there may be a temptation for greater numbers to use these unlit routes in the future.
4. Since East Area Planning Committee met, further discussions have taken place with the current applicants who have offered to make a financial contribution of £10,000 towards improvements to public safety through the parkland in the form of the introduction of lighting. This can be secured by legal agreement. As no scheme has yet been costed however, then this sum may need to be supplemented by other monies in order to fully fund a scheme.
5. Further consultation has also taken place now with the Thames Valley Police Crime Prevention Officer who welcomes the contribution, but suggests that any lighting provided should be turned off during the late evening after retail units have closed in order to deter people from gathering in the park when none of the retail and café units are open.

Conclusion.

6. Officers welcome the financial contribution offered towards improving public safety through the park. Committee is therefore recommended to support the proposals as set out in the officers' report to East Area Planning Committee with the addition of the further conditions indicated above, and an accompanying legal agreement securing the financial contribution.

Contact Officers: Lisa Green / Murray Hancock

Extensions: 2164 / 2153.

Date: 12th December 2011

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Application Number: 11/02032/FUL

Decision Due by: 9th November 2011

Proposal: Refurbishment of Unit 1 comprising:-

- External alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvres; (Additional Information)
- Mezzanine floor space within retail units 1A, 1B and 1C;
- Alterations to the pedestrian and parking areas to front of the retail building and replacement compound/ new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;
- Formation of three Class A3 cafe-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south;
- Demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking. (Additional Information) (Amended Plans)

Site Address: Unit 1, Templars Shopping Park, Between Towns Road,
Appendix 1

Ward: Cowley Ward

Agent: Blue Sky Planning

Applicant: Kyarra Sarl

Recommendation: Committee is recommended to support the proposals in principle but defer the application to allow a “Deed of Variation” to be drawn up and to delegate to officers the issuing of the Notice of Planning permission on its completion.

Reasons for Approval

- 1 The proposals accord with the relevant policies within the Oxford Local Plan and is supported accordingly. The external alterations will match the existing shop fronts whilst the principle of sub-division and inclusion of a food retailer at Unit no.1 have been previously established. The additional A3 units will add vitality and vibrancy to the site and the additional dwellings will make

efficient use of the land and add to the balance and mix of dwellings within the area. The new café units are considered to form an appropriate relationship with the area and do not impact on the immediate neighbours in a detrimental way. The remnants of a stone rubble wall and gable to the former factory site are retained as reminders of Cowley's past and new trees planted to replace losses.

- 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.

Subject to the Following Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Landscape management plan
- 5 Landscape underground services - tree roots
- 6 Tree Protection Plan
- 7 Arboricultural Method Statement
- 8 Archaeological evaluation
- 9 Methodology for the coral rag wall
- 10 Plant and/or machinery
- 11 Scheme for treating cooking fumes/odours
- 12 Noise
- 13 CCTV
- 14 Lighting
- 15 Accessibility
- 16 Residential car parking
- 17 Vision splays
- 18 SUDS
- 19 Construction Traffic Management Plan
- 20 Travel Plan Statement
- 21 Cycle parking details - residential and retail
- 22 Opening hours for retail units

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP5 - Mixed-Use Developments

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
CP13 - Accessibility
CP21 - Noise
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
HE2 - Archaeology
HE7 - Conservation Areas
RC4 - District Shopping Frontage
RC11 - Environmental Improve - District/Neighbourhood Shop Centres
RC12 - Food & Drinks Outlets

Core Strategy 2026

CS1 - Hierarchy of centres
CS2 - Previously developed and greenfield land
CS13 - Supporting access to new development
CS14 - Supporting city-wide movement
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS22 - Level of housing growth
CS23 - Mix of housing
CS31 - Retail

Other Material Considerations:

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS4 Planning for Sustainable Economic Growth
PPS5 Planning for the Historic Environment
PPG13 Transport
PPS24 Planning and Noise

Supplementary Planning Document: Parking Standards, TAs and TPs Adopted Feb 2007.

Supplementary Planning Document Balance of Dwellings Adopted Jan 2008.

Relevant Site History:

85/00508/NOY - Development of a retail park comprising 14,165 sq. m gross Class 1 non food retail floor space 929 sq. m garden centre, parking for 450 cars, open space and new pedestrian and vehicular access (Outline) (Templars Shopping Park, Between Towns Road). Refused 4th October 1985.

85/00893/NOY - Development of a retail park, comprising 13,032 sq. m. gross Class I non food retail floor space, 929 sq. m. garden centre, associated car parking, open space and new vehicular and pedestrian accesses (Outline) (Templars Shopping Park, Between Towns Road). Approved 29th May 1986.

86/00678/NR - Retail park, comprising 13,032 sq. m. gross Class I non food retail floor space, 929 sq. m. garden centre, associated car parking, open space, and new vehicular and pedestrian accesses (Reserved Matters of NOY/893/85) (Amended Plans) (Templars Shopping Park, Between Towns Road). Approved 8th October 1986

87/00955/A - Externally illuminated fascia signs (pelmet lighting) and externally illuminated logos for B & Q Retail Ltd. (sun flood lighting) (amended plans) (Unit 1 Templars Shopping Park). Approved 19th November 1987.

88/00181/A - Floodlit illuminated entrance advertisement (Templars Shopping Park, Between Towns Road). Approved 28th April 1988.

88/00617/A - Externally illuminated fascia sign for B & Q Retail Ltd. (pelmet lighting) (Unit 1 Templars Shopping Park). Refused 6th October 1988.

95/00572/A - i) Internally illuminated lettering over entrance ii) Internally illuminated high level lettering to western and southern elevations (Amended plan) (Unit 1 Templars Shopping Park). Withdrawn 3rd October 1995.

95/01195/A - Internally illuminated high level lettering to east and south elevation for B and Q. (Unit 1 Templars Shopping Park). Allowed on appeal 6th October 1995.

97/00432/NF - Erection of weld mesh fence to form secure compound (Adjoining Unit 1 Templars Shopping Park). Approved 3rd June 1997.

97/01127/Q - Application to determine whether prior approval is required for the method of demolition/reinstatement of the glazed walk ways at the John Allen Centre. (Templars Shopping Park, Between Towns Road). Granted 6th August 1997.

98/01302/NF - Installation of 36 lighting columns and alterations to entrances of retail units by construction of new rendered and brick piers. (Templars Shopping Park, Between Towns Road). Approved 13th October 1998.

