

Agenda

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East Area Planning Committee

Date: **Wednesday 1 June 2011**

Time: **5.00 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 Mathew Metcalfe, Democratic Services Officer on or email mmetcalfe@oxford.gov.uk in advance of the meeting.

East Area Planning Committee

Membership

Chair

Vice-Chair

Councillor Stephen Brown	Carfax;
Councillor Mary Clarkson	Marston;
Councillor Van Coulter	Barton and Sandhills;
Councillor Roy Darke	Headington Hill and Northway;
Councillor Jean Fooks	Summertown;
Councillor Bryan Keen	Cowley;
Councillor David Rundle	Headington;
Councillor Gill Sanders	Littlemore;
Councillor Dick Wolff	St Mary's;

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AGENDA

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2	ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2011/12	
3	APOLOGIES FOR ABSENCE AND SUBSTITUTIONS	
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5	10B KELBOURNE ROAD, OXFORD - 11/00605/FUL Planning application for the erection of two storey rear extension and conversion of part of extended building to provide 2x1 bedroom flats with car parking, bin storage and amenity space. Retention of 1x3 bedroom dwelling. (Amended Plans) <u>Officer recommendation:</u> To approve subject to conditions.	1 - 8
6	COLTHORN FARM, OXFORD ROAD, MARSTON - 11/00825/FUL Planning applications for: (1) Conservation Area Consent for the demolition of existing barn and outbuildings: (2) Planning approval for the erection of 2x4 bedroom dwellings. Provision of 3 car parking spaces for each house. (amended Description) <u>Officer recommendation:</u> To approve subject to conditions.	9 - 20
7	RED MULLIONS GUEST HOUSE, 23 LONDON ROAD, OXFORD - 11/00769/FUL Planning application for the demolition of existing outbuildings. Erection of single storey building as 2 bedroomed staff accommodation. Conservation of existing staff accommodation to form 3 additional guest bedrooms. <u>Officer recommendation:</u> To approve subject to conditions.	21 - 28
8	SANDY LANE FILLING STATION, OXFORD - 11/00864/FUL Planning application for the erection of 6 two storey houses (4x3 bedroom and 2x2 bedroom). Provision of 10 car parking spaces, cycle parking and bin store. <u>Officer recommendation:</u> To approve subject to conditions.	29 - 38

9	2300, 2400, 2600 JOHN SMITH DRIVE, OXFORD - 11/00707/RES	39 - 48
	<p>Planning application for the erection of 9.097 square metres of Class B1 Business Offices on 3 floors. Provision of 252 car parking spaces and 111 cycle spaces. (Reserved matters of planning permission 91/01303/NO as varied by permission 99/01351/VF and 04/00215/VAR seeking approval of access, appearance, layout, landscaping and scale.) (Amended Plans).</p> <p><u>Officer recommendation:</u> To approve subject to conditions.</p>	
10	PLANNING APPEALS	49 - 54
	<p>To receive information on planning appeals received and determined during April 2011</p> <p>The Committee is asked to note this information.</p>	
11	PLANNING ENFORCEMENT - PERFORMANCE UPDATE	55 - 60
	<p>The Head of City Development has submitted a report which informs Members of the performance of the Planning Enforcement function within City Development.</p> <p>The Committee is asked to note the report.</p>	
12	DATES AND TIMES OF FUTURE MEETINGS	
	<p>The Committee is asked to note the dates of future meetings and to decide if it wishes to continue to meet at 5.00pm.</p> <p>Wednesday 6 July 2011 (and 7 July if necessary) Wednesday 3 August 2011 (and 4 August if necessary) Wednesday 7 September 2011 (and 8 September if necessary) Wednesday 5 October 2011 (and 6 October if necessary) Wednesday 2 November 2011 (and 3 November if necessary) Tuesday 6 December 2011 (and 9 December if necessary) Wednesday 4 January 2012 (and 5 January if necessary) Wednesday 1 February 2012 (and 2 February if necessary) Wednesday 7 March 2012 (and 8 March if necessary) Tuesday 3 April 2012 (and 5 April if necessary)</p>	

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.

East Area Planning Committee

- 1st June 2011

Application Number: 11/00605/FUL

Decision Due by: 18th April 2011

Proposal: Erection of two storey rear extension and conversion of part of extended building to provide 2 x 1-bedroom flats with car parking, bin storage and amenity space. Retention of 1 x 3-bedroom dwelling. (Amended Plans)

Site Address: 10B Kelburne Road Oxford Oxfordshire OX4 3SJ

Ward: Littlemore Ward

Agent: Mr Nadeem Khan

Applicant: Mr Robert Harris

Application Called in – by Councillors Tanner, Van Nooijan, Clarkson and Humberstone on the grounds of considerable local sensitivity to multi-occupied houses in the area.

Recommendation: The Committee is recommended to **grant planning permission** for the following reasons:

- 1 The proposal is considered to provide a better mix of residential units than the scheme under construction and it would provide an acceptable residential environment for future residents whilst preserving that of neighbouring properties. The extensions have been approved under the previous planning approval and are under construction. The application does not stray from the approved scheme in a significant way. The application accords with policy CP1, CP8, CP10, TR3, TR4, HS19, HS20, HS21 of the Oxford Local Plan 2001 - 2016 and CS18 and CS23 of the Oxford Core Strategy 2026.
- 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 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Boundary details before commencement

- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Landscape management plan
- 8 Car Parking to Accord with Plans
- 9 Bin and Cycle Storage Design
- 10 Design - no additions to dwelling

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

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

Core Strategy

- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Other Material Considerations:

- PPS 1 – Delivering Sustainable Development
- PPS 3 – Housing
- PPG 13 – Transport
- Balance of Dwellings Supplementary Planning Document
- Parking Standards Supplementary Planning Document
- Planning permission granted under reference 94/01041/NF

Relevant Site History:

94/01041/NF - Change of use from dwelling to 2x2 bed flats including 2 storey side extension and 1st floor rear extension. Forecourt parking and separate gardens – approved

08/00887/FUL - Erection of freestanding two-storey building containing 2 1-bed flats. Parking for 2 cars at rear – refused

10/02825/FUL - Erection of two storey rear extension and conversion of part of extended building to provide 2 x 1-bedroom flats with car parking, bin storage and amenity space. Retention of 1 x 3-bedroom dwelling – withdrawn

Representations Received: Five letters of comment have been received. The issues raised can be summarised as follows:

- Impact on highway safety
- Size and design of the extension is out of keeping with existing building
- Inadequate car parking
- Extension present on site has been badly finished
- Dangerous access

Statutory and Internal Consultees:

Thames Water Utilities Limited – No objection in regard to sewage infrastructure and surface water drainage

Highways And Traffic – No objection subject to conditions relating to provision of cycle parking, treatment of parking area with porous material and repositioning of bin store

Issues:

- Planning History
- Principle
- Scale and Appearance
- Proposed Residential Amenity
- Impact on Neighbouring Properties
- Parking and Highways

Officers Assessment:

Site description and proposal

1. The application site is within a predominately residential area and comprises No 10B Kelburne Road, a triangular plot and one half of a pair of two storey semi-detached houses. The house is set well back from the road behind a hard surfaced parking area and is positioned on the outside of a 90° bend in the road. As such it is not prominent in the streetscene. The house has a partially constructed side extension, approved under planning reference 94/01041/NF. There is a side access to the rear of the site where there is a large rear garden.
2. The application proposes the erection of a two storey rear extension and conversion of the existing and new extension into 2x1 bed houses and the retention of the original 3 bed house. Parking is retained on the frontage, whilst the rear garden is subdivided to provide separate rear amenity areas of the flats and the existing house.

Planning History

3. Planning permission was granted in 1994 for the erection of a two storey side extension and conversion of the extended house into 2x2 bed flats. The development granted under that permission has commenced and the extension has been constructed, albeit minus the approved roof. That planning consent is therefore still live and can be completed at any time. Therefore, although the permission is 13 years old it must be given substantial weight as a material consideration in determining the current application.

Principle

4. PPS 3 identifies the need to make efficient use of land, this is reflected within OLP policy CP6 which states that development proposals should make efficient use of land by making best use of site capacity, it however goes on to state that this should be in a manner, which does not compromise the surrounding area.
5. PPS 3 also encourages a mix in the balance of dwellings and this is reflected in policy CS23 of the Oxford Core Strategy 2026. Policy CS23 states that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this the CS23 supports a balance of dwelling types within any given locality.
6. In support of policy CS8 is the Balance of Dwellings Supplementary Planning Document (BoD's) which has assessed the housing stock within Oxford and has identified areas of pressure. The aim of the SPD is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.
7. The application site falls within an area defined by the SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. In this area the SPD does not prescribe a particular mix for development below 3 units and as such there is no objection to the retention of the 3-bed house and provision of 2x1 bed flats.
8. It should be noted that if the 1994 scheme were completed that would result in a total loss of the 3 bed family dwelling which would be contrary to BoD's. The current proposal is therefore considered by officers to provide a better mix of units.

Scale and Appearance

9. The proposed two storey rear extension measures approximately 7.3m wide and 2m long. Figure 1 shows the proposed extension (darker line) in relation to that already approved and substantially complete.

Figure 1



10. Within the context of the approved extension the proposed rear extension is modest in scale and actually helps to break up the rear elevation of the approved extension which is presently unrelieved and appears rather prominent adjacent to the original dwelling.
11. As figure 1 shows the extension incorporates a hip roof and will be constructed in materials to match the original house. Officers consider the scale and appearance of the extension to be acceptable.

Proposed Residential Amenity

12. Local Plan policy HS11 and HS20 requires new residential development to provide a satisfactory residential environment. The floor area of the proposed flats exceeds the 25m² minimum requirement as set out by policy HS11 and is fully self-contained. Although policy HS11 does not set minimum floor areas for houses, the retained house is considered to have an appropriate and spacious internal layout, with provision for bin storage and off street car parking.
13. Policy HS21 of the OLP states that residential development should have access to private amenity space and that in the case of family dwellings of 2 or more bedrooms this should be exclusive to the residential property and in excess of 10m in length. The house would retain a rear garden in excess of 10m in length, whilst the flats share a large triangular space at the rear. Officers consider that a shared space is acceptable for 1 bed flats and are of the view that the overall provision of outdoor space is adequate.

Impact on Neighbouring Properties

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

15. The proposed extension is 2m in length. As a result of this relatively modest rearward projection, the position and orientation of the building in relation to neighbouring properties, there would be no significant loss of light or outlook from neighbouring properties. In addition the proposal would comply with the 45° rule when applied from neighbouring habitable room windows.
16. The proposal incorporates two new side and rear facing habitable room windows on the 1st floor which would look directly over the application site. As a result of the distance between these windows and the site boundary, as well as their orientation, they would not result in any unreasonable loss of privacy to neighbouring properties.

Parking and Highways

17. The proposal provides 4 car parking spaces within the existing hard standing on the front of the property. The retained house will be served by 2 parking spaces, while the flats will have one each. This level of provision complies with the maximum standard set out in Appendix 3 of the Local Plan.
18. In regard to the highway safety issues and the concerns raised by members of the public relating to access, whilst officers understand these concerns, the access is existing and the site is on the outside of the 90° bend. As a result of this, as well as the open and unobstructed nature of the frontage, visibility is considered to be good. The Highway Authority has raised no objections to the proposals.

Conclusion: The original house has been substantially extended and should the 1994 planning permission be completed the dwelling house would be lost. The proposals, in contrast, would retain the house in accordance with the Councils Balance of Dwellings SPD. The proposed extension would add to the already large existing extension. However, it would be of a sympathetic form and appearance and with its modest size offers an improvement to the previously approved rear elevation. Officers consider the application to be an improvement upon that previously approved and would therefore on balance consider it to be acceptable. It is therefore recommended that the Committee grant planning permission subject to the conditions set out above.

