

# Agenda

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## West Area Planning Committee

Date: **Wednesday 13 June 2012**

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Time: **6.00 pm**

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

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For any further information please contact:

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

# West Area Planning Committee

## Membership

|                   |                                      |                    |
|-------------------|--------------------------------------|--------------------|
| <b>Chair</b>      | <b>Councillor Oscar Van Nooijen</b>  | Hinksey Park;      |
| <b>Vice-Chair</b> | <b>Councillor John Goddard</b>       | Wolvercote;        |
|                   | <b>Councillor Elise Benjamin</b>     | Iffley Fields;     |
|                   | <b>Councillor Anne-Marie Canning</b> | Carfax;            |
|                   | <b>Councillor Bev Clack</b>          | St. Clement's;     |
|                   | <b>Councillor Colin Cook</b>         | Jericho and Osney; |
|                   | <b>Councillor Graham Jones</b>       | St. Clement's;     |
|                   | <b>Councillor Shah Khan</b>          | Cowley;            |
|                   | <b>Councillor John Tanner</b>        | Littlemore;        |

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# AGENDA

## Pages

**1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

**2 DECLARATIONS OF INTEREST**

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

**3 PLANNING APPLICATION FOR DETERMINATION - UNIVERSITY PRESS, WALTON STREET (12/00460/LBD AND 12/00371/FUL)**

1 - 20

1. Erection of office building on 3 floors plus basement, linked to existing buildings fronting Walton Street. Creation of landscaped courtyard.
2. Erection of office building on 3 floors plus basement linked to existing buildings fronting Walton Street, involving demolition of C wing workshop building dated 1895 and demolitions including rear of 35 Walton Street and link blocks.

Report of Head of City Development attached.

**4 PLANNING APPLICATION FOR DETERMINATION - CARLING ACADEMY, COWLEY ROAD (12/00683/VAR)**

21 - 32

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)

Report of Head of City Development attached

**5 PLANNING APPLICATION FOR DETERMINATION - 241 BANBURY ROAD (12/00876/FUL)**

33 - 50

New first floor rear 2 bedroom apartment with separate ground floor entrance.

Report of Head of City Development attached.

**6 PLANNING APPLICATION FOR DETERMINATION - 75 SOUTHMOOR ROAD (12/00769/FUL )**

51 - 58

Erection of single storey rear extension at lower ground floor level. Removal of existing second floor rear extension, and erection of 3 storey rear

extension at ground, 1st and 2nd floor levels.

Report of Head of City Development attached.

**7 PLANNING APPLICATION FOR DETERMINATION - 9 AND 12  
WHITSON PLACE (12/00147/FUL)**

59 - 64

Side and rear two storey extension to 9 Whitson Place. First floor extension to 12 Whitson Place.

Report of Head of City Development attached.

**8 FORTHCOMING APPLICATIONS**

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

1. 12/00249/FUL – former Motorworld site, Abingdon Road – Travelodge;
2. 12/00541/VAR – 48A Donnington Bridge Road – extensions/variation of conditions.
3. 12/00992/FUL – 10 Gordon Street – conversion of social club to residential;
4. 12/00602/FUL – 9 Whitehouse Road – extension;
5. 12/01083/FUL – 18 Weirs Lane – extension;
6. 11/00940/CONSLT – University Science Area, South Parks Road – Master Plan (not a planning application)
7. 12/00888/FUL & 12/00902/CAC – 30 Plantation Road – Garage
8. 12/00182/FUL - 18 Regent Street – extension
9. 12/01169/FUL – 2 Upland Park Road – Two houses.
10. 12/01085/FUL – 33 Leckford Place – Extensions
11. 12/01268/FUL – 68 Abingdon Road – variation to extensions
12. 12/00855/FLT – Park Town/Banbury Road – Telecom equipment
13. 12/01151/CAC and 12/001150/FUL – Linton Lodge Hotel – porch, conservatory.

## 9 PLANNING ENFORCEMENT

65 - 70

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.

## 10 DATES AND TIMES OF FUTURE MEETINGS

All the following meeting will take place on Wednesday, with the exception of February 2013:-

11<sup>th</sup> July  
15<sup>th</sup> August  
12<sup>th</sup> September  
10<sup>th</sup> October  
7<sup>th</sup> November  
12<sup>th</sup> December  
16<sup>th</sup> January 2013  
7<sup>th</sup> February – please note that this meeting will be held on **Thursday**  
13<sup>th</sup> March  
17<sup>th</sup> April  
8<sup>th</sup> May

The following dates are reserved for overflow meetings which will only be held if necessary. These are all Thursday, with the exception on November 2012, February and May 2013:-

21<sup>st</sup> June  
12<sup>th</sup> July  
23<sup>rd</sup> August  
13<sup>th</sup> September  
18<sup>th</sup> October  
14<sup>th</sup> November – please note that this meeting will be held on **Wednesday**  
13<sup>th</sup> December  
17<sup>th</sup> January 2013  
13<sup>th</sup> February - please note that this meeting will be held on **Wednesday**  
14<sup>th</sup> March  
25<sup>th</sup> April  
15<sup>th</sup> May - please note that this meeting will be held on **Wednesday**

## **DECLARING INTERESTS**

What is a personal interest?

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

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

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

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

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

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

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

You have a prejudicial interest in a matter if;

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

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

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

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

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

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

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

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

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

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# Agenda Item 3

West Area Planning Committee

13<sup>th</sup> June 2012

**Application Number:** 1. 12/00371/FUL  
2. 12/00416/LBD

**Decision Due by:** 14th May 2012

**Proposal:**

1. Erection of office building on 3 floors plus basement, linked to existing buildings fronting Walton Street. Creation of landscaped courtyard.
2. Erection of office building on 3 floors plus basement linked to existing buildings fronting Walton Street, involving demolition of C wing workshop building dated 1895 and demolitions including rear of 35 Walton Street and link blocks.

**Site Address:** Oxford University Press, Great Clarendon Street  
[Appendix1]

**Ward:** Jericho And Osney Ward

**Agent:** N/A

**Applicant:** Oxford University Press

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**Recommendation:** West Area Planning Committee is recommended to support the proposals in principle but defer the applications to allow an accompanying legal agreement to be drawn up and to delegate to officers issuing of the notices of planning permission and listed building consent on its completion.

12/00371/FUL

## Reasons for Approval

- 1 The proposal is considered to form an appropriate visual relationship with the existing building and the surrounding development and would preserve and enhance the character and appearance of the two conservation areas in which the site lies. The proposal has evolved following pre-application discussions and would provide much needed additional office floorspace. The proposal complies with adopted policies contained in both the Oxford Local Plan 2001 - 2016 and the Core Strategy 2026.
- 2 Objections to the proposal have been received from English Heritage and the Georgian Group and the comments received have been carefully considered. However it is considered that the points raised, either individually or cumulatively, do not constitute sustainable reasons for refusing the application

and that the imposition of appropriate conditions on the planning permission will ensure a quality development that would appear appropriate to its setting.

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

### **Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Sample panel
- 5 Public art – Scheme details and timetable
- 6 Archaeology - mitigation
- 7 Archaeology - Design & method statement
- 8 Landscape plan required
- 9 Landscape carry out by completion
- 10 Landscape hard surface design - tree roots
- 11 Landscape underground services - tree roots
- 12 Tree Protection Plan (TPP) 1
- 13 Arboricultural Method Statement (AMS) 1
- 14 Drainage details
- 15 No surface water discharge onto highway
- 16 Sustainable drainage
- 17 Construction Travel Plan
- 18 Staff travel plan
- 19 Contaminated Land - Desktop study etc.
- 20 Details of solar arrays
- 21 Permeable paving
- 22 Sustainable construction measures

### Planning Obligation

#### County

£40,000 towards the cost of improving access to the site by non-car modes

£720 towards the cost of monitoring the Travel Plan

#### City

£15,998 towards Public Art – the Council has agreed that the applicant can install a work of art at their own expense and condition 5 refers to this.

### 12/00416/LBD

### **Reasons for Approval**

1. The proposals have evolved through informed analysis of the architectural and historic interest of the buildings and through pre-application discussions

with officers and English Heritage. Whilst there will be some impacts on the heritage assets and the demolition of the late Victorian industrial buildings, it is considered that these impacts have been minimised by design and mitigated by proposals for recording. Overall the benefits that will be delivered, ensuring the buildings' continual use and regeneration, allowing improved access and increased office space on the historic site, justify granting listed building consent.

2. The Council considers that the proposal accords with the policies of the Development Plan and Government advice on the management of the historic environment as summarised below. It has taken into consideration all other material matters, including matters raised and objections received in response to consultation and publicity. Any harm to the heritage that the works would otherwise give rise to can be justified and mitigated by detailed design which the conditions imposed would control.

### **Conditions**

1. Commencement of works LB/CAC consent
2. LB consent – works as approved only
3. 7 days notice to LPA
4. LB notice of completion
5. Further works – buildings bounding site
6. Further works – fabric of LB – fire regulations
7. Repair of damage after works
8. Solar/photovoltaic panels and slates
9. Plant room and services tower
10. Preservation of features from demolition
11. Protection of buildings and structures
12. Further details –floodlighting/lighting
13. Preservation of unknown features
14. Materials – samples
15. South Annex reinstatement façade
16. Measured survey and photographic record including 35 Walton Street

### **Principal Planning Policies**

#### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

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

**CP9** - Creating Successful New Places

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

**CP11** - Landscape Design

**TR3** - Car Parking Standards

**TR4** - Pedestrian & Cycle Facilities

**NE16** - Protected Trees

**HE2** - Archaeology

**HE3** - Listed Buildings and Their Setting

**HE7** - Conservation Areas

## **EC1 - Sustainable Employment**

### Oxford Core Strategy 2026

**CS2\_** - Previously developed and greenfield land

**CS9\_** - Energy and natural resources

**CS10\_** - Waste and recycling

**CS11\_** - Flooding

**CS12\_** - Biodiversity

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

**CS27\_** - Sustainable economy

**CS28\_** - Employment sites

### Other Material Considerations:

National Planning Policy Framework March 2012

These applications are in or affecting the Jericho Conservation Area and the Central City and University Conservation Area. The development is affecting a Grade II\* Listed Building.

### **Relevant Site History:**

The site has an extensive planning history; however the most recent, relevant planning permissions and listed building consents are as follows:

#### 06/00584/FUL and 06/00583/LBC

Demolition of entrance lobby and erection of new glazed extension. Approved

#### 05/00645/FUL and 06/00644/LBC

Extension to K wing to form new meeting room and roof terrace. Approved

#### 03/00033/FUL and 03/00032/LBC

External lighting to main façade. Approved

#### 98/01001/NF

Glazed link to north wing. Approved

#### 92/00016/NF and 92/00015/LBC

2 storey bridge link building containing meeting room and conference rooms. Approved.

### **Public Consultation:**

#### Statutory Consultees

Highway Authority: No objection subject to the following conditions:

- Drainage details to be submitted and approved
- No surface water discharge from the development to the public highway
- Development to be SUDS compliant
- Construction Travel Plan to be submitted and approved
- Staff Travel Plan to be submitted and approved

The Local Highway Authority have also requested a developer contribution of £40,000 [index linked] towards the cost of improving access to the site by non-car modes and a further contribution of £720 towards the cost of monitoring the Travel Plan for a 5 year period.

Oxfordshire County Council: Drainage: No objections subject to the provision of permeable paving for all new hard surfaces and surface water to be dealt with on site with no runoff to the highway.

Natural England: No objection subject to the development having no impact on protected species or local wildlife sites. Biodiversity enhancements would be welcome.

Thames Valley Police: Consulted at pre-application stage and points raised have been taken on board. Would encourage the incorporation of physical security standards as set out in Secured by Design.

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

Environment Agency: Is satisfied that the proposal will not impact water resources or designated sites.

#### Third Party Comments:

English Heritage: Do not wish to comment in detail but offer the following, general observations:

- The Design and Access Statement does not properly assess the significance of the buildings proposed for demolition
- E.H's main concern is the impact of the solar arrays on the roofscape of this part of the conservation area and on the setting of the adjoining Grade II\* listed building. Whilst they may not be prominent in current public views, they may well be prominent in the future, either from new buildings such as the Blavatnik School of Government to be built opposite or from existing buildings opening more to the public. EH considers that the roofscape of the conservation area is an important element in the historic core of the city, visible from within the city centre and from viewpoints outside the city and that it should be protected. Solar arrays are non-traditional in appearance and can be highly reflective, even in long distance views. This would introduce a discordant and jarring feature into the view
- The solar arrays should be omitted from the scheme

The Georgian Group: Objection for the following reasons:

- The proposal would be damaging to the setting of the historic Oxford University Press building and the character of the conservation area
- The proposal would further close the gap between the OUP building and its neighbours, thereby increasing the effect of 20<sup>th</sup> century infill in this part of the city
- The proposed building seeks to introduce a significant amount of glazed wall to the Walton Street elevation for which there is no precedent in the historic building. The effect of this large, glazed element, after dusk, would be

detrimental to the historically modest and suburban character of this part of Oxford

- The most notable effect on the 1820's fabric is the infill of the remaining gap between the façade of the GI building on Walton Street and the adjacent terrace of houses. This will detract from the impact of the main façade of the building to Walton Street which was intended to stand as a symmetrically balanced façade forming the dominant architectural note to this side of Walton Street as can clearly be seen in historic drawings. This balance was upset by the late 20<sup>th</sup> century to the south but the intended effect of the original composition is still very legible. The current proposals seek to add to the late 20<sup>th</sup> century extension thereby making its visual effect on the setting and architectural integrity of the 1820's building even more damaging.
- The applicants need to demonstrate that the need for additional office facilities cannot be accommodated within the existing building or on a less historically sensitive site
- The Group is very concerned by the deterioration of the Walton Street part of the Jericho and Walton Manor Conservation Areas in the past two years. The new Jericho Health Centre and the works to the former Radcliffe Infirmary site have damaged the historical character of this part of Oxford and have had a detrimental impact on the setting of listed and historic buildings. The current proposal would exacerbate this already serious problem and should be refused.

