

# Agenda

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## East Area Planning Committee

Date: **Tuesday 29 May 2012**

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Time: **6.00 pm**

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Place: **Oxford Town Hall**

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For any further information please contact:

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If you would like help to understand this document please call Mathew Metcalfe, Democratic Services Officer on or email [mmetcalfe@oxford.gov.uk](mailto:mmetcalfe@oxford.gov.uk) in advance of the meeting.

# East Area Planning Committee

## Membership

<b>Chair</b>	<b>Councillor Roy Darke</b>	Headington Hill and Northway;
<b>Vice-Chair</b>	<b>Councillor David Rundle</b>	Headington;
	<b>Councillor Mohammed Altaf-Khan</b>	Headington Hill and Northway;
	<b>Councillor Mary Clarkson</b>	Marston;
	<b>Councillor Van Coulter</b>	Barton and Sandhills;
	<b>Councillor Steve Curran</b>	Northfield Brook;
	<b>Councillor Sam Hollick</b>	Holywell;
	<b>Councillor Ben Lloyd-Shogbesan</b>	Lye Valley;
	<b>Councillor Dee Sinclair</b>	Quarry and Risinghurst;

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# AGENDA

## Pages

**1 ELECTION OF CHAIR FOR THE COUNCIL YEAR 2012/13**

**2 ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2012/13**

**3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

**4 DECLARATIONS OF INTEREST**

Councillors serving on the Committee are asked to declare any personal or prejudicial interests they may have in any of the following items.

**5 DEVELOPMENT SITE OF FORMER OXFORD BUS DEPOT 395 COWLEY ROAD, OXFORD - 12/00455/FUL**

1 - 8

The Head of City Development has submitted a report which details an application for the erection of building to provide 112 student study rooms, 3 parking spaces, cycle parking, access, and landscaping (amended scheme to include additional study rooms from that approved under references 09/01201/OUT and 11/01150/RES).

Officer recommendation: Approve subject to conditions.

**6 LAND AT REAR OF 82, 84 AND 86 WINDMILL ROAD, OXFORD - 12/00660/FUL**

9 - 20

The Head of City Development has submitted a report which details an application for the erection of 2x3 bed dwellings and 1x2 bed dwelling in terraced block, with associated refuse and cycle storage.

Officer recommendation: Approve subject to conditions.

**7 129 LIME WALK, OXFORD - 12/00393/FUL**

21 - 30

The Head of City Development has submitted a report which details an application for an extension to existing property plus extension and alteration to form 2 x 3-bed and 1 x 2-bed chalet bungalows. Provision of 1 car parking space per property, together with cycle and bin stores.

Officer recommendation: Approve subject to conditions.

**8 22 MEREWOOD AVENUE, OXFORD - 12/00228/FUL**

31 - 36

The Head of City Development has submitted a report which details an

application for erection of roof canopy to front elevation.

Officer recommendation: Approve subject to conditions.

**9 28 MEREWOOD AVENUE, OXFORD - 12/00382/FUL**

37 - 42

The Head of City Development has submitted a report which details an application for the erection of outbuilding to rear (retrospective).

Officer recommendation: Approve subject to conditions.

**10 16 BARTHOLOMEW ROAD, OXFORD - 12/00228/FUL**

43 - 48

The Head of City Development has submitted a report which details an application for a proposed single storey rear extension.

Officer recommendation: Approve subject to conditions.

**11 PLANNING APPEALS**

49 - 56

To receive information on planning appeals received and determined during March and April 2012.

The Committee is asked to note this information.

**12 PLANNING ENFORCEMENT - PERFORMANCE UPDATE**

57 - 62

The Head of City Development has submitted a report which provides the East and West Area Planning Committees with an update on the performance and progress of the planning enforcement service for 2011/12.

The Committee is asked to comment on and note the report.

**13 FORTHCOMING PLANNING APPLICATIONS**

These items are for information only and are not for discussion or determination at this meeting.

- (1) Temple Court Business Centre, 107 Oxford Road - 11/02960/FUL - Conversion of offices to form 6 flats (2x3 bed, 3x2 bed and 1x1 bed) and 1x3 bed house, gardens, car parking, cycle parking, refuse storage and landscaping.
- (2) Hawkwel House Hotel, Church Way, Oxford - 11/03107/FUL - Refurbishment of hotel by: (i) conversion of conference room to additional 11 bedrooms; (ii) extension to dining room by infilling courtyard and fitting new glazed roof; (iii) re-laying and extending service road and parking area; (iv) excavation and construction of gabion cage, retaining structure and walkways; and (v) fitting of patio doors and external screens.

- (3) Land to the rear of 1 Oxford Road, Littlemore, Oxford - 12/00743/EXT - Application to extend the time limit on planning permission 08/02702/FUL for "Proposed 3 storey building containing three houses (1x4 and 2x3 bed) and 3 flats (3x2 bed), new vehicular access to Dudgeon Drive and pedestrian access to Oxford Road. Provision of 9 parking spaces, cycle and bin store."
- (4) 54 William Street, Oxford - 12/00821/FUL - Demolition of existing building. Erection of 1x4 bed dwelling.
- (5) Apartment 5, 8 and 11 Brock Grove, Oxford - 12/00765/FUL - Change of use from Class C3 residential flats to Class C4 houses in multiple occupation (HMO). (Amended description)
- (6) The Carling Academy at Oxford - 12/00683/VAR - Application to vary condition 2 of planning permission 05/01355/VAR to enable the premises to be open between the hours of 18:00 - 02:00 Mondays to Thursdays; 18:00 - 04:00 on Fridays and Saturdays; 12:00 - 00:00 on Sundays; 12:00 - 04:00 on Sundays prior to Bank Holidays; and on 30th April each year to be open until 06:00 the following day (May Day)
- (7) 33 Dene Road, Oxford - 12/00815/FUL - Erection of single storey 1 bedroom dwelling and 1 x car parking space accessed from Town Furze (retrospective) (amendment to 07/02540/FUL)
- (8) 34 Rivermead Road, Oxford - 12/00983/FUL - Demolition of existing garage. Single storey extension to side to form 1 bed flat. Provision of 3 car parking spaces to forecourt.
- (9) 6 Little Acreage, Oxford - 12/01017/FUL - Single storey side extension, conversion of garage and new ramp.
- (10) Cotuit Hall, Pullens Lane, Oxford - 12/01106/FUL - Erection of 3 new buildings on 3 floors plus basement to provide teaching, residential and ancillary accommodation, together with underground common room to frontage. Refurbishment of existing Marcus and Brewer buildings, including alteration to existing elevations. Provision of new pedestrian footpath from Pullens Lane.
- (11) Cotuit Hall, Pullens Lane, Oxford - 12/01107/CAC - Demolition of existing upper and middle blocks of accommodation.
- (12) Site of 1-30 Bradlands, Mill Lane, Oxford - 12/01116/CT3 - Demolition of existing buildings. Erection of 3 storey sheltered accommodation comprising 49 flats with ancillary communal space and facilities.
- (13) BMW Garsington Road, Oxford - 12/01041/FUL - Erection of 2 temporary modular buildings for 2 years.
- (14) Oxford Ice Rink, Oxpens Road, Oxford - 12/00561/CT3 - Replacement of external entrance/exit doors to main entrance.
- (15) 10 and 12 Beechey Avenue - 12/00556/VAR - Application to remove

condition 4 of planning permission 12/00032/FUL (First floor rear extensions at 10 and 12 Beechey Avenue) to allow construction of extensions at different times

NOTE: The following will not be for determination, but will be got comment only as an appeal has been lodged for non-determination.

- (16) Former Dominion Oils Site, Railway Lane, Oxford - 11/02189/OUT - Outline application (seeking access and layout) for residential redevelopment of site including the erection of 78 flats and houses comprising 3x5 bedroom houses, 4x4 bed houses, 32x3 bed houses, 20x2 bed houses and 13x1 bed houses and 6x2 bed houses. Access road, footpaths and car parking.

## **14 MINUTES**

63 - 68

Minutes of the meeting held on 3<sup>rd</sup> April 2012.

## **15 DATES OF FUTURE MEETINGS**

Tuesday 12 June 2012 (and 14 June if necessary)  
Tuesday 3 July 2012 (and 5 July if necessary)  
Tuesday 14 August 2012 (and 16 August if necessary)  
Tuesday 4 September 2012 (and 6 September if necessary)  
Tuesday 9 October 2012 (and 11 October if necessary)  
Tuesday 6 November 2012 (and 8 November if necessary)  
Tuesday 4 December 2012 (and 6 December if necessary)  
Tuesday 8 January 2013 (and 10 January if necessary)  
Tuesday 5 February 2013 (and 12 February if necessary)  
Tuesday 5 March 2013 (and 7 March if necessary)  
Tuesday 16 April 2013 (and 23 April 2013 if necessary)  
Tuesday 7 May 2013 (and 9 May if necessary)

## **DECLARING INTERESTS**

What is a personal interest?

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

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

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

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

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

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

### **What is a prejudicial interest?**

You have a prejudicial interest in a matter if;

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

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

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

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

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

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

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

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

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



**East Area Planning Committee**

29<sup>th</sup> May 2012

**Application Number:** 12/00455/FUL

**Decision Due by:** 25th May 2012

**Proposal:** Erection of building to provide 112 student study rooms, 3 parking spaces, cycle parking, access, and landscaping (amended scheme to include additional study rooms from that approved under references 09/01201/OUT and 11/01150/RES).

**Site Address:** Development Site Of Former Oxford Bus Depot 395 Cowley Road, Site Plan **Appendix 1**

**Ward:** Cowley Marsh Ward

**Agent:** N/A

**Applicant:** Berkeley Homes (Oxford And Chiltern) Limited

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**Recommendation:** East Area Planning Committee is recommended to support the development in principle but defer the planning application in order to allow an accompanying legal agreement to be drawn up, and to delegate to officers the issuing of the Notice of Permission subject to conditions on its completion.

### **Reason for Approval**

1. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
2. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

### **Conditions**

- 1 Commencement
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Resident warden
- 5 Use as student accommodation
- 6 Occupation by students 1yr full time course
- 7 Students - No cars

- 8 Car/cycle parking provision before use
- 9 Cycle parking
- 10 Landscape plan
- 11 Landscape carry out after completion
- 12 Construction Management Travel Plan
- 13 Construction no mud on highway
- 14 Soakaway - contaminated land
- 15 Foul and surface water drainage system
- 16 Sustainable drainage
- 17 Petrol / oil interceptors
- 18 NRIA

**Legal Agreement:**

Financial contributions of

- £6,720 to City Council for indoor sports facilities
- £15,960 to City towards affordable housing provision;
- £7,056 to County Library Services within the City; and
- £15,456 to County Highways for cycling improvements.

**Main Policy Documents:**

**Oxford Local Plan 2001-2016**

- CP1 - Development Proposals
- CP2 - Planning Obligations
- CP5 - Mixed-Use Developments
- CP6 - Efficient Use of Land & Density
- CP7 - Urban Design
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP12 - Designing out Crime
- CP13 - Accessibility
- CP15 - Energy Efficiency
- CP18 - Natural Resource Impact Analysis
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HE6 - Buildings of Local Interest
- HS13 - Institutional Student Accommodation
- HS14 - Speculative Student Accommodation
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- EC1 - Sustainable Employment
- EC2 - Protection of Employment Sites
- EC7 - Small Business
- DS.21 - Cowley Road Bus Depot – Mixed Use Development

**Core Strategy**

- CS2 - Previously developed greenfield land
- CS9 - Energy & natural resources
- CS10 - Waste & recycling
- CS13 - Supporting access to new development

CS17 - Infrastructure & Developer contributions  
CS18 - Urban design townscape char & historic environment  
CS19 - Community safety  
CS25 - Student accommodation  
CSP27 - Sustainable economy

### **Housing DPD – Proposed Submission**

HP5 – Student Accommodation  
HP6 – Affordable Housing from Student Accommodation  
HP9 – Design, Character and Context  
HP11 – Low Carbon Homes  
HP14 – Privacy and Daylight  
HP15 – Residential Cycle Parking  
HP16 – Residential Car Parking

### **Other Material Considerations:**

National Planning Policy Framework 2012.

### **Relevant Site History:**

09/01201/OUT: Outline application (seeking access and layout) for the erection of 2092sq m of class B1 floorspace for start up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking spaces off Glanville Road, cycle parking and landscaping.  
Approved 17.03.10.