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: 11/00605/FUL, 94/01041/NF

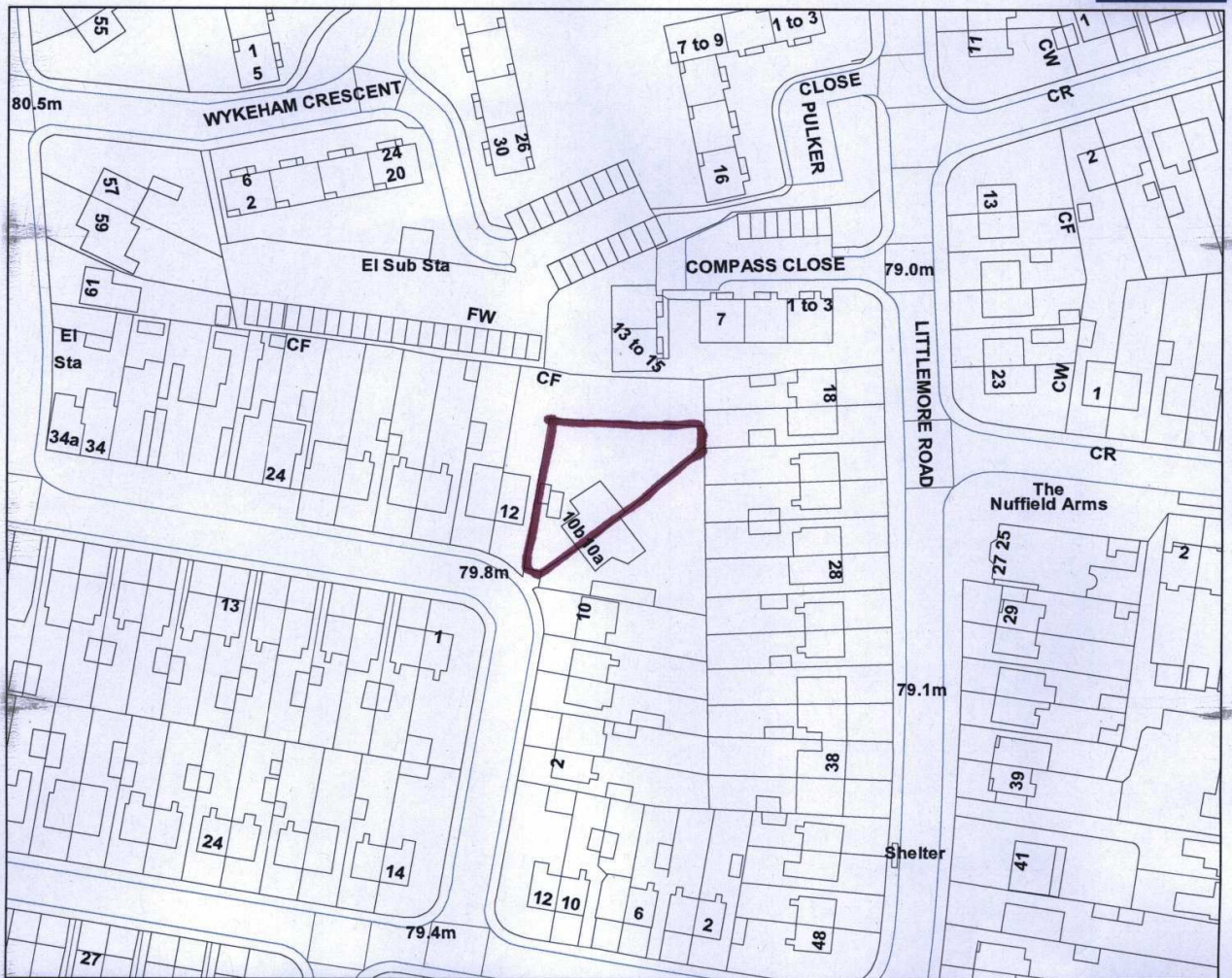
Contact Officer: Steven Roberts

Extension: 2221

Date: 18th May 2011

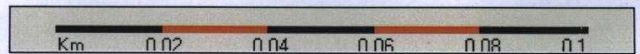
11/00605/FUL

10B Kelburne Road



Legend

Scale: 1:1250



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

East Area Planning Committee

1st June 2011

Application Number: (1) 11/00826/CAC
(2) 11/00825/FUL

Decision Due by: 17th May 2011

Proposal: (1) Demolition of existing barn and outbuildings.)
(2) Erection of 2 x 4-bedroom dwellings. Provision of 3 car parking spaces for each house. (Amended Description)

Site Address: Colthorn Farm Oxford Road (**site plan: appendix 1**)

Ward: Marston Ward

Agent: Riach Architects

Applicant: Mrs Anne Joshua

Application called in by Councillors Hazell, Van Nooijan, McManners, Clarkson, and Sanders on grounds of overdevelopment, and the potential increased traffic movements being dangerous.

Recommendation:

The East Area Planning Committee are recommended to approve conservation area consent and planning permission for the following reasons:

- 1 The loss of the redundant farm buildings would not have a material impact upon the special character and appearance of the Old Marston Conservation Area. The proposed development would make an efficient use of land in a manner that suits the sites capacity and would maintain the buffer between the built up part of the village and the countryside and green belt that lies beyond the site. The dwelling houses would be of a size, scale and design that create an appropriate visual relationship with the built form of the existing buildings within the site and special character and appearance of the Old Marston Conservation Area, while also safeguarding the residential amenities of the adjoining properties. The overall siting of the buildings would respect the historical significance of the agricultural use of the site. The dwelling houses would have a good standard of internal and external environment for the future occupants of these family dwellings, and would maintain the residential amenities of the adjoining properties.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application, however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm

identified could be successfully mitigated by appropriately worded conditions.

- 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 (11/00826/CAC):

- 1 Development begun within time limit
- 2 Architectural recording
- 3 Contract for re-development

Conditions (11/00825/FUL):

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Sample materials in Conservation Area
- 4 Landscape plan required
- 5 Landscape carried out by completion
- 6 Details of means of enclosure
- 7 Details of parking areas and access road to meadow
- 8 Sustainable urban drainage system
- 9 Obscure glazing of first floor en-suite and bedroom windows in House 2
- 10 Removal of Permitted Development Rights
- 11 Archaeological Investigation
- 12 Details of ecological measures – bat boxes
- 13 Contaminated land risk assessment & remediation measures

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
- CP11** - Landscape Design
- CP13** - Accessibility
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE4** - Loss of Agricultural Land
- NE15** - Loss of Trees and Hedgerows
- HE7** - Conservation Areas
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Core Strategy

- CS2_** - Previously developed and greenfield land

CS9_ - Energy and natural resources
CS18_ - Urban design, town character, historic environment
CS19_ - Community safety
CS23_ - Mix of housing

Other Material Considerations:

This application is within the Marston Conservation Area.
PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS3: Housing
PPS5: Planning for the Historical Environment
PPS7: Sustainable Development in Rural Areas

Relevant Site History:

98/00198/NOZ:

Outline application for 10 dwellings: 1x2 & 2x3 single storey with integral garage, 3x3 & 4x4 bed 2 storey with integral garage, accessed from Oxford Road, landscaped public open space, detached double garage.

Refused on grounds relating to the development of the field would have a detrimental impact upon the special character of the land; and remove the buffer between the village and the countryside. An appeal against this decision was subsequently dismissed in November 1998.

00/00715/NFZ:

Erection of detached two-storey 4 bed house with 2 associated parking spaces & detached 2 storey 5 bed house (with 1st floor in roof space) & 3 parking spaces in open front garage, three parking spaces for Colthorn Farm: Approved in January 2002.

06/01872/CAC & 06/01871/FUL:

Demolition of redundant farm buildings and erection of 2 x 4 bedroom houses and provision of car parking (Renewal of the planning permission granted under application no. 00/00715/NFZ): Approved in March 2007

09/00805/FUL

Demolition of existing barn and outbuildings and erection of new detached 5 bed family dwelling with associated workspace/office and covered parking area (amended plans): Withdrawn

Representations Received:

Occupant, 1 Cumberlege Close:

- Overdevelopment of a cramped site
- Residential buildings too far to the west away from the established building line impact on areas of gardens and open land
- Dangerous increase of traffic movements using shared access driveway
- Proposed parking capacity gives indication of likely car use creating hazardous junction with Oxford Road impacting on pedestrians and road vehicles

Statutory and Internal Consultees:

English Heritage South East Region: Would make no comment on the application, other than it should be determined in accordance with national and local policy guidance

Oxford Civic Society:

The site is in a sensitive area of the medieval heart of Old Marston, a village which is still greatly valued for its charm and interest. Buildings here should not be demolished but should be allowed to retain their character as farm houses and barns. They could perhaps be tactfully converted to modern use with minimal alteration of the fabric, conserving their unique features, and also their relationship with neighbouring buildings within the village setting. There are plenty of examples where this ideal has successfully been achieved. It would be wrong and unacceptable in a Conservation Area to demolish the barn and outbuildings.

Replacing them with fantastic 'rustic cottage style' new buildings as shown in the plans would be quite inappropriate, the strange 'lead dormer' being particularly so. Conversion of the garden to parking for six cars would be another sad outcome, and it would be likely to cause traffic problems in this awkward corner.

Oxford Green Belt Network

The houses are not in the Green Belt but raise potential Green Belt issues on account of its proximity to the Green Belt. The retention of the access to the meadow would invite future development, especially given the fact that the Design and Access Statement makes reference to a pre-application enquiry into 29 houses being built on redundant land beyond the pony paddock. We know nothing of this development, but are concerned that it should be thought appropriate to refer to in the statement accompanying these applications. We hope therefore that in determining the application account will be taken of any future intentions that might put the Green Belt at risk. We would not wish to see larger developments that extend development to Back Lane and into the Green Belt.

We have some misgiving about the two houses themselves as possibly representing overdevelopment on this small site, but if officers are minded to approve the application we would request stringent conditions be applied that prevent any extension of the development as referred to above.

Old Marston Parish Council:

- Objection
- Overdevelopment of the site
- Access inadequate
- Vision splays are not clear enough

Oxfordshire County Council Drainage: A sustainable urban drainage system is required

Oxfordshire County Council Countryside Service: No comments provided the development is confined within the curtilage of the site.

Oxfordshire County Council Local Highways Authority: No objection subject to conditions requiring cycle parking provision, vehicular parking to be provided prior to occupation and all ground resurfacing to be SUDS compliant.

Thames Water Utilities Limited: No objection

Environment Agency Thames Region: No objection

Issues:

- Principle of development
- Demolition of farm buildings
- Design & Impact upon the Conservation Area
- Impact upon adjoining properties
- Residential amenities
- Highways Matters
- Archaeology
- Other matters

Officers Assessment:

Site Location and Description

1. The application site is situated on the western side of Oxford Road, which is the main thoroughfare through the village of Old Marston (**site plan: appendix 1**)
2. The site of Colthorn Farm can be viewed in two parts, the first being the farmyard area which comprises the entrance to the site from Oxford Road; the existing two-storey dwelling house; single storey pitched roof building which accommodates a car port and a small office; a large single storey barn and a small stable and storage block.
3. This farmyard area leads into the second part of the site, which is in a predominately countryside location and comprises a large open paddock that runs northwards along the rear of Oxford Road properties and abuts Back Lane.

Proposal

4. Conservation Area Consent is sought for the demolition of the existing barn and outbuilding within the farmyard area of the site.
5. Planning permission is then sought for the erection of 2 two-storey detached 4 bedroom dwelling houses, which would each have their own private amenity areas to the rear, and 3 off-street parking spaces.