The Oxford Architectural and Historic Society Victorian Group: Deferred to the Georgian Group's response.

### **Officers Assessment:**

#### **Site Description**

1. The application site lies on the west side of Walton Street at its junction with Great Clarendon Street. OUP occupies the largest single plot west of Walton Street which is otherwise almost exclusively residential except for the commercial premises on Walton Street and St. Barnabus Primary School opposite OUP's Great Clarendon Street entrance. The majority of the OUP site lies within the Jericho Conservation Area but number 35 Walton Street and Keith Thomas Court sit just within the Central City and University Conservation Area.
2. OUP moved to its purpose built premises on Walton Street in 1830 from The Clarendon Building in central Oxford. The original, neo-classical, collegiate style, Walton Street building has been extended and adapted numerous times over the years as the operations of OUP have expanded and their operations needs have changed. Throughout the 19<sup>th</sup> and early 20<sup>th</sup> centuries, extensive printing development grew up around the original quad with the last phase of printing works taking place in the late 1960's.
3. In the late 1980's the decision was taken to terminate printing operations in Walton Street and to focus on the publishing side of the business. This required a major development plan to be drawn up, identifying how the

existing printing buildings might be altered and extended to provide offices and ancillary accommodation.

4. The additional space has quickly been taken up as OUP has continued to expand and a further development in 2007 converted the 'Old Mailing Shed', the only remaining, large undeveloped space, into a large open plan office creating 100 additional work stations. OUP is now the largest university press in the world.
5. The application site encompasses a number of interconnecting buildings the largest of which is D wing, a three storey steel and concrete framed office building constructed in the 1970's. This building also has links to the listed B wing to the north, the South Annex to the west and C wing to the south. The main D wing building has an elevation to Walton Street to the east and forms an enclosed landscaped courtyard with B and F wings and the South Annex. C wing is an ad hoc collection of buildings including a series of two storey 19<sup>th</sup> century brick workshops to the west, a 1980's extension to the north and number 35 Walton Street.
6. The south and east perimeter of the site is bounded generally by residential properties with ground floor retail use along Walton Street. These properties are all in the ownership of OUP. A row of two storey guest flats [Keith Thomas Court] was constructed by OUP in 1997 at the back of and parallel to the Walton Street properties and the vehicle access from Walton Crescent. The northern most of these flats impinge on the application site and are proposed to be removed.
7. The site has two, secure gated access points, one pedestrian access between 34 and 35 Walton Street and one vehicle access from Walton Crescent to the south. The area accessed by the Walton Crescent gate currently provides parking for approximately 13 cars.

## **Heritage Significance**

8. The site area was not developed before OUP was constructed and is shown as 'Jericho Gardens' in 1769 on a plan of St. Giles. The industrial revolution brought about the creation of the working class of Jericho in the 1830's and 1840's as accommodation for the workers who served the new industries developing along the Oxford Canal.
9. Jericho Conservation Area was designated on 23 February 2011. Jericho represents the Georgian and Victorian industrial and residential expansion of Oxford into the surrounding countryside. It is an area of working class and artisan housing that has developed a unique character by virtue of its historical land ownership, relationship with the canal, the railway, three major employers and its unique position as a working class suburb in the midst of the middle and upper class estate that was developed by St. John the Baptist College. The area has a distinct architectural aesthetic and is interspersed with a number of outstanding examples of 18<sup>th</sup> and 19<sup>th</sup> century architecture. The contribution of OUP to the creation of the

character of the locality should not be underestimated.

10. OUP is grade II\* listed [the screen is grade II] and its early 19<sup>th</sup> century cast iron railings and plinth wall are grade II. In 1825 OUP bought land in the water meadows north of Worcester College for its rapidly expanding print press that had outgrown its home at the Clarendon Building. OUP consists of two wings, north and south, joined by a screen to Walton Street and with a central monumental entrance way, all in the Corinthian order and reminiscent of triumphal arches in the Forum at Rome. The front and south wing was designed by Daniel Robertson and built from 1826 – 28. The north wing and west ranges were designed under the direction of Edward Blore and completed by 1830.
11. Daniel Robertson was an Irish architect with a colourful history. His date of birth is unknown but he died in 1849. He was possibly related to Robert Adam and came to London in 1800 as a protégé of Robert Adam's son, William, a builder and developer. Daniel was clearly conversant with the architecture of ancient Rome and between 1826 and 1829, he received a series of commissions in Oxford, the most important being the OUP building. He also designed St. Clement's Church in Marston Road.
12. OUP represents a grand architectural statement of its time, set on a Headington stone plinth with Bath stone facing and dressings behind cast iron railings. The building is set back some distance from the boundary line giving it a less dominant position in the streetscape. The design, materials and attention to detail are indicative of the success of the organisation and its importance to the University. The building has been subject to a number of extensions but has retained its integrity and grandeur. Its heritage significance includes substantial community value.
13. C wing, which is proposed to be demolished, lies to the south of D wing and was constructed by Symm and Company as a print room. It has been constructed using yellow stock brick with decorative brick moulding. The upper storeys at two of the sections of the workshops are built of different colour bricks, having been added later.
14. The south east elevation has segmental arched windows with darker brick details and the arches have been extended to ground level with cills that are probably later. The roof form is trussed rafter and the trusses are slender, cast iron, typical of workshops. There are also extensive dormers. Various unsympathetic alterations have been carried out, including D wing built in the 1970's to the south of the main quad and immediately abutting the north west edge of C wing. Internally the space has been altered and is currently used as offices. These various alterations have diminished the design/aesthetic value but the industrial and social history remains of interest.
15. D wing, which is proposed to be retained, was constructed in 1974 with additions dating back to the 1990's. The Walton Street, three storey projecting block has a strong presence and is flanked by link blocks set



well back. The mass and alignment of the main block follows the rhythm and massing of the listed building. It has a rusticated stone ground floor elevation which gives it a somewhat 'brutalist' character and the colour of the material is the same palette as the listed buildings. Although the alignment of the fenestration is more horizontal to the upper floors, it is more vertical to the ground floor. D wing is linked directly to the south wing of the listed quad buildings. This two storey link block was constructed in 1992 and is set well back from the listed building line. The proposals include converting this to a fully glazed elevation to Walton Street. The southern link of 1992 [not visible from the street] connects D wing with the South Annex that forms part of the listed building.

16. The application site includes number 35 Walton Street which is not listed but is part of the heritage asset. It was formerly The Clarendon Arms Public House and was used by OUP workers. The building has a strong presence on the streetscape with its prominent mansard roof with attic dormers. It first appears on the OS map in 1850 and by 1937 a curved bay was built to the rear. In 1962, change of use was granted for a canteen for OUP staff together with the lithographic department. In 1991 a large rear extension was built which doubled the footprint of the building.

## **The Proposal**

17. The proposal, which has evolved as the preferred option of 4 possible schemes, involves the retention of D wing and number 35 Walton Street and the demolition of the remaining buildings that form C wing. In addition, the two existing end flats of the guest accommodation are to be demolished.
18. The proposal includes the construction of a new atrium space to provide natural light and ventilation which connects a new three storey building [with a basement] constructed to the south.
19. The configuration and detailing of the new buildings has been developed to address overlooking and amenity issues with adjoining properties and retains as much of the existing buildings as possible. Number 35 Walton Street is retained [this building was proposed for demolition in other scheme options] and would be refurbished to provide new meeting rooms, connected to the new building by way of a new glazed link.
20. The new building would have a contemporary form and would be erected using a combination of limestone cladding, zinc cladding, glazed curtain walling and perforated metal mesh. It would be flat roofed, heavily glazed and incorporate internal wooden louvres to prevent overlooking. The new building would be visible from Walton Street and Walton Crescent only and its height would not exceed the existing ridge height of 35 Walton Street.
21. The application is supported by reports that indicate that the proposals have been informed by analysis and an understanding of the heritage

assets. A number of pre-application meetings have been carried out to secure a number of changes to address the concerns raised by officers and consultees.

22. Officers consider the principle determining issues in these cases to be:

- Planning policy
- Impact on heritage assets
- Trees
- Archaeology
- Groundwater and flooding
- Sustainability
- Loss of flats
- Impact on neighbours

## **Planning Policy**

23. Conservation principles, policy and practice seek to preserve the value of heritage assets. With the issuing of the National Planning Policy Framework [NPPF] in March of this year, the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. The NPPF sets out a presumption in favour of sustainable development and explains that the purpose of the planning system is to contribute to the achievement of this. For development to be sustainable, it must, amongst other things, perform an environmental role, contributing to protecting and enhancing our natural, built and historic environment, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

24. The NPPF states in paragraph 131 – 132 that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability
- the desirability of new development making a positive contribution to local character and distinctiveness

25. The NPPF is supported by a Practice Guide that gives advice on the application of the historic environment policies. Paragraph 78 of the guide explains the expected outcomes and states that there are a number of potential heritage benefits that could weigh in favour of a proposed scheme as follows:

- it sustains or enhances the significance of a heritage asset and the contribution of its setting

- it reduces or removes risks to a heritage asset
- it secures the optimum viable use of a heritage asset in support of its long term conservation
- it makes a positive contribution to economic vitality and sustainable communities
- it is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment
- it better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

26. In relation to development affecting a designated heritage asset, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

### **Impact on Heritage Assets**

27. Policy HE7 of the adopted Oxford Local Plan and policy CS18 of the adopted Core Strategy both seek to ensure that new development preserves or enhances the special character and appearance of conservation areas and their settings and that development proposals respect and draw inspiration from Oxford's unique historic environment by responding positively to the character and distinctiveness of the locality.

28. OUP have demonstrated that it requires on site expansion and officers consider that, on balance, the applicant has justified the demolition of C wing and the erection of a substantial extension to the existing buildings. C wing is not capable of being extended to its upper storeys without the loss of the roof and is a simple, utilitarian industrial block which befits its function. The loss of 35 Walton Street is not considered to be an acceptable option given the prominence and historic interest of this building in the streetscape.

29. The scale and height of the proposal is considered to be appropriate to that of the listed buildings and would not appear intrusive. As viewed from Walton Street, the walls of the new extension would have stone cladding in the same palette as the existing masonry and the same height as the adjacent modern block. Windows would be set and recessed individually on the elevation and the new glazed atrium would be three storeys high. The two storey link to the listed building would be re-built with full height glazing and the rusticated ground floor would be removed, thus reinforcing the rhythm of the listed blocks and improving the setting of the listed buildings. The proposal continues the rhythm of large blocks on the same alignment as the existing separated by glazed areas.

30. To the south side, the area between the listed buildings and the terrace of Victorian houses along Walton Crescent would be dominated by glass but it is not considered that this would damage the symmetrically balanced façade of OUP. The dominance of the listed buildings along the main elevations would remain paramount and glass would not harm its setting or diminish its heritage values. The use of significant amounts of glazing is appropriate for a modern office block and as the new extension is set a good way back from Walton Street, the views of it would be more glimpsed and not all of the elevations would be visible at the same time. Concerns have been raised by the Georgian Group regarding the large amount of glazing as a principle and specifically its impact after dusk; however glass has long proved to be an appropriate material for interventions and new build and the proposal includes fixed internal timber louvres which would reduce light emissions. The south elevation has four regular bays with stone clad projecting walls to reduce the perception of height and to break up the mass of glass. The top floor has zinc cladding.
31. The demolition of the 1992 south link that abuts the 1850-1876 extension to the listed building would positively improve the appearance of the building and would enable the repair of the north east elevation of the historic annex and the erection of a new fully glazed connection to the new extension.
32. The proposals also involve the removal of the later additions to 35 Walton Street and the construction of a new glazed link to the new extension. It is considered that the removal of the two guest flats at Keith Thomas Court will have a neutral impact on the conservation area and the listed buildings.
33. The proposal incorporates photovoltaic panels [arrays] on the roof of the new block and part of the roof of the retained building and these would be extensive and could be visible from wider views. English Heritage has recommended that these be omitted from the scheme and points to the potential impacts on views caused by their highly reflective character. Oxford's skyline is of high heritage significance and their concern is that the glare and shine from the solar arrays would cause harm.
34. The architects are confident however that the latest solar products can be sourced and that these would greatly reduce the impacts of the arrays. For the new block a thin material is proposed that would not project unduly from the roof slope and would be far less reflective than other products. For the retained block, the architects have sourced solar slates which have cells embedded into the fabric, thus rendering the cells flush with the slate surface and these are not unduly reflective. No details of the actual product form part of these applications and therefore a condition is recommended that would require full details of these products to be agreed with the planning authority. This issue has been discussed with English Heritage who is broadly content with this approach.
35. English Heritage cites the Blavatnik School of Government opposite the

site as a concern in respect of the current proposals. This is a proposal, not yet submitted as a formal application, for a multi-storey building fronting Walton Street within the Radcliffe Observatory Quarter that may have public access. English Heritage is concerned that views from that building could be harmed by the solar arrays causing glare. However it has been shown in the design and access statement that public views from the Observatory would not be harmed by the arrays because those on the retained roof are south facing and those on the new block would not be visible.