11/01150/RES: Reserved matters of planning permission 09/01201/OUT (for 2092sq.m of class B1 Business floor space and 106 student study rooms), seeking approval of appearance of block B and C and of the student accommodation block.  
Approved 27.01.12

11/02386/VAR: Variation of condition No. 7 of planning permission 09/01201/OUT for Class B1 business use and student accommodation to allow occupation and student accommodation by full time student attending courses of one academic year or more. Approved 27.01.12

12/00457/VAR: Application to vary condition 2 of planning permissions 09/01201/OUT and 11/01150/RES to allow a revised commercial parking layout. Pending decision; approval recommended subject to completion of an amended legal agreement.

### **Representations Received:**

One letter of comment has been received that comments widely on the development of the bus depot as a whole, but in respect of this proposal specifically the neighbour is concerned about overlooking, loss of privacy and light.

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

Highways Authority: No objection. Increased obligation contributions required for additional 6 rooms.

Strategic Planning Consultations Team: No comments to make.

Thames Water Utilities Limited: No objection regarding sewerage or water infrastructure. Informative on water pressure provision recommended.

Thames Valley Police: No objection. Pleased to see applicants have incorporated previous recommendations for reducing opportunities for crime. Encourage incorporation of physical security measures detailed in Secured By Design 2010.

Environment Agency Thames Region: No objection.

## **Officers Assessment:**

### **Background.**

1. Outline planning permission was granted for this part of the former bus garage in March 2010 for a mix of employment use and student accommodation (09/01201/OUT refers), with matters of design and landscaping reserved for further consideration. The appearance of the student accommodation and Blocks B and C of the employment accommodation were approved in August 2011 (11/01150/RES refers). The Outline permission was also varied earlier this year to allow the student accommodation to be occupied by full time students other than the two Universities (11/02386/VAR refers).
2. The application seeks to increase the number of student rooms and consequently alter the appearance of the student accommodation block as approved under the outline and reserved matters permissions.

### **Current Proposals.**

3. The applicant is seeking to provide 6 additional student rooms by converting the under-croft car parking beneath the student building which currently serves the employment buildings. The under-croft parking is filled in to match the character and appearance of the existing building approved, with windows facing on to the employment car parking. There are no other changes proposed to that already approved under the outline and reserved matters.
4. As a result of the loss of the under-croft spaces the rest of the employment car parking accommodation is re-arranged, but with a reduced provision and more cycle parking. This revised layout is considered under application 12/00457/VAR to vary the originally approved layout under 09/01201/OUT which approved 2298sqm of B1 office accommodation with 28 car parking spaces, comprised of 8 under-croft spaces and 20 surface car parking spaces and 40 cycle parking spaces. To create the new student rooms the 8 under-croft spaces are lost, however, the re-arranged car parking layout can only accommodate 2 additional spaces and there would therefore be a net loss of 4 car parking spaces. To compensate for this reduction in provision it is proposed to increase the cycle parking provision by 20 spaces to 60 spaces. The site lies on the main Cowley Road which has good public links in to and out of the city centre, with bus stops right outside. It is therefore considered to be a sustainable location. The Highways Authority has raised no objection

to this revised layout or reduced car parking provision. Officers therefore consider that this revised layout is acceptable and have recommended approval of 12/00457/VAR. The issue of the decision notice is pending completion of an amended S106.

5. The principle of student accommodation has already been approved, as has the overall character and appearance of the building under the previous planning approvals 09/01201/OUT and 11/01150/RES. It is therefore only necessary to consider the minor material changes proposed. It should be noted that some of the objections received have been to the principal of the development, not the specifics of the proposed changes.
6. Officers consider the determining issues in this case to be:
  - the increase in student bedroom numbers;
  - design and appearance;
  - cycle parking; and
  - residential amenities

#### **Increase in Student Bedrooms.**

7. The principle of 106 student bedrooms in this location has already been accepted. The increase in the number of rooms proposed is therefore the only consideration. An additional six rooms are proposed (112 in total) by converting the under-croft car parking spaces. There are no other changes to the approved building. It is considered that an additional 6 rooms could be adequately accommodated in this location and make efficient use of the site without resulting in overdevelopment. The increase would not cause any significant harm to existing residential or commercial amenities. No objection is therefore raised, subject to the imposition of conditions.

#### **Design and Appearance.**

8. The under croft spaces would be filled in brickwork to match that already approved, with each study bedroom window facing onto the car parking, providing additional surveillance and security. It would not be visible from the public realm and would be in keeping with the character and appearance of the approved building. No objection is therefore raised.

#### **Cycle Parking.**

9. Additional cycle parking for the 6 rooms would be provided within the designated cycle parking area approved. The details of the cycle parking are reserved by condition. No objection is therefore raised.

#### **Residential Amenities.**

10. No objections were actually received in relation to this application. However, one letter of comment was received on the variation to the car parking application (12/00457/VAR) but is more relevant to this

application. The Highways Authority has raised no objection to this amount of car parking.

11. In general the comments relate to the development of the whole bus depot itself, but specifically in relation to the student accommodation the neighbour is concerned about noise, overlooking and loss of light and value on her property. The latter concern unfortunately is not a planning consideration. In relation to overlooking and loss of light to neighbouring properties, the building has not changed position, height or proximity to the boundary to that already approved. The new windows to the additional 6 rooms would face the internal car parking court yard for the employment buildings. There would therefore be no increase in overlooking or loss of light from the proposal. In terms of noise, it is considered that an additional 6 rooms would not significantly increase the potential for any noise or disturbance that may or may not be felt as a result of students here in this location. It is therefore considered that there would be no significant adverse impact on residential amenities of neighbouring properties from an additional 6 rooms.

**Conclusion:** Officers recommend that the application be approved subject to a legal Agreement being completed to secure the financial contributions.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 12/00455/FUL

**Contact Officer:** Felicity Byrne

**Extension:** 2159

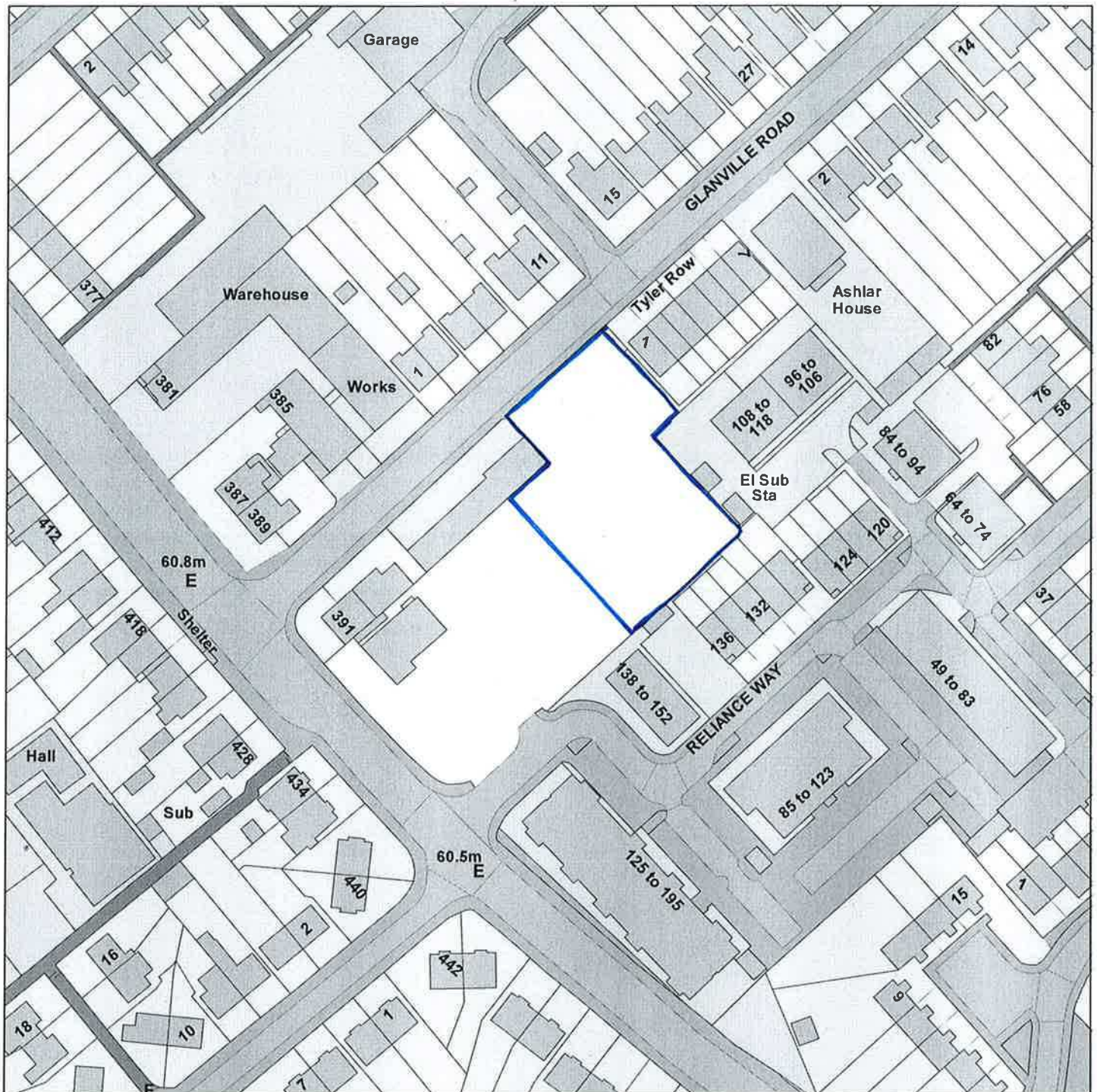
**Date:** 17th April 2012

# 12/00455/FUL Appendix 1

## Former bus depot, 395 Cowley Road



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	09 May 2012
SLA Number	Not Set

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**East Area Committee**

29<sup>th</sup> May 2012

**Application Number:** 12/00660/FUL

**Decision Due by:** 25th May 2012

**Proposal:** Erection of 2x3 bed dwellings and 1x2 bed dwelling in terraced block, with associated refuse and cycle storage.

**Site Address:** Land Rear Of 82, 84 And 86 Windmill Road Oxford  
Oxfordshire

**Ward:** Headington Ward

**Agent:** Ifor Rhys Ltd

**Applicant:** Mr Neil Gorton

Application called in by Councillors Rundle, Coulter, McCready, Wilkinson and Clarkson on grounds that, although there is an extant permission for development on the site, the current application seeks to increase the density.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 It is considered that the proposal forms an appropriate visual relationship with surrounding development and would appear in keeping with the street scene. The scheme would provide 2 x 3 bedroom dwellings and 1 x 2 bedroom dwellings, would be served by 2 car parking spaces in the garage block to the west of the site and would provide cycle parking, bin stores and private amenity areas. There is an extant planning permission for the erection of three dwellings on the site and it is considered that the proposal complies with adopted policies contained within both the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Three letters of objection have been received from local residents and their comments have been carefully considered. However there is an extant planning permission for a car free scheme for 3 x 2 bedroom dwellings and the County Council as Local Highway Authority is not raising an objection to the proposal to provide 2 car parking spaces in the nearby garage block and allow the occupiers of the new dwellings to apply for visitor parking permits. In terms of the size and scale of the proposed building, this is broadly similar to the approved building on the site but provides additional accommodation within the roofspace.