98/01303/A - 1x15m, 3x6m, 1x4m internally illuminated totem signs. 4 sail banners on 4.5m columns. 7 pairs of internally illuminated signs on entrance piers to shops. 7 fascia signs on porte cocheres. 5x1.6m directional signs. (Templars Shopping Park, Between Towns Road). Approved 13th October 1998.

05/02238/ADV - 6 internally illuminated poster display panels (Templars Shopping Park, Between Towns Road). Approved 4th January 2006.

10/01959/FUL - Alterations to site access including the erection of ticket barriers and payment machines (Templars Shopping Park). Approved 11th November 2010.

10/01960/ADV - Display of advertisements comprising:
1 x double sided externally illuminated 'totem' sign (8m x 2.5m); 1 x double sided externally illuminated 'totem' sign (8m x 2.3m) with 4.5m canopy; 1 x single sided

internally illuminated information sign (3.55m x 2.99m) (Templars Shopping Park, Between Towns Road). Approved 11th November 2010.

10/03090/FUL - Refurbishment of Unit No.1 including external alterations to elevations and new entrances, to create 4 retail units. Insertion of mezzanine level into units 1A and 1B, plus alterations to the car parking and pedestrian area to frontage and replacement compound/plant area within service area. (Amended plans). Approved 18th January 2011.

11/00006/ORDER - Oxford City Council - Between Towns Road (No.1) Tree Preservation Order 2011. Provisional Order approved.

In addition there have been two variations to the legal agreement which accompanied the original 1986 permission to create the retail park:

09/00673/POM - Amendment to the range of goods permitted to be sold at Templars Shopping Park. PDE

11/00461/POM - Variation to legal agreement relating to retail park to allow up to 2500sq m of floor space to be used for food sales. Approved 6th July 2011.

Consultation

Statutory Consultees:

Highway Authority: No objection subject to conditions.

Thames Water Utilities Ltd: No objections.

Environment Agency: Application is deemed to have a low environmental risk.

Thames Valley Police: No objection subject to recommendations (see text)

Drainage Team Manager (Oxfordshire County Council): no objection

Third Party Representations Received:

Prior to the submission of the planning application, a public exhibition was held at the retail park on 7th July 2011 with a general consensus that the proposals were welcomed.

Following the receipt of the planning application responses were received from:

9 Cleveland Drive; 52 Church Cowley Road; 12 Beauchamp Lane; 22 Church Hill Road; 11 Beauchamp Lane; 7 Hockmore Street; 30 Church Hill Road; Flat 49, The Manor House, Bennett Crescent; Zurich Assurance c/o Threadneedle.

Summary of comments

- Close to adjoining properties
- General dislike of the proposal
- Inadequate parking provision
- Increase in traffic
- Inadequate access
- Loss of parking
- Increase parking on surrounding streets
- Inadequate public transport provisions

- Noise nuisance
- Lack of cycle parking facilities
- Overdevelopment
- Strain on existing community facilities
- More cafes not required – cause nuisance with food rubbish, parking, rats, anti social behaviour
- Loss of historic aspect of Cowley
- Effect on local ecology/loss of trees
- Development too high
- Loss of privacy
- Impact on conservation area
- Out of keeping with character of area
- Intrusive on Beauchamp Lane aspect
- Development would create new planning unit not be controlled by existing legal agreement
- Welcome economic regeneration of the area

Issues

Planning policy

Design

Potential for noise nuisance

Highways, traffic and parking

New housing

Heritage assets

Trees and landscaping

Officers Assessment

Site Description

1. The application site is part of the Cowley Centre (Templars Square) District shopping centre. It is located adjacent to the B4495, with a traffic light controlled access. The retail centre forms part of the Cowley Centre with Templars Square shopping centre opposite. The development is subdivided into plots, with a central parking area. Some of the units have been updated with new facades and had mezzanine floors constructed.

Proposals

2. The application is seeking permission for the refurbishment of Unit 1 comprising a number of separate elements:-
 - external alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvres;
 - mezzanine floor space within retail units 1A, 1B and 1C;
 - alterations to the pedestrian and parking areas to front of the retail building and replacement compound/ new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;

- formation of three Class A3 cafe-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south; and
 - demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking.
3. The principle of the external alterations to the eastern elevations of the building to create 4 units, including additional glazing and new frontage louvres, mezzanine floor space within retail units 1A, 1B and alterations to the pedestrian and parking areas to front of the retail building and replacement compound/new plant area within the service area have already been established and approved under planning permission 10/03090/FUL.
 4. This current application proposes the modification to this permission by amalgamating units 1C and 1D to facilitate a single unit of 2500sqm for the occupation by Sainsbury's. The resultant unit is to be known as Unit 1D, along with three smaller units (1A-1C) with an additional mezzanine is to be added to unit 1C. The depth of units 1A-1D is to be reduced by the change of use of the back part of the building to A3 at the rear of units 1A and 1B and the demolition of further retail floor space mainly behind unit 1C.

Planning Policy

5. National planning policy on retailing is presently set out in PPS4, which broadly promotes a *'town centre first'* policy. This approach supports sustainable travel and positively encourages investment to take place within established town and district centres, such as Templars Retail Park. The vitality and viability of town centres is to be delivered through the focusing of economic growth with greater competition between retailers and enhanced consumer choice. The adopted Oxford Core Strategy adopts the same approach and identifies Cowley Centre as a Primary District Centre. This recognises the important role that it plays in the retail hierarchy as it serves a larger catchment area than other districts and is the most accessible. The Core Strategy therefore encourages growth in retail, employment, leisure and other uses to be focused within the District centre to promote its vitality and viability
6. In terms of the 'saved policies' from the Local Plan of particular relevance to the proposed retail and restaurant uses are policies RC4 (District Frontage); RC12 (Food and Drink) and RC.13 (Shopfronts). The mix of uses within this district frontage at present has a high proportion of Class A1 (retail) uses which amounts to almost 75% of the total whilst the minimum threshold to be retained is set at 65%. There is therefore scope to allow other uses. Overall the current proposals are assessed as adding vitality and viability to the Primary District centre, without compromising its important retail role within Oxford's retail hierarchy.
7. It has been suggested that granting the application would permit such a radical change that it would create a new planning unit which would not be

controlled by the existing s52 agreement. It is Officers opinion that this argument only works if:

- the existing agreement contains a clause that it will not apply to future development. The existing agreement does not.
 - the new permission would change the retail park so significantly that it would create a new chapter in the planning history. Whilst the introduction of the A3 units is quite significant they don't alter the whole character of the site.
8. The granting the application would not necessarily create a new planning unit and the s52 agreement would continue to apply but it would need amending to provide for the A3 uses. .

