

# Agenda

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## West Area Planning Committee

Date: **Wednesday 12 December 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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# 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**

Members are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items. Guidance on this is set out at the end of these agenda pages.

**3 ROCHESTER HOUSE, PEMBROKE STREET: 12/02218/FUL**

1 - 12

The Head of City Development has submitted a report which details a planning application for the change of use from class B1 offices to class D1 museum plus refurbishment and repair of buildings to include renovation of windows, new lift tower, walkways to central courtyard and roof, and alterations to Pembroke Street elevation. (Amended Plans).

**Officer Recommendation:** That the Committee APPROVE planning permission subject to the conditions listed in the report.

**4 COVERED MARKET, HIGH STREET: 12/02432/CT3 & 12/02331/CT3**

13 - 24

The Head of City Development has submitted a report which details a planning application for:

12/02432/CT3: Listed building consent for external alterations to display 4No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market street, a high level non illuminated fascia sign in Market Street, 4No. illuminated display boards within the Avenues.

12/02331/CT3: Advertisement consent for external alterations to display 4No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market street, a high level non illuminated fascia sign in Market Street, 4No. illuminated display boards within the Avenues.

**Officer Recommendation:** That the Committee RAISE NO OBJECTION to listed building consent: 12/02432/CT3 and APPROVE planning permission for 12/02331/CT3 subject to the conditions listed in the report.

**5 FORMER ELM TREE PH\_95 COWLEY ROAD: 12/02336/LBC & 12/02335/FUL**

25 - 32

The Head of City Development has submitted a report which details a planning application for the erection of gates and redecoration of external walls. Removal and replacement of suspended ceiling in bar area, formation of new ground floor doorway to rear stairwell. (Amended plans) (Amended description)

**Officer Recommendation:** That the Committee GRANT listed building consent subject to the conditions listed in the report.

**6 FORMER COACH AND HORSES PH, 62 ST CLEMENTS:  
12/02809/VAR**

33 - 42

The Head of City Development has submitted a report which details a planning application for the variation of conditions 5 (landscape planting scheme), 7 (landscape management plan), 8 (bin stores and cycle stores) and removal of conditions 3 (materials), 4 (boundary treatments), 10 (residents parking permits), 11 (sound attenuation), 12 (noise assessment survey), 13 (extraction), 15 (recording) 16 (drainage) and 16 (archaeological investigation) of planning permission 10/01631/FUL for short stay visitor accommodation.

**Officer Recommendation:** That the Committee APPROVE planning permission subject to the conditions listed in the report.

**7 13 & 13A BLENHEIM DRIVE: 12/02208/FUL**

43 - 60

The Head of City Development has submitted a report which details a planning application for the demolition of existing building comprising 2x flats. Erection of a pair of single-detached dwellings (class C3). Provisions of car parking, bin and cycle stores, landscaping and private amenity space. (amended plans)

**Officer Recommendation:** That the Committee APPROVE planning permission subject to the conditions listed in the report.

**8 42 STRATFIELD ROAD: 12/02278/FUL**

61 - 68

The Head of City Development has submitted a report which details a planning application for the erection of a single storey rear extension and first floor roof extension (amended plans)

**Officer Recommendation:** That the Committee APPROVE planning permission subject to the conditions listed in the report.

**9 72 HILL TOP ROAD: 12/02684/FUL**

69 - 76

The Head of City Development has submitted a report which details a planning application for the erection of a two storey side extension with new vehicular access and parking.

**Officer Recommendation:** That the Committee APPROVE planning permission subject to the conditions listed in the report.

## 10 PLANNING APPEALS

77 - 80

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

The Committee is asked to note this information.

## 11 MINUTES

81 - 86

Minutes of the meeting held on 7 November 2012

The Committee is asked to note the minutes of 7 November 2012 as a true and accurate record.

## 12 FORTHCOMING APPLICATIONS

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

- Worcester College: 12/01809/FUL & 12/01818/LBD: Lecture theatre.
- 10 Gordon Street: 12/02794/FUL: Conversion of social club to 3 flats.
- 10 & 10A Bartlemas Road: 12/02505/FUL: 4 x 1 bed flats
- Chequers PH, 44 St. Thomas Street: 12/01970/FUL: Change use to 6 flats
- Report on the University Science Area Masterplan

## 13 DATE OF FUTURE MEETINGS

The Committee is to note the following dates of future meetings:

Wednesday 16 January 2013 (and Thursday 17 January 2013 if needed)  
Thursday 7 February 2013 (and Wednesday 13 February 2013 if needed)  
Wednesday 13 March 2013 (and Thursday 14 March 2013 if needed)

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners..