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

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Amenity no additional windows north, south, west or east,
- 4 Design - no additions to dwelling
- 5 Samples
- 6 Landscape plan required
- 7 Landscape carry out by completion
- 8 Cycle parking details required
- 9 Variation of Road Traffic Order Norton Close,
- 10 Bin stores
- 11 Contaminated Land - Desktop study etc.
- 12 Sustainability design/construction
- 13 Link use of garages to new houses

**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
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

## **Core Strategy**

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

## **Housing DPD – Proposed Submission**

- HP9\_** - Design, Character and Context
- HP11\_** - Low Carbon Homes
- HP12\_** - Indoor Space
- HP13\_** - Outdoor Space
- HP14\_** - Privacy and Daylight
- HP15\_** - Residential cycle parking
- HP16\_** - Residential car parking

### **Other Material Considerations:**

National Planning Policy Framework 2012  
Balance of Dwellings Supplementary Planning Document [BoDS SPD]

### **Relevant Site History:**

09/02036/FUL: Erection of a terrace of 3 x 2 bedroom dwellings. Provision of bin and cycle stores. Approved

10/00050/FUL: Erection of a terrace of 3 x 2 bedroom dwellings. Provision of bin and cycle stores [Amendment to 09/02036/FUL]. Refused [inadequate rear garden areas]

10/01496/FUL: Erection of terrace of 3 x 2 bedroom dwellings, refuse and cycle stores [Amendment to 09/02036/FUL] Approved

### **Representations Received:**

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

- There is inadequate parking in Norton Close and cars often park on the grassed areas
- The proposal is an overdevelopment of the site
- Occupiers of the new dwellings should not have access to parking permits
- There is a lot of congestion around the garage block and at the bottom of Norton Close
- The garages are generally not used as they are too small and are not lit
- The development should remain car free
- The pedestrian access onto Norton Close from the new development would be almost concealed and would be dangerous for pedestrians
- Access for emergency vehicles would be difficult

1 letter of support as follows:

- The proposal would make good use of an existing untidy site

- The houses proposed are small and would provide for a need for such houses
- The proposal would be unlikely to exacerbate parking problems in the Close

**Statutory and Internal Consultees:**

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

Oxfordshire County Council as Local Highway Authority:

- The principle of car free development has been agreed by the extant permission
- The site lies in a sustainable location
- The site lies within a controlled parking zone and Norton Close has some permit parking availability
- The 2 x 3 bedroom houses would have a car parking space each in the nearby garage block and the 1 x 2 bedroom house would be car free
- The site will be excluded from the CPZ but visitor parking permits will be available to the new occupiers of the development
- The Highway Authority raised no objection to the proposal

**Sustainability:**

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

The design and access statement submitted with the application states that the new building would be designed to achieve level 3 of the Code of Sustainable Homes as is now the requirement; it will also include the sourcing of local materials where possible and the use of energy efficient fittings and appliances.

**Issues:**

It is considered that the main issues to consider in the determination of this application are as follows:

- Principle
- Changes to the approved and extant scheme
- Highway issues

**Officers Assessment:**

Site location and description

1. The site lies to the rear of numbers 82, 84 and 86 Windmill Road and currently accommodates a block of 5 garages which are accessed by way of an unmade track leading off Windmill Road. The garages have not been used for a number of years.
2. The site lies adjacent to numbers 21 and 22 Norton Close which is a cul-de-sac leading off Bateman Street. The site appears neglected and overgrown and is particularly unsightly from the side door and windows of number 22 Norton Close.

The Proposal

3. The application seeks planning permission for the demolition of the existing garage block and the erection of a terrace of 2 x 3 bedroom

dwelling and 1 x 2 bedroom dwellings. The two larger dwellings would each have access to a car parking space in the nearby garage block to the west of the site but the two bedroom dwelling would be car free. The occupiers of the new dwellings would be eligible to apply for visitor parking permits.

4. The scheme proposes the provision of cycle parking and bin stores for each new unit together with private rear gardens that would be 10 metres in length. Pedestrian access in and out of the site would be on to the turning head area of Norton Close.
5. The new building would have a width of 18.5 metres, a depth of 11.3 metres and a height of 8.1 metres. It would be erected using a mix of render and facing bricks with a tiled roof and it is proposed to incorporate two dormer windows and a double sized rooflight to serve the accommodation within the roofspace.

#### Principle

6. The National Planning Policy Framework [NPPF] was issued on 27<sup>th</sup> March 2012 and replaces, with immediate effect, all the PPG's and PPS's and other national documents listed in Appendix 3 of the NPPF; however any guidance published to support the PPS's has not been deleted and remains valid.
7. Whilst the NPPF may be a substantial change in the form of national policy, the Framework largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the presumption in favour of sustainable development and makes adjustments to some specific policies.
8. The NPPF indicates that, for the purposes of decision taking, policies adopted prior to the publication of the framework should not be considered out of date simply because of that; it makes clear that for 12 months decision takers may continue to give full weight to relevant policies adopted since the 2004 Act. In this respect the Oxford Local Plan was adopted in 2005 and the Core Strategy was adopted in 2011 and the relevant policies are set out earlier in this report. Officers take the view that the proposal complies with these policies.
9. In terms of decision taking, the NPPF states that applications for sustainable development that accord with the Development Plan should be approved without delay. Sustainable development is not defined in the NPPF but reference is made to economic, social and environmental gains; improvements in the quality of the built, natural and historic environment and in people's quality of life.
10. In addition there is an extant permission for the erection of 3 x 2 bedroom dwellings that was granted in August 2010. This permission is for a car free scheme and would provide three modest dwellings on a sustainable site within a short walk from Headington District Shopping Centre.

### Changes to the approved and extant permission

11. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for new development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area.
12. Policy CP8 suggests that the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and amenity space.
13. Policy CS18 of the Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design through responding appropriately to the site and its surroundings, creating a strong sense of place and contributing to an attractive public realm.
14. The general layout of the site and the size and height of the proposed new building is effectively the same as the approved scheme. In addition cycle parking, bin storage and private garden areas are all provided as per the approved scheme.
15. The main change in the current application is the proposal to utilise the roofspace of the new building to provide further accommodation. The two end units would have an additional bedroom and bathroom on the second floor and the middle unit would have a smaller study room. The rear elevation of the new building now proposes two dormer windows together with a double sized rooflight to serve these new rooms. In pre-application discussions, officers have sought to influence the appearance and size of the dormer windows to ensure that they do not unacceptably distort the shape of the roof of the building. Officers are now satisfied that the dormer windows are of an appropriate size and design and would appear in keeping with the character of the new building
16. Officers are also aware that the proposed second floor windows could increase the level of overlooking towards the rear gardens and properties in Matlock Close, particularly numbers 30 – 32. However the approved scheme incorporated first floor balconies and these have now been removed from the current proposal. It is considered that the two proposed additional bedroom windows within the roofspace would not result in an unacceptable level of overlooking given that the window to window separation distance would be approximately 20 metres.

### Highway issues

17. The other change to the approved scheme is the proposed introduction of 2 car parking spaces in the nearby garage block to serve the 2 x 3 bedroom dwellings. The two bedroom dwelling would remain car free. In addition the Local Highway Authority have accepted that the occupiers of the new dwellings would be eligible to apply for visitor parking permits based on the fact that there are a number of on street parking spaces in Norton Close and visitor permits would allow for occasional visitor access.
18. Officers are aware of local concerns relating to congestion and excessive parking in Norton Close. The provision of parking in this garage block will ensure that the additional parking resulting from the development can be accommodated and would not exacerbate any existing problem relating to parking in the Close itself as the properties would not be eligible for residents' parking permits.

### **Conclusion:**

19. It is considered that the proposal forms an appropriate visual relationship with the surrounding development and would appear in keeping with the street scene. The scheme provides 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling, would be served by 2 car parking spaces in the garage block to the west of the site and would provide cycle parking, bin stores and private amenity areas. There is an extant planning permission for the erection of 3 x 2 bedroom dwellings on the site and it is considered that the proposal complies with adopted policies contained within both the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016.

### Human Rights Act 1998

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

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

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

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider

that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

09/02036/FUL

10/00050/FUL

10/01496/FUL

12/00660/FUL

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 10th May 2012





# Appendix 1

## Land to the rear of 82, 84 and 86 Windmill Road



**Legend**

Scale: 1:1250

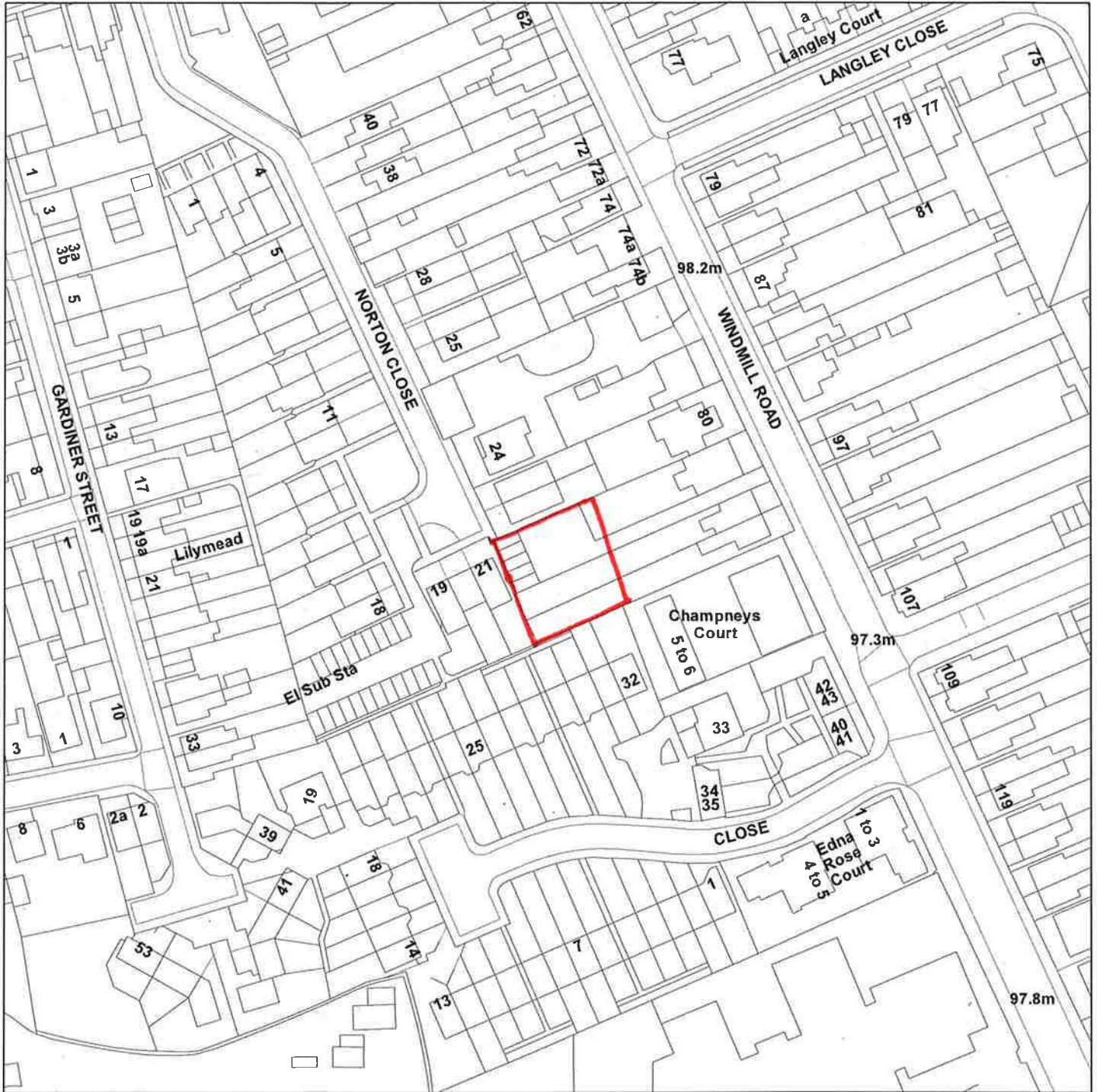


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Organisation	Not Set
Department	Not Set
Comments	
Date	09 May 2012
SLA Number	Not Set

# 12/00660/FUL

## Land R/o 82, 84 & 86 Windmill Road



Scale : 1:1250



Organisation	Oxford City Council
Department	Planning
Comments	
Date	18 May 2012
SLA Number	100019348

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East Area Planning Committee

- 29<sup>th</sup> May 2012

**Application Number:** 12/00393/FUL

**Decision Due by:** 13th April 2012

**Proposal:** Extension to existing property plus extension and alteration to form 2 x 3-bed and 1 x 2-bed chalet bungalows.  
Provision of 1 car parking space per property, together with cycle and bin stores.

**Site Address:** 129 Lime Walk Oxford (**Appendix 1**)

**Ward:** Headington Ward

**Agent:** The Anderson Orr Partnership    **Applicant:** Estate Of Mr R. J. Hey

**Application Called in** – by Councillors Wilkinson, Rundle, on the grounds of on street parking provision and the impact upon on street parking.