## **Trees**

36. The proposals require the removal of an ornamental cherry tree [T8] that stands in the car park area and a purple leaved plum tree [T4] that stands in the garden of 52 Walton Crescent. These are attractive trees but they are small and their location is such that the contribution they make to public amenity is low. The effect that removing them will have on the character and appearance of the Jericho Conservation Area will be mitigated by the new planting that is proposed as part of the soft landscaping of the site.
37. Of greater concern is the potential for there to be harmful impacts on the retained trees [two sycamores, T2 and T3 and a whitebeam T1] that stand in the area next to Walton Street. Sycamore T3 will be particularly vulnerable during the demolition of the part of C wing that links D wing and 35 Walton Street and the construction of the new building in this area. In order to ensure that potential impacts are avoided or at least minimised, it is essential that the root protection areas of this and the other two trees are robustly protected during the demolition and construction phases of development. This will require construction activity to be excluded from the area between Walton Street and the new building and this places a considerable constraint on the contractors who build it. Also the construction of new underground services should be prohibited from the area. The agent has been made aware of these issues as regards to tree protection.
38. The application includes a Tree Protection Plan which is acceptable although further details are required in respect of ground protection and barrier fencing. Tree protection must be implemented before demolition commences. The tree report includes recommendations for working within the root protection areas of retained trees but these need to be taken forward into a more detailed Arboricultural Method Statement which should be approved prior to the start of demolitions.

## **Archaeology**

39. The application site is of interest because it lies within an extensive landscape of Middle Neolithic-Early Bronze Age ritual and funerary monuments, it lies in the vicinity of the documented medieval settlement of Twentyacres, it is crossed by the projected line of the Royalist Civil War

defences and it is located within the grounds of the 19<sup>th</sup> century Oxford University Press. The Press was for a time the biggest employer in Oxford and is an important institution of national interest. The application involves the demolition of the 19<sup>th</sup> century workshops associated with the press and the remodelling of an adjacent former Victorian public house.

40. A desk based assessment has been submitted for the site by Oxford Archaeology. This summarises the available archaeological and map evidence and provides a level 1 assessment of the standing structures. A further study of the standing buildings has also been submitted and it is understood that the site of the press the subject of this application was associated with bible printing and that the structures may have had an industrial use from the 1890's until the conclusion of on site printing in 1989.
41. Conditions are recommended in respect of archaeological mitigation and foundation design and method statement. The archaeological recording should comprise of a level 3 building record of the workshops to be demolished and a programme of archaeological investigation, including provision for the full excavation of the basement footprint.

### **Groundwater and Flooding**

42. The Environment Agency has commented on the application and raised concerns regarding groundwater flood risk posed by the proposed substantial basement which would be constructed below the water table and could act as a barrier to groundwater flows. The EA comment that the application contains no details in respect of the depth of the basement or the depth of the gravel aquifer which underlies the site and that further information should be requested.
43. The agent has subsequently submitted details relating to groundwater flow modelling for the site in order to assess the potential impact of the basement on the groundwater flow regime in the vicinity of the site. The results of the analysis suggest that the new basement may potentially generate a rise in groundwater levels of some 0.7 cm to 1.6 cm locally but that this comprises a negligible groundwater rise. Furthermore, the very large basement currently under construction in the Radcliffe Observatory Quarter close to the application site has been shown not to have a significant impact in the regional hydrology.
44. The Environment Agency has been consulted on this modelling exercise and has confirmed that it is satisfied that the proposal will not impact water resources or designated sites and have no objection on these grounds.

### **Sustainability**

45. The application is accompanied by a Natural Resource Impact Analysis which indicates that the project will achieve an excellent BREEAM rating. The design and access statement refers to energy efficiency and

sustainability being 'core' to the development of the design. It states that through the upgrading of existing buildings and high performance of new building works, the scheme aims to be carbon neutral in terms of energy consumption when compared to the energy consumed by the existing building. It goes on to state that key features of the design which have been incorporated are:

- high levels of insulation in excess of building regulation requirements
- use of recycled materials and materials from sustainable and local sources
- establishment of a waste management plan to ensure minimum site construction wastage
- maximisation of the use of natural ventilation through passive air movement through the atrium space
- optimisation of solar gain through building orientation and solar shading
- use of renewable energy sources including ground source heating and cooling and photovoltaic cells for electricity generation
- rainwater harvesting for watering plants and flushing toilets
- maximisation of daylight to working spaces through good window design, atrium glazing and light reflecting internal surfaces
- provision of robust control systems on heating, ventilating and artificial lighting installations to prevent energy wastage
- use of high thermal mass structures to retain heat and assist in passive night time cooling
- use of low energy plant, equipment and fittings
- inclusion of low maintenance, long life materials
- flexible open plan design with a high level of adaptability to reduce building redundancy and obsolescence.

## **Loss of Flats**

46. Policy HS10 of the Oxford Local Plan states that planning permission will not be granted for new development which results in the net loss of one or more self contained dwellings. The application proposals involve the loss of two OUP guest flats which were erected in 1997.

47. Keith Thomas Court was built by OUP specifically for the purpose of housing guests and visiting colleges [planning reference: 97/02020/NFH]. Condition 13 of that permission restricts the use of the flats as visitor accommodation for Oxford University Press only. In 2004 planning permission was granted to lift this occupancy restriction; however OUP have never taken up this unrestricted occupancy and the flats have remained accommodation solely for visitors. The flats have never been homes to families or offered up on the private rental market or for sale.

48. Given that the two flats to be lost have never contributed to the stock of available housing in Oxford in that they have only housed visitors to OUP, officers have concluded that, on balance, their loss can be justified in planning policy terms in the light of OUP's need to improve and expand

their office and meeting room space to provide modern working standards and to improve the energy efficiency profile of their Jericho complex.

### **Impact on neighbours**

49. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupants of the proposed and existing neighbouring, residential properties.

50. The properties most directly affected by the proposals are numbers 29-34 Walton Street and numbers 51-54 Walton Crescent. All of these dwellings are owned by OUP and occupied by their employees.

51. The planning statement accompanying the application states that the scheme has been designed with the privacy and amenity needs of the occupants of neighbouring properties and the employees of OUP as key design drivers. It states that a number of specific measures have been taken to meet these goals as follows:

- physical screening of views out from the proposed office extension on the south elevation. This has been achieved by way of fixed, internal, timber louvres on all south facing office space windows which would be angled to prevent direct views over adjacent properties
- a carefully planned planting scheme to provide secondary screening and a separating garden between the new buildings and the neighbouring properties
- elevation treatment to reduce the apparent height of the proposed southern elevation giving the appearance of a two storey building with an occupied roof space
- removal of the parking spaces accessed from Walton Crescent will reduce vehicle noise and disturbance for residents.

52. Officers take the view that the proposed new building and associated landscaping will enhance the amenity and outlook for neighbouring residents as the existing ad hoc and unsightly collection of buildings would be replaced by a modern and innovative new building. No objections to the scheme have been received from local residents.

### **Conclusion:**

53. The proposal is considered to form an appropriate visual relationship with the existing building and the surrounding development and would preserve and enhance the special character and appearance of the two conservation areas in which the site lies. The proposal has evolved following pre-application discussions and would provide much needed additional office floorspace. The proposal complies with adopted policies contained in the Oxford Local Plan 2001 – 2016 and the Oxford Core Strategy 2026.



54. The proposals form appropriate visual relationships with the existing listed buildings as the proposals have been designed to minimise the impact on the special historic or architectural significance of these. The proposals would also fit well with the Jericho Conservation Area and would appear as a well designed, respectful and modern intervention in the street scene.

#### Human Rights Act 1998

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

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

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

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

#### **Background Papers:**

12/00371/FUL  
12/00416/LBD

**Contact Officer:** Angela Fettiplace

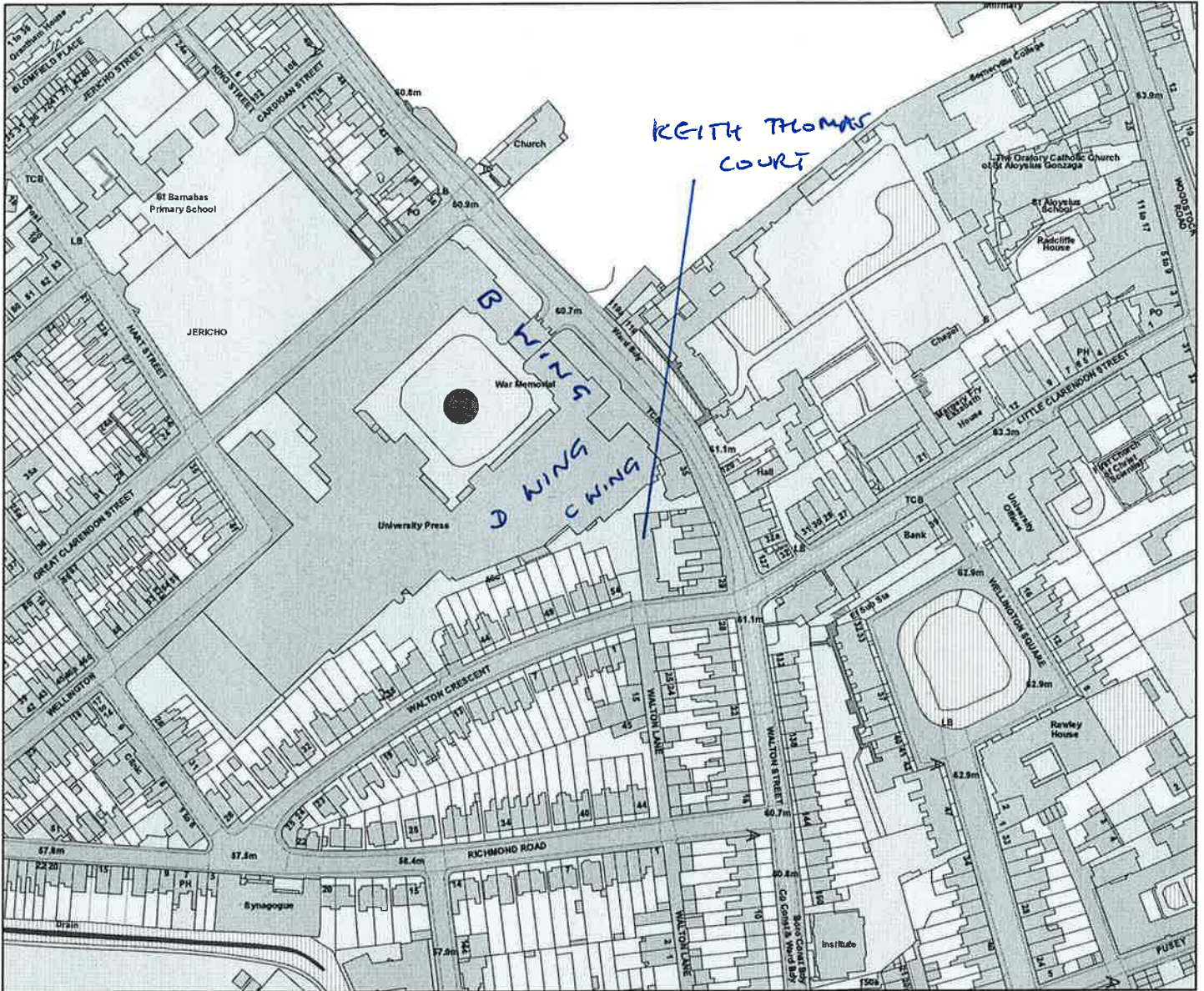
**Extension:** 2445

**Date:** 28th May 2012

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# Appendix 1

## Oxford University Press, Great Clarendon Street



**Legend**

Scale: 1:2500



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|              |             |
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| Organisation | Not Set     |
| Department   | Not Set     |
| Comments     |             |
| Date         | 30 May 2012 |
| SLA Number   | Not Set     |

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**West Area Planning Committee**

13<sup>th</sup> June 2012

**Application Number:** 12/00683/VAR

**Decision Due by:** 14th May 2012

**Proposal:** 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)

**Site Address:** The O2 Academy, 190 - 194 Cowley Road (**Site Plan: Appendix 1**)

**Ward:** St Marys Ward

**Agent:** Blake Laphorn Solicitors

**Applicant:** Academy Music Group Ltd

**Application called in** by Councillors Price, Coulter, McManners, Malik, Van Nooijen, and Humberstone on grounds of the capacity for disturbance and anti-social behaviour

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## **Recommendation:**

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

- 1 The proposed variation of opening hours would be consistent with the licensed hours agreed by the Licensing Authority. The variation would not significantly alter the existing operating hours of this venue within the Cowley Road District Centre, and in the absence of any significant objection from the Thames Valley Policy and Licensing Officers, it would be difficult to demonstrate that it would have a significant impact upon neighbouring residential properties in terms of increased noise, disturbance, and anti-social behaviour. The variation would therefore accord with the aims and objectives of Policies CP1, CP19, and CP21 of the Oxford Local Plan 2001-2016, and Policy CS19 of the Oxford Core Strategy.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application, however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm

identified could be successfully mitigated by appropriately worded conditions.