Principle of Development

6. National planning policy in the form of PPS3 'Housing' seeks to promote the efficient use of previously developed land in order to minimise the amount of 'Greenfield' land being used for development. The Oxford Core Strategy 2026 supports this aim with Policy CS2 stating that development will be focused on previously developed land.
7. Annex B of PPS3 defines 'previously developed' land as that which is, or was, occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The annex makes clear that land that is, or has been, occupied by agricultural buildings is specifically excluded from this definition. In policy terms the provision of residential development on this site would not strictly meet the requirements of these national and local plan policies.
8. The site is situated on the fringe of the Old Marston Village settlement with open countryside and green belt lying beyond. PPG2: Green Belts seeks to prevent inappropriate development within Green Belts, whilst PPS7: Sustainable Development in Rural Areas encourages sustainable patterns of development by preventing urban sprawl and ensuring that most development is sited in, or next to, existing villages.
9. In July 2000 permission was granted for the demolition of the redundant farm buildings and the erection of 1x4 bed and 1x5 bed detached dwelling under reference number 00/00715/NF. This permission was effectively renewed in March 2007 under reference 06/01871/FUL. The approved schemes confined the residential development to the farmyard area and did not extend into the open paddock at the rear. The open paddock had previously been the subject of an application for 10 houses, which was refused and subsequently dismissed on appeal (98/00198/NOZ) on grounds that it would result in a loss of open space and that the development of the hierarchical farm land would have a detrimental impact upon the character of the conservation area. In confining the approved schemes to the farmyard area, it was concluded that this would protect the integrity of the site from future change that may conflict with the rural location of the site and its relationship with the open fields and countryside that lie beyond.
10. Therefore bearing in mind that the current proposal would also relate to the farmyard area of the site and not the open paddock to the rear, officers consider that the provision of some form of residential development within the farmyard areas of the site would maintain the integrity of the site from further change, and help maintain the important buffer between the built up part of the village and the countryside beyond. As a result it would not have a significant impact upon rural location of the site and the special character and appearance of the conservation area or green belt.

Demolition of Farm Buildings

11. The proposal would involve the demolition of the existing single-storey prefabricated barn building, and the single storey stable blocks within the farmyard area.

12. These outbuildings are of varying designs and styles incorporating modern and traditional materials, and being set to the rear of the site make a limited and neutral contribution to the character and appearance of the conservation area. There would be no objection to their removal.

Design & Impact upon the Conservation Area

13. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design 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 Local Plan requires new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 requires development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area.

14. The site lies within the Marston Village Conservation Area. Policy HE7 of the Local Plan states that new development should preserve or enhance the special character and appearance of the conservation area or its setting. In considering the 1998 appeal for the development of 10 houses within the open paddock at Colthorn Farm, the Inspector described the character of Marston Village as follows:

'The form of the settlement is based essentially on three groups of buildings, related to the Church of St Nicholas in the north, the White Hart Public House in the centre and the Red Lion Public House in the south. As an agricultural village these groups were surrounded by a field system, the hierarchy of which is still evident. This ranges from individual garden plots, through closes associated with the adjacent farm buildings and other structures, to the large open fields surrounding the settlement.'

15. The enclosure of the fields took place from the mid C17th and it is likely that Colthorn Farm dates from this period. It consists of a C18th farmhouse and, to the rear, a small farmyard with access to the fields behind. The farmhouse is now in separate ownership and one of the farm buildings has been converted into a dwelling. The remaining farmyard buildings include a range of stables, cart shed and a more recent open fronted storage barn. They are all of a scale, palette of materials and appearance that reinforces the rural qualities of the village. Beyond the farm buildings is a paddock, then Back Lane and then open fields. Back Lane is a bridleway and views from the lane towards the application site are possible, as are glimpsed views of the farmyard and the sense of open fields beyond from the Oxford Road. The siting of the existing buildings allows a clear understanding of the farming origins and is characteristic, with the farmhouse facing the road and the farm buildings to the rear aligned around the edge of the yard facing inwards. The Inspector describes this as one of the 'closes' that contributes to the character of the village.

16. There has been relatively little new development on the west side of Oxford Road (some infill development) but it is evident how sensitive the conservation area is to inappropriate change and the impact that modern dwellings can have on the rural

character of the village. National Planning Policy in the form of PPS5: Planning for the Historic Environment expects development proposals to be based on an informed analysis of the significance of the heritage assets and expects local authorities and applicants to fully understand the impacts of any proposal in reaching a decision, with the objective of preserving that significance. There is a duty to have regard to the desirability of the preservation or enhancement of the character or appearance of the conservation area, but it is sufficient if an area is left unharmed by new development. The architects have submitted a Barn Study which attempts to set out the design evolution of the proposal.

17. The proposal would demolish the existing barn and outbuildings located to the rear of the farmyard area, and would provide two 4 bedroom dwelling houses, with a singular access retained to the meadow at the rear. The dwelling houses would be two-storey with pitched roofs that have primary ranges with additive elements leading from them. The buildings would be sited within the footprint of the existing outbuildings, with House 1 in the footprint of the large single storey barn, and House 2 following the line of the stables. The existing carport would remain in place to provide parking for House 2. The dwellings would be formed from a palette of materials such as stone, featheredged timber boarding, and plain tile roofs to better reflect the agricultural context of the plot.
18. The site layout, size, scale, and massing of the two dwelling houses would be identical to the scheme approved under reference 06/01871/FUL which lapsed in March 2010. Having reviewed the current proposal, officers consider that the grouping of the buildings and retention of the link through to the meadow at the rear would retain the farmyard qualities of the site and therefore help to maintain the agricultural 'grain' of the village. Whilst the massing of these buildings would be similar to that of the existing barn, and more importantly the existing dwelling houses within the site and surrounding area. Although the design could be viewed as a hybrid of styles it would certainly represent an improvement on the previously approved scheme, and better reflect the historical context of the conservation area.
19. As a result officers consider that the proposed development would create an appropriate visual relationship with the built form and grain of the site and the surrounding area, while also respecting the significance of the historical context of the site and the special character and appearance of the conservation area. This would accord with Policy CS18 of the Core Strategy 2026, and Policies CP1, CP6, CP8, CP10, and HE7 of the Oxford Local Plan 2001-2016.

Impact upon Adjoining Properties

20. The Local Plan seeks to safeguard the amenities of properties surrounding proposed development. Policy HS19 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed 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.
21. The site is bordered by a number of residential properties, with 32b Oxford Road forming the northern boundary, the original farmhouse of 34 Oxford Road to the

west, and 34a and 34b Oxford Road to the south.

22. The existing barn and outbuildings lie on the northern and southern edges of the farmyard area, establishing a sense of enclosure upon the rear gardens of 34a and 34b Oxford Road and 34 and 32 b Oxford Road. The two dwelling houses would be located on the northern and southern edges of the farmyard area in an identical position to the previously approved scheme (06/01871/FUL). The rear gardens of the properties adjoining these edges are sizeable, and given the existing sense of enclosure created by the outbuildings, officers consider that the proposed dwellings would not have an overbearing impact upon any of these spaces, or indeed result in a significant loss of light to any habitable rooms in the rear elevations of the properties.
23. With regards to overlooking, the dwellings would be orientated to face into the existing farmyard and onto their rear gardens. Having regards to the layout of House 1, officers consider that this would not create any overlooking issues for the existing house on the site, or 34a Oxford Road. The other dwelling (House 2) would however have first floor windows facing onto the rear gardens of 34 and 32b Oxford Road. These windows would serve an en-suite and provide a secondary window for the master bedroom, therefore officers would recommend a condition being attached requiring these windows to be obscure glazed.

Residential amenities

24. The two dwelling houses would be self-contained with good sized internal living environments for the future occupants of these types of family dwellings in accordance with Policies HS11 and HS20 of the Oxford Local Plan 2001-2016.
25. In terms of the general site layout, the Local Plan makes clear through 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 residential 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, which should generally be 10m in length for dwelling houses.
26. The two dwelling houses would both have private rear gardens that would significantly exceed the 10m length, and would therefore be appropriate for accommodation of this type. In terms of refuse storage, this would be located in the individual houses and a collection point provided in the frontage.
27. The proposal would accord with Policies CP1, CP10, HS20, and HS21 of the adopted Oxford Local Plan 2001-2016.

Highways Matters

28. The Local Highways Authority has raised no objection to the proposal in terms of vehicular access to the frontage of the site, or the parking and cycle provision.

29. The proposal would provide two off-street parking spaces for House A, and 3 spaces for House B. This would satisfy the maximum parking standards as set out in Policy TR3 of the adopted Oxford Local Plan 2001-2016.
30. In terms of cycle parking, as the proposal would involve the provision of dwelling houses there would be sufficient space for cycle parking to be provided within the curtilage of these dwelling houses.

Archaeology

31. The site lies within the historic core of Marston, and therefore is of archaeological interest. The settlement has not been the subject of extensive archaeological study, and appears to be a planned medieval village built along a main street however the evolution of the hamlet is currently poorly understood. Therefore in accordance with PPS5 a condition requiring archaeological investigations should be attached.

Other Matters

32. A Barn Owl and Preliminary Bat Survey has been submitted with the application, which concludes that there is no evidence that the buildings are being used by Barn Owls or Bats. The survey does indicate that bat boxes or slates could be erected on each of the two buildings, to enhance the potential for the structures to be used. This could be secured by condition.
33. Having regards to the nature of the agricultural use of the site, the Oxford City Council Environmental Health Officers have recommended that a condition be attached requesting a contaminated land risk assessment to be carried out prior to commencement of development

Conclusion:

34. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore Members of the East Area Planning Committee are recommended to grant conservation area consent and planning permission for the proposed development.

Human Rights Act 1998

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

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 11th May 2011

Appendix 1

Colthorn Farm (11/00825/FUL & 11/00826/CAC)



Scale : 1:1250

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

East Area Planning Committee

1st June 2011

Application Number: 11/00769/FUL

Decision Due by: 6th May 2011

Proposal: Demolition of existing outbuildings. Erection of single storey building as 2 bedroomed staff accommodation. Conversion of existing staff accommodation to form 3 additional guest bedrooms.

Site Address: Red Mullions Guest House 23 London Road (**site plan: appendix 1**)

Ward: Headington Ward

Agent: Crawford Bond Architect

Applicant: Mr And Mrs Bahl

Application called in by Councillors Rundle, Wilkinson, Clarkson, and Van Nooijan on grounds of design and impact upon neighbours

Recommendation:

The East Area Planning Committee are recommended to approve planning permission for the following reasons:

- 1 The proposed development would represent an efficient use of land, and improve the guest and staff accommodation within the existing guesthouse in order to maintain and strengthen the range of short-stay accommodation within Oxford, in a manner that would be acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements, or result in any undue noise and disturbance for nearby residents. The size, scale, and design of the proposed outbuilding would create an appropriate visual relationship with the existing building and surrounding area, and would not have an adverse impact upon the adjoining properties. No third party objections have been received.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Retention of outbuilding as staff accommodation

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
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- TA4** - Tourist Accommodation

Core Strategy

- CS18_** - Urban design, town character, historic environment
- CS32_** - Sustainable tourism

Other Material Considerations:

PPS1: Delivering Sustainable Development

Relevant Site History:

81/00948/NF - Change of use from single family dwelling to guest house: Approved

83/00433/NF - Construction of 2 additional guest rooms in roof space; Demolition and erection of single storey rear extension to kitchen to form 2 additional guest rooms; Conversion of two guest rooms on 1st floor to one: Approved

83/00915/NF - Demolition of garage and erection of 2-storey side extension to Guest House (Amended Plans): Approved

84/00937/NF - Double garage at rear.(Amended plans): Approved

06/00984/FUL - Erection of detached, single storey double garage: Approved

07/00275/FUL - Erection of rear gable end roof extension to provide additional hotel accommodation: Approved

10/01681/FUL - Conservatory to rear: Approved

Representations Received:

None

Statutory and Internal Consultees:

Oxfordshire County Council Highways Authority: No objection subject to the annexe building remaining ancillary to the tourist accommodation.