---

**Recommendation:** Application to be **approved**.

Reasons:

- 1     The development would make a more efficient use of the site, in a manner which would be sympathetic to visual and neighbouring residential amenity in accordance policy CP1, CP6, CP8, CP10 and HS19 of the Local Plan. It would provide an acceptable residential environment for future residents in accordance with policy CP10, HS20, HS19 and HS21 of the Local Plan. It would provide one off street car parking space per dwelling which is considered to be appropriate in such a sustainable location in accordance with policy TR3 and Appendix 3 of the Local Plan.
- 2     Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3     The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

### Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Bin/Cycle Storage
- 8 Car parking in accordance with plans
- 9 Vision Splays
- 10 Development excluded from CPZ
- 11 Design - no additions to dwelling
- 12 Sustainability design/construction

### **Main Planning Policies:**

#### Oxford Local Plan 2001-2016

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

#### Oxford Core Strategy 2026

- CS2 - Previously developed and greenfield land
- CS9 - Energy and natural resources
- CS18 - Urban design, town character, historic environment
- CS23 - Mix of housing

#### Sites and Housing DPD – Proposed Submission (February 2012)

- HP9 - Design, Character and Context
- HP11 - Low Carbon Homes
- HP12 - Indoor Space
- HP13 - Outdoor Space
- HP14 - Privacy and Daylight
- HP15 - Residential cycle parking
- HP16 - Residential car parking

### **Other Material Considerations:**

- National Planning Policy Framework
- Balance of Dwellings SPD
- Parking Standards SPD

**Relevant Site History:**

11/03084/FUL - Conversion and extension to existing dwelling including raising the roof height to provide 2x3 bedroom dwellings and 1x2 bedroom dwelling. Provision of car and cycle parking, bin stores and private amenity space. - **Withdrawn**

**Third Party Representations Received:** Letters of objection have been received from 113 Lime Walk and Oxford Civic Society. The issues raised can be summarised as follows:

- Not clear if the car parking spaces are large enough
- New vehicular accesses close to junction which could cause safety and congestion problems
- Two bungalows would be better than 3. 3 feels too many

**Statutory and Internal Consultees:**

Highways And Traffic – No objection subject to conditions regarding visibility, porous hard surfaces and that the development is excluded from the CPZ

Water Utilities Limited – No objection

**Officers Assessment:****Site Description and Proposals**

1. The application site comprises a detached bungalow at the southeastern end of Lime Walk. The property has an existing vehicular access leading to a garage at the side of the house.
2. Planning permission is sought to raise the roof of the bungalow and insert dormer windows front and back, along with a rear single storey extension. To convert the extended property into three chalet bungalows (1x2 bed and 2x3 bed). Two new vehicular accesses are proposed to accommodate a total of three cars on the frontage (1 per unit).
3. Officers consider the main determining issues in this case to be the principle of development, balance and mix of dwellings, form and appearance, proposed residential environment, impact on neighbouring properties, sustainability and car parking.

**Principle of Development**

4. Local Plan policy CP6 states that development proposals should make efficient use of land by making best use of site capacity. In this particular regard the development would make an efficient use of the site by accommodating 2 additional units in a manner which is compliant with other local planning policies.
5. Core Strategy policy CS23 explains that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this policy CS23 supports a balance of dwelling types within any given locality. The Balance of Dwellings SPD (BoDs) supplements CS23 and has assessed the housing stock within

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

6. 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 prohibits the net loss of family dwellings within developments of three or fewer units. The SPD defines 'Family Dwellings' as being three bed units with a floor area less than 110m<sup>2</sup>. The existing house has a floor area of 83m<sup>2</sup> however the proposal would provide two new three bed dwellings each with a floor area of 85m<sup>2</sup> and as such would comply with BoDs.
7. In light of the above officers conclude that the proposals are acceptable in principle.

### **Form and Appearance**

8. Local Plan policy CP8 states that the siting, massing and design of development should create an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area. Policy CP10 further explains that planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.
9. The character of Lime Walk is considered to be varied in terms of the style of some of the individual or groups of buildings. The wider character is more homogenous. The street has a distinct building line with buildings set back a few metres from the footway behind low boundary walls or in some cases a hedge. The buildings are for the most part two storey in height and have a traditional form and a domestic appearance and scale. The palette of materials is limited but they have been used in a number of ways to enhance the sense of variety within the street.
10. Characteristically then the existing bungalow is out of context. However, being at the end of the street it acts as a full stop to the building line and due to the variety in the building styles it does not appear out of place. The alterations proposed would not drastically change this. The increase in height (between 0.5m and 1m) would still see the building substantially lower than its adjoining two storey neighbours, while the introduction of small box style dormer windows in the front roof slope would not appear out of context due to the characteristics of the existing house. To the rear the extensions would also be modest and in keeping with the scale and appearance of the existing building and its neighbours. The materials are proposed to match the existing building which is a mix of red brick, timber and tile.
11. The proposed car parking would require the creation of two new access points which will result in the removal of part of the front wall. This does



not require planning permission but officers would support this approach as it maintains the sense of enclosure to the street which is a defining characteristic of the street.

12. Officers are of the view that the extensions and the other external alterations are sympathetic to the scale and appearance of the existing house and the characteristics of the street.

### **Proposed Residential Environment**

13. Local Plan policy HS21 states that residential development should have access to private amenity space and that in the case of family dwellings of 2 or more bedrooms this should be exclusive to the residential property and generally in excess of 10m in length. The proposed rear gardens for the 3 bed houses are 10m in length and between 6.4m and 8.2m in width. While the garden serving the two bed house measures 8m in length and 6m in width, this house also has a smaller space to the side of the rear kitchen extension measuring 6m in length and 2m in width. This garden is marginally below the 10m general requirement, however the width of this garden is generous and the narrower space to the side of the kitchen provides extra private space. Officers conclude that the gardens would be suitable for the accommodation proposed.
14. Neither the Local Plan nor Core Strategy set minimum floor area standards for dwelling houses, however the existing dwelling has a floor area of 83m<sup>2</sup> and the two replacement 3 bed dwellings would both have a floor area of 85m<sup>2</sup>. The three houses are well laid out with habitable rooms well lit and ventilated. Officers therefore consider the internal environment to be acceptable.
15. Policy CP10 and HS19 of the Local Plan require each residential unit to provide bin and cycle storage. The proposals have demonstrated how provision can be accommodated at the front of each property; however officers recommend a condition to secure details of the external appearance of the stores.

### **Impact on Neighbouring Properties**

16. 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.
17. The proposal for the most part uses the existing structure and as such does not project further rearward or move closer to the properties on either side. However, the existing building does increase in height, by 0.5m on the northern half of the building and 1m on its southern half. These changes in height relate to the ridgeline and because the existing building would still be substantially lower than those to the north and south, it would not have a significant adverse impact on light to and outlook from neighbouring habitable room windows in their side and rear elevations.

18. A single storey rear extension is proposed to the northern end of the building. This extension would be set 2m away from the northern boundary and it would incorporate a hipped roof which pitches away from the boundary. The 45° code would not be breached when applied to the nearest habitable rear facing window of the adjoining northern property, No 125 Lime Walk, and as a result of the roof design and the distance from the boundary, the extension would not have an overbearing impact on or adversely affect light to No 125 Lime Walk.
19. The proposal would introduce new dormer windows in the front and rear roof slope. However these would be sufficient distance from properties across the road and to the rear, so that there would not be a significant adverse impact on the privacy of adjoining properties and those opposite.

### **Car Parking**

20. One off street car parking is proposed per house. This level of provision is lower than the maximum standards set out in Appendix 3 of the Local Plan which states that up to 2 spaces should be provided. However reduced parking levels are supported in sustainable locations and where the reduced parking status can be controlled. The site is within a highly sustainable location and a Controlled Parking Zone. This is therefore considered to be a suitable site for a relaxation in the maximum parking standards. On the advice of the County Council as Highway Authority, officers recommend a condition to prohibit all of the new units from entitlement to both residents' and visitor parking permits.
21. The creation of two new vehicular access points results in the loss of one on street car parking bay. The Highway Authority has not raised any objection to this.
22. Concern has been raised by third parties that the new access points are too close to the junction and that the car parking spaces are too small. The new access points are in excess of 18m from the Old Road junction and the car parking spaces meet the standard dimensions required. The Highway Authority has raised no concern about the new accesses or the car parking spaces and in so doing are aware of the location of the application site.

### **Sustainability**

23. The application site lies within a sustainable location, close to the Headington District Centre. The site therefore has excellent access to shops, services and public transport nodes. The proposal will make efficient use of the site.
24. Policy CS9 states that all applications for development are expected to minimise carbon emissions by incorporating sustainable design and construction methods into the development. The application is silent on this issue, however parts of the Building Regulations, in particular Part G (Sanitation, Hot Water Safety and Water Efficiency) and Part L

(Conservation of fuel and power), aim to help reduce carbon emissions and protect the environment.

25. Notwithstanding the requirements of the Building Regulations, officers recommend that if the Committee is minded to grant planning permission a condition be imposed requiring details of how sustainable design and construction methods would be incorporated into the building and how energy efficiency has been optimised through design and by utilising technology that helps achieve Zero Carbon Development.

**Conclusion:** The proposal is considered to make a more efficient use of the site, in a manner which would be appropriate to the character of the street and that would preserve the amenities of neighbouring residential properties. Subject to the conditions set out above officers recommend that planning permission be granted.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 12/00393/FUL

**Contact Officer:** Steven Roberts

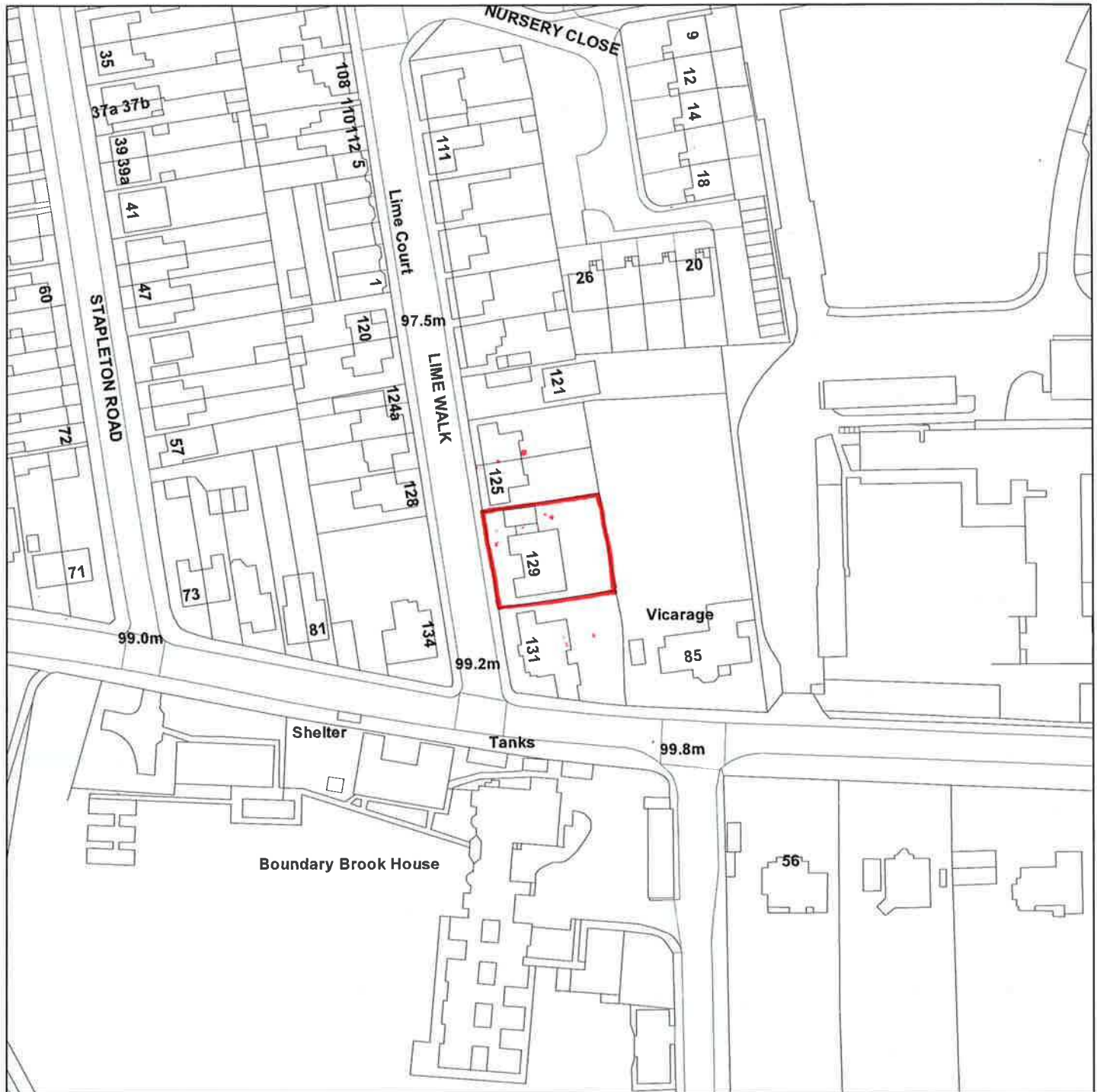
**Extension:** 2221

**Date:** 14th May 2012

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# 12/00393/FUL

## 129 Lime Walk



Scale : 1:1250



Organisation	Oxford City Council
Department	Planning
Comments	
Date	18 May 2012
SLA Number	100019348

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**East Area Planning Committee**

**- 29<sup>th</sup> May 2012**

**Application Number:** 12/00268/FUL

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

**Proposal:** Erection of roof canopy to front elevation.

**Site Address:** 22 Merewood Avenue Oxford

**Ward:** Barton And Sandhills Ward

**Agent:** N/A

**Applicant:** Mr Mohammed Ramzan

The application needs to be determined by Committee because the applicant is a relative of a Council employee, in accordance with the Councils constitution. The report has been checked by the Councils Monitoring Officer.