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

**Conditions:**

- 1 Hours of opening
- 2 Noise limits

**Main Local Plan Policies:**

**Oxford Core Strategy 2026**

CS19\_ - Community safety

CS1\_ - Hierarchy of centres

**Oxford Local Plan 2001-2016**

CP1 - Development Proposals

CP19 - Nuisance

CP21 - Noise

RC4 - District Shopping Frontage

**Other Material Considerations:**

National Planning Policy Framework

**Relevant Site History:**

The applications of most relevance to the proposal are listed as follows:

03/01820/VAR - Variation of condition No. 8 of permission 97/561/NF to include opening (i) 1900-0400 hours Friday to Saturday and (ii) 1200-2400 hours Sunday: Approved

05/00760/FUL - Raise roof over rear ground floor extension, alterations to front and side elevations, change of use of part of shop to provide bar and toilets in association with existing nightclub.(Amended Plans): Approved

05/01355/VAR - Variation of condition 8 of 97/00561/NF to allow opening hours of 19.00 to 04.00 Fridays and Saturdays, 12.00 to 24.00 on Sundays: Approved

06/01952/FUL - Raise roof over rear ground floor extension, alterations to front and side elevations, change of use of part of shop to provide bar and toilets in association with existing nightclub (Amended Plans): Approved

**Representations Received:**

Letters of objection have been received from the following addresses. A summary of their comments is set out in **Appendix 2** of this report.

28 Aston Street; 24, 30 Boulter Street; 87 (Flat 2) Bullingdon Road; 305 Cowley Road; 27, 37 Cross Street; 120 Charles Street; 4, 5 Denmark Street; 64, 72, 111 Divinity Road; 55, 71 East Avenue; 1, 9, 20, 22 Essex Street; 8 Hawkins Street; 23, 24 Henley Street; 14, 18, 26, 47, 89, 106 Hurst Street; 255 Iffley Road; 23, 38, 40 (Flat 1), 55, 57, 60, 84a James Street; 10 Leon Place; 12 London Place; 19, 25a Leopold Street; 41, 142 Magdalen Road; 12, 37, 51 Marston Street; 35 Oxford Road; 18, 24, 38 Rectory Road; 9, 12, 31 Regent Street; 8, 14, 20, 36, 41, 71, 78 St Mary's Road; 40, 44 Southfield Road; 20 Tyndale Road; 76 Valentia Road; 5, 66 Warwick Street; Divinity Road Residents Association; London Place Residents Association; East Oxford Residents Association Forum

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

#### Thames Valley Police:

Having consulted with the Neighbourhood Police Team, Licensing Officers, and the applicant, and reviewed the crime and disorder reported from this area. The Thames Valley Police, after consideration, would not object to the planning application to align the building operating hours to that of the agreed licensing hours.

The Licensing Authority will impose appropriate operating conditions on the venue as required.

#### Oxfordshire County Council Highways Authority:

The Highway Authority is sympathetic to the local residents in terms of the likely outcomes (anti-social behaviour, littering and vandalism) the proposal may bring to the area and its vicinities. These issues however, are not within the remit of the Highway Authority to recommend refusal to the proposal. In light of the above, Highway Authority has no objection in principle to the application.

### **Issues:**

- Impact of variation of condition upon surrounding area
- Other matters

### **Officers Assessment:**

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

1. The site is located on the southern side of Cowley Road and comprises the O2 Academy Venue (formerly Carling Academy) which is situated within the Cowley Road District Centre (**site plan: appendix 2**)
2. The area is predominately commercial but there are residential properties situated to the rear of the site and on the upper floors of premises fronting the Cowley Road. The wider area surrounding the Cowley Road is primarily residential.

### **Proposal**

3. The application is seeking permission for a variation of condition 2 of planning permission 05/01355/VAR which restricts the operating hours for the premises.



4. The following table sets out the existing operating hours which are set by the condition, and the proposed variation to these hours which is being sought.

|                            | <b>05/01355/VAR</b>                           | <b>Proposed</b>                         |
|----------------------------|---|---|
| Mon - Thurs                | 19.00 – 02.00                                 | 18.00 – 02.00                           |
| Fri - Sat                  | 19.00 – 04.00                                 | 18.00 – 04.00                           |
| Sundays                    | 12.00 – 00.00                                 | 12.00 – 00.00                           |
| Sundays prior to Bank Hols | 12.00 – 00.00                                 | 12.00 – 04.00                           |
| 30 <sup>th</sup> April     | Normal closing time as above dependant on day | Until 06.00 the following day (May Day) |

5. The current hours of operation allowed by the planning condition do not coincide with those allowed under the terms of the premises licence, and therefore the overall purpose of the application is to align the two sets of operating hours together.

#### **Impact of the variation of condition**

6. At the outset it should be made clear that this is not a licensing application and the guidance issued under section 182 of the Licensing Act 2003 makes clear that planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance and safety issues whereas planning considers amenity issues.
7. The proposed variation would simply enable the facility to open an hour earlier on Monday to Saturday. There is no proposal to extend the existing late night opening hours on a daily basis (Monday – Sunday) beyond those already set by the condition. The only extension of late night hours would be until 4.00am on the Sunday before a Bank Holiday and until 06.00am on the day after the 30<sup>th</sup> April to reflect the May Day celebrations.
8. During the consultation process a significant number of representations have been made by local residents and resident associations objecting to the proposal on grounds that the current opening hours give rise to significant noise and disturbance issues throughout the local area and this will be exacerbated if they are extended. The majority of comments appear to attribute the problems arising from the venue to the student 'Fuzzy Ducks' night on a Wednesday, although others make reference to problems occurring at other times.
9. The Oxford Local Plan has general policies that relate to environmental impacts arising from development. Policy CP19 states that permission will not be granted for proposals that cause unacceptable nuisance, and where such a nuisance is controllable planning conditions will be imposed. In addition Policy CP21 also states that permission will be refused for proposals that cause unacceptable noise, with conditions also used to minimise any adverse impact from noise. The Oxford Core Strategy also has Policy CS19 which considers community safety,



and while this relates to new development, the overall aims are to ensure that proposals promote safe and attractive environments which reduce the opportunity for crime and the fear of crime.

10. While officers are sympathetic to the concerns of local residents with regards to any problems they may be experiencing in the local area, the O2 Academy is located within the Cowley District Centre which is predominately a commercial area where leisure and entertainment uses are encouraged. Therefore a balance needs to be found between the commercial needs of these uses and those of residents within the surrounding streets. It should also be recognised that the Academy is not the only late night venue within the Cowley Road as there are a number of other similar type uses (public houses, restaurants) throughout the street and also at St Clement's which contribute to the night-time economy. The concerns of local residents are nevertheless important as is the potential increase in noise and disturbance that may arise from the variation.
11. The proposed variation will only result in a minor change to the approved hours, with the premises opening an hour earlier on a daily basis rather than any later than approved. A significant number of the commercial premises throughout the Cowley Road would be open at this time, and as such the impact of allowing the Academy to open at 6pm would be imperceptible within the District Centre and surrounding area. The only extension of late night hours for the premises would be for the limited number of Sundays prior to a Bank Holiday and on the 30<sup>th</sup> April for May Day and therefore it would be difficult to justify withholding permission for these additional hours when they would only occur on a limited basis throughout the year.
12. The Thames Valley Police have raised no objection to the proposal having liaised with the Neighbourhood Police Team, Licensing Officers and after a review of the crime and disorder reported from this area. The Oxford City Council Environmental Health Licensing Officers have also raised no objection to the proposal on the basis that they would be consistent with the hours already agreed under the terms of the licence. It should also be recognised that the Licensing Authority has already deemed it appropriate to allow the venue to operate at the hours proposed within this variation, and in reaching their decision regard would have been given to any potential public nuisance that may arise as a result. The licensed hours would remain unchanged as a result of this application.
13. Therefore in the absence of any significant objection from the Thames Valley Police and Licensing Officers, it would be difficult to demonstrate that the proposed variation would have any significant additional impact upon neighbouring residential properties in terms of increased noise and disturbance. As a result officers are of the view that the proposal would accord with the aims and objectives of Policies CP1, CP19, and CP21 of the Oxford Local Plan 2001-2016.

### **Other Matters**

14. The proposed extension will have no impact upon servicing issues for the venue, and will not increase traffic problems on the Local Highway or illegal parking in

the area. The Local Highway Authority has raised no objection to the proposal.

15. The previous permission (05/01355/VAR) also included an application setting the noise levels from the venue, and this should also be carried over into this application.

**Conclusion:**

16. The proposal is considered to be acceptable in terms of the relevant policies of the adopted Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development.

**Human Rights Act 1998**

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

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

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

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

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 24th May 2012



## Appendix 2 – Summary of third party representations

Letters of objection have been received from the following addresses, their comments are summarised as follows

28 Aston Street; 24, 30 Boulter Street; 87 (Flat 2) Bullingdon Road; 305 Cowley Road; 27, 37 Cross Street; 120 Charles Street; 4, 5 Denmark Street; 64, 72, 111 Divinity Road; 55, 71 East Avenue; 1, 9, 20, 22 Essex Street; 8 Hawkins Street; 23, 24 Henley Street; 14, 18, 26, 47, 89, 106 Hurst Street; 255 Iffley Road; 23, 38, 40 (Flat 1), 55, 57, 60, 84a James Street; 10 Leon Place; 12 London Place; 19, 25a Leopold Street; 41, 142 Magdalen Road; 12, 37, 51 Marston Street; 35 Oxford Road; 18, 24, 38 Rectory Road; 9, 12, 31 Regent Street; 8, 14, 20, 36, 41, 71, 78 St Mary's Road; 40, 44 Southfield Road; 20 Tyndale Road; 76 Valentia Road; 5, 66 Warwick Street; Divinity Road Residents Association; London Place Residents Association; East Oxford Residents Association Forum

- Affect local ecology
  - Close to adjoining properties
  - General dislike of the proposal
  - Inadequate parking provision
  - Increase in traffic
  - Increase in pollution
  - Inadequate public transport provisions
  - Loss of parking
  - Loss of privacy
  - Noise nuisance
  - Not enough information given on the application
  - Out of keeping with the character of the area
  - Strain on existing community facilities
- 
- There is no information given to the additional impact this will have upon the wider locality and neighbours of the increased hours or any impact assessment
- 
- The proposal to extend the hours to 2am on most nights and 4am on Fridays, Saturdays and some Sundays is in conflict with the City Plan policies on designing our crime and noise
- 
- It should be recognised that the academy is on the edge of a residential area. There is already late night disturbance from a wide range of activities on the Cowley Road especially at the O2 including Wednesday night 'Fuzzy Ducks'. This will exacerbate the problem
- 
- The Fuzzy Ducks night is the most destructive and causes anger and distress to residents. It is disliked by the community and even criticised by the University and Brookes for the negative messages it sends to students and it is time for that to stop.

- The residents in the streets surrounding the Cowley Road and the Academy, many of which include respectful students, working people, small children are frequently disturbed at night by people coming back in the early hours making noise, violence, and vandalism in association with the O2. To extend the opening hours will make matters worse.
- While a few people on the streets of East Oxford may have come from the city centre, the majority of trouble arises from O2 customers.
- It is socially irresponsible on the part of the owners of the academy to suggest extending the opening hours to a Sunday, as locals are already disturbed on a Friday and Saturday.
- Extending the nuisance beyond the current licence, to every weekday night would put great strain on the residents in streets in East Oxford.
- It is unreasonable to have a club open until 4.00am in the morning.
- It does not seem sensible to offer all-night drinking to youngsters on the 30<sup>th</sup> April who will spill out onto Magdalen Bridge, and this date can often be a working night. Therefore protracted late night clubbing would be disruptive and unwelcome.
- There are problems with dispersal of groups leaving the Academy with groups of people walking through the side streets in the early hours of the morning.
- While the O2 staff appear to adhere to the licensing policy by ejecting customers from the venue and moving them on, all they do is move them a few metres down the Cowley Road and so customers still wander the streets at 4/5am
- The licensing hours allowed at the establishment and others in the area need to be curbed and not extended
- There will be illegal parking in residents parking areas and on double yellow lines every night of the week and so residents will have nowhere to park on their return
- The proposed earlier opening hours run the risk of further increasing the extent of disruption caused by the parking of coaches that create traffic congestion and the blocking of the pavement by large queues for some events
- Late night opening needs to be carefully considered as it runs contrary to creating mixed and balanced communities and will erode the areas being a mix of household types.
- The increase in hours will cause traffic problems with loading and unloading from the O2.
- Local residents have already asked for better policing on Friday and Saturday nights, but with cuts this will be difficult

- The proposal will increase alcohol related crime, such as criminal damage, violence and public order offences
- The proposal will place an additional and disproportionate burden on local resources in particular street cleaning, policing, environmental health, and local health services
- Granting these hours of licensing would not significantly increase the 'night-time' economy of East Oxford but would deter people from living in the area and visiting other bars, shops and restaurant.
- The O2 management have shown reluctance to engage with local residents to discuss problems caused by their existing club nights

#### Divinity Road Residents Association

- Objects
- It will create a precedent for every other licensed establishment to follow suit
- Add further to night time disturbance suffered by residents of the streets used by their customers to return home
- Add further to drunken anti-social behaviour
- Licensed establishments should stop serving alcohol at 1.00am unless there are exceptional circumstances e.g. May morning, New Years Day

#### London Place Residents Association

- Objection
- Residents have ongoing and increasing problem of noise and disorderly behaviour in the early hours of the morning by person(s) returning to Headington along London Place
- This has lead to several complaints a week including a 999 call to break up a street brawl
- The Association strongly objects to any extension of opening into the early hours

#### East Oxford Residents Association Forum

- Objects
- The EOAF represents the majority of streets surrounding the O2 Academy and its members are already troubled on a regular basis by the customers of the O2 and in particular the 'Fuzzy Duck' night.
- Despite the efforts of police, licensing and the O2, the same problems remain, namely; crime and disorderly behaviour caused by patrons; dangers to public health posed by urination, vomit, broken glass and vandalism; the harmful effect on local children caused by broken sleep, dangerous litter and vomit and urine on the street and in gardens; and public nuisance caused by fights, noise, vandalism and litter.
- The opening hours and treatment of the community by the O2 and its customers have been the cause of numerous complaints
- Extending these hours of opening would amplify these problems and cause new ones benefiting only the owners of the O2 at the cost of the local community, taxpayers of Oxford, and reputation of students in the area.