Design

9. The design of the new units reflects those existing. They would face south across the open space at the corner of Rymers Lane and Between Towns Road, and would in effect form an extension to Unit 1 currently occupied by B&Q. This space would be opened up to create a useable public space and allow customers to spill out into external seating areas. The new A3 units continue the contemporary nature of the retail park but with more trees and greenery being retained than originally envisaged, with the new units creating an active frontage along a currently 'dead' area. Access to the new units on foot could be achieved direct from the street without first entering the car park, via the existing footpath which runs along the north side of the access road.
10. In response to consultation Thames Valley Police comment that there have been a number of crimes reported from this area and are concerned about the sunken area that passes in front of the new units and serves as an outdoor seating area for the café/restaurant. During the day time there is likely to be sufficient activity in the area to reduce the opportunity for crime and disorder. However at night time and out of operating hours this sunken area is isolated with little natural surveillance from the surrounding buildings or pedestrians. Thames Valley Police therefore recommend either restricting access from the footpath leading to the new units by installing gates which can be locked out of trading hours, or introducing CCTV at this point. The applicant is agreeable to the latter which would complement the existing CCTV system in operation which has been successful in limiting crime in the car park. A condition is suggested requiring details to be submitted. Moreover Thames Valley Police also recommend that tree canopies are at least 2 metres from ground level and that any proposed planting of shrubs etc is maintained at no more than a metre in height. This will allow a clear field of vision across the public green area, increase the opportunity for natural surveillance, and reduce opportunity for crime. Again this can be incorporated into the landscaping requirements via a condition.

Potential for Noise Nuisance

11. The intended occupier for the larger unit is Sainsbury's who wish to make three deliveries a day of fresh food out of hours. Given the close proximity to

residential properties at Rymers Lane etc, it is proposed to make these deliveries via the car park to the front of the store when the retail park is closed to customers rather than from the rear servicing area which would only be in use during the working day. Environmental Health Officers have reviewed the application and acoustic consultants report, and visited the site. No objection of principle is raised to these arrangements and support is given to the condition suggested by the applicant, namely:

“Noise generated as a result of vehicle deliveries to the front of the development should not exceed 45 dBLAeq8hr , 60 dBLAmax between the hours of 23:00 and 07:00 and 55 dBLAeq16hr at any other time”.

12. As the potential also exists for noise emanating from the proposed catering developments, Officers would also recommend that the following be attached to any approval:
“All new fixed plant and/or machinery serving the proposed development shall not increase the ambient noise levels above existing levels, when measured at the nearest noise sensitive property. Prior to the installation of such fixed plant and/or machinery details of the proposed equipment, along with any related noise mitigation measures, shall be submitted and approved in writing by the Planning Authority. The measurements and assessments shall be made accordance to BS 4142:199”
13. Further, in order that fumes and odours from the new café outlets are adequately controlled so as to prevent nuisance or a loss of amenity, a further condition is suggested requiring details of a scheme cooking smells to be submitted and agreed.

Highways, Traffic and Parking

14. The parking provision for the site is noted as remaining at 469 spaces with the provision for the disabled increasing to 23 of those spaces. This level of car parking is in line with the standards set down in the Local Plan for retail development of this sort. Whilst no additional car parking is proposed for the catering units, as its customers are likely to either be car borne customers of the retail park already, or others arriving on foot, then it is accepted that no additional parking is required. In any event the existing car parks at Cowley Centre have substantial spare capacity, and recent remote signage introduced nearby indicates when such capacity is available at these other facilities. For its part the Highway Authority conclude there would be no appreciable impact on traffic at the controlled access into the retail park, though it would wish to see further details of the arrangements for night time deliveries and whether any adjustments may need to be made to the existing pedestrian access to the site. A Construction Traffic Management Plan is also suggested, again to be secured by condition.
15. In terms of cycle parking provision, an additional 28 spaces are proposed; all located within close proximity to the new A3 units. Again this accords with Local Plan requirements and details can be requested via a condition.

New Housing

16. The District centre is an accessible one with good public transport links, and is therefore a suitable location for additional residential accommodation at appropriate locations, which could be car free or with limited parking provision. In these proposals 4 residential units are proposed fronting on to Rymers Lane in the form of 2 x 1 bed and 2 x 2 bed houses. For dwellings of 1 to 9 units within the District centre there is no specific mix required by the Balance of Dwelling SPD, and the application therefore accords with the SPD.
17. The four units provide a row of terraced properties of a similar scale and proportion to those currently along this eastern side of Rymers Lane. They would be constructed of brick to match neighbouring properties which are set back from the street behind a low brick wall with black hand rails. The new dwellings would incorporate the existing part of the stone “coral rag” wall along Rymers Lane to cill height. The form of this short terrace of housing is consistent with its neighbours in terms of form, scale and materials and adequate private amenity space is provided for each unit in accordance with established Local Plan policy, each house possessing a private garden to the rear 16m in length. There are no issues of overlooking or loss of privacy and the new dwellings will not appear overbearing or create a sense of enclosure for the neighbouring property at 2 Rymers Lane
18. Six car parking spaces are proposed for the four units off street in the form of a communal parking area to the south of the new dwellings. The Highway Authority raise no objection to the access arrangements. Although no cycle parking facilities are shown, there is sufficient space to provide it on plot as each house possesses rear access. Details of cycle parking provision for the new dwellings can be sought via a condition.

Heritage Assets

19. This site is of interest because it lies within the early modern (and potentially earlier) extent of Church Cowley and encompasses the site of the Oxfordshire Steam Ploughing Company. The company was established in 1868 by Walter Eddison and Richard Nodding, producing steam ploughs and cranes. By 1900 it was a significant employer in Oxford and was claimed to be the largest private firm of steam ploughs in the world. By 1924 the company had become John Allen & Sons clearing factory sites for Morris Motors.
20. A relocated gable façade from the factory survives adjacent to its original site, incorporating a 1900 plaque of a steam plough. Officers note that the submitted Heritage Statement recognises the significance of the surviving elements of the Steam Plough Factory in the form of the relocated factory façade. Moreover the archaeological desk based assessment accompanying the application notes significant potential for archaeological remains in this location relating to the Roman pottery industry, the medieval and post medieval historic core of Cowley and the late 19th century and early 20th century Steam Ploughing Company, and provides a truncation model

identifying areas that would warrant further field evaluation which may involve trial trenching and mitigation. A condition is recommended accordingly.