Issues:

- Principle of Development
- Design
- Impact upon adjoining properties
- Highway Matters

Officers Assessment:

Site Location and Description

1. The application site is situated on the northern side of London Road and is bordered by the residential properties of 23a London Road, 19 London Road, and 25 London Road to the north, east, and west respectively (**site plan: appendix 1**)
2. The site comprises a large two-storey detached property that is currently in use as a guest house. There is a courtyard to the frontage which provides residents parking, and a large garden to the rear which also has a number of small scale outbuildings.
3. The guesthouse has 13 guest bedrooms and a 2 bedroom apartment on the ground floor which is occupied by staff. There are a total of 9 car parking spaces to the frontage of the property.

Proposal

4. Planning permission is sought for the demolition of the existing outbuildings and the erection of a single storey building which will provide staff accommodation. The existing staff accommodation will then be converted to provide 3 additional guest bedrooms for the guest house.

Principle of Development

5. The Local Plan recognises the need to improve the range and standard of short stay accommodation on specifically identified main roads within Oxford, with London Road being one of these routes. In these locations, Policy TA4 supports extensions to existing guesthouses where they are acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements; and will not result in noise and disturbance to nearby residents.
6. The new staff accommodation would provide independent living accommodation for the guesthouse manager's family, and represent an improvement on the existing accommodation. The additional guest bedrooms would then represent an efficient use of this space, while supporting the business.

7. The general principle of extending the existing guesthouse would therefore accord with the overall aims of Policy TA4 of the Oxford Local Plan 2001-2016.

Design

8. 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.
9. The Oxford Local Plan 2001-2016 requires new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need for proposals to make an efficient use of land, but in a manner where the built form and site layout suits the sites capacity and that of the surrounding area. This view is supported through Policy CP8, which states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
10. The existing outbuildings within the rear garden are a collection of three timber sheds, which each have a different shape and form. There would be no objection to their removal. These structures would be replaced by a single storey building with pitched roof that measures approx 13m (l) x 6m (w) x 4.5m (h). The overall size and scale of the building would not be too dissimilar to the existing outbuildings, but instead provide a far more coherent piece of built form that would sit comfortably within the garden to the rear of the guesthouse. The materials to be used would be render with a tiled roof, these details could be reserved by condition.
11. The proposal would therefore accord with Policy CS18 of the Oxford Core Strategy 2026 and Policies CP1, CP6, CP8, and CP9 of the adopted Oxford Local Plan 2001-2016.

Impact upon adjoining properties

12. The Local Plan seeks to safeguard the amenities of properties surrounding proposed development. Policy HS19 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed 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.
13. The residential properties that would stand to be most affected by the proposal would be 21 London Road which lies to the east, and the infill property of 23a to the north. The proposed outbuilding would be sited along the western boundary of the site with 21 London Road approx 300mm from the boundary, and would be set away some 2.5m from the northern boundary with 23a London Road.
14. While it would be quite a sizeable structure, the western boundary with 21 London Road is already enclosed by the existing outbuildings and this adjoining property has a large rear garden the size of which would mean that the sense of

enclosure created by the increased height of the outbuilding would not have a significant impact upon the amenities of this adjoining property. Similarly the outbuilding would be sited away from the boundary with 23a London Road and would have a hipped roof at the northern end which slopes away from this property, which would also mitigate any adverse impact upon the property.

15. In terms of noise and disturbance, the increase in guest bedrooms and relocation of the staff accommodation would be unlikely to create any undue noise and disturbance for these residents.
16. Therefore officers consider that the proposal would not have a significant impact upon the residential amenities of the adjoining properties which would conflict with Policies HS19 and CP10 of the Oxford Local Plan 2001-2016.

Highway Matters

17. The proposal would increase the number of guest bedrooms to 16 rooms, but would retain the 9 off-street parking spaces within the courtyard to the frontage.
18. The site is within a Transport District Area which the Local Plan considers to be a sustainable location which is accessible by non-car modes of transport, and has good access to shops and other services.
19. The Local Highways Authority has raised no objection to the increase in guest bedrooms in highway terms, which, given the location would be unlikely to result in a significant increase in traffic through vehicle, pedestrian and cycle movements.

Conclusion:

20. The proposal is considered to be in accordance with the relevant policies of the adopted Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016 and therefore Members of the East Area Planning Committee are recommended to grant planning permission for the proposed development.

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.

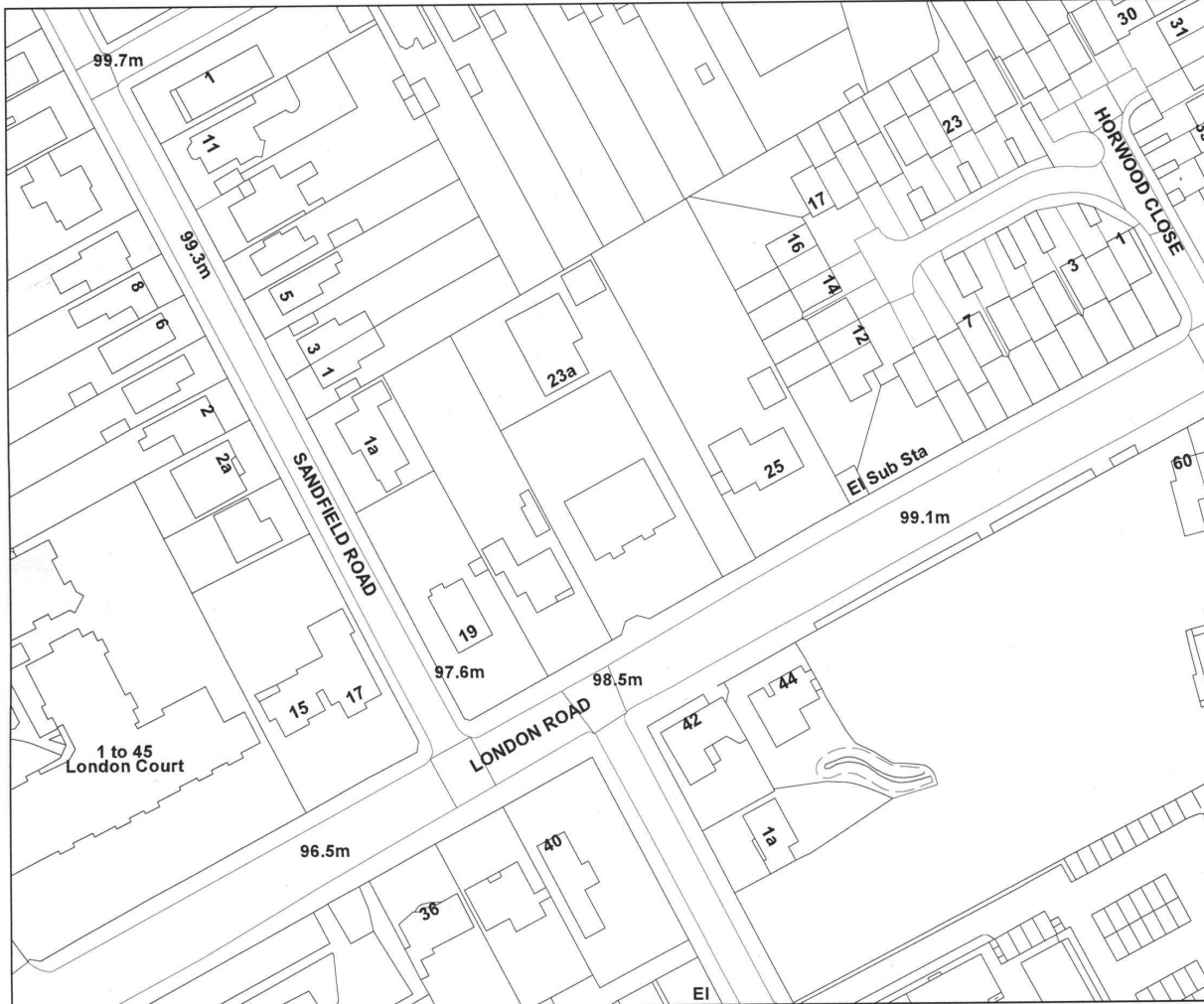
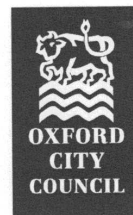
Contact Officer: Andrew Murdoch

Extension: 2228

Date: 12th May 2011

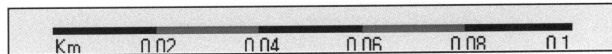
11/00769/FUL

Red Mullions Guest House, 23 London Road



Legend

Scale:	1:1250
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Organisation	Not Set
Department	Not Set
Comments	
Date	17 May 2011
SLA Number	Not Set

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East Area Planning Committee

1st June 2011

Application Number: 11/00864/FUL

Decision Due by: 13th June 2011

Proposal: Erection of 6 two storey houses (4x3 bedroom and 2x2 bedroom). Provision of 10 car parking spaces, cycle parking and bin store.

Site Address: Former Filling Station Sandy Lane (site plan: appendix 1)

Ward: Blackbird Leys Ward

Agent: JP Planning Ltd

Applicant: Mr Alan Heather

Recommendation:

The East Area Planning Committee are recommended to approve planning permission for the following reasons:

- 1 That the proposed development would make an appropriate and efficient use of a previously developed and underused site, while also providing a suitable balance of housing within the site to meet future need within the Blackbird Leys Neighbourhood Area, and create a good standard of internal and external environment for the future occupants of the dwellinghouses while also safeguarding the residential amenities of the existing properties surrounding the development. The proposed semi-detached buildings would be of a size, scale, and design that would reflect the sites capacity and create an appropriate visual relationship with the built form and grain of the Sandy Lane street scene and wider area. No third party representations have been received.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

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

- 3 Samples of materials
- 4 Landscape plan required
- 5 Landscape carried out by completion
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1
- 8 No felling lopping cutting of trees
- 9 Landscape hard surface design - tree roots
- 10 Landscape underground services - tree roots
- 11 Details of Means of Enclosure
- 12 Details of Refuse and Cycle Storage
- 13 Details of the parking areas
- 14 Visibility Splays
- 15 Design - no additions to dwelling
- 16 Noise Assessment Survey and Sound Proofing Scheme
- 17 Contaminated Land Assessment and remediation

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
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Core Strategy

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

Other Material Considerations:

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- Balance of Dwellings Supplementary Planning Document (Jan 2008)

Relevant Site History:

81/00594/NF: Redevelopment of existing Petrol Station: Approved

82/00255/NF: Change of use of part petrol filling station to car sales and erection of canopy in connection with car sales: Refused

85/00453/NF: Construction of car washing facilities (Amended Plans): Approved

90/01130/NF: Construction of car washing facilities: Approved

96/01618/NO: Outline application for exhaust and tyre centre: Refused

98/01662/NO: Outline application for the erection of a building to provide Tyre and Exhaust Centre including closure of 1 access and use of remaining entrance to provide access to 8 parking bays: Allowed on Appeal

00/01595/NF: Erection of 2 storey building to provide Tyre & Exhaust Centre with 1 bed staff accommodation over, retention of existing vehicular access, 13 customer & staff parking spaces plus 1 for residential unit: Refused

09/01930/FUL: Erection of 3 storey building comprising of 5 flats (3 x 2 and 2 x 1 bedroom), erection of 3 storey building to form 3 x 3 bedroom houses. Provision of 13 car parking spaces and covered bin and bike storage (10 spaces): Withdrawn

10/02731/FUL: Erection of 3 x two-storey 3-bedroom dwellings and a two-storey building containing 4 x one-bedroom flats. Provision of car parking, cycle parking and covered refuse/recycling stores. (Amended description) (Amended plans): Refused

Representations Received:

None

Statutory and Internal Consultees:

Oxfordshire County Council Highways Authority: At the time of preparing the report, comments have not been received from the highways authority. If available these will be reported verbally at the meeting.