- Apart from the above-mentioned issues, the application should also be refused as the extended hours will impinge on servicing arrangements; will impact on negatively on local businesses; there will be traffic generation at times when public transport is poor.
- The EORAF objects to any change in planning or licensing for the O2 Academy until the existing problems are resolved
- We would also suggest the curtailment of the Fuzzy Ducks night and its transfer to a city centre location

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**West Area Planning Committee**

13<sup>th</sup> June 2012

**Application Number:** 12/00876/FUL

**Decision Due by:** 30th May 2012

**Proposal:** New first floor rear 2 bedroom apartment with separate ground floor entrance

**Site Address:** 241 Banbury Road (**site plan: appendix 1**)

**Ward:** Summertown Ward

**Agent:** Lee And Ross Architects

**Applicant:** Shepherd And Woodward Ltd

**Application Called in by** Councillors McCready, Campbell, Fooks, Wilkinson, and Brown on grounds of overbearing and overlooking impact on the Stratfield Road properties.

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## **Recommendation:**

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

- 1 That the proposed development would make an efficient use of land, and has been designed in a manner that would create an appropriate visual relationship with the existing building and the character and appearance of the surrounding area while also safeguarding the residential amenities of the adjoining Stratfield Road and Banbury Road properties. The proposed flat would create a good standard of internal and external living space for the future occupants of the dwellings, while being of an appropriate dwelling type for the Summertown District Centre. The development would accord with the National Planning Policy Framework and the relevant policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application, however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation

and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

**Conditions:**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Means of enclosure for amenity area
- 5 Details of Refuse and Cycle Storage
- 6 Obscure Glazed windows

**Main Local Plan Policies:**

**Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS18\_** - Urban design, town character, historic environment
- CS23\_** - Mix of housing

**Saved 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
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

**Sites and Housing Plan**

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

**Other Material Considerations:**

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document (January 2008)

**Relevant Site History:**

04/01173/FUL: Demolition of existing rear extension, single storey rear extension to provide additional accommodation for retail shop and storage space for adjacent shop. First floor extension and alterations to provide 1x1 bed flat and 1x2 bed flat and first and second floor levels: Approved

05/00757/FUL: New shop front. Roof mounted plant on single storey rear extension:  
Split Decision

10/00475/FUL: Erection of first floor rear extension to form 1x1 bed flat and 1x2 bed maisonette. Erection of new stairwell (amended plans): Withdrawn

10/02512/FUL - Erection of 1st floor rear extension to form a 2-bed flat:

In November 2010 the application was refused under delegated powers on grounds that the size and scale of the proposed first floor extension would be out of character with the appearance of the area; and would have a detrimental impact upon the residential amenities of the adjacent Stratfield Road properties.

An appeal against this decision was dismissed in September 2011, with the Inspector concluding that the proposal would not have a harmful effect on the character and appearance of the area or living conditions of the nearby properties in Stratfield Road but would have an impact upon the living conditions of the first floor flat at 241 Banbury Road.

This appeal decision is a significant material consideration for the determination of this application, and a copy of the decision notice can be found in **appendix 2** of this report.

### **Representations Received:**

The following addresses have made representations, which are summarised below :

16, 18, 24, 30, 32, 34, 38, 44, 46, 48, 56 Stratfield Road; 239 Banbury Road

- Affect local ecology
- Close to adjoining properties
- Conflict with the local plan
- Development too high
- General dislike of the proposal
- Inadequate access
- Inadequate parking provision
- Loss of light
- Loss of privacy
- Out of keeping with the character of the area
- Overdevelopment
- Strain on existing community facilities
- The proposed development will encroach upon the character of the area and increase the chance of the area becoming over populated.
- The site has already been considerably developed
- The additional storey is an ugly block liked structure that is out of scale and proportion with the main property and surrounding buildings.
- The first floor apartments will affect the privacy of the residential properties in Stratfield Road and also 239 and 243 Banbury Road

- The extension will have an overbearing impact and increase potential for noise pollution to the Stratfield Properties
- Permission should not have been granted for the first floor extension built behind the Clinkard shoe shop as this has an overbearing impact upon residential properties in the area.
- The proposal is an inappropriate and unwelcome addition to the community and there are already too many developments of this nature in the Summertown area.
- The Robinson Saunders student housing in South Parade had its plans greatly changed to respond better to the Stratfield Road properties
- The proposal would have an impact upon the green space at the rear of these properties in terms of plants, trees, and wildlife.
- The proposal may set a precedent for other similar sized developments
- The provision of windows facing 239 Banbury Road may prevent similar commercial / residential development of this property

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

Thames Water Utilities Limited: No objection

Oxfordshire County Highways Authority:

The Highway Authority has no objections in principle subject to the following:

- The development/proposed unit(s) shall be excluded from eligibility for parking permits prior to occupation. A cost of £1500 to amend the Traffic Regulation Order shall be met by the applicant through a Unilateral Undertaking (Contact Mike Ruse - 01865 815978).
- No surface water from the development shall be discharged onto the adjacent highway.

### **Issues:**

- Principle of Development
- Balance of Dwellings
- Design
- Impact upon adjoining properties
- Residential Amenities
- Parking Provision

### **Officers Assessment:**

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

1. The site is located on the western side of Banbury Road, with the adjoining Banbury Road properties to the north and south, and the rear gardens of the Stratfield road properties to the east (**site plan: appendix 1**)
2. The site comprises a three-storey Victorian dwelling, which faces directly onto the Banbury Road. The building has a commercial unit on the ground floor that provides part of the Summertown District Frontage. There is a large single storey extension that extends the full length of the site, and provides additional

accommodation for the retail unit as well as storage for an adjacent retail unit. The upper floors of the building provide 2 flats [1x2 bed, and 1x1 bed], with associated amenity space.

### **Proposal**

3. Planning permission is sought for the erection of a first floor rear extension to form a 2 bedroom flat with separate ground floor entrance.

### **Principle of Development**

4. The National Planning Policy Framework [NPPF] encourages the effective use of land by reusing land that which has been previously developed, provided that it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy.
5. The site would constitute previously developed land, as defined by Annex 2 of the NPPF and therefore the general principle of additional residential development on the site would be considered appropriate under national and local planning policy.

### **Balance of Dwellings**

6. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households.
7. The Balance of Dwellings Supplementary Planning Document (BoDSPD) provides guidance on how the Council will achieve this aim and states that District Centres have the potential to provide for higher densities, which would allow for a greater proportion of smaller units. The provision of a 2 bedroom flat would not conflict with the Policy CS23 and the BoDSPD.

### **Design**

8. The National Planning Policy Framework recognises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design responding to the site and its surroundings; create a strong sense of place; attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also 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. This is supported in Policy HP9 of the emerging Sites and Housing Plan.
9. The site is located on the western side of Banbury Road within the Summertown District Shopping Centre. The area is characterised by three-storey Victorian semi-detached and detached properties that are evenly spaced within uniform sized plots and have narrow gaps between them. There is a distinct public /

private realm relationship throughout the area. The ground floor of the Banbury Road properties contain commercial units that form the Summertown District Centre, the majority of which have had significant single storey extensions added to them.

10. In comparison to the scheme previously dismissed on appeal, the first floor extension has been reduced in height and length. It would still be sited 3.7m from the Stratfield Road boundary, but would measure 10.6m (l) x 5.5m (w) x 7.6m (h) [when measured from ground level] compared to the previous dimensions of 14m (l) x 5.5m (w) x 8.5m (h).
11. Although officers had recommended refusal of the previous application (10/02512/FUL) on the basis that the size and scale of the proposed first floor extension would be out of character with the appearance of the area, this objection was not upheld on appeal. The Inspector concluded that the first floor extension represented an innovative approach towards providing additional built form to the site, and although separate from the main frontage building it would create an appropriate relationship with the size and character of the main building. As the site would be set to the rear it would not intrude upon the public realm of the Banbury Road street scene. Therefore the Inspector considered that the proposed extension would not have a harmful effect on the character and appearance of the area (paragraph 9 of **appendix 2**). The only reason given for dismissing the appeal was the harm to the living conditions of the occupiers of the existing first floor flat at 241 Banbury Road, especially in relation to its outlook, referred to below.
12. The Inspectors conclusions are clearly a material consideration in the determination of this application and therefore officers would raise no objection to the proposed first floor extension which has been reduced in size and scale from the one previously refused under 10/02512/FUL. As a result officers are of the opinion that the proposal would not conflict with the aims and objectives of Policy CS18 of the Oxford Core Strategy, Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, and Policy HP9 of the emerging Sites and Housing Plan.

### **Impact upon Adjoining Properties**

13. The Council seeks to safeguard the amenities of properties surrounding any proposed development. Policy HS19 states that permission will only be granted for development that protects the privacy or amenity of proposed and existing residential properties, specifically in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10.
14. The impact of a first floor extension to the rear of the application site upon the Stratfield Road properties was considered by the Inspector in the previous appeal. The Inspector concluded that the extension would be sited some 37m from the rear of 34 Stratfield Road. Although the extension would be a notable feature against the backdrop of the Banbury Road frontage in relation to the outlook from the rear of nearby dwellings in Stratfield Road and also from their

back gardens the size and massing of the extension, including the angled views of it, would not be harmful to the living conditions of the occupiers of these dwellings. Furthermore, even when viewed from the end of the adjacent gardens closest to the site, the set back from the rear boundary along with the substantial length of the back gardens of the Stratfield Road properties would not create any adverse sense of enclosure (paragraph 12, **appendix 2**). In terms of overlooking although there was a window in the west facing elevation of the extension, which some residents may find disconcerting, there is sufficient separation distance to prevent this having an impact upon the privacy of these properties. While this may overlook the adjacent parts of the nearby gardens, the window would be set back and could be partially or wholly obscure glazed to prevent any overlooking (paragraph 13, **appendix 2**)

15. Again these conclusions are a material consideration for the determination of this application. The proposed extension is again sited approximately 3.7m from the rear boundary with 34 Stratfield Road and extends the full plot width, but the overall height of 7.6m has now been reduced from the 8.5m. Therefore in light of these changes and the conclusions of the Inspector, officers consider that the impact of the proposed extension upon the Stratfield Road properties would not be so harmful to warrant refusal of the application. Furthermore while a window is still proposed in the west facing elevation, any loss of privacy to the adjoining properties could be addressed by a condition requiring this to be obscure glazed.
16. In terms of the Banbury Road properties, it is the impact upon the first floor flat at 241 Banbury Road which requires closer inspection. In considering the previous appeal, the Inspector concluded that the proposed extension would have an impact upon the outlook from this flat and the quality of the private amenity space (paragraph 16, **appendix 2**). The design of the proposed extension has been revised in order to improve the relationship with this flat. The separation distance between the rear of the existing first floor flat at 241 Banbury Road and the proposed extension has been increased from 8m to 9.7m in order to reduce the impact upon the flats outlook and a planted roof provided between both amenity areas. In light of these changes, officers consider that the proposed extension has addressed the Inspectors concerns and is designed in a manner that would safeguard the amenities of this property.
17. The proposed development would not have a detrimental impact upon the amenities of any of the first floor accommodation at 239 and 243 Banbury Road given the separation distance that exists between these properties. During the consultation process the owner of 239 Banbury Road has suggested that the provision of windows in the southern elevation of the extension would restrict the future development opportunities for this property. This would not be a reason to withhold planning permission and the majority of windows in these elevations are obscure glazed.

## **Residential Use**

18. The proposed two bedroom unit would be self-contained and have an internal layout that would create a good standard on accommodation in accordance with Policy HP12 of the emerging Sites and Housing Plan.

19. In terms of amenity space the flat would be provided with its own terrace that would provide usable external space in accordance with Policy HP13 of the emerging Sites and Housing Plan. The flat would also have a refuse and recycling store at ground floor level.

### **Highway Matters**

20. The proposal flat would not be provided with any off-street parking and given the sustainable location of the site within a District Centre with excellent links to public transport, shops, and services would be considered appropriate. The Local Highways Authority have raised no objection. A condition should be attached which allows the Highway Authority to exclude the flat from eligibility for parking permits within the Summertown Area controlled parking zone should be attached.

21. The scheme also proposes cycle stands towards the rear of the site, which would be necessary given the 'car-free' nature of the scheme. These should be secured by condition.