21. Officers note that the natural stone coral rag wall along Rymers Lane is one of the few remaining visible links to Cowley's important industrial past and one of the few remaining visible heritage assets surviving in the part of the historic village which has been otherwise heavily redeveloped. Officers would argue however that this does not constitute meaningful retention of the asset but nevertheless would request that it be retained to the height of the sill of the ground floor windows to the proposed houses. This would provide a stronger boundary definition and defensible space for the occupants of the properties. A condition is suggested requiring the retention and protection of the wall.
22. The gable façade from factory is to be relocated in these proposals to the side elevation of unit 1G facing Rymers Lane. It is Officers opinion that its relocation is positive as it is currently partly hidden from public view by nearby tree coverage. The new location would bring it closer to the footpath and make it more accessible and visible to the public, thus reminding of them of the history of the site and area.

Trees

23. The application site possesses a number of trees some of which were intended for removal as originally submitted. Whilst some of the removals were less significant there were three trees or groups of trees in particular which would have been adversely affected by the development as proposed:
 - the loss of a group of lime trees to the west of the access road into the retail park which provide a valuable screening function with potential to mature and grow in importance;
 - a large mature poplar prominent in public views from Rymers Lane and Between Towns Road which would be adversely affected by hard surfaces and seating proposed; and
 - the loss of a large, mature alder forming a significant feature along Rymers Lane whose removal would have a harmful effect on public views.
24. The planning application was subsequently amended to address these concerns and retain these important trees. Although one of the group of limes is still removed, this is justified by the benefits of providing a footpath entrance and ensure a reasonable gradient to the catering units. Moreover whilst the loss of trees along Rymers Lane is regretted, their loss does provide a better opportunity to view the relocated gable feature from the former factory, and the important poplar there is retained now. New tree planting here can mitigate the losses. Overall therefore the loss of some of the tree coverage is accepted to allow the development to proceed, but with full mitigation in the form of new planting to be agreed.

Conclusion

The applications represent the latest in a series of proposals which reflect the changing character of the retail park, with new traders replacing previous ones,

smaller units being created, and additional facilities provided. The additional catering units forming part of this latest application would not harm the retail attractiveness of the retail park but would seek to complement it, whilst the additional residential accommodation represents a small but welcome addition to the housing stock locally. Traffic and servicing arrangements are in hand, amendments made to the potential loss of tree coverage, and the heritage assets of the area acknowledged.

Committee is recommended to support the proposals accordingly.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. 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.

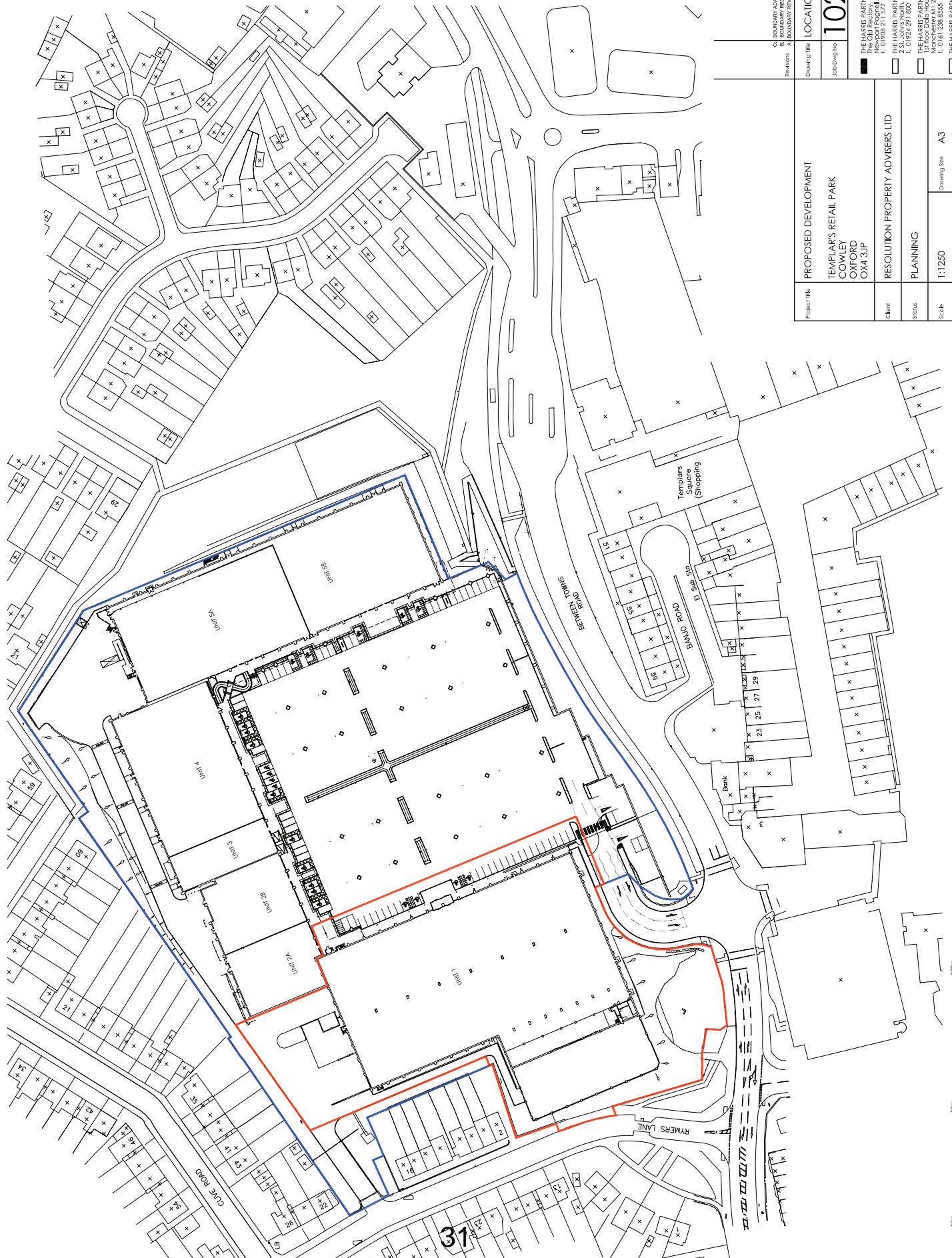
Section 17 of the Crime and Disorder Act 1998

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 subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Lisa Green

Extension: 2614

Date: 17th November 2011



26/07/11 TT (GR)
02/08/11 TT (GR)
14/08/11 TT (GR)

C: BOUNDARY ADAPTED FOR NEW APPLICATION.
B: BOUNDARY REDUCED FOR NEW APPLICATION.
A: BOUNDARY REMOVED TO SHOW HIGHWAYS LAND.