Issues:

- Principle of Development
- Balance of Dwellings
- Design
- Impact upon adjoining properties
- Residential amenities
- Highway Matters
- Contamination
- Other Matters

Officers Assessment:

Site Location and Description:

1. The site is located on the northern side of Sandy Lane, and is bordered to the north, east, and west by the car park for the Oxford Stadium, with Sandy Lane to the south (**site plan: appendix 1**).

2. The site was formerly used as a petrol filling station [The Greyhound Filling Station] but is currently lying vacant with the remnants long since demolished.

Proposal:

3. The proposed development would seek permission for the erection of three pairs of two-storey semi-detached houses to form 6 dwellings (4x3 bed and 2x2 bed).
4. The units of accommodation would have their own individual private gardens to the rear, and refuse and cycle storage. There would be a total of 10 off-street parking spaces accessed from Sandy Lane, with 2 spaces for the 3 bed units and 1 space for the 2 bedroom unit.

Principle of Development:

5. The site is currently vacant as the previous use as a petrol filling station has now ceased.
6. National planning policy guidance in the form of PPS3: Housing seeks to promote the re-use of previously developed land. The Oxford Core Strategy 2026 supports this aim with Policy CS2 stating that development will be focused on previously developed land.
7. As defined by Annex B of PPS3, the application site would be considered previously developed land. Therefore the principle of redeveloping the site for residential use would accord with both national policy guidance and Policy CS2 of the Oxford Core Strategy 2026.

Balance of Dwellings:

8. Policy CS23 of the Oxford Core Strategy 2026 seeks to ensure that residential development delivers a balanced mix of housing to meet future need, both within each site and across Oxford as a whole and relates to the size, type and tenure of dwellings.
9. The Balance of Dwellings Supplementary Planning Document (BoDSPD) has been produced to provide guidance on how the Council will apply this policy. The BoDSPD subdivides the city into a number of Neighbourhood Areas, and then applies a traffic light model to provide guidance on the preferred mix of accommodation within that local context. The application site is located within the Blackbird Leys Neighbourhood Area, which is an area where a lower proportion of new family dwellings are required in comparison to smaller units of accommodation as part of the mix for new development.
10. The proposed scheme would provide a total of 6 units of accommodation, with 4x3 bedroom units and 2x2 bedroom units, which would deliver a balanced mix of housing type in accordance with Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Design:

11. 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.
12. The Oxford Local Plan 2001-2016 requires new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need for proposals to make an efficient use of land, but in a manner where the built form and site layout suits the sites capacity and that of the surrounding area. This view is supported through Policy CP8, which states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
13. The application site is an underused plot situated on the northern side of Sandy Lane, adjacent to the Oxford Stadium and its car park. This side of the street is characterised by a number of commercial / industrial buildings which break up the appearance of the street scene. The southern side of the street has a far more distinct appearance as the edge of the residential suburb, with groups of terraces set back from the pavement by small front gardens, with off-street parking set within large grass verges.
14. In terms of size, scale, and design the proposal would provide three pairs of semi-detached properties which would be evenly spaced across the plot, albeit with the 2 beds set back further from the road than the 3 bed units. The setting of the application site on the northern side of the road means there is little adjacent development for the scheme to relate to, nevertheless the buildings are of a residential scale and similar to the modest sized properties on the opposite side of the rear. The proposed dwellings would be constructed from a mix of materials such as facing brickwork, render, and timber horizontal boarding, all of which would be appropriate for the location and should be secured by condition.
15. As a result officers would raise no objection to the size, scale, and design of the semi-detached properties which would accord with Policies CP1, CP6, CP8, and CP10 of the Oxford Local Plan 2001-2016.

Impact upon adjoining properties

16. The Local Plan seeks to safeguard the amenities of properties surrounding proposed development. Policy HS19 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed 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.
17. Having regards to the site layout, the semi-detached blocks would be sited in a manner that does not create any adverse privacy or amenity issues for any of the individual properties within the scheme in terms of loss of light, outlook, overbearing impact or overlooking.

18. Turning to the properties on the southern side of Sandy Lane, the front boundary of the application site is situated approx 23m from these properties, and the proposed buildings would be set further away from this boundary. As such there would be sufficient separation distance to ensure that the proposal does not create any privacy or amenity issues for these properties on the opposite side of the road.

Residential amenities

19. The proposed dwellinghouses would all be self-contained with their own lockable entrance, kitchens and bathrooms and of a size that establishes an appropriate internal living environment for future occupants of the individual dwellings.

20. In terms of the general site layout, the Local Plan makes clear through 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, which should generally be 10m in length for dwellinghouses.

21. The dwellinghouses would each have their own private rear gardens, with the length of the gardens for the 3 bedroom units measuring approx 9.9m and the 2 bedroom units measuring 7m. The rear gardens for the 3 bed units would fall just short of the 10m length generally sought, but would have a reasonable width and as such would be considered appropriate for this type of accommodation. In relation to the 2 bedroom properties, the gardens would be below the general standard for a family dwelling, but they would have a reasonable width to make up for the reduced depth and the size is borne out by the need to site the building an appropriate distance from the Poplar Tree adjacent to the site. Therefore on balance despite this shortfall, officers would not raise an objection in this instance to the size of the gardens. In terms of refuse and cycle storage, the units of accommodation would have individual storage areas in the rear gardens which would be accessible from the frontage of the properties.

22. Therefore officers consider that the proposal would provide a good standard of internal and external environment for the future occupants of the dwellings which would accord with Policies CP10, HS20, and HS21 of the Oxford Local Plan 2001-2016.

Highway Matters

23. The proposal would provide two off-street parking spaces for each of the 3 bed dwellings, and a single off-street parking space for the 2 beds. This would satisfy the maximum parking standards as set out in Policy TR3 of the adopted Oxford Local Plan 2001-2016.

Contaminated Land

24. Having regards to the former use of the site as a filling station, a site investigation report has been carried out and has been assessed by the Oxford City Council Environmental Health Department. Should permission be granted for the proposal, a condition should be attached requiring further contaminated land risk assessments and any identified remediation to be carried out.

Other Matters

25. There are two Poplar trees outside the site on the eastern boundary. An Arboricultural Report has been included with the application that recognises these as having a high amenity value. The 2 bedroom semi-detached dwellings have been sited in a manner that would not have an impact upon the closest poplar tree, and although part of the building would encroach upon the root protection area [RPA] of the tree it would be unlikely to have an impact upon the tree. Conditions should be attached requiring details of the tree protection measures.

26. The site is located close to potential noise sensitive developments such as the Oxford Stadium, and as such Environmental Health have recommended a condition requiring a noise assessment survey of the site and scheme for soundproofing of the development be submitted.

Conclusion:

27. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore Members of the East Area Planning Committee are recommended to grant planning permission for the proposed development.

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.

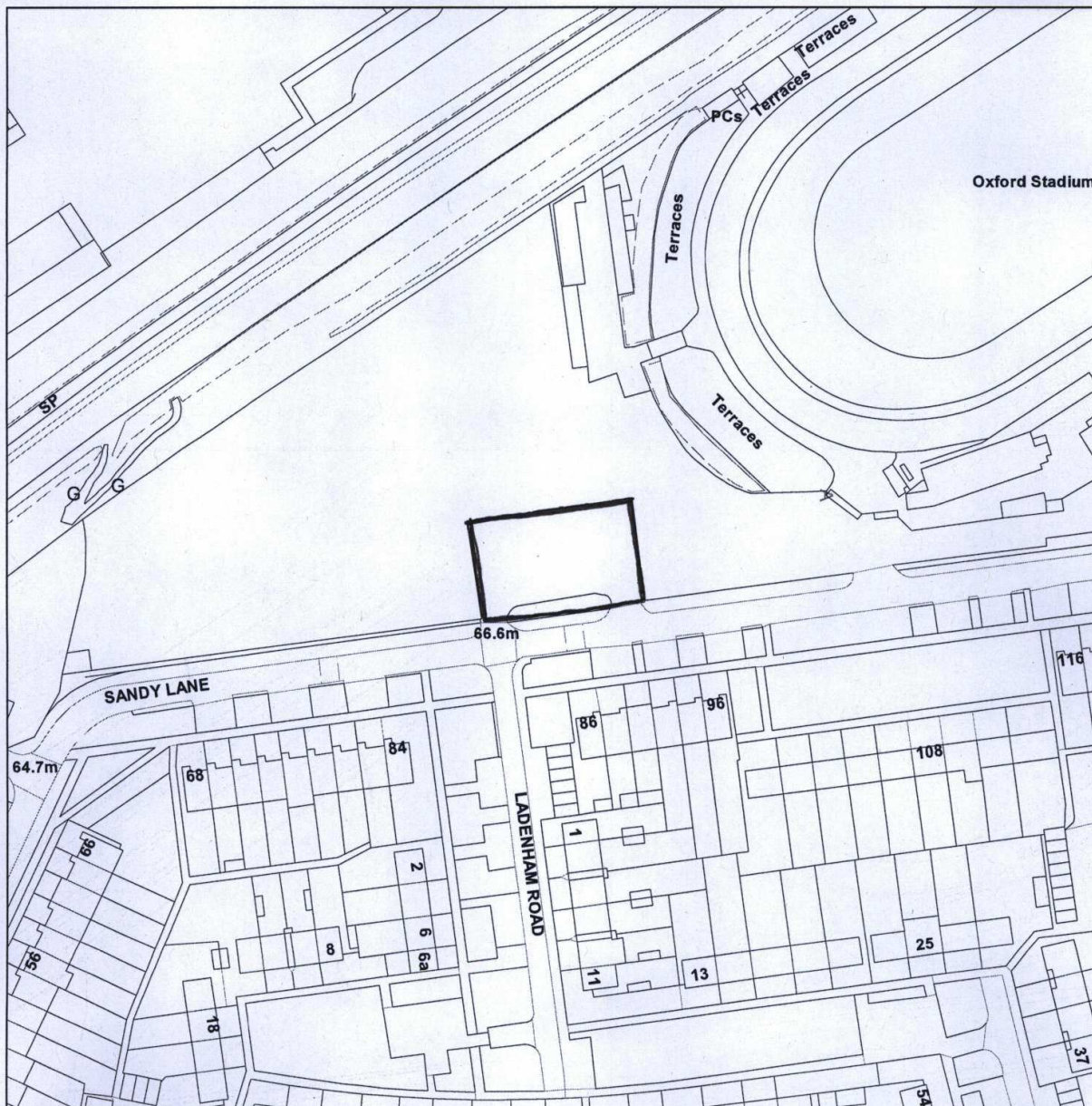
Contact Officer: Andrew Murdoch
Extension: 2228
Date: 20th May 2011

Appendix 1

Former Filling Station, Sandy Lane (11/00864/FUL)



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	19 May 2011
SLA Number	Not Set

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East Area Planning Committee

1st June 2011

Application Number: 11/00707/RES

Decision Due by: 3rd June 2011

Proposal: Erection of 9,097 square metres of Class B1 Business offices on 3 floors. Provision of 252 car parking spaces and 111 cycle spaces. (reserved matters of planning permission 91/01303/NO as varied by permission 99/01351/VF and 04/00215/VAR seeking approval of access, appearance, layout, landscaping and scale.) (Amended Plans)

Site Address: 2300 2400 And 2600 John Smith Drive (**site plan: appendix 1**)