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is acceptable in design terms and would not be harmful to the character and appearance of the local area. There would be no harmful impacts on neighbouring dwellings and no objections have been received. The proposal is considered to comply with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 and policy CS18 of the 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 as specified

## **Main Local Plan Policies:**

## **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP10** - Siting Development to Meet Functional Needs

## **Core Strategy**

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

## **Other Material Considerations:**

National Planning Policy Framework

## **Relevant Site History:**

None

## **Representations Received:**

None

## **Statutory and Internal Consultees:**

Risinghurst & Sandhills Parish Council – no objection

## **Issues:**

Design and appearance

## **Officers Assessment:**

### Site

1. The application site comprises a two-storey detached family dwelling located on the northern side of Merewood Avenue in Sandhills. The surrounding area is characterised by predominantly modest sized semi-detached dwellings; this property is unique in appearance as it is a former post office. The area to the front and side of the building is paved.

### Proposal

2. Planning permission is sought for a front canopy to be erected along the full-width of the front elevation. The canopy would have a pitched roof and would be supported by three pillars. It would have a maximum height of 3.1 metres and would be 1 metre deep. The roof of the canopy would be tiled in concrete tiles to match the existing building, and the pillars would be posts covered with round fibreglass tubes, in white.

### Design and appearance

3. Policies CP1 and CP8 of the OLP state that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CS18 of the Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design and responds appropriately to the site and its surroundings.
4. The existing front elevation of the building has a parapet wall running along the top which largely hides the pitched roof behind. This gives the



building a unique appearance and a dominant brick front façade. The proposed canopy, although wide at 5.9 metres (the full width of the building) would extend one metre out from the front wall. Officers consider that this relatively minor addition would not be detrimental to the character and appearance of the existing building, which would retain its distinctive form. Most of the houses in the locality have bay windows, and some have porch additions, on the street facing elevation whilst the application site has a plain façade with little ornamentation. The addition of a front canopy would add interest and a domestic feature to the building that officers do not consider would appear harmful or out of character in the area.

**Conclusion:** the erection of a front canopy would not significantly alter the appearance of the building, and would not amount to a harmful addition in the streetscene, particularly when taking into account the distinctiveness of the existing building. The application is recommended for approval.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 12/00268/FUL

**Contact Officer:** Rona Gregory

**Extension:** 2157

**Date:** 15th May 2012

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East Area Planning Committee

- 29<sup>th</sup> May 2012

**Application Number:** 12/00382/FUL

**Decision Due by:** 19th April 2012

**Proposal:** Erection of outbuilding to rear (retrospective).

**Site Address:** 28 Merewood Avenue Oxford

**Ward:** Barton And Sandhills Ward

**Agent:** N/A

**Applicant:** Mr Naveed Ramzan

The application needs to be determined by Committee because the applicant is a Council employee, in accordance with the Councils constitution. The report has been checked by the Councils Monitoring Officer.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would not cause unacceptable levels of harm to neighbouring properties, and with an appropriate finish would appear acceptable in design terms. The proposal is therefore considered to comply with policies CP1, CP6, CP8, CP10 and HS19 of the Oxford Local Plan 2001 and policy CS18 of the Core Strategy.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Building to be painted in agreed colour within 8 weeks
- 2 Use to be incidental to dwelling, no primary living 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

**CP10** - Siting Development to Meet Functional Needs

**HS19** - Privacy & Amenity

**Core Strategy**

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

**Other Material Considerations:**

National Planning Policy Framework

**Relevant Site History:**

None

**Representations Received:**

32 Merewood Avenue – object on grounds of overlooking and development appears out of character

**Statutory and Internal Consultees:**

Highways Authority - no objection subject to a condition restricting the use to ancillary.

Risinghurst & Sandhills Parish Council – no comment received

**Issues:**

Design

Impact on neighbours

**Officers Assessment:**

Site

1. The application site comprises a semi-detached dwelling located on the northern side of Merewood Avenue in Sandhills. The property has a narrow back garden with close boarded timber fencing along both common boundaries. Previously the garden had a garage, now demolished and the base of which can still be seen, and a small shed where the new building is now sited.

Proposal

2. Planning permission is sought retrospectively for a garden building that has been erected at the bottom of the garden. The building is single storey with a tiled pitched roof and measures 3.9 metres in width along the forward facing elevation and 3.1 metres deep. The height to the ridge is 3

metres, although the building has been constructed on a raised area, approximately 300mm above adjacent ground level. There is a single pane window and a door on the front elevation.

### Design

3. Policies CP1 and CP8 of the OLP state that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CS18 of the Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design and responds appropriately to the site and its surroundings.
4. Currently the garden building is finished in breeze blocks and is unattractive. The applicant has stated that the garden building is unfinished and were planning permission granted for the retention of the building, it would be painted. This would soften its appearance and help it to blend in to its garden setting. A condition is therefore suggested requiring the building to be painted in a colour to be agreed with the LPA within 8 weeks of the granting of consent.
5. The other gardens in the immediate area all have garden buildings of various sizes, and officers consider that in this context, the garden building, when painted, would not appear out of character in the area. The footprint of the garden building is proportionate to the size of the garden and there is adequate amenity space remaining.
6. The building does appear higher than others in neighbouring gardens because it has been erected on a raised area. The building has a modest footprint, measuring 3.1 metres deep and 3.9 metres wide at its widest point, and it is sited at the bottom of the garden. Officers are of the view that it does not appear unacceptably overbearing and is not, on balance, harmful to the appearance of the area.

### Impact on neighbours

7. Policy HS19 of the OLP states that the Council must assess proposals in terms of the potential for overlooking, sense of enclosure, overbearing nature and sunlight and daylight standards.
8. The garden building has been erected on a raised area which has the effect of increasing its height by approximately 300mm. Therefore, when viewed from the neighbouring properties it has an eaves height of approximately 2.6 metres and a ridge height of 3.3 metres. The building has been erected up against the rear boundary of the site and is therefore approximately 19.5 metres away from the rear of the house, and the adjoining houses. Officers consider that this is sufficient distance to prevent any overlooking into the rear facing windows of the neighbouring properties, particularly when taking into account the incidental use of the building, which is used for storage. A condition is suggested requiring the use to be incidental to the enjoyment of the dwelling house and preventing

it from being used as primary living accommodation such as a bedroom or living room.

9. There is a window (obscure glazed) and a door on the front elevation, and concerns have been raised by the occupiers of no. 32 Merewood Avenue that these allow for direct views into their house. The building is not to be lived in and due to the angle of the gardens the building does not face directly towards no. 32 Merewood Avenue. The building is visible from the neighbouring properties and rear gardens but officers are of the view that this would not lead to any significant harm to the living conditions of the occupiers of these properties or prevent the enjoyment they should expect from using their gardens.

10. There are no windows on the side elevations

**Conclusion:** the building in its current form is not attractive but this would be greatly improved by painting it. The building is not to be used as living accommodation, and does not lead to an unacceptable loss of privacy for neighbouring properties. The application is recommended for approval subject to conditions.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 12/00382/FUL

**Contact Officer:** Rona Gregory

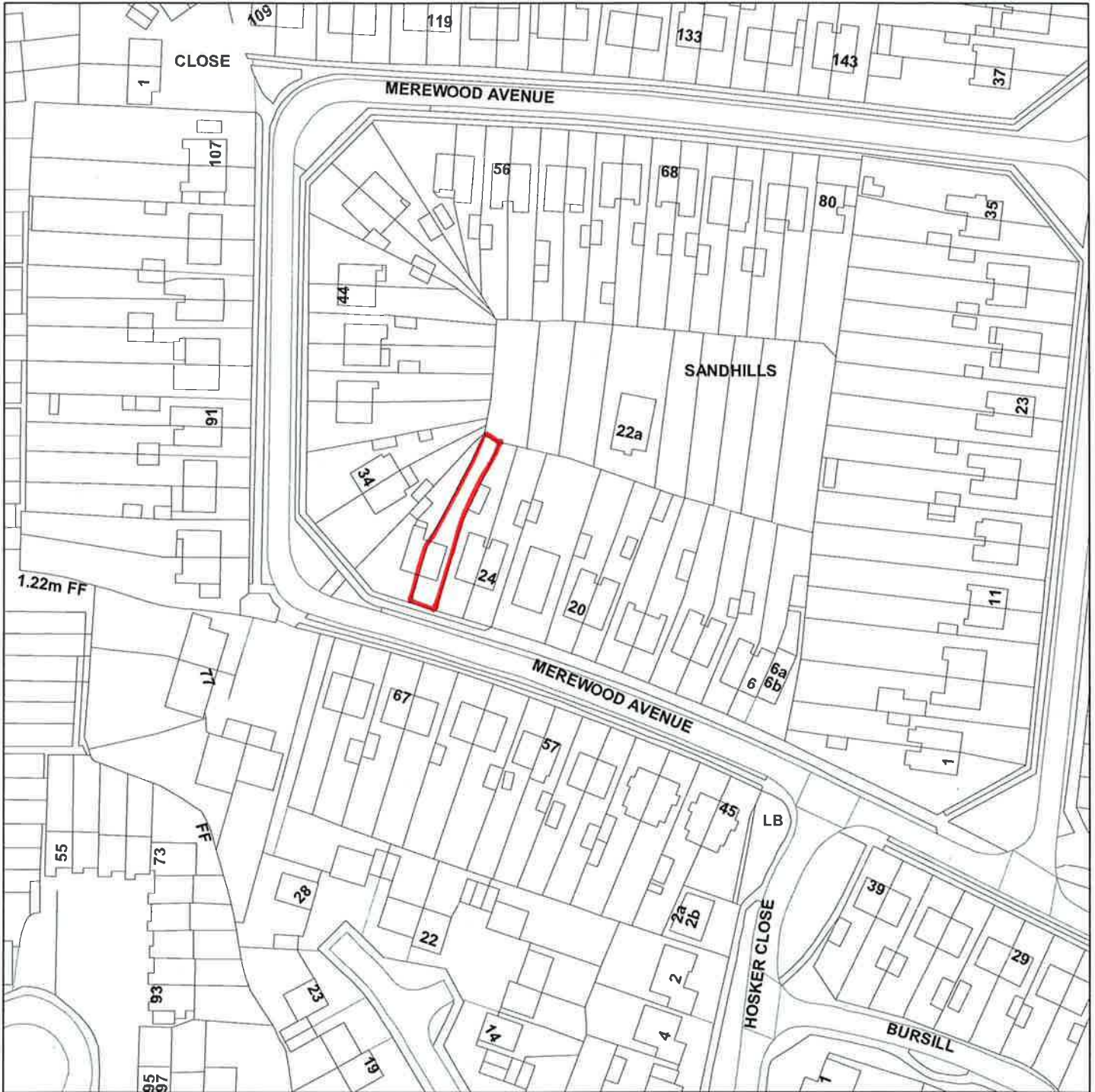
**Extension:** 2157

**Date:** 15th May 2012



# 12/00382/FUL

## 28 Merewood Avenue



Scale : 1:1250



Organisation	Oxford City Council
Department	Planning
Comments	
Date	18 May 2012
SLA Number	100019348

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East Area Planning Committee

29<sup>th</sup> May 2012

**Application Number:** 12/00228/FUL

**Decision Due by:** 27th March 2012

**Proposal:** Proposed single storey rear extension.

**Site Address:** 16 Bartholomew Road Oxford Oxfordshire OX4 3QQ

**Ward:** Cowley Ward

**Agent:** Mr Gary Wilcox

**Applicant:** Mr Ben Clifton

The application needs to be determined by Committee because the applicant is a Council employee, in accordance with the Councils constitution. The report has been checked by the Councils Monitoring Officer.