Drawing Title: **LOCATION PLAN**

Job/Dwg No: **10275A-98**

Rev: **C**

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Project Title	PROPOSED DEVELOPMENT	Client	RESOLUTION PROPERTY ADVISERS LTD
	TEMPLAR'S RETAIL PARK COWLEY OXFORD OX4 3JP	Status	PLANNING
		Scale	1:1250
		Drawing Size	A3
Drawn By	TVT	Checked By	GH
		Date	22.10/09

10m
Scale Bar 1:1250
50m
100m
CAD file reference: J:\1000005\10275\3.01 PLANNING

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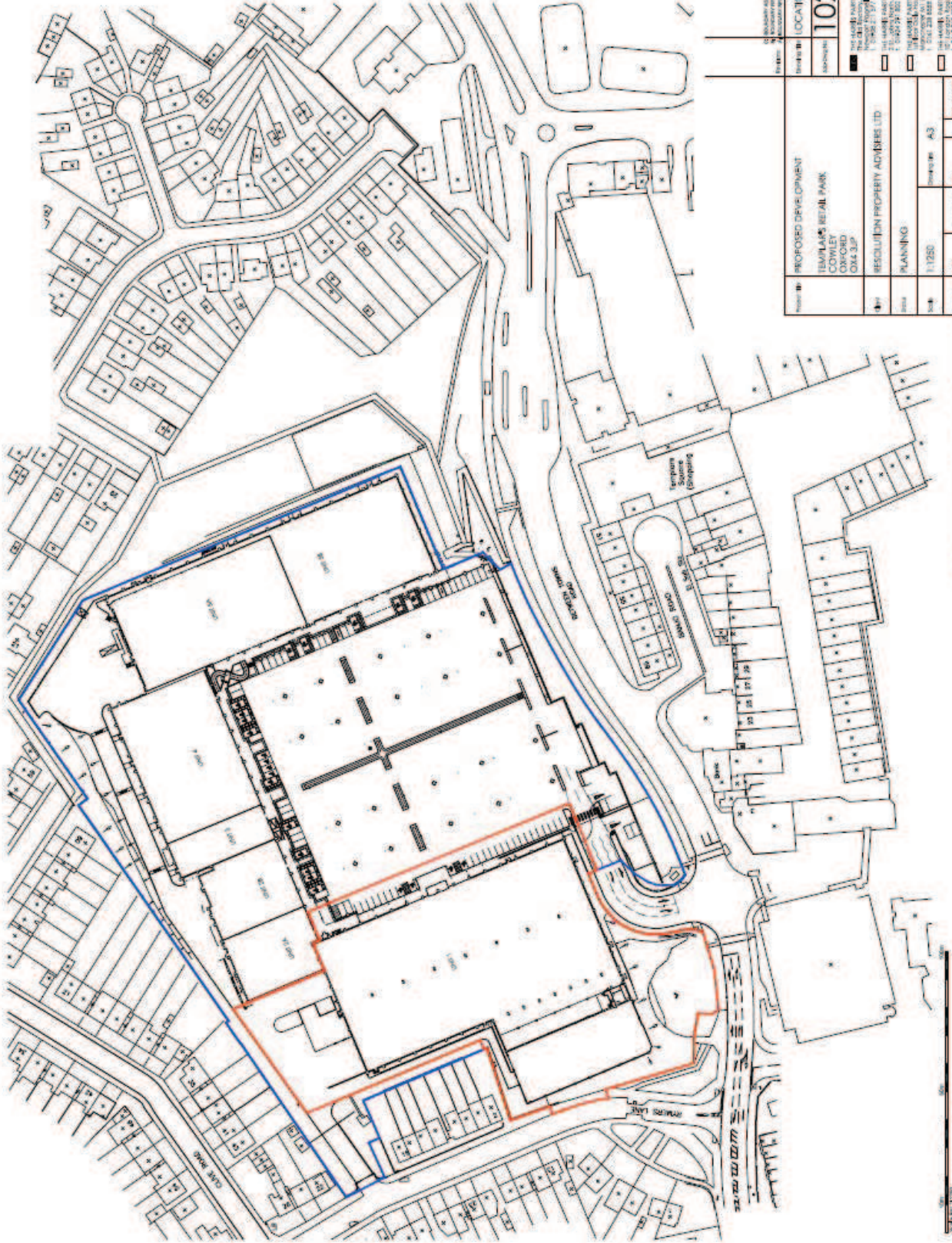
Welcome to the East Area Planning Committee

www.oxford.gov.uk



- This planning committee meeting is held in public, but it is not a public meeting.
- There will be opportunity for the public to address the committee on each application.
- If you wish to speak for or against a planning application, you will need to have either requested it in advance, or fill out and hand in one of the available speaker forms.
- Information on meeting protocol and conduct at committee is set out in the Code of Practice.
- You can find a copy of the Code of Practice in the committee agenda, just before the first planning application report.





PROJECT NO.	10275A-98	DATE	C
PROJECT NAME	TEMPLETON RETAIL PARK		
CLIENT	RESOLUTION PROPERTY ACQUISITION LTD.		
DATE	1/1/2009		
SCALE	1:1000		
PROJECT LOCATION	TEMPLETON RETAIL PARK, COWLEY, OXFORD, OX4 3JF		
PROJECT DESCRIPTION	PROPOSED DEVELOPMENT		
PROJECT STATUS	PLANNING		
PROJECT TYPE	RETAIL		
PROJECT VALUE	£10,000,000		
PROJECT RISK	LOW		
PROJECT COMPLEXITY	MEDIUM		
PROJECT SCHEDULE	12 MONTHS		
PROJECT TEAM	HARRIS ARCHITECTS		
PROJECT CONTACT	MARK HARRIS		
PROJECT PHONE	01865 700111		
PROJECT EMAIL	mark.harris@harrisarchitects.co.uk		