Ward: Cowley Ward

Agent: N/A

Applicant: Arlington Business Parks
GP Limited

Recommendation:

The East Area Planning Committee are recommended to approve planning permission for the following reasons:

- 1 The proposed development has already been granted outline planning permission for business use (Class B1) under 91/01303/NO, nevertheless it would make an appropriate and efficient use of an undeveloped site within the Oxford Business Park. In accordance with the reserved matters, the siting, layout, external appearance and landscaping of the proposed development would create an appropriate visual relationship with the surrounding area without having a significant impact upon adjoining properties, whilst also providing appropriate access and parking arrangements so as not to have an adverse impact upon the local highway.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application, however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 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 of materials
- 4 Landscaping Strategy carried out on site
- 5 Landscape Management Plan
- 6 Parking Areas provided as submitted
- 7 Cycle Parking provided as submitted
- 8 Re-alignment of footpath and cycleway
- 9 Full Travel Plan
- 10 Construction Travel Plan
- 11 Details of Flood Risk Assessment carried out
- 12 Detailed design of surface water drainage scheme
- 13 Contaminated Land Risk Assessment
- 14 Restriction on surface water drainage infiltration

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
- CP11** - Landscape Design
- CP13** - Accessibility
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR5** - Pedestrian & Cycle Routes
- EC1** - Sustainable Employment
- DS57** – Oxford Business Park - Cowley - Employment Use

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS11_** - Flooding
- CS13_** - Supporting access to new development
- CS18_** - Urban design, town character, historic environment

CS19_ - Community safety
CS27_ - Sustainable economy
CS28_ - Employment sites

Other Material Considerations:

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport
PPS25: Development and Flood Risk
Parking Standards, Transport Assessments, and Travel Plans Supplementary Planning Document
NRIA Supplementary Planning Document

Relevant Site History:

02/00730/RES - Extension of access road (part of reserved matters of outline approval NO/1303/91): Approved

91/01303/NO - Demolition of all buildings. Construction of buildings for B1 business use (125,023 square metres) & a hotel (10,451 square metres) incl. new roads, car parking, infrastructure & landscaping (Amended Plans) (Oxford Business Park, Garsington Road): Approved

93/00706/NR - Details of access and landscaping on Garsington Road and some internal site roads. Details of landscaping on Eastern By-pass (part reserved matters of outline approval NO/1303/91): Approved

99/01351/VF - Variation of condition 1 on permission NO/1303/91 to allow submission of reserved matters application until 26.11.2004: Approved

04/00215/VAR - Variation of condition 1 on permission 99/01351/VF to allow submission of reserved matters application until 30.11.2012: Approved

Representations Received:

Occupant, Oxfam House:

- The current public transport links are inadequate for the provision of the business park currently and offer few sustainable ways to travel to/from work. The transport plan provided offers no improved links whilst increasing traffic by 1300 new staff
- The current parking and cycling facilities are inadequate for the size of the property when there is no improvement to public transport
- A construction management plan should be submitted to ensure that Oxfam will not be affected by noise, dust and dirt through the construction phase of the build.

Occupant, 5520 Oxford Business Park:

- Parking on the estate is at a premium and, whilst the company supports any 'Green Travel Plan', they have to work, and with the public transport links to the estate as they are many of those who work here have little option but to drive

- The parking provision for the development is wholly inadequate and the estate requires more parking spaces

Statutory and Internal Consultees:

Oxfordshire County Council Strategic Planning Consultations Team: No comment

Oxfordshire County Council Highways Authority: No objection to the proposal, subject to conditions.

Environment Agency Thames Region: No objection subject to conditions

Thames Water Utilities Ltd: No objection

Issues:

- Principle of Development
- Design
- Impact upon neighbours
- Landscaping
- Highways Matters
- Sustainability
- Flood Risk / Drainage
- Other Matters

Officers Assessment:

Site Location and Description:

1. The application site comprises an area of undeveloped land to the south-east of the Oxford Business Park, bordered by Plot 2200 to the north-east, Plot 3100 to the south-west, Oxfam House to the north-west, and the Eastern Bypass (A4142) to the south-east (**appendix 1**)
2. The site has vehicular access from John Smith Drive, while there is a combined footpath and cycleway running along the south-western boundary of the site, and also across the site.

Background

3. In November 1992 outline planning permission was granted for the development of the Oxford Business Park and the construction of buildings for B1 Business Use (125,023m² floorspace); a hotel (10,451 m² floorspace); new roads; car parking; infrastructure and landscaping under reference 91/01303/NO.
4. At the time outline permission was granted a number of matters were reserved for approval. The timeframe for these matters to be agreed was extended under permissions 99/01351/VF and 04/00215/VAR. This application is subsequently seeking approval of these reserved matters which relate solely to the scale, layout, access, appearance and landscaping of the proposed development.

Proposal

5. The proposed development would involve the erection of a detached three-storey office building providing 9,096.80 m² of business use (Class B1) floorspace, with the provision of 252 car parking spaces, 111 cycle spaces (101 covered, 10 uncovered), vehicular access, landscaping and services infrastructure.

Principle of Development

6. The principle of developing the Oxford Business Park for business use (Class B1) has already been established through the outline planning permission (99/01351/VF).
7. PPS4: Planning for Sustainable Economic Growth encourages an efficient use of land and a positive approach towards economic development with the emphasis on securing sustainable economic growth.
8. The Oxford Business Park is identified within the Oxford Core Strategy 2026 as a protected employment site which provides one of the main opportunities for employment growth over the next 5 years. It goes on to state in Policies CS27 and CS28 that the modernisation of employment sites will be supported. The Oxford Local Plan 2001-2016 also makes clear in Policy DS57 that permission will be granted for business (Class B1) space within the Business Park.
9. The proposed development would provide 9,096.80m² of Class B1 floorspace over 1.59Ha. This would leave approximately 26,148.20m² of floor space on 6.35ha of land available for development within the park under the original outline permission (99/01351/VF).
10. The building is to be occupied by British Gas Business who currently has 406 employees situated in three buildings within the park. It is intended that the new building will accommodate at least 1,300 people with 950 desk based jobs, and a further 250 to 350 employees (e.g. support teams) and visitors. According to the Planning and Economic Statement submitted with the application, it is anticipated that the existing 406 employees will relocate to the new office development whilst further local jobs could also be generated by the proposal.
11. Therefore notwithstanding the fact that the general principle of development was established under the outline permission (91/01303/NO), the proposal would be consistent with the aims and objectives of current national and local development plan policies.

Design

12. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design responding appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture.

13. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the sites capacity and surrounding area. This is supported through Policy CP8, which states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
14. The proposed three-storey building would measure approximately 88m (l) x 47.5m (w) x 17.5m (h) and has a compact footprint designed around a central atrium with office space either side. The building has a contemporary appearance with full height and length glazing to the office space which has a gentle curve that leads into the masonry elements at both ends of the building and a flat roof to limit the profile, with a plant room at roof level that is incorporated into the design. The footprint has been orientated with an east-west alignment to maximise natural light and also provide a main entrance onto the plaza from John Smith Drive.
15. In terms of size, scale, and design the building would be consistent with other similar sized office buildings within the business park, in particular its immediate neighbour the Oxfam building. The overall built form and site layout would suit the sites capacity, and make a positive contribution to the public realm within the business park itself. Therefore officers consider that the proposal would satisfy the requirements of Policy CS18 of the Oxford Core Strategy 2026, and Policies CP1, CP6, CP8, and CP10 of the Oxford Local Plan 2001-2016.

Impact upon Neighbours

16. Policy CP10 of the Local Plan requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties.
17. The proposed office building would be unlikely to create any adverse impact upon the other adjoining units within the park. During the consultation process concerns have been raised regarding the impact from the construction of the building upon these business units, however, such matters would normally be dealt with through legislative powers other than planning. Officers would recommend a construction traffic management plan to manage any adverse impact from construction traffic.
18. Although there are residential properties to the east of the business park, these are sited some 170m away from the application site. Therefore having regards to the separation distance the proposal would not give rise to any significant neighbour issues.

Landscaping

19. A Landscaping Strategy has been submitted with the application, which provides full details of the hard and soft landscaping for the proposed development.

20. This strategy has been designed to integrate the building into the landscape of the business park and the approaches to the site from John Smith Drive and surrounding footpaths. The external areas are separated into three categories – Arrival and Entrance Plaza, Car Park, and Garden Space – with appropriate landscaping for these areas in order to define the different spaces and provide attractive views from the building and adjoining plot and along the boundaries.
21. Officers consider that the landscaping strategy would make a positive contribution to the visual amenity of the site and the wider area, in accordance with Policy CP11 of the Oxford Local Plan 2001-2016.

Highways Matters

22. A Transport Statement and interim Travel Plan have been included with the application. In terms of concerns that have been raised during the consultation process regarding traffic generation it should be recognised that these matters have been considered at the outline planning stage.
23. The proposed development would be accessed from John Smith Drive with two access points to provide separate access for staff and visitors to the site. The parking areas will be shared parking and pedestrian surfaces, and will provide a total of 252 car parking spaces and 111 cycle parking spaces.
24. The level of parking within the site would meet the maximum parking standards set out within Policy TR3 and Appendix 3 of the Local Plan and the Parking Standards Supplementary Planning Document. The Local Highways Authority has indicated that the layout of the parking area is also acceptable.
25. In terms of cycle parking, the proposal would include 101 cycle stands within a covered store to the rear of the site for staff, and a further 10 uncovered stands to the front of the site for visitors. The level of cycle parking also accords with the minimum standards set out within Policy TR4 and Appendix 4 of the Local Plan and the Parking Standards Supplementary Planning Document.
26. In accordance with Policy TR2 of the Local Plan, an interim travel plan has been submitted setting out the methods for promoting sustainable travel to and from the development and to set out realistic targets for achieving these aims. The interim travel plan has been developed in liaison with the Local Highways Authority and as such a condition should be attached which secures the submission of a full travel plan for the building.
27. The proposed development would also require the re-routing of the cycleway and footpath that currently splits the three plots that form the application site and provides a continuous link through the business park. The proposal would relocate this footpath and cycleway and officers would raise no objection to the new alignment, which could be secured by condition.

Sustainability:

28. A Natural Resource Impact Analysis (NRIA) has been submitted as required by Policy CP18 of the Local Plan, and the NRIA Supplementary Planning Document.
29. The NRIA scores 6/11 and focuses on the energy efficiency measures that would be provided rather than the renewable energy. It scores a maximum for energy efficiency, but would provide 17% of on-site renewable energy just short of the 20% target. The energy statement does predict a total reduction in carbon dioxide emissions against a baseline by integrating energy efficient measures and renewable technologies within the scheme, such as solar water heating, solar PV, and a biomass boiler. The NRIA also scores a maximum with regards to water efficiency.
30. Officers consider that the scheme uses a hierarchical approach to energy generation, and although it falls just short of the NRIA target for renewable energy this is offset by increasing the energy efficiency of the scheme to a good level. Therefore officers would raise no objection to this aspect of the proposal.

Flood Risk / Drainage

31. A Flood Risk Assessment and Surface Water Drainage Scheme prepared by Baynham Meikle Partnership have been submitted with the application.
32. The Environment Agency are satisfied that the sustainable drainage techniques proposed within the scheme will reduce flood risk, and also offer water quality, biodiversity and other amenity benefits, in accordance with PPS25: Development and Flood Risk.
33. Whilst the Environment Agency have not raised an objection to the proposal, they have suggested that there are revisions that could be made to improve the scheme and have therefore recommended conditions be attached to secure the details of the Flood Risk Assessment, and also agree the detailed design of the surface water drainage system.