### **Other Matters**

22. During the consultation process concerns have been raised that the proposed development will have a detrimental impact upon local ecology, and the existing vegetation that exists to the rear of the Stratfield Road properties. Having regards to the overall size, scale, and siting of the proposed extension it is unlikely to have an impact upon local ecology. The proposal would not result in the loss of any trees, and given the extent of the existing built form it would be difficult to suggest that the proposal will increase any surface water run-off.

### **Conclusion:**

23. The proposal is considered to be acceptable in terms of the relevant policies of the adopted Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development.

### **Human Rights Act 1998**

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

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



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

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

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 23rd May 2012

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# Appendix 1

## 241 Banbury Road (12/00876/FUL)



GIS by ESRI (UK)



Scale : 1:1250

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|              |             |
|--------------|-------------|
| Organisation | Not Set     |
| Department   | Not Set     |
| Comments     |             |
| Date         | 29 May 2012 |
| SLA Number   | Not Set     |




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## Appeal Decision

Site visit made on 10 August 2011

by **Peter Bird BSc DipTP MRTPI MRICS**

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

Decision date: 28 September 2011

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**Appeal Ref: APP/G3110/A/11/2151176**  
**241 Banbury Road, Summertown, Oxford OX2 7HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Shepherd and Woodward Ltd against the decision of Oxford City Council.
  - The application Ref 10/02512/FUL, dated 14 September 2010, was refused by notice dated 11 November 2010.
  - The development proposed is new first floor residential accommodation over the existing flat roof to the rear of No 241 Banbury Road.
- 

### Decision

1. I dismiss the appeal.

### Procedural Matters

2. The Oxford Core Strategy 2026 (OCS) was adopted in March 2011. Policies within the OCS have replaced a number of those that had been saved in the Oxford Local Plan 2001-2016 (LP). In relation to the Council's reasons for refusal, OCS Policy CS18 has now replaced LP Policy CP7 and I have taken this into account in reaching my decision.

### Main Issues

3. The main issues are the effects of the proposal on firstly, the character and appearance of the area; and secondly, on the living conditions, particularly in relation to outlook and privacy, of the occupiers of the neighbouring residential property in Banbury Road and Stratfield Road.

### Reasons

#### *Character and appearance*

4. The appeal property is on the western side of Banbury Road within the Summertown District Shopping Centre where it is part of a retail/commercial frontage between South Parade and Oakthorpe Road. Along this frontage, properties are mainly semi-detached and terraced and tend to range between two to two and a half storeys high. They are generally traditional in appearance, as distinct from the varied design and scale of the more modern buildings on the eastern side of the road. No 241 comprises two and a half
-

storeys, with a ground floor shop and residential accommodation above and is at the end of a short terrace in this frontage. The plots in this part of Banbury Road are relatively long and back onto the rear gardens of adjacent dwellings that face Stratfield Road to the west, the plots of which appear to be a similar depth to those in Banbury Road. Where there are gaps between the buildings in the Banbury Road frontage, they tend to be narrow, with limited views of the land behind so that the space at the rear does not contribute to the public realm of the Banbury Road streetscene. Similarly along Stratfield Road, the combination of dwelling types and their arrangement provides a tight frontage separating the public realm of the street scene from that of the private gardens behind.

5. No 241 has been extended previously. At ground floor level a flat roofed single storey extension stretches almost to the property's rear boundary. To the residential accommodation above is a pitched roof extension of much shorter length at first floor level. The proposal would introduce an additional storey above the existing ground floor extension to contain a two bedroom flat. However, it would be clearly separate, physically and visually, from the existing first floor extension and would be positioned towards the end of the property so as to be set back some 3.7 metres from its rear boundary.
6. The overall length of the proposed extension would be some 14.0 metres, which appears to be slightly longer than the existing first floor projection. Whilst the pitch of the proposed roof seems steeper than that of the existing first floor projection, it would reflect that of the main roof of the frontage building. The proposal's eaves line would be slightly higher than that of the existing first floor extension and the overall height would just be in excess of the eaves to the main roof, but would be substantially below its ridge. Its width would be similar to that of the extension below, but not as wide as the plot as an existing passageway separates the present extension from the adjacent property at No 243.
7. In terms of the proposed detailing, the Council refers to the existing frontage building. Despite the variation in the height of properties in the Banbury Road frontage, overall they have a cohesive form, even though the frontage contains notable variations between the properties which, to my mind, enhance its visual interest. In particular the gabled features contribute to this cohesion and these are reflected in the proposal, albeit clad with timber boarding. The proposed window proportions tend to be more square than as seen in the existing building, including its previous extension at first floor level. Even so, I consider these aspects would not significantly detract from the coherence of the proposal's design and in themselves they would not be sufficient to justify withholding planning permission in this location behind Banbury Road.
8. The separation between the rows of buildings fronting Banbury Road and Stratfield Road contributes to the spaciousness at the rear of these properties. However, at ground floor level the character and appearance of the rear part of the Banbury Road properties, amongst which are long ground floor extensions and parking areas, is distinctly different to that of the gardens and established vegetation to the Stratfield Road dwellings. The erection of the proposed building would be clearly related to that space to the rear of the Banbury Road frontage, rather than the residential curtilages to Stratfield Road. Above ground floor level, building of significant scale has been permitted previously. Of these



latter developments, I understand that a particularly sizeable scheme on the corner of Banbury Road and South Parade has not been implemented. However, in recent years, a nearby property, No 233, has been enlarged with additional accommodation at first floor level, so as to be a distinctive feature at the rear of this frontage.

9. The appellant's intention is for the building to have a "converted warehouse" look. Whilst such a building style would not necessarily be characteristic of the location, nevertheless, the proposal would reflect features in the surrounding area. It seems to me that the scheme involves an innovative approach to realise the scope for additional built form to accommodate further development at this property. Although the rearmost part of the proposed building would be further from the Banbury Road frontage than the first floor extension at No 233, the separation of the proposal from the existing extension at first floor level to No 241 would enable the frontage building, as previously enlarged at first floor level, to retain its scale and character. Furthermore, it would not intrude upon the public realm of the Banbury Road street scene. I consider that the proposal would not have a harmful effect on the area's character and appearance and in this regard it would not conflict with the aims and objectives of OCS Policy CS18 and LP Policies CP1, CP6, CP8, CP9 and CP10.

#### *Living conditions*

##### *Stratfield Road dwellings*

10. The accompanying text to LP Policy HS19 (*Privacy and Amenity*) states that it is difficult to set standards for privacy and amenity for all dwellings as each development site and building has its own circumstances. Nevertheless, it goes on to say that the Council will use its 45 degree code as set out in LP Appendix 6 (App 6) to assess the impact of development on daylight, sunlight and outlook. However, App 6 states that this guidance is mainly concerned with the effect of proposed extensions to the rear and side of houses. On the information before me, it is not clear therefore if App 6 is applicable in the present circumstances, particularly to an extension above commercial premises, although adjacent to residential property.
11. The appellant has drawn attention to the Council's *Private Open Space – An Explanatory Practice Note* (EPN). However, the document clearly states that it is an informal explanatory advice practice note and it has not been the subject of public consultation. In these circumstances, whilst the EPN is a material consideration, I can only attach limited weight to it. Nevertheless, the EPN indicates the preceding text to LP Policy HS21 (*Private Open Space*) states that the length for a private garden for a family house will generally be 10 metres. This reflects what is seen as a well established rule of thumb for the minimum "back to back" distance of 20 metres between the rear faces of dwellings, especially in built-up areas.
12. The proposed extension would be set back some 3.7 metres from the rear boundary so that the separation from the dwelling at No 34 Stratfield Road would be a distance of some 37 metres (according to the appellant, and this distance has not been disputed by the Council) and clearly in excess of the above measure of 20 metres. With the low profile of flat roofs to the ground floor rear extensions to Banbury Road, the introduction of the proposed

development at this point would be a notable feature against the backdrop of the Banbury Road frontage in relation to the outlook from the rear of nearby dwellings in Stratfield Road and also from their back gardens. However, I do not consider the size and massing of this single building, including angled views of it, at this distance would result in an overwhelming sense of enclosure that would be harmful to the living conditions of the occupiers of these dwellings. Furthermore, even when viewed from the end of the adjacent gardens closest to No 241, the set back of the proposed building from the rear boundary in combination with the substantial length of the back gardens to the Stratfield Road properties would off-set any contribution the proposal would make to the sense of enclosure at that point. In these circumstances, from what I saw at my visit, the effect of the proposal's bulk would not merit refusal.

13. At the time of year of my visit, there was a significant amount of established vegetation that was particularly noticeable in the vicinity of the site. However, the above assessment of the spatial relationship of the proposal to adjacent dwellings is made without reliance on vegetation, the health and future management of which would be uncertain to contribute to any screening effect.
14. The proposal contains a window facing west towards the rear of the Stratfield Road properties. Whilst residents of adjacent dwellings may find this disconcerting, the separation between these buildings is sufficient for the window not to detract from the privacy of the dwellings' internal accommodation in this built-up location. However, although this window would be set back from the rear boundary, it would overlook the adjacent part of nearby gardens. Nevertheless, a planning condition could be used to secure suitable glazing to overcome this effect. Furthermore, another window is shown in the side elevation, apart from that in the roof, to this proposed bedroom so as not to harm the living conditions of its future occupiers. The flat roof in front of this west facing window would be planted and access to it would be for maintenance only. The private terrace to the proposed unit would be next to that of the existing first floor flat at No 241 and thereby would not affect the privacy of the adjacent gardens in Stratfield Road.

#### *Banbury Road accommodation*

15. The existing flat at the rear of No 241 is relatively modest in size and its main area of private amenity space would be immediately next to that of the proposed unit. Although I was not able to enter this flat, the submitted drawings indicate that whilst the living room has a window in its north facing elevation, this room also appears to receive "borrowed" light from the opening in the flat's west facing elevation.
16. The effect of the proposal on light to this existing flat has not been clearly demonstrated. Nevertheless, whatever the effect, the proposal would introduce a substantial bulk of building, together with a new means of enclosure around the private amenity space for the proposed unit, a relatively short distance away from the western end of the existing flat and its adjacent terrace. This would significantly change the quality of the west facing outlook from the rear of this flat and its adjacent private amenity space. The appellant argues that the Council's guidance does not require private amenity space to have an open outlook, nor does LP Policy HS19. However, even though the existing private amenity space would be retained, its spatial quality would be

markedly changed. Although the proposal would be an additional storey above the ground floor extension, the pitch of the proposed roof, whilst reflecting others nearby, would be far from shallow, and would result in the proposal having substantial bulk in its roof. The separation from the existing flat and its private amenity space would be insufficient to overcome the proposal being overbearing and causing a sense of enclosure which, for this modest unit of accommodation and its limited private outdoor space, would be, to my mind, somewhat claustrophobic for its present and future occupiers.

17. Planning Policy Statement 3: *Housing* (PPS3) states that private outdoor space, such as balconies, is one of the matters to be considered when assessing design quality in relation to proposed development. I find the proposal would be harmful to the living conditions of the residential occupation of the first floor flat at No 241 Banbury Road. In this regard it would conflict with LP Policies CP1, CP10 and HS19 in terms of an unacceptable sense of enclosure and overbearing development and in so doing lack the standard of development expected by national and local planning policy, particularly in relation to its siting and the failure to safeguard the use and amenity of the flat at No 241.

#### *Other matters*

18. The *Draft National Planning Policy Framework* (DNPPF) sets out that at the heart of the planning system is a presumption in favour of sustainable development. However, whilst the DNPPF is a material consideration, at this stage in its emergence, I attach limited weight to it. Nevertheless, Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) states that sustainable development is the core principle underpinning planning. Moreover, it goes on to say that at the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. However, despite the sustainability of this location in terms of shops, facilities and the availability of transport other than the private car, it seems to me that the proposal is not a sustainable development in that it would not ensure a better quality of life for everyone, particularly the occupiers of adjacent property in the Banbury Road frontage.
19. The issue of precedents has been raised by third parties. Had I been minded to allow this appeal, it seems to me this proposal would be likely to be a significant influence on the consideration of future schemes, particularly as designed here, for the alteration and enlargement of other properties in this frontage. The development at No 233 is presently such an influence. However, any such proposal would need to consider the relationship with adjoining property. In this case the windows in the north and south facing elevations of the proposed building in particular, would seem to be such a consideration for the future development of adjacent property, and as such maybe a possible constraint in the formulation of such proposals. Consequently, whilst each proposal is dealt with on its merits, as I have done here, to my mind the appeal proposal could well constrain the effective and efficient use of adjacent land and this adds to my concern.

#### *Conclusion*

20. Whilst the proposal would not have a harmful effect on the character and appearance of the area or the living conditions of the residents of nearby



property in Stratfield Road, this would not overcome the harm to the living conditions, particularly in relation to outlook, of the occupiers of the adjacent first floor flat at No 241 Banbury Road. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Peter Bird*

INSPECTOR

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**West Area Planning Committee**

13<sup>th</sup> June 2012

**Application Number:** 12/00769/FUL

**Decision Due by:** 14th June 2012

**Proposal:** Erection of single storey rear extension at lower ground floor level. Removal of existing second floor rear extension, and erection of 3 storey rear extension at ground, 1st and 2nd floor levels.

**Site Address:** 75 Southmoor Road Oxford (**Appendix 1**)

**Ward:** North Ward

**Agent:** Turner Designs

**Applicant:** Mr N Mace And Ms. D. Secker-Walker

**Application Called in –** by Councillors – Fry, Pressel, Coulter, McManners, Khan and Clack  
for the following reasons – no reason given

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered to respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings, will not have a detrimental impact on the special character and appearance of the conservation area and will not impact on the neighbours in a detrimental way.
- 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.
- 3 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

- 4 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.