Reference: JA 10275A 10275A 3.01 PLANNING



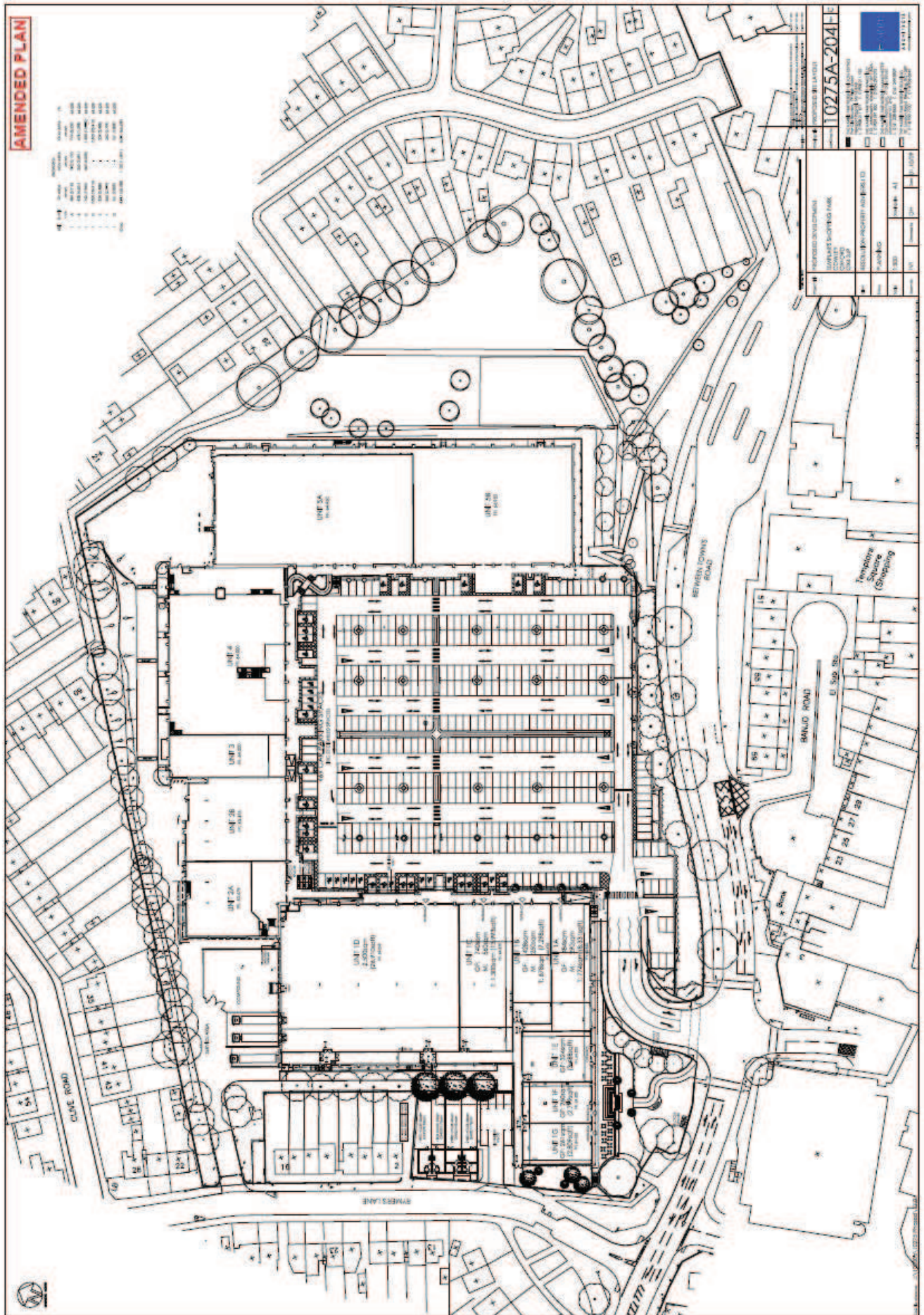


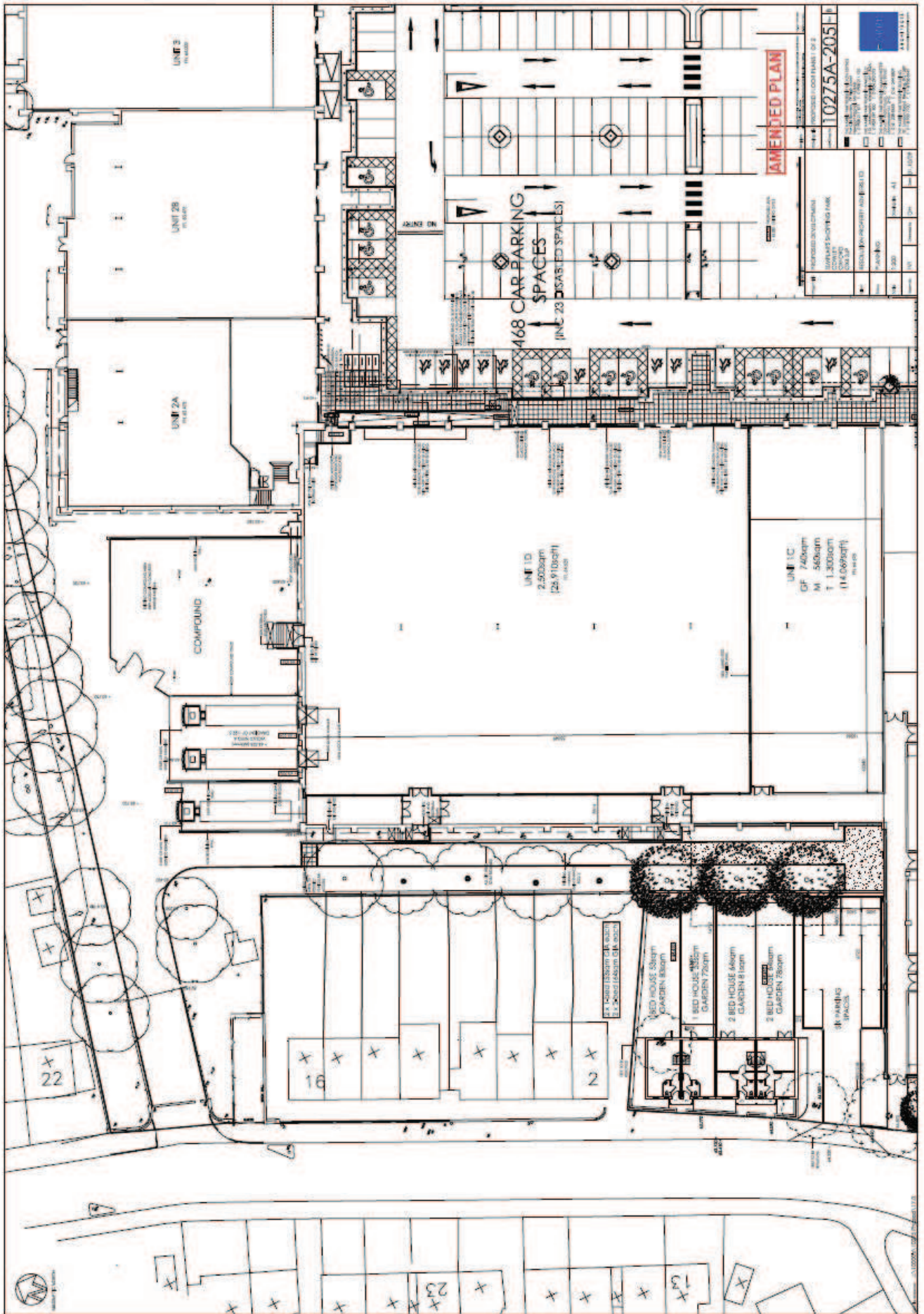