Other Matters

34. Having regards to the previous use of the site, there is potential that the land could be contaminated despite remediation works being carried out in 1993-1994 following the grant of outline permission. The Environment Agency has recommended a condition be attached requiring further investigation of the site, and a remediation strategy to be supplied where any unsuspected contamination is found.

Conclusion:

35. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore Members of the East Area Planning Committee are recommended to grant planning permission for the proposed development.

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.

Contact Officer: Andrew Murdoch

Extension: 2228

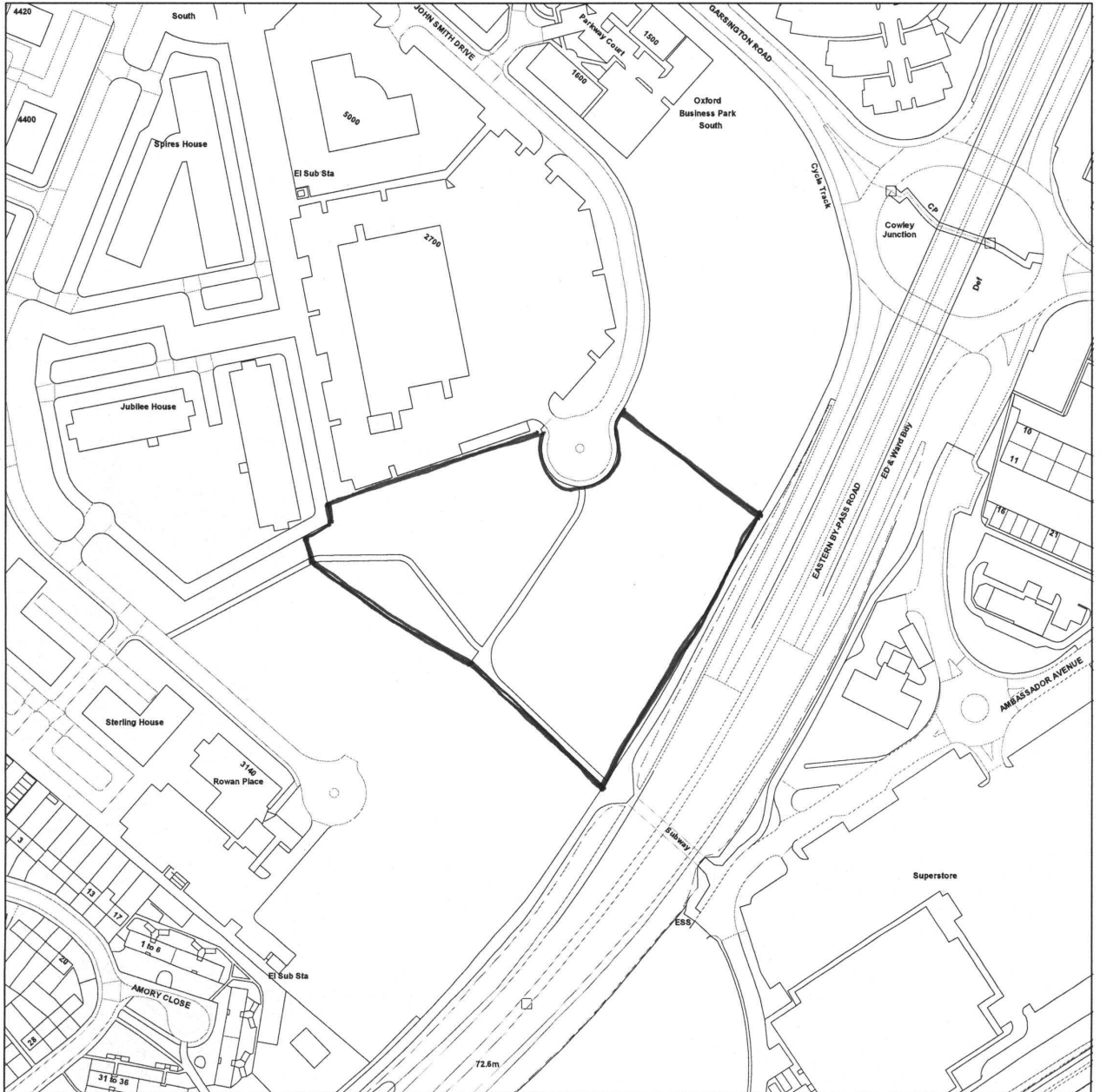
Date: 16th May 2011

Appendix 1

2300 2400 2600 John Smith Drive (11/00707/RES)



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	
Date	19 May 2011
SLA Number	Not Set

Agenda Item 10

Monthly Planning Appeals Performance Update – April 2011

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

1. The purpose of this report is three-fold: a) to provide an update on the Council's planning appeal performance; b) to list those appeal cases that were decided and also those received during the specified month; and c) to report on outcome of applications for awards of costs in relation to appeals, both for and against the Council, over the previous financial year.
2. The old Best Value Performance Indicator BV204 relates to appeals arising from planning application refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It is 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 April 2011, while Table B does the same for the current business plan year, ie. 1 April 2011 to 30 April 2011.

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

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	17	(35%)	9 (64%)	8 (24%)
Dismissed	31	65%	5 (36%)	26 (76%)
<i>Total BV204 appeals</i>	48		14	34

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

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	1	(50%)	0(0%)	1 (100%)
Dismissed	1	50%	1(100%)	0 (0%)
<i>Total BV204 appeals</i>	2		1	1

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 April 2011

	Appeals	Percentage performance
Allowed	25	(34%)
Dismissed	48	66%
All appeals decided	73	
Withdrawn	8	

4. When an appeal decision is received, the Inspector's decision letter is circulated 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 E, appended below, shows a breakdown of appeal decisions received during April 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 F, appended below, is a breakdown of all appeals started during April 2011. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Awards of costs

6. Applications can be made by either side for an award of costs on the basis of unreasonable behaviour e.g. failure to provide evidence and / or any necessary statement/s to adequately substantiate case / reasons for refusal; withdrawal of appeal or individual reasons for refusal late on in the process; lack of co-operation with other party, failing to attend proceedings etc. causing undue delays and resulting in wasted expense to the other party.
7. In 2010/11 two applications for awards of costs against the Council were upheld by Inspectors. Two awards of costs were made in favour of the Council. Actual levels of costs in all cases have not been finalised to date. **Table D** sets out in detail all applications for awards costs in 2010/11.

Table D Applications for cost on appeal between April 2010 to March 2011

	Date of cost decision	Appeal address	Planning Application reference	Result of application for cost against Council	Result of application for Costs against applicant
1	2nd June 2010	Kiosk 2, 106 Gloucester Green	09/02060/FUL	Cost claim dismissed	n/a
2	27 May 2010	110-122 Botley Road (former MFI)	09/00845/CPU and 09/00266/CEU	Partial award of costs. Under negotiation	n/a
3	9 th June 2010	Ruskin Hall, Headington	09/00549/FUL	Cost claim dismissed	n/a
4	13 th July 2010	Mallards, 4 Mill Lane, Marston	09/01689/CAC and 09/01688/FUL	Cost claim dismissed	n/a
5	15 th July 2010	26 Lathbury Road	09/02175/FUL	Cost claim dismissed	n/a
6	18 th Aug 2010	180 Marlborough Road	09/00809/ENF	n/a	Partial costs awarded and pursued
7	25 th Aug 2010	9-11 St Clements Street	10/00270/FUL	Cost claim dismissed	n/a
8	22 nd Nov 2010	42 Blandford Avenue	09/02604/FUL	Full award of costs. Under negotiation	n/a
9	23 Dec 2010	4 Cottesmore Road	09/01742/FUL	n/a	Partial costs awarded and pursued
10	27 Jan 2011	102 Walton Street	10/01395/VAR	Cost claim dismissed	n/a

Table F**Appeals Decided Between 1/4/11 And 30/4/11**

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

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
10/02584/VAR	11/00002/REFUSE	DEL	REF	ALC	21/04/2011	HEAD	9 - 9A Gathorne Road Oxford Oxfordshire	Variation of condition 5 of planning permission 08/00769/FUL for 2 dwellings to allow one residents parking permit per property plus visitor parking permits.
09/02658/FUL	10/00066/REFUSE	COMM	PER	DIS	28/04/2011	STCLEM	269 Cowley Road Oxford Oxfordshire OX4 2AJ	Demolition of existing buildings - former Bartlemas Nursery School. Erection of two single storey buildings (with accommodation in roof space) and erection of a two storey building (with accommodation in roof space) to provide student accommodation for Oriol College comprising 31 study bedrooms, bin and cycle storage; including alterations to watercourse. (amended plan). Additional tree information and new layout drawings to different scale. (Amended plans)

Total Decided: 2

TABLE G Appeals Received Between 1/4/11 And 30/4/11

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
10/02512/FUL	11/00015/REFUSE	DEL	REF	W	241 Banbury Road Oxford Oxfordshire OX2 7HN	SUMMT	Erection of 1st floor rear extension to form a 2-bed flat.
10/02770/FUL	11/00014/REFUSE	DEL	REF	H	39 Campbell Road Oxford Oxfordshire OX4 3PF	COWLE	Two storey side extension and single storey rear extension.
10/03121/LBC	11/00012/REFUSE	DEL	REF	W	Church Farm House First Turn Oxford Oxfordshire OX2 8AH	WOLVER	Erection of entrance gates and piers.
10/03122/FUL	11/00013/REFUSE	DEL	REF	W	Church Farm House First Turn Oxford Oxfordshire OX2 8AH	WOLVER	Erection of entrance gates and piers.

Total Received: 4

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To: East Area Planning Committee & West Area Planning Committee

Date: June 2011

Report of: Head of City Development

Title of Report: Planning Enforcement – Performance Update

Summary and Recommendations

Purpose of report:	Inform members of the performance of the Planning Enforcement function within City Development
Key decision:	No
Report Approved by	
Finance: N/A	
Legal: N/A	
Policy Framework:	Oxford City Council corporate priorities - Improve the local environment, economy and quality of life
Recommendation(s):	To note the workload and performance of the Planning Enforcement function within City Development

1: Background

In 2009/10 there were two reviews of planning enforcement. One was carried out by members of the Value and Performance Scrutiny Committee, officers reviewed the internal processes. A number of recommendations and a combined action plan followed and were agreed by the City Executive Board (CEB) in June 2010, with a further update in December 2010. One of the agreed actions was the reporting of quarterly performance updates.

This is the first performance update report and covers the January-March 2011 quarter. The content of the report will evolve over time.

2: Enforcement Performance

2.1: Open Investigations

Chart 1 shows that there has been a significant reduction in the number of open enforcement investigations over the period December 2009 to March 2011, from 815 to 360. This reduction was kickstarted by an extra officer funded through BPI money in the first quarter in 2010. The number of active cases stood at 360 at the end of March 2011.