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

#### **Main Local Plan Policies:**

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

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment

##### **Core Strategy (OCS)**

- CS9** - Energy and natural resources
- CS18** - Urban design, town character, historic environment

##### **Housing DPD – Proposed Submission (SHDPD)**

- HP9** - Design, Character and Context
- HP14** - Privacy and Daylight

NB: The City Council has recently adopted for development control purposes the Sites and Housing Development Plan Document (SHDPD) prior to public examination by an Inspector later this year. It forms part of Oxford's Development Plan Framework and although not formally adopted it does carry weight as a material consideration in determining planning applications.

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

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

National Planning Policy Framework March 2012 (NPPF)

NB: As of 27<sup>th</sup> March 2012 the National Planning Policy Framework replaced various Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) which are now withdrawn.

### **Relevant Site History:**

71/24188/A\_H - Removal of existing pitched roof of ground floor bathroom and erection of flat roof with extension over to form additional bathroom. PDV 27th April 1971.

93/00201/NFH - Second floor rear extension. PER 22nd April 1993.

09/01357/FUL - Erection of new porch with bathroom over at no 75 Southmoor Road and erection of new porch with bathroom over, new rear dormer window and new rear extension on basement and ground floors at no 77 Southmoor Road. SPL 12th August 2009.

09/01358/CAC - Conservation area consent for demolition of existing porch and 3 storey rear extension at no 77 Southmoor Road and existing porch at 75 Southmoor Road. PNR 3rd August 2009.

### **Representations Received:**

73 Southmoor Road: Insensitivity to the character of the area, adversely affects the amenity of the adjoining land users, large excavation to accommodate the proposed conservatory, impact on adjoining walls, 3m drop on the courtyard side of each wall which could be a hazard to children playing in the garden, risk of damage to drainage, subsidence and/or flooding, no case for the demolition of the existing timber frame extension at second floor is made, alterations to boundary wall at canal end, land ownership issues not resolved and unclear who owns the boundary.

77 Southmoor Road: Disruption from construction noise, request no skips be placed outside property in order to allow access, concerned amount the large excavation will increase risk of flooding, change in levels between the terrace and the canal will alter the drainage properties of the area.

71 Southmoor Road: no details on drainage or sewerage and the impact on them, concerned over the depth of the foundations, lowering of ground will affect trees and water levels, does little to improve the energy efficiency of the building, potential for the land to be contaminated.

### **Statutory Consultees:**

Thames Water: no objections

### **Issues:**

Design  
Residential Amenity  
Sustainability  
Other Issues

## **Officers Assessment:**

### **Site Description**

1. The application site lies on the western side of Southmoor Road within North Ward. The property is in use as a residential house and is on the southern end of a group of four terraced houses. It is constructed in facing red brick with a plain clay tile roof. To the front is a double height bay window and to the rear is a three storey extension with the top storey having a 1990's timber framed extension.

### **Proposal**

2. The application is seeking permission for the erection of a lower ground floor extension and a three storey rear extension in materials to match the existing property.

### **Assessment**

#### **Design**

3. Policy CS18 of the OCS states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the OLP and HP9 of the SHDPD. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.
4. The application site lies within the North Oxford Victorian Suburb Conservation Area where policy HE7 of the OLP applies. This states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or their setting.
5. The single storey rear extension/conservatory is set at lower ground floor level and will allow for an enlarged kitchen and family room with direct access out to a new courtyard and onto the rear garden area. It will have a double pitched roof with a low brick wall to the rear which increases in height to the sides.
6. The three storey rear extension will be of a traditional style with a pitched roof. It will have sash style windows with stone lintels and sills. It will be of a similar style and appearance of that at the other end of the terrace properties nearby thus creating a more symmetrical appearance to the rear of the properties. The removal of the upper floor timber extension is seen as a benefit as it is not an original feature. Permission was granted in 1993. It now appears as a bulky addition which is out of character and context with the rest of the dwelling and the surrounding area. It is poorly constructed, insufficiently

insulated and requires remedial works.

7. The development therefore respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings and is considered to preserve the special character and appearance of the conservation area.

### **Residential Amenity**

8. Policies HS19 and CP10 of the OLP and HP14 of the SHDPD require the siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties. Proposals are assessed in terms of potential for overlooking into habitable rooms or private open space. The proposal will not give rise to any issues of overlooking or loss of privacy. There is in fact a reduction in the amount of glazing at the upper floors compared to the existing rear elevation.
9. Policy HS19 of the OLP and HP14 of the SHDPD sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25-degree code of practice, detailed in Appendix 6 of the OLP and Appendix 7 of the SHDPD. With regards to 77 Southmoor Road there are no habitable room windows affected by the proposal. With regards to 73 Southmoor Road there is a window in the rear elevation serving the basement/lower ground floor which Officers assume serves a habitable room. The proposed basement/lower ground floor element of the scheme breaches the 45/25-degree code of practice. However the basement/lower ground floor element of the scheme is set behind the existing boundary wall therefore the proposal will have no impact on the basement/lower ground floor window at 73 Southmoor Road.
10. Policy HS19 also requires the City Council to assess proposals in terms of sense of enclosure or being of an overbearing nature. The basement/lower ground floor element is tucked behind the existing boundary walls therefore it will have no impact on the neighbouring properties. The ground floor and first floor will extend out by an additional 0.575m compared to the existing whilst the second floor will replace the existing wooden structure and will extend out by 3.025m. Therefore the overall depth of the ground, first and second floor element is 3.025m. The impact in terms of being overbearing is minimal and could be considered an improvement given the high level wooden structure that currently exists.

### **Sustainability**

11. The proposal will make efficient use of the land and will provide improved family accommodation. Notwithstanding the need to meet the requirements of the Building Regulations the proposal is to be constructed in materials to match the existing property however this will involve modern materials which will provide suitable thermal insulation. This insulation will be greater than that that currently exists in the regulations. Double glazed sealed units will be

provided throughout which will also provide good thermal properties.

### **Other Issues**

12. The existing timber framed extension and walls can be demolished without the need for consent and its removal does not therefore need to be justified.
13. The demolition and rebuilding of the boundary walls is a civil matter which should be dealt with via the Party Wall Act if a dispute arises. The information supplied has been accepted in good faith.
14. Safety issues in terms of children playing are not a matter for planning to get involved with.
15. The application site does not lie within a flood risk zone and therefore any issues relating to flooding/drainage will be a matter for Part H (Drainage and Waste Disposal) of the Building Regulations.
16. With regards to subsidence and structural issues again these will be dealt with through Building Regulations (Part A (Structure)).

### **Conclusion:**

17. For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accords with all the relevant policies within the development framework and therefore recommends approval as the proposal is considered to respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings, will not have a detrimental impact on the special character and appearance of the conservation area and will not impact on the neighbours in a detrimental way.

### **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:**

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 28th May 2012

# Appendix 1

## 75 Southmoor Road



Scale : 1:1250

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|              |              |
|--------------|--------------|
|              |              |
| Organisation | Not Set      |
| Department   | Not Set      |
| Comments     | 12/00769/FUL |
| Date         | 28 May 2012  |
| SLA Number   | LA100019348  |

**West Area Planning Committee**

13<sup>th</sup> June 2012

**Application Number:** 12/00147/FUL

**Decision Due by:** 7th May 2012

**Proposal:** Side and rear two storey extension to 9 Whitson Place.  
First floor extension to 12 Whitson Place.

**Site Address:** 9 And 12 Whitson Place Oxford Oxfordshire OX4 3DD

**(Site Plan: Appendix 1)**

**Ward:** Iffley Fields Ward

**Agent:** Mr Mohammed Ehsan

**Applicant:** Mr Imran Faruq

**Called in by:** Councillors Tanner, Price, Sinclair and Coulter due to local concerns of over development.

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## **Recommendation:**

The west area planning committee is recommended to approve planning permission for the following reasons:

- 1 Subject to the conditions proposed for the reasons given in the Officers' report, 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. An adequate level of parking for the location is proposed and the proposals comply with Policies CP1, CP8, CP10, TR3, HS19 and HS20 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.
- 2 Comments have been received from 7 Whitson Place relating to potential loss of daylight to windows, possible loss of boundary treatment and obstruction of access. Officers consider that there will be no material loss of light, the boundary treatment can be addressed by a condition of planning permission and any obstruction of access by vehicles would be a civil matter outside of officers' control. The applicant has however been informed of the Considerate Contractors scheme.
- 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 Amenity no additional windows side,
- 5 Amenity windows obscure glass side facing bathroom,
- 6 Details excluded submit revised plans
- 7 Bedrooms complete before occupation

### **Main Local Plan Policies:**

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

**CP1** - Development Proposals

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

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

**TR3** - Car Parking Standards

**HS19** - Privacy & Amenity

#### **Core Strategy**

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

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

National Planning Policy Framework

The Town and Country Planning (General Permitted Development) Order 1995. As amended. (GPDO).

Oxford City Council Planning Design Guide 2 – Side Extension (Design Guide 2)

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

11/02429/FUL - Side and rear two storey extension to 9 Whitson Place. First floor extension to 12 Whitson Place.. REF 22nd December 2011.

#### **Representations Received:**

7 Whitson Place: No objection in principle, but concerned about loss of daylight to windows, possible loss of boundary treatment and obstruction of access.

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

Local Highway Authority: No objection subject to conditions.

#### **Issues:**

Design

Effect on adjacent occupiers

Parking

## Officers Assessment:

### Site description and background

1. 9 and 12 Whitson Place are adjoining houses that form the end and middle of a terrace respectively. Permission is sought to construct a two storey side and rear extension at number 9 and a first floor extension at number 12.
2. The current proposal is an amended version of that submitted under application 11/02429/FUL that was refused for the following reasons:

*Due to its height, excessive width, proximity to the boundary, projection beyond the building line and overall mass and bulk, the proposed two storey side extension is considered to be unacceptably out of character with the existing house and local area and likely to create a jarring and incongruous addition to the street scene to the detriment of visual amenity, contrary to Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.*

*Due to its height, orientation, proximity to the boundary and overall bulk and mass, the proposed two storey side extension is considered likely to be unacceptably overbearing and lead to a material loss of light and direct sunlight to the adjoining garden at number 7 Whitson Place, leading to a significant loss of residential amenity to the current and future occupants of that property, contrary to Policies CP1, CP10 and HS19 of the adopted Oxford Local Plan 2001 – 2016.*

3. The current application attempts to address the previous reasons for refusal by reducing the width of the two storey side extension, removing the extension's projection beyond the frontage of the main dwelling and improving the separation distance with number 7 Whitson Place.

### Design

4. 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 Plan provides policies to support this aim and CP1 and CP8 key in this regard, along with policy CS18 of the Core Strategy.
5. Oxford City Council Planning Design Guide 2 – Side Extension seeks to ensure that pairs of semidetached houses are not unbalanced by side extensions that are not subordinate to the existing houses. It suggests that it is usually best practice to continue building lines and detailing on terraced houses.
6. Parts of the proposed development would be visible from the public domain. The two storey side extension, whilst relatively large accords with the advice of Design Guide 2 in that the building lines and design detailing of the existing terrace are continued in the extension.

7. Taken as a whole, the proposed extensions remain large and bulky. However, the impact on the street scene is relatively modest and when viewed from adjacent rear gardens the development achieves an appropriate visual relationship with the existing house and will reflect previous development on the terrace, whilst remaining less intensive than previously approved development on Whitson Place.
8. Overall, 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**

9. 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.
10. 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.
11. The proposal complies with the 45-degree guidance and because of the proposed extension at number 12 is unlikely to result in a loss of light or creation of an overbearing effect to windows serving the habitable rooms at number 12.
12. The effect on the windows at number 7 and the gardens of adjoining properties has also been assessed. Due to the reduction in scale and proximity to the boundary with number 7 compared to the previous proposals, the current proposals are considered unlikely to result in a loss of light or creation of an overbearing effect.
13. Any increase in the potential for overlooking is considered low, and subject to conditions to ensure the development to the rear is complete before occupation, to prevent additional windows to the side and to ensure the bathroom window is fitted with obscure glass, the proposals are considered unlikely to have a material effect on adjacent properties, and to comply with Policies CP1, CP10 and HS19 of the Local Plan.

### **Parking**

14. Policy CP1 of the Local Plan states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. Policy TR3 states that planning permission will only be granted for development that provides an appropriate level of car parking spaces no greater than the maximum car-parking standards shown in the plan's Appendix 3.
15. The proposed extension will create a four / five bedroom house. Appendix 3 of the Local Plan gives a maximum standard of three parking spaces for a house with four or more bedrooms. However given that this is a maximum figure and the sustainable location of Whitson Place, with its proximity to local shops and bus services, one space is considered sufficient for this location.

16. It is noted that the proposed parking space does not fully comply with the Local Highway Authorities recently revised parking standards and it is therefore recommended that any grant of planning permission be conditional on the submission of revised plans showing the provision of a parking space with minimum dimensions of 2.5 by 5 metres and with adequate vision splays to ensure the development complies with Policies CP1 and TR3 of the Local Plan.
17. The suggestion by the Local Highway Authority that development be conditional on no surface water being discharged onto the highway has been considered, but as parking is already provided on existing hard standing, this is considered an unreasonable imposition.