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is considered to form an acceptable visual relationship with the existing building and local area and is unlikely to have a significant effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8, CP10 and HS19 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy. No objections have been received from third parties.
- 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 Amenity no additional windows side,

5 Amenity no balcony

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP10** - Siting Development to Meet Functional Needs

**HS19** - Privacy & Amenity

**Core Strategy**

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

**Other Material Considerations:**

None relevant

**Relevant Site History:**

None relevant

**Representations Received:**

No comments received

**Statutory and Internal Consultees:**

Thames Water: No objection, but comments on legal changes relating to sewers.

**Issues:**

Design

Effect on adjacent occupiers

**Officers Assessment:**

Site description and proposal

1. 16 Bartholomew Road is a semi detached house with a passageway to side. Permission is sought to construct a flat roof single storey rear extension to provide extended living space. The extension would extend across the rear of the house and extend into the garden by 4 metres.

Design

2. Oxford City Council desires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8 and CS18 are key in this regard.

3. The proposed development is not easily visible from the public domain. The flat roofed design reflects the appearance of other extensions in the area and subject to a condition of planning permission to control the appearance of materials used in the build, the proposal is not considered to be materially out of character with the existing house or local area, and complies with Policies CP1 and CP8 of the Local Plan and CS18 of the Core Strategy.

#### Effect on adjacent occupiers

4. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1, CP10 and HS19 of the Local Plan support this aim. Appendix 6 of the Local Plan sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.

5. The properties on either side of the application site (14 and 18 Bartholomew Road) have already been extended and the proposal complies with the 45-degree guidance. Subject to conditions to prevent the insertion of side facing windows or the creation of a balcony or terrace to the flat roof, the development is considered unlikely to have a material effect on adjacent occupiers, and the proposal complies with Policies CP1, CP10 and HS19 of the Local Plan.

#### **Conclusion:**

6. The development is considered to form an acceptable visual relationship with the existing building and local area, is unlikely to have a significant effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8, CP10 and HS19 of the adopted Local Plan and Policy CS18 of the Core Strategy.

#### 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: 12/00228/FUL**

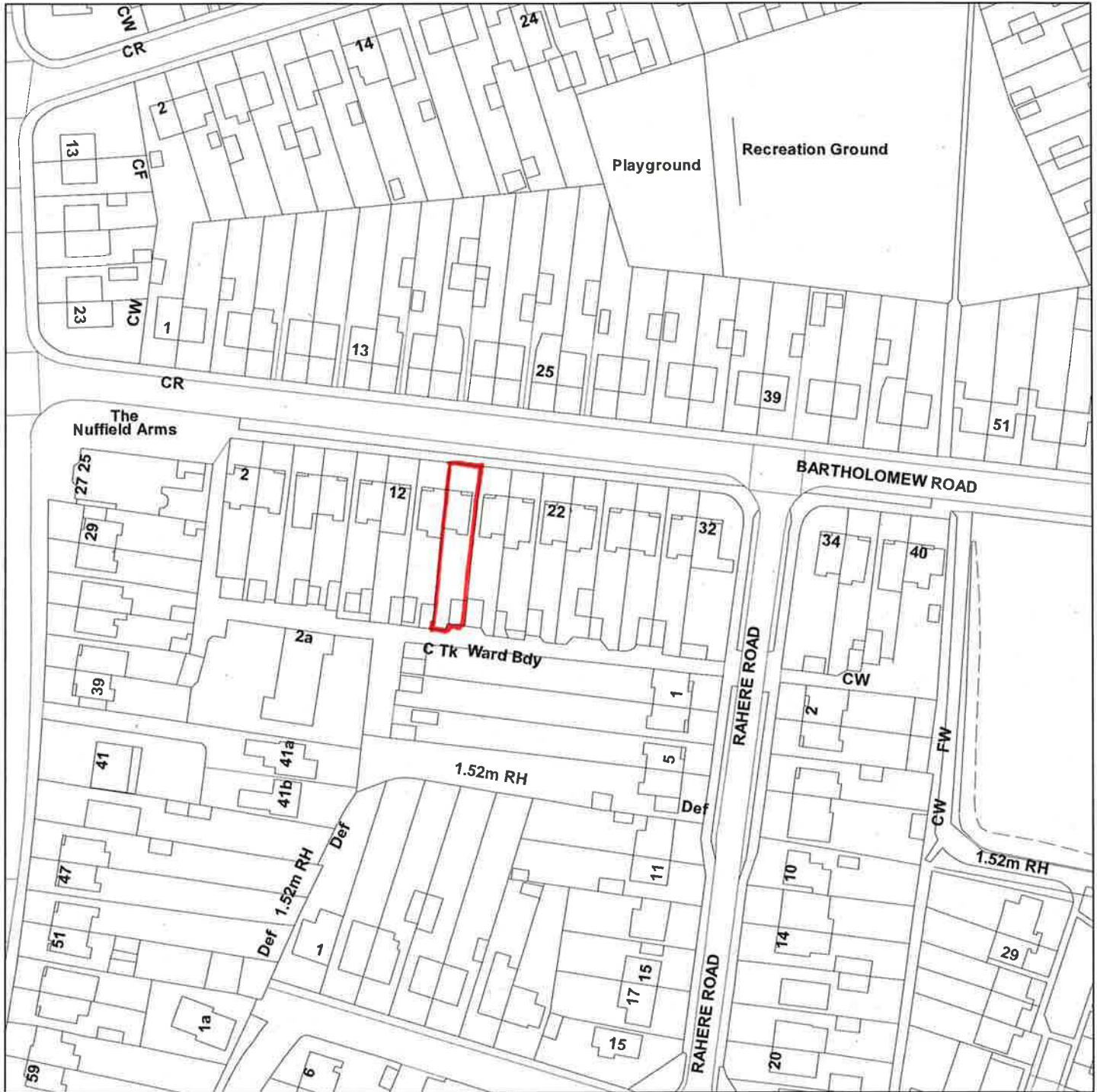
**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 26th March 2012

12/00228/FUL

16 Bartholomew Road



Scale : 1:1250



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Organisation	Oxford City Council
Department	Planning
Comments	
Date	18 May 2012
SLA Number	100019348

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## Monthly Planning Appeals Performance Update – March 2012

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

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 performance for the current business plan year, ie. 1 April 2011 to 31 March 2012.

Table A. BV204: Current Business plan year performance (1 April 2011 to 31 March 2012)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	12	(34%)	4 (50%)	8 (30%)
Dismissed	23	66%	4 (50%)	19 (70%)
<i>Total BV204 appeals</i>	35		8	27

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 B.

Table B. All planning appeals (not just BV204 appeals): Rolling year to 31 March 2012

	Appeals	Percentage performance
Allowed	13	(32%)
Dismissed	28	68%
All appeals decided	41	
Withdrawn	4	

4. When an appeal decision is received, the Inspector’s decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table C, appended below, shows a breakdown of appeal decisions received during March 2012.
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 D, appended below, is a breakdown of all appeals started during March 2012. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

## Table C

## Appeals Decided Between 1/3/12 And 31/3/12

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, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
11/01669/FUL	11/00031/REFUSE	DEL	REF	DIS	05/03/2012	COWLYM	Land To The Rear Of 9 Saunders Road Oxford Oxfordshire	Erection of 3 storey building to provide 2x1 bed houses - including integral car parking, bin and cycle storage and forecourt vehicle turntable
11/01095/FUL	11/00037/REFUSE		REF	ALC	23/03/2012	NORTH	1 Park Town Oxford Oxfordshire OX2 6SN	Erection of annexe building, bicycle shelter, extension of wendy house to provide garden store and re-instatement of railings to street frontage

**Total Decided: 2**

## TABLE D Appeals Received Between 1/3/12 And 31/3/12

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

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
11/02325/OUT	12/00010/REFUSE	DEL	REF	I	29 Old High Street Oxford Oxfordshire OX3 9HP	HEAD	Demolition of existing house, buildings and structures. Erection of 5 x three storey terraced houses with integral garages, parking and bin stores. Alteration to vehicular access.
11/02326/CAC	12/00011/REFUSE	DEL	REF	I	29 Old High Street Oxford Oxfordshire OX3 9HP	HEAD	Demolition of existing house, buildings and structures.
11/02648/FUL	12/00007/REFUSE	DEL	REF	H	19 Merrivale Square Oxford Oxfordshire OX2 6QX	NORTH	Loft conversion with rear dormer and rooflights to front and rear.
11/02662/FUL	12/00008/REFUSE	DEL	REF	H	28 Victor Street Oxford Oxfordshire OX2 6BT	JEROSN	Proposed replacement windows
11/02885/FUL	12/00012/REFUSE	DELCOM	PER	W	51 Littlemore Road Oxford Oxfordshire OX4 3SS	LITTM	Subdivision of existing garden serving 51 Littlemore Road. Demolition of existing garages and erection of detached 2 storey, 4 bedroom dwelling provision of 2 car parking spaces access off Van Diemens Lane. Provision of bin and cycle stores and private amenity space.

## Enforcement Appeals Received Between 1/3/12 And 31/3/12

TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

EN CASE NO.	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
12/00050/ENF	12/00009/ENFORC	W	4 Netherwoods Road Oxford Oxfordshire OX3 8HE	QUARIS	Appeal against enforcement against alleged unauthorized use of part of extension (approved by planning permission 06/01148/FUL) as self contained dwelling

**Total Received: 6**

**Monthly Planning Appeals Performance Update – April 2012**

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

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 30 April 2012, while Table B does the same for the current business plan year, ie. 1 April 2011 to 30 April 2012.

Table A. BV204 Rolling annual performance (to 30 April 2012)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	12	(35%)	4 (57%)	8 (30%)
Dismissed	22	65%	3 (43%)	19 (70%)
<i>Total BV204 appeals</i>	34		7	27

Table B. BV204: Current Business plan year performance (1 April to 30 April 2012)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	1	(100%)	0	1 (100%)
Dismissed	0	0%	0	0 (0%)
<i>Total BV204 appeals</i>	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 2012

	Appeals	Percentage performance
Allowed	13	(33%)
Dismissed	27	67.5%
All appeals decided	40	
Withdrawn	4	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during April 2012.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during April 2012. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

## Table D

## Appeals Decided Between 1/4/12 And 30/4/12

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, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
11/02648/FUL	12/00007/REFUSE	DEL	REF	ALW	27/04/2012	NORTH	19 Merrivale Square Oxford Oxfordshire OX2 6QX	Loft conversion with rear dormer and rooflights to front and rear.

Total Decided: 1

## TABLE E Appeals Received Between 1/4/12 And 30/4/12

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

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
11/01040/FUL	12/00014/REFUSE	COMM	PER	P	St Clements Car Park And Public Convenience St Clement's Street Oxford Oxfordshire	STCLEM	Demolition of public toilets. Redevelopment of St Clements car park to provide student accommodation (140 bedrooms) and ancillary facilities over 3 blocks. Replacement car park (74 spaces), public toilets and landscaping and ancillary works. (Amended Plans, Additional Information)
11/01044/CAC	12/00015/REFUSE	COMM	PER	P	St Clements Car Park And Public Convenience St Clement's Street Oxford Oxfordshire	STCLEM	Demolition of public toilets.
11/02278/FUL	12/00013/REFUSE	DEL	REF	W	29 Balfour Road Oxford Oxfordshire OX4 6AE	BBLEYS	Erection of 3 bedroom end of terrace house. Provision of 2 car parking spaces to frontage
11/02973/FUL		DEL	REF	W	101 London Road	HEAD	Change of use of first floor from residential flat (use class C3)  to office (use class B1).