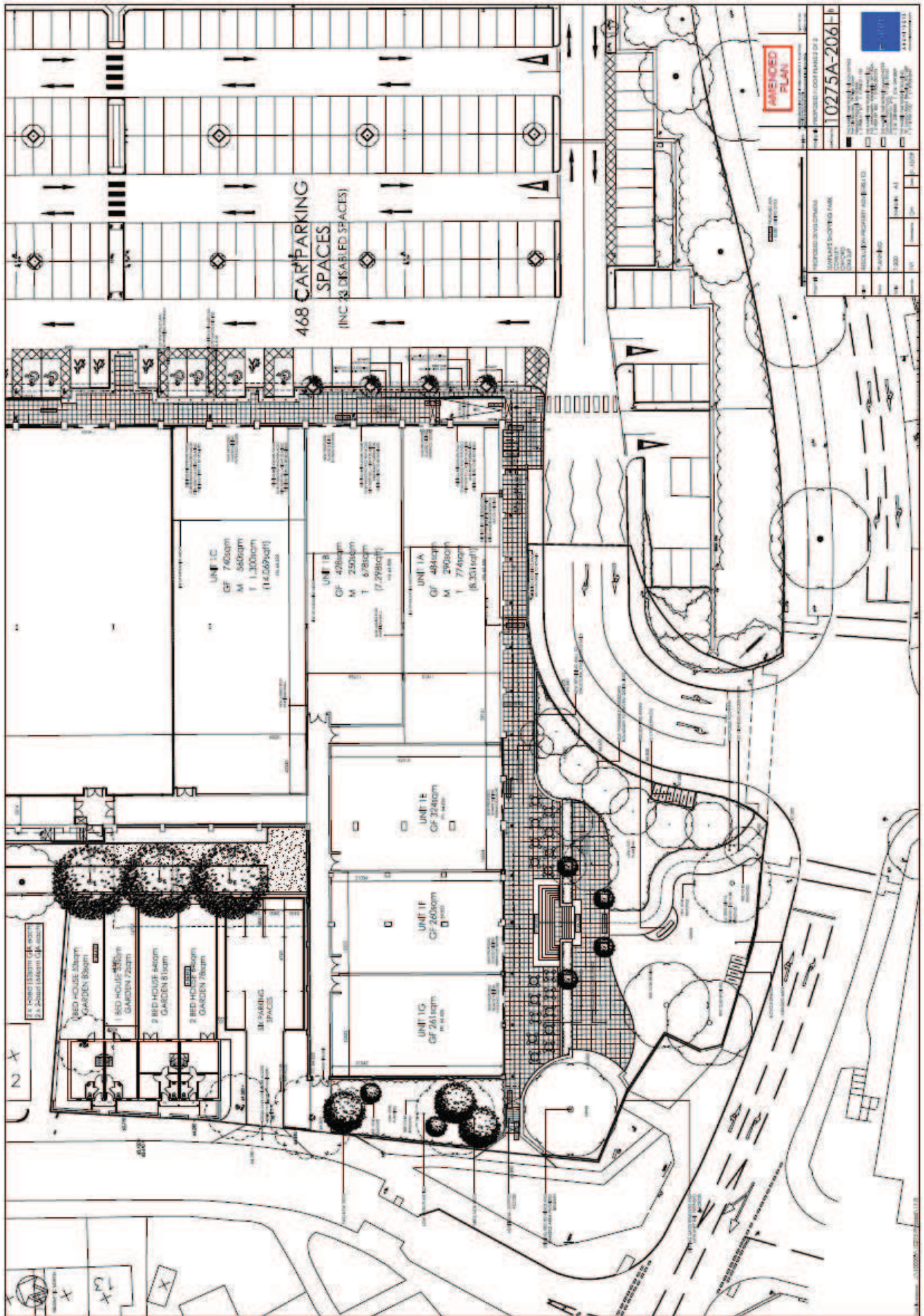


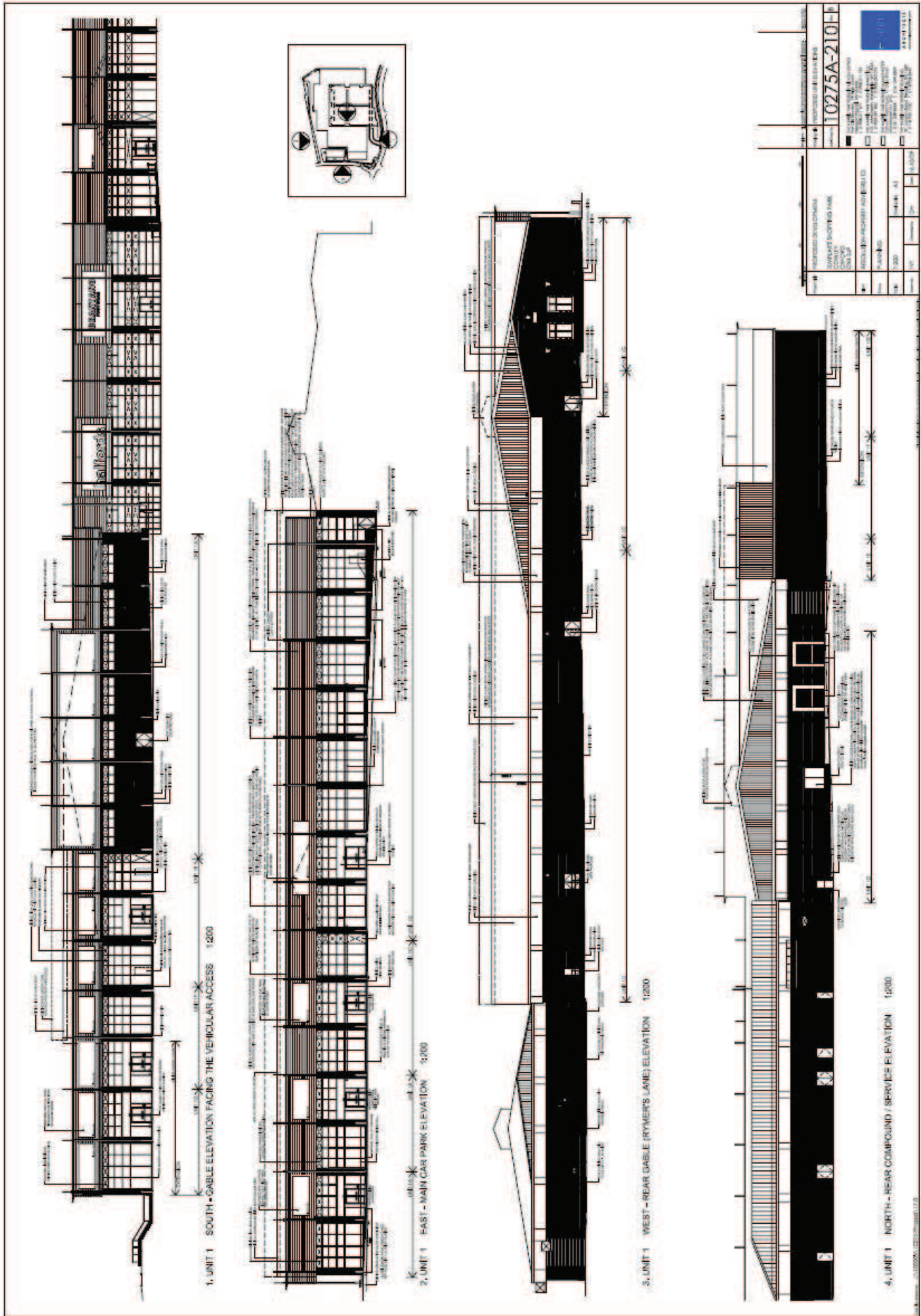