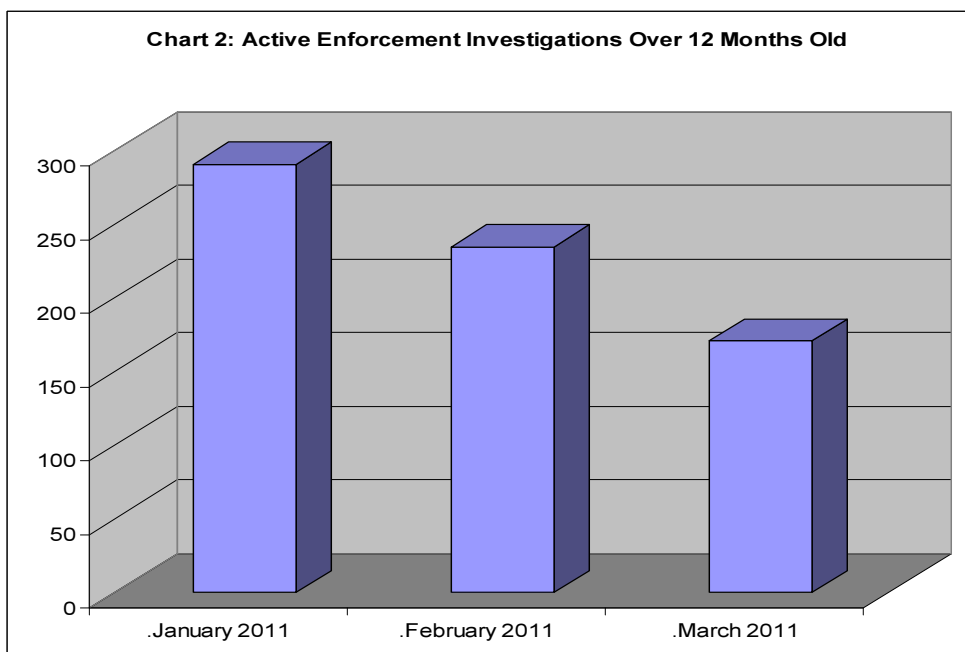
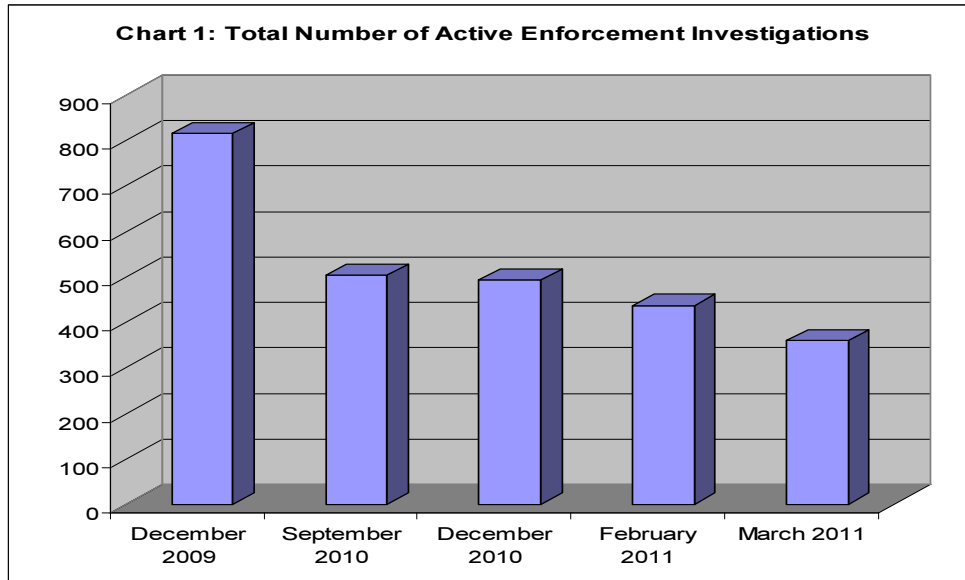


Chart 2 indicates the continued progress in tackling cases that have been open in excess of 12 months during the first quarter of 2011. This has seen a fall from 290 in January to 170 at the end March. Some of these older cases tend to be associated with outstanding enforcement notices. Historically there were problems with closing such cases once resolved, due to limitations of the It systems. However these are being progressively resolved and it is anticipated that the number of outstanding older cases will reduce further.

2.2: Quarterly Performance – January 2011- March 2011

Chart 3 shows that the enforcement team opened 194 new investigations in the quarter, while 202 were closed.

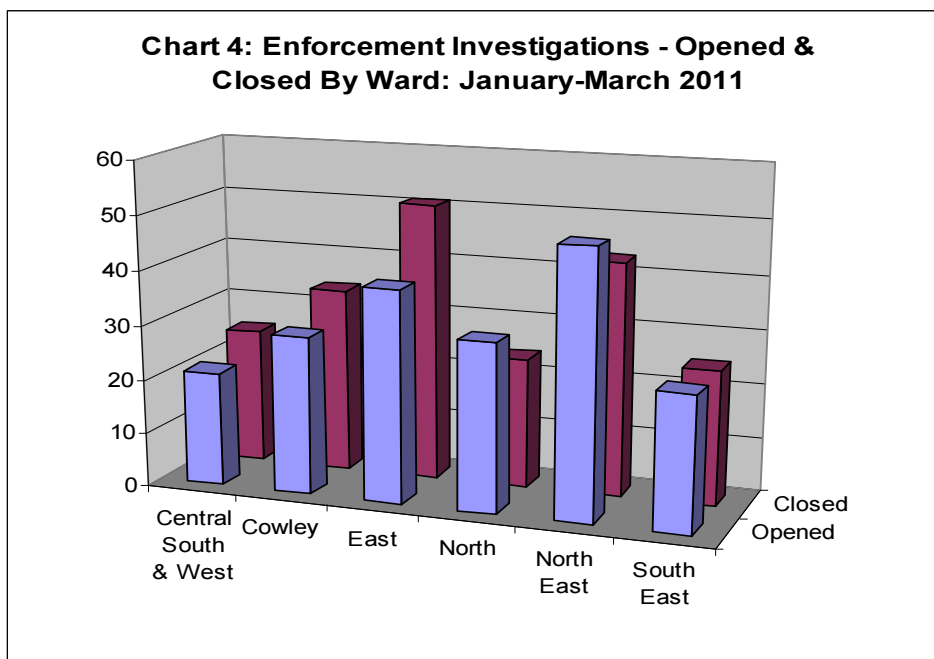
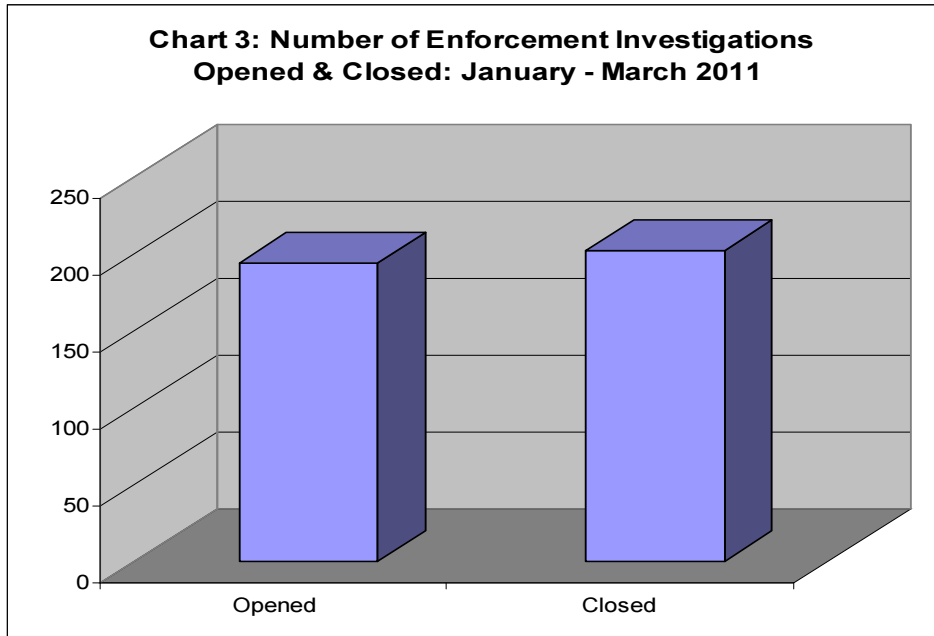
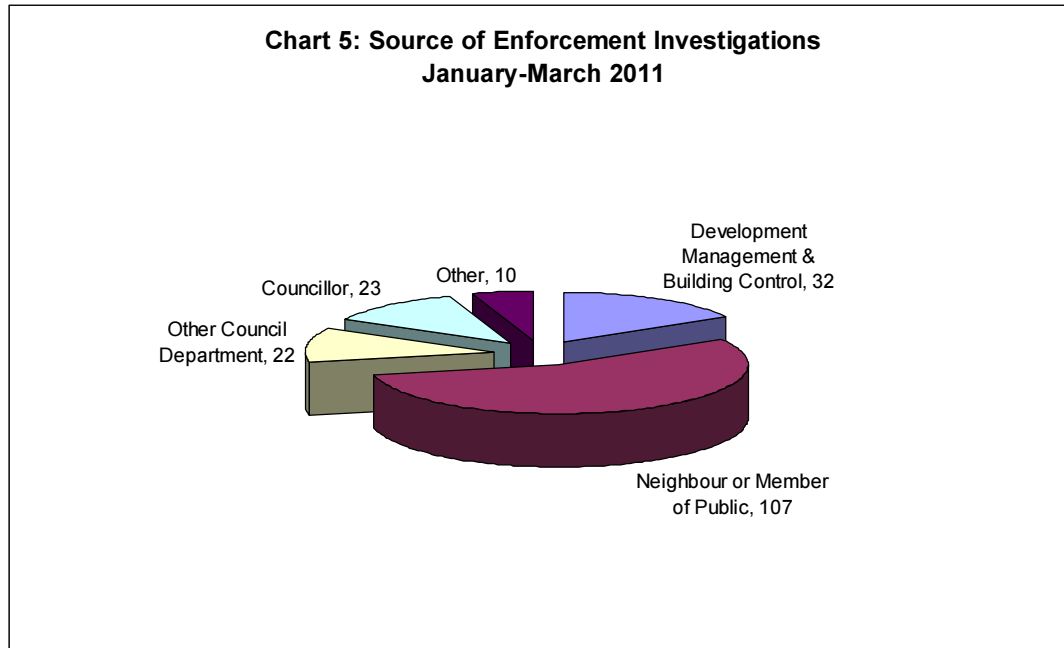


Chart 4 indicates the spread of newly opened and recently closed cases across the city.

During the second half of 2011 we will aim to make changes to the IT system that will allow a greater amount of performance data available. Hopefully with the anticipated update of the Council's computer system it may be possible to produce data on the type of breach of planning control identified by an investigation and performance figures for specific actions on enforcement investigations.

2.2 Source of Investigations.

This section deals with the source of the information that leads to the opening of the case. From chart 5 it is clear that neighbours and other members of the public represent the main source of queries leading to enforcement investigations. Other sources represent statutory bodies, Members of Parliament, tenants, landlords and agents.



2.4: Investigation Outcomes

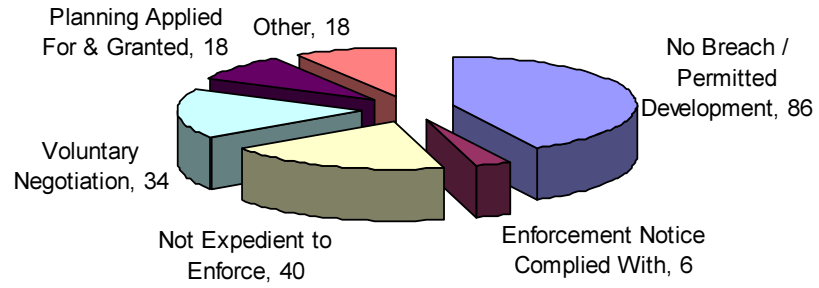
Chart 6 shows that, of those cases closed in the period, some 43% (86 cases) related to matters where no breach of planning control had taken place or the development was permitted development.

Some 20% (40 cases) were considered not expedient to enforce. In most instances this was because either the development was considered minor, or because development would have received a favourable officer recommendation had a planning application been submitted.

17% (34 cases) were resolved by voluntary actions to resolve the breach of planning control. In addition a further 9% (18 cases) progressed to retrospective planning applications that were deemed acceptable. 3% (6 cases) were resolved by compliance with a planning enforcement notice.

Other reasons include the compliance with planning conditions, the submission of amended plans or the result of appeals.

**Chart 6: Investigation Outcomes
January - March 2011**



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16th May 2011

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