**Total Received: 4**



**To:** East Area Planning Committee &  
West Area Planning Committee

**Dates:** 29<sup>th</sup> May 2012 – East Area Planning Committee

**Report of:** Head of City Development

**Title of Report:** Planning Enforcement – Performance Update

## 1. Summary

This report seeks to provide the East and West Area Planning Committees with an update on the performance and progress of the planning enforcement service for 2011/12.

In summary, the adjustments and streamlining of the planning enforcement service following the service reviews carried out by the Scrutiny Committee and the Business Process Improvement (BPI) project have assisted in reducing further the number of outstanding enforcement investigation cases, especially so in relation to cases which are older than 12 months. The total number of active enforcement investigation cases has overall reduced from 815 in Dec '09 to 199 on 31<sup>st</sup> March 2012. Older active cases (classed as being over 12 months old) are now down to under 50 from almost 300 just over a year ago.

656 service requests were received to investigate alleged breaches of planning control in 2011/12 and 797 cases were dealt with and closed in the same period.

Regarding the source of investigations, members of the public have accounted for 56%, with council officers giving rise to 26% of the new cases. MP's and Councillors accounted for 11%.

Lastly, in terms of the outcomes of our investigations, in 45% of cases there was either no breach of planning control, or the development was permitted or lawful. 19% of the cases received retrospective planning permission. In 17% of the cases the developers removed the breach voluntarily following discussion with the enforcement officers. 16% of the cases were deemed not expedient to enforce. In 2% of the cases the issue was resolved following formal enforcement action and eventual compliance.

In addition the service has continued to keep informed all its customers that submit service requests for investigation as to their case progress and outcome.

## 2: Enforcement Performance

### 2.1: Active Investigations

Chart 1 shows a continued reduction in active enforcement investigations from 360 (March '11) down to only 199 (March '12). The April '12 figure excludes cases that have progressed to Enforcement. The Business Process Improvement (BPI) project has led to a re-assessment of older cases and improved procedures for new investigations.

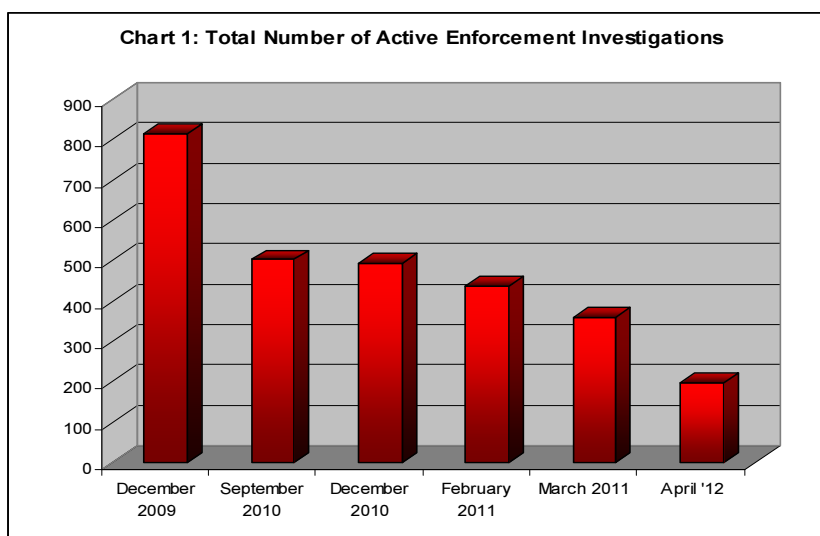
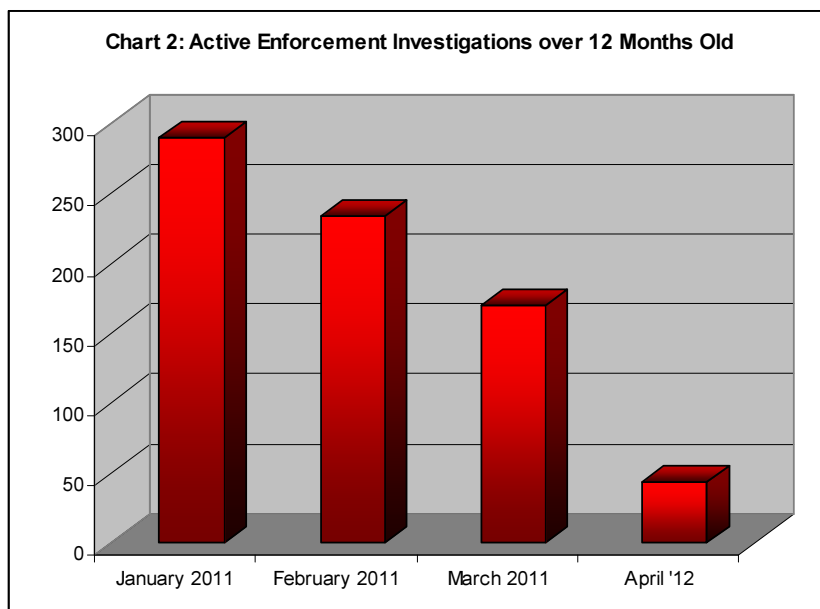


Chart 2 indicates further progress in tackling open older cases. The April '12 figure of 43 shows the number of cases currently 'open' that were received prior to March 31<sup>st</sup> 2011. The April '12 figure excludes cases which have progressed to Enforcement. This represents a substantial reduction in older cases that would otherwise prevent the enforcement team from providing a responsive service and being able to address the most harmful breaches of planning control swiftly



## 2.2: Performance – April 2011- March 2012

Chart 3 below shows that the enforcement team opened 656 new investigations in the last year, while 797 were closed.

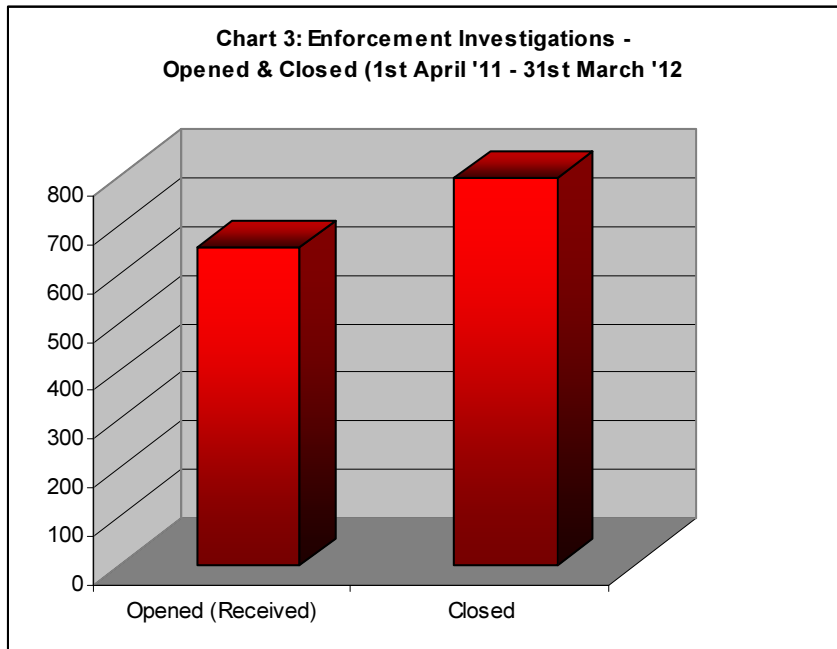
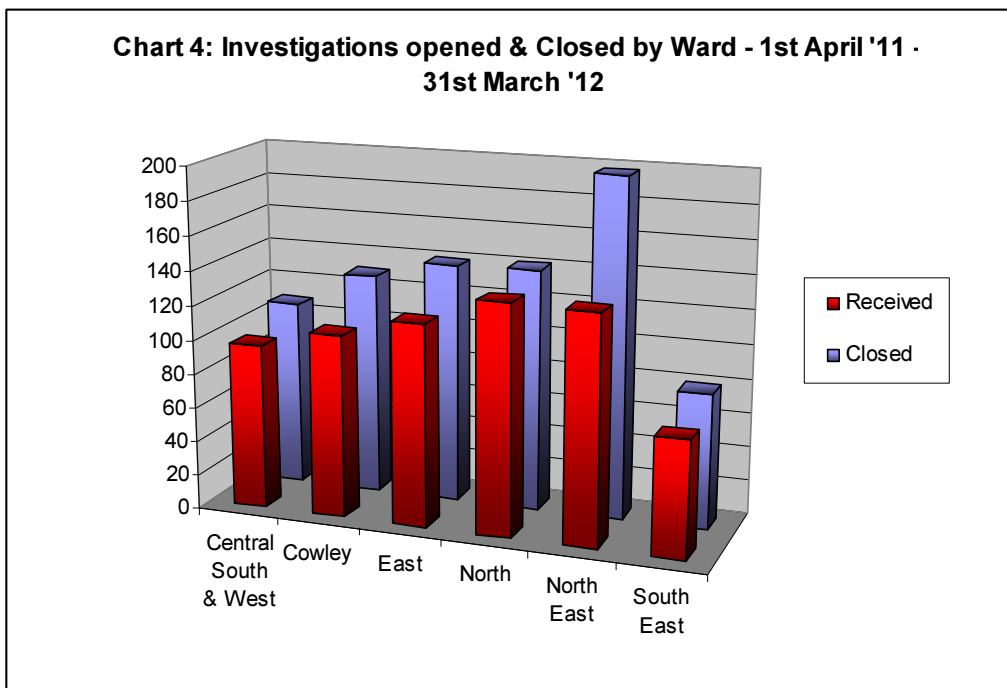
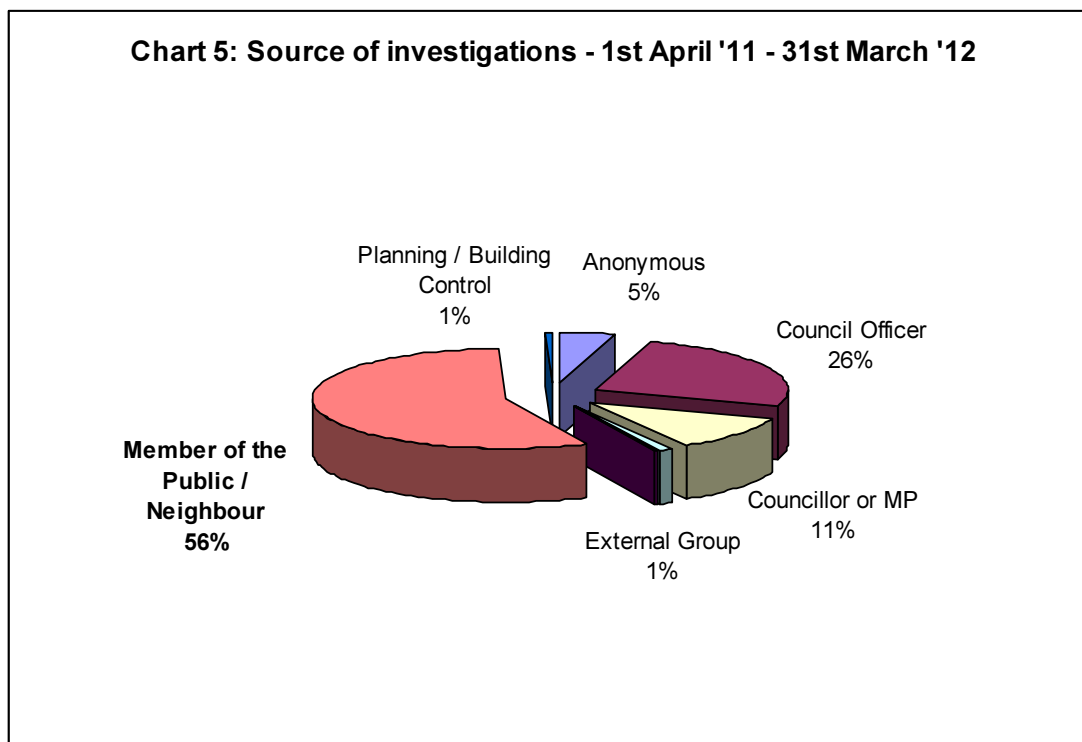


Chart 4 below indicates the geographical spread of received and closed cases during the year. Proportionately more cases were received and dealt with in the north and north east areas of the city.



### 2.3 Source of Investigations.

Chart 5 (below) shows that members of the public (eg. neighbours etc.) still represent the main source (56%) of enquiries leading to enforcement investigations. Council officers were the second largest group (26%), with Councillors/MPs third (11%).