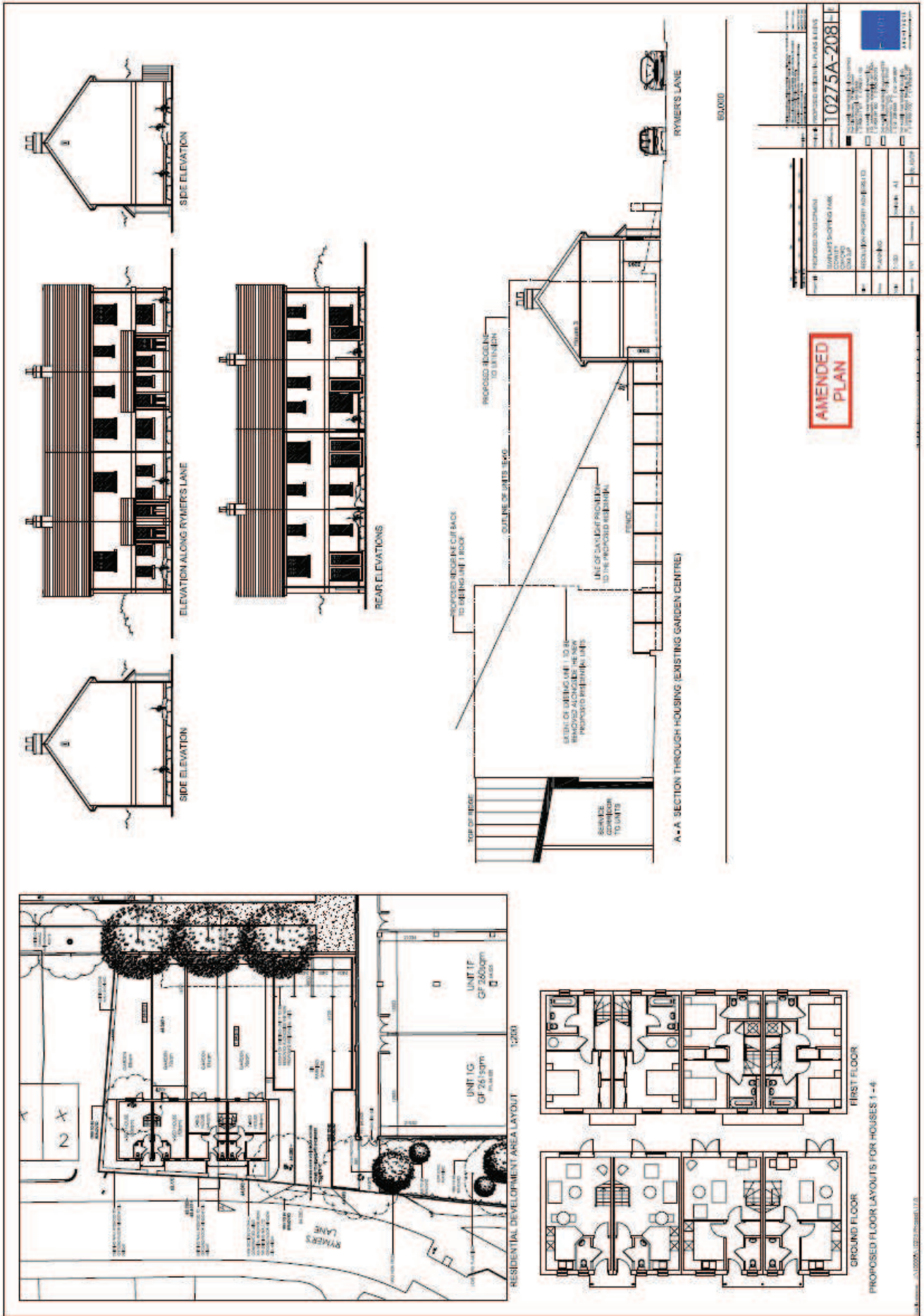














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