**Conclusion:**

18. Subject to the conditions proposed for the reasons given in the Officers' report, 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. An adequate level of parking for the location is proposed and the proposals comply with Policies CP1, CP8, CP10, TR3, HS19 and HS20 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.

**Human Rights Act 1998**

19. 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.
20. 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**

21. 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: 12/00147/FUL**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 28th May 2012

# APPENDIX 1

## 12/00147/FUL

9 & 12 Whitson Place



**Legend**

Scale: 1:1250



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|              |                     |
|--------------|---------------------|
| Organisation | Oxford City Council |
| Department   | Planning            |
| Comments     |                     |
| Date         | 29 May 2012         |
| SLA Number   | 100019348           |



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

**Dates:** 29<sup>th</sup> May and 13<sup>th</sup> June 2012 respectively

**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.

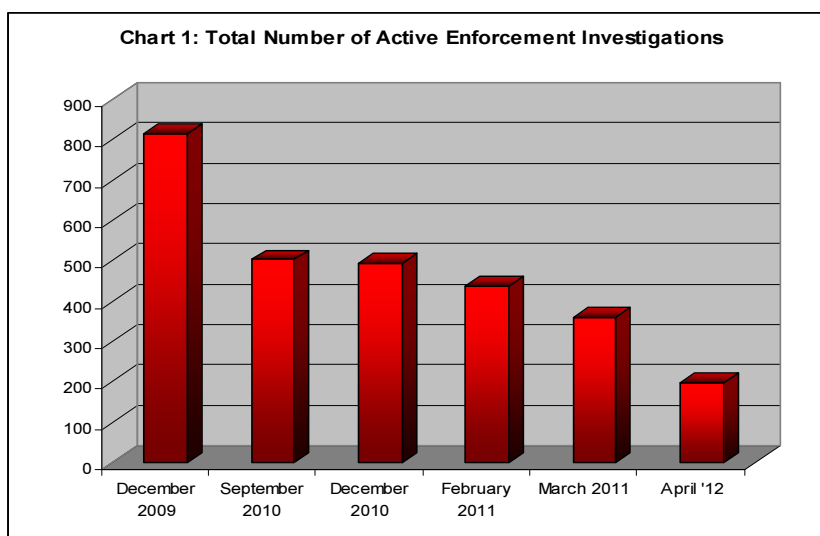
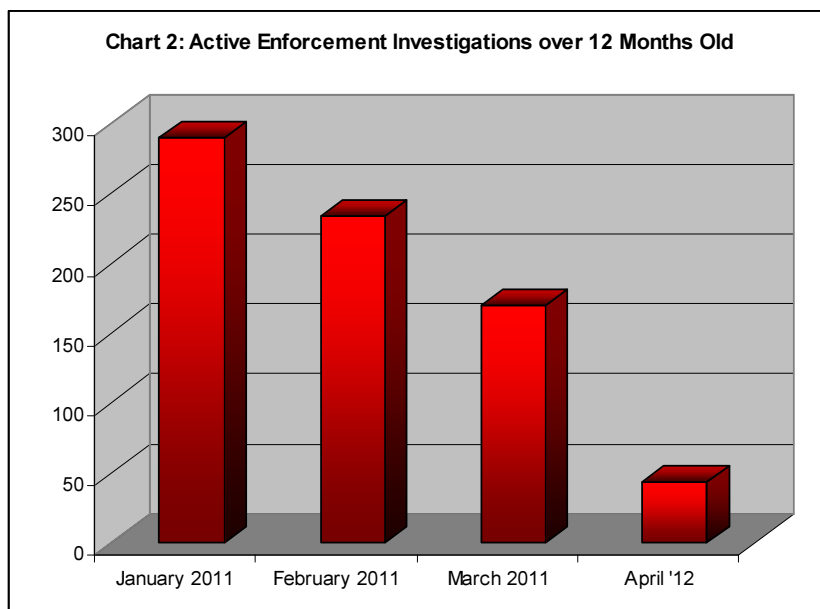


Chart 2 indicates further progress in tackling open older cases. The April '12 figure of 43 shows the number of cases currently 'open' that were received prior to March 31<sup>st</sup> 2011. The April '12 figure excludes cases which have progressed to Enforcement. This represents a substantial reduction 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.

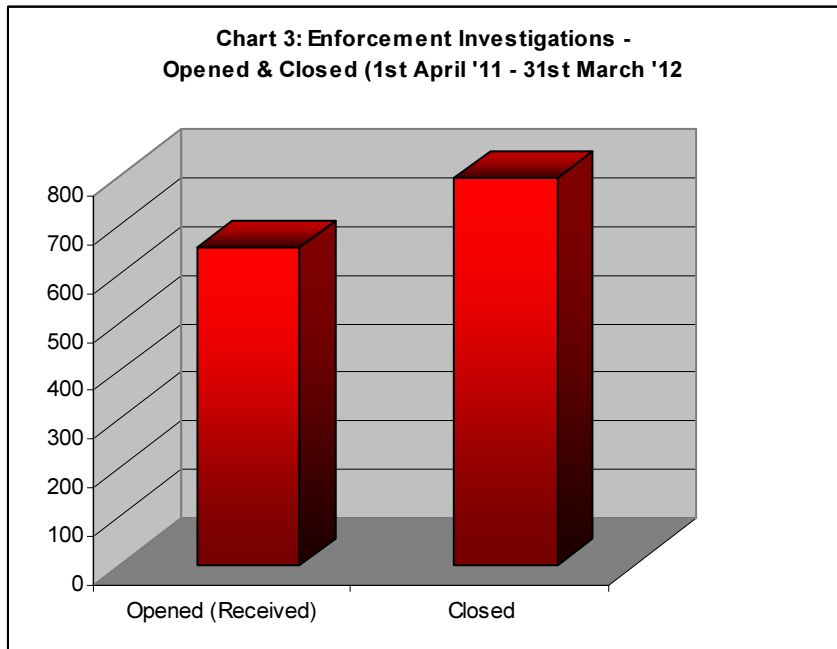
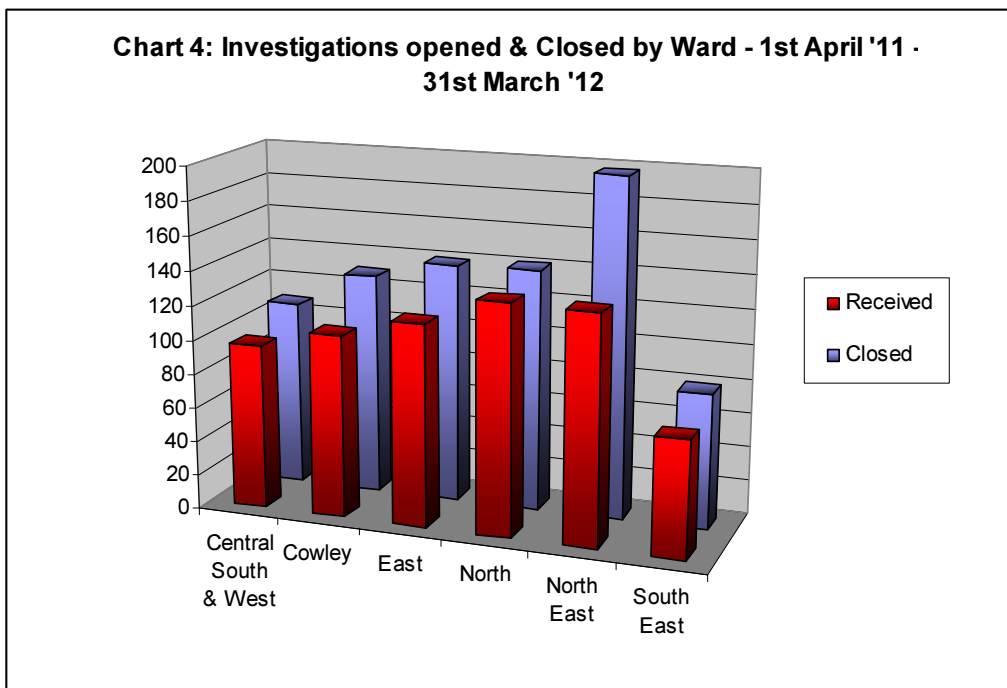
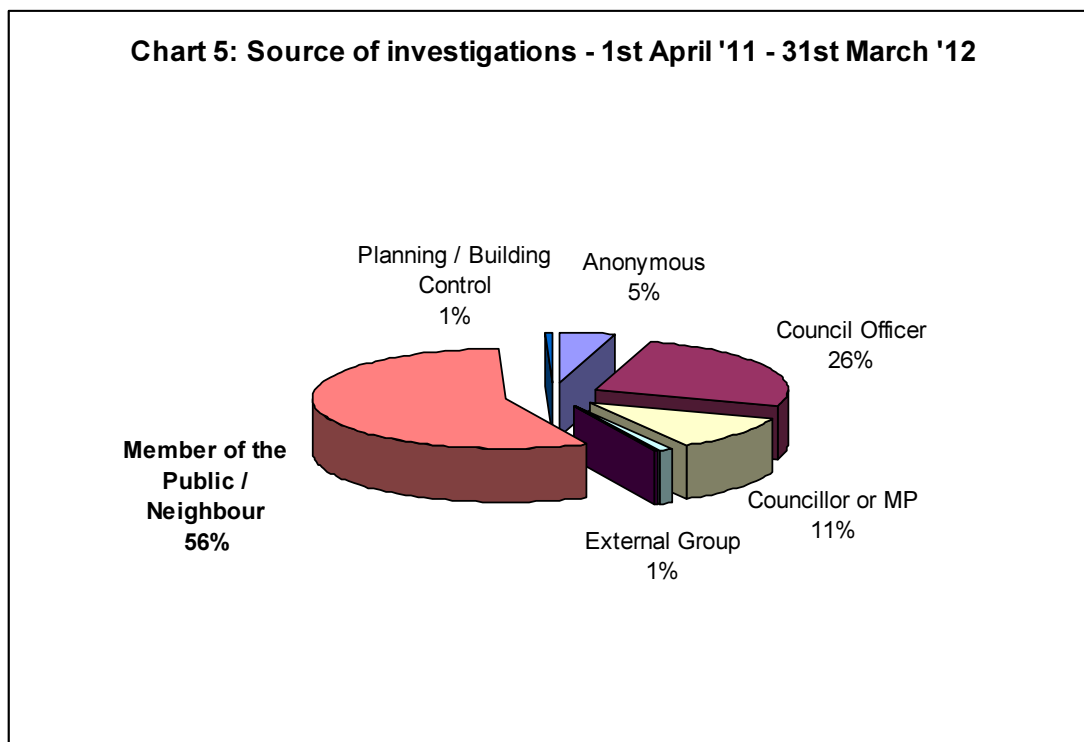


Chart 4 below indicates the geographical spread of received and closed cases during the year. Proportionately more cases were received and dealt with in the north and north east areas of the city.



### 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.

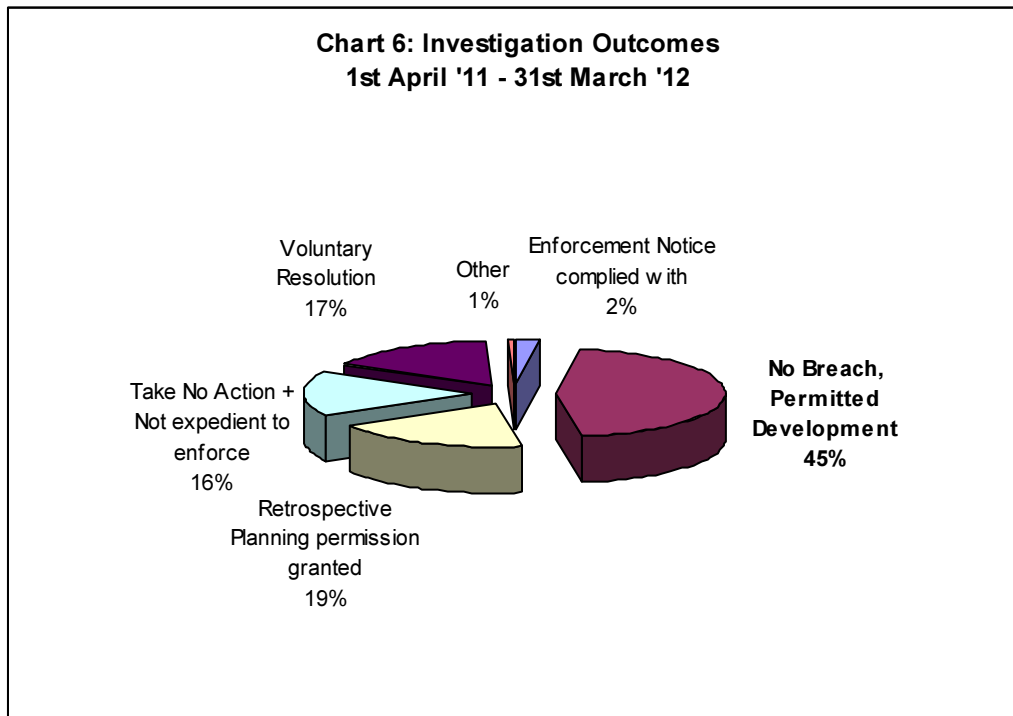
16% (128 cases) were deemed not expedient to enforce. In most instances this was because either the development was considered to be very minor without material harm, or because the matter would have been recommended for approval had a planning application been submitted.

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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