### 2.4: Investigation Outcomes

In chart 6 it can be seen that of the cases closed in the period 45% (354 cases) related to matters where either no breach of planning control had taken place, the development was permitted development or was deemed to be lawful development.

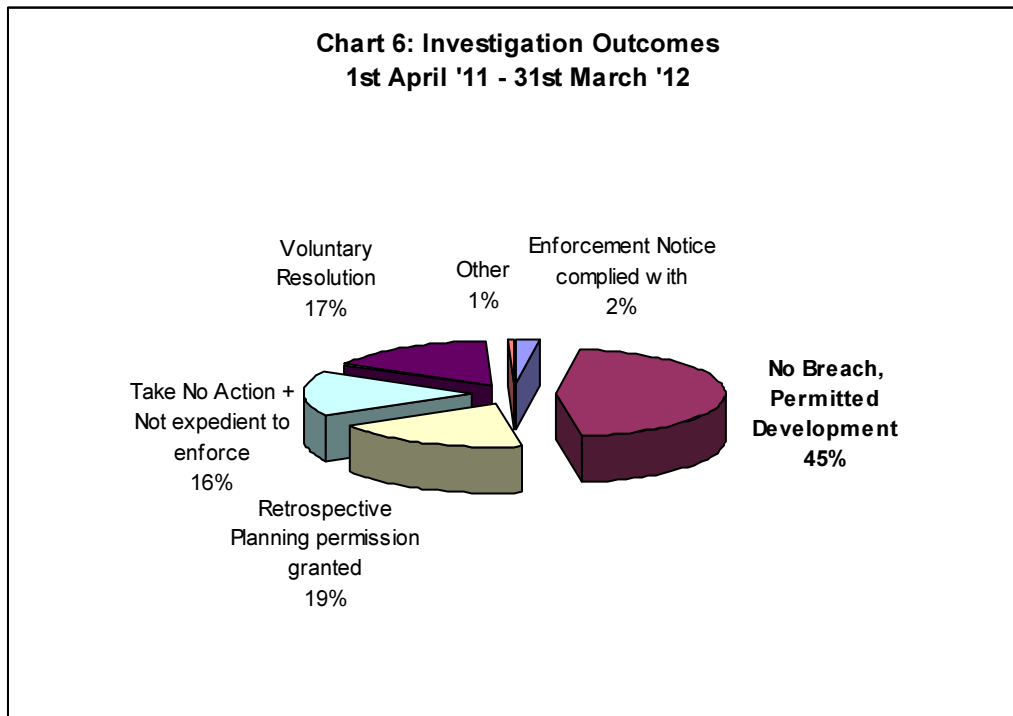
16% (128 cases) were deemed not expedient to enforce. In most instances this was because either the development was considered to be very minor without material harm, or because the matter would have been recommended for approval had a planning application been submitted.

17% (129 cases) were resolved by voluntary action by the developers following discussion with officers, removing the breach of planning control.

In 19% (148 cases) retrospective planning permission was granted.

2% (17 cases) were resolved following the serving of enforcement notices and subsequent compliance.

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



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**17<sup>th</sup> May 2012**

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## EAST AREA PLANNING COMMITTEE

**Tuesday 3 April 2012**

**COUNCILLORS PRESENT:** Councillors Darke (Chair), Rundle (Vice-Chair), Brown, Clarkson, Coulter, Fooks, Keen, Sanders and Wolff.

**OFFICERS PRESENT:** Mathew Metcalfe (Democratic and Electoral Services), Martin Armstrong (City Development), Michael Morgan (Law and Governance) and Steven Roberts (City Development)

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

None received.

### **119. DECLARATIONS OF INTEREST**

Councillors declared interests as follows:

- (1) Councillor Mary Clarkson declared a personal interest in agenda item 4 (Headington Preparatory School, 26 London Road, Oxford – 11/02528/FUL) as her daughters attended the main school, not the pre-school. (Minute 121 refers).
- (2) Councillor Stephen Brown informed the Committee that while he had previously declared a personal interest in agenda item 5 (169 and Temple Cowley United Reformed Church Hall, Oxford Road, Oxford – 12/00281/VAR) as his wife was an employee at the application site, this was now not the case. (Minute 121 refers).
- (3) Councillor Dick Wolff declared a personal interest in agenda item 5 (169 and Temple Cowley United Reformed Church Hall, Oxford Road, Oxford – 12/00281/VAR) as he was a Minister of the Temple Cowley United Reformed Church which was close to the application site. (Minute 121 refers).
- (4) Councillor Jean Fooks declared a personal interest in agenda item 5 (169 and Temple Cowley United Reformed Church Hall, Oxford Road, Oxford – 12/00281/VAR) as she was a Fried of Emmaus. (Minute 121 refers).
- (5) Councillor Gill Sanders declared a personal interest in agenda item 5 (169 and Temple Cowley United Reformed Church Hall, Oxford Road, Oxford – 12/00281/VAR) as the Emmaus was her nominated charity when she was the Lord Mayor of Oxford. (Minute 121 refers).
- (6) Councillor Mary Clarkson declared a personal interest in agenda item 6 (77 Sandfield Road, Oxford – 12/00077/FUL) as she knew the neighbours at 75 Sandfield Road, but she had not discussed the application, nor expressed an opinion to them. (Minute 123 refers).

- (7) Councillor Brown informed the Committee that while he was unable to attend the formal site visit concerning agenda item 6 (77 Sandfield Road, Oxford – 12/00077/FUL) he had visited the site on 3<sup>rd</sup> April 2012 and spoken with the builder. (Minute 123 refers).

**120. RISINGHURST COMMUNITY CENTRE, KILN LANE, OXFORD - 12/00259/CT3**

The Head of City Development submitted a report (previously circulated, now appended) which detailed an application for external alterations consisting of renewal of roof coverings, replacement windows and doors and a new entrance canopy.

During the debate Councillor Dick Wolff requested that as part of the works the whole building was investigated for asbestos and not just the part to undergo the works detailed in the application.

In accordance with the criteria for public speaking, the Committee noted that no requests to speak either against or in favour of the application had been received from members of the public.

The Committee considered all submissions both written and oral and agreed to grant planning permission subject to the three conditions as laid out in the Planning Officers report and subject to the additional conditions as follows:

Additional conditions

Condition (4) – Investigation of improving sustainability measures.

**121. HEADINGTON PREPARATORY SCHOOL, 26 LONDON ROAD, OXFORD - 11/02528/FUL**

The Head of City Development submitted a report (previously circulated, now appended) which detailed an application for the construction of two storey entrance foyer. Single storey extension to form kitchen. First floor extension to provide store and teaching space. Two storey extension to provide cloakroom. New entrance lobby at rear with canopy over library. (amended plans).

Councillor Mary Clarkson declared a personal interest as her daughters attended the main school, not the pre-school.

In accordance with the criteria for public speaking, John Aston and Michael Clarkson spoke in favour of the application, no one registered to speak against the application. The Committee noted that Michael Clarkson was not related to Councillor Mary Clarkson or her husband Michael Clarkson.

The Committee considered all submissions both written and oral and agreed to grant planning permission subject to the ten conditions as laid out in the Planning Officers report and subject to the following additional condition as follows:

Additional condition



Condition (11) – Sustainability measures.

**122. 169 AND TEMPLE COWLEY UNITED REFORMED CHURCH HALL, OXFORD ROAD, OXFORD - 12/00281/VAR**

The Head of City Development submitted a report (previously circulated, now appended) which detailed an application for the variation of condition 4 of planning permission 05/02333/FUL to allow occupation of two warden flats by ex-homeless persons.

Councillor Stephen Brown informed the Committee that while he had previously declared a personal interest in agenda item 5 (169 and Temple Cowley United Reformed Church Hall, Oxford Road, Oxford – 12/00281/VAR) as his wife was an employee at the application site, this was now not the case. (Minute 121 refers).

Councillor Dick Wolff declared a personal interest in agenda item 5 (169 and Temple Cowley United Reformed Church Hall, Oxford Road, Oxford – 12/00281/VAR) as he was a Minister of the Temple Cowley United Reformed Church which was close to the application site. (Minute 121 refers).

Councillor Jean Fooks declared a personal interest in agenda item 5 (169 and Temple Cowley United Reformed Church Hall, Oxford Road, Oxford – 12/00281/VAR) as she was a Friend of Emmaus. (Minute 121 refers).

Councillor Gill Sanders declared a personal interest in agenda item 5 (169 and Temple Cowley United Reformed Church Hall, Oxford Road, Oxford – 12/00281/VAR) as the Emmaus was her nominated charity when she was the Lord Mayor of Oxford. (Minute 121 refers).

In accordance with the criteria for public speaking, the Committee noted that no requests to speak either in favour or against the application had been received from members of the public.

The Committee agreed to grant planning permission subject to the 17 conditions as laid out in the Planning Officers report.

**123. 77 SANDFIELD ROAD, OXFORD - 12/00077/FUL**

The Head of City Development submitted a report (previously circulated, now appended) which detailed an application for the erection of two story side, front and rear extension and alteration to roof. Sub-division to form two bedroom dwelling and provision of parking to front.

Councillor Mary Clarkson declared a personal interest in agenda item 6 (77 Sandfield Road, Oxford – 12/00077/FUL) as she knew the neighbours at 75 Sandfield Road, but she had not discussed the application, nor expressed an opinion to them. (Minute 123 refers).

Councillor Brown informed the Committee that while he was unable to attend the formal site visit concerning agenda item 6 (77 Sandfield Road, Oxford – 12/00077/FUL) he had visited the site on 3<sup>rd</sup> April 2012 and spoken with the builder. (Minute 123 refers).

In accordance with the criteria for public speaking Mike Bishop spoke against the application and Dr Jiang spoke in favour of the application.

The Committee considered all submissions both written and oral and agreed to grant planning permission subject to the 11 conditions as laid out in the Planning Officers report and subject to the following additional conditions and informative as follows:

#### Additional conditions

Condition (12) – No habitable room in roof space of 77a Sandfield Road

Condition (13) – Remove permitted development rights

Condition (14) – Height of extension adjacent to No 79 Sandfield Road to be as built not as shown on proposed plan

Condition (15) – Retention of privet hedge at 77a Sandfield Road and extension of amenity space (suggested 1m wider)

Condition (16) – Boundary fencing to be 2m in height or less

Condition (17) – Glazed internal wall to kitchen in 77a Sandfield Road

Condition (18) – Set backs adjacent to No 79 Sandfield Road to be re-instated

Condition (19) – Storage spaces and library in 77 Sandfield Road not to be used as habitable rooms

Condition (20) – Replacement of casement windows in roof of side and rear single storey extension with velux windows

#### Informative

Informative (1) – C3/C4 no HMO use

### **124. PLANNING APPEALS**

The Head of City Development submitted information (previously circulated, now appended) which detailed planning appeals received and determined during January 2012 and February 2012.

The Committee agreed to note the information.

### **125. FORTHCOMING PLANNING APPLICATIONS**

The Committee agreed to note that the following application may be submitted to a future meeting for consideration and determination.

- (1) Former Dominion Oils Site, Railway Lane, Oxford – 11/02189/OUT – Outline application (seeking access and layout) for residential redevelopment of site including the erection of 78 flats and houses comprising 3x5 bedroom houses, 4x4 bed houses, 3x3 bed houses, 20x2 bed houses and 13x1 bed houses and 6x2 bed houses. Access road, footpaths and car parking.
- (2) Temple Court Business Centre, 107 Oxford Road, Oxford – 11/02960/FUL – Conversion of offices to form 6 flats (2x3 bed, 3x2 bed and 1x1 bed) and 1x3 bed house, gardens, car parking, cycle parking, refuse storage and landscaping.

## **126. MINUTES**

The committee agreed to approve the minutes (previously circulated) of the meeting held on 7<sup>th</sup> March 2012.

The Committee noted that this was Councillor Bryan Keen's last East Area Planning Committee meeting prior to his retirement from the City Council. The Committee paid tribute to his contribution to planning matters during his many years on various Committees with planning responsibilities including his time as the Chair of the former Cowley Area Committee.

## **127. DATES OF FUTURE MEETINGS**

The Committee agreed to note the dates and times of future meetings as detailed on the agenda and that the next meeting would be on Tuesday 29<sup>th</sup> May 2012 at 6.00pm in the Town Hall.

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

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