## **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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**West Area Planning Committee**

-12th December 2012

**Application Number:** 12/02218/FUL

**Decision Due by:** 5th December 2012

**Proposal:** Change of use from class B1 offices to class D1 museum plus refurbishment and repair of buildings to include renovation of windows, new lift tower, walkways to central courtyard and roof, and alterations to Pembroke Street elevation. (Amended Plans)

**Site Address:** Rochester House Pembroke Street, **Appendix 1.**

**Ward:** Carfax Ward

**Agent:** Purcell

**Applicant:** Story Museum

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed change of use from offices (B1) to a museum (D1) is considered to be an acceptable use for this building and would support the aims of Policies TA3, TA7, TA8, CP13, CP21, TR1, TR2 TR3, TR4, HE2, HE3, HE6, HE7, HE9, HE10 of the Oxford Local Plan, Policies CS5, CS13, CS18 and CS20 of the Core Strategy, Policies WE10, WE12 and WE24 of the West Area Action Plan and sections 1, 2, 4, 7, 8 and 12 of the National Planning Policy Framework.
- 2 Aside from the details on the front elevation of Rochester House, which require further amendment to be reserved by a condition, the proposed alterations to the buildings are considered to form an acceptable visual relationship with the existing buildings, would preserve the significance of the surrounding Heritage Assets and would not have a significant effect on the current and future occupants of adjacent properties. The proposal therefore complies with Policies CP1, CP8, CP10, HE3, HE6, HE7, HE9, HE10, and HS19 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.
- 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 Deemed in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Detailed Plans of Rochester House, Pembroke Road frontage and gates
- 5 Archaeology - Implementation of programme of work
- 6 Air conditioning plant
- 7 Cycle parking details required
- 8 Car/cycle parking provision before use
- 9 Construction no mud on highway
- 10 Construction Travel Plan
- 11 Travel Plan
- 12 Restricted Delivery Times
- 13 Facilities to encourage cycling
- 14 Disabled Access Provision and Details
- 15 Foul and Surface Water Drainage
- 16 Construction details of hard surfacing
- 17 Details of Energy Efficiency Measures
- 18 Details of all proposed lighting

### **Main Planning Policies:**

#### Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP20 - Lighting
- CP21 - Noise
- TR1 - Transport Assessment
- TR2 - Travel Plans
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR14 - Servicing Arrangements
- HE2 - Archaeology
- HE3 - Listed Buildings and Their Setting

HE6 - Buildings of Local Interest  
HE7 - Conservation Areas  
HE9 - High Building Areas  
HE10 - View Cones of Oxford  
RC14 - Advertisements  
RC15 - Shutters & Canopies  
TA3 - Tourist Information  
TA7 – Arts facilities  
TA8 - The Arts

#### Core Strategy

CS5 - West End  
CS9 - Energy and natural resources  
CS1\_ - Waste and recycling  
CS13 - Supporting access to new development  
CS18 - Urban design, town character, historic environment  
CS19 - Community safety  
CS20 - Cultural and community development

#### West End Area Action Plan

WE10 - Historic Environment  
WE11 - Design Code  
WE12 - Design & construction  
WE13 - Resource efficiency  
WE14 - Flooding  
WE23 - Retail  
WE24 - Cultural activity

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

- National Planning Policy Framework.
- Site falls within Central (City and University) Conservation Area,

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

04/01595/FUL: Change of use of Class B1 office and former Post Office sorting office, to artists' studios, bar and night club on ground, first and second floors at rear of 102/104 St Aldates' and artists' studios and manager's flat on ground and first floors of Rochester House. Provision of cycle parking and ancillary facilities.(Amended noise assessment). Refused.

#### **Representations Received:**

John Mason Road, Abingdon:

- Lack of on-site parking provision
- Existing parking provision is limited
- Noise and general disturbance as a result of people congregating outside of the building
- Disruption to delivery vehicles and pedestrians along Pembroke Street as a result of people congregating

- The development would be better sited outside of the city centre

### **Statutory and Other Consultees:**

Thames Water: No objection in terms of sewerage or water infrastructure.

Oxford County Council (Highways): No objection subject to conditions relating to a Travel Plan, cycle parking and facilities, delivery and service times and a Construction Traffic Management Plan, along with an informative advising that an over-sailing license will be required for any signs that overhang the highway/footway.

Environment Agency: No objection.

English Heritage: Recommend further amendments to the scheme: The site lies within the Central Conservation Area, fronting onto Pembroke Street, where it is surrounded by listed buildings, several of them Grade II\*. The building itself, which is unlisted, makes an interesting contribution to the streetscape and the roofscape is likely to be visible from several important viewing points. The proposed works aim to make the building more prominent to advertise its use as the Story Museum, which has inspired the reference to the fairytale, fantasy designs. This is completely at odds with the character of the street and it will have a harmful impact on the character of the conservation area and the setting of the Grade II\* buildings.

English Heritage recommends that the proposed alterations to the front elevation are omitted and that the local authority negotiates an alternative way of signalling the presence of the Story Museum, for example by appropriately designed signage. We recommend that the local authority request further information on the impact of the proposed roofscape. Should any of the proposed elements impact on the significance of views within the city, we recommend that these are omitted.

### **Officers Assessment:**

#### **Site Description:**

1. The application site is known collectively as Rochester House and comprises three linked buildings with the main access fronting onto Pembroke Street in the centre of Oxford. The original building, Rochester House is a part two, part three storey building constructed in the 19<sup>th</sup> Century in an arts and crafts style, finished predominantly in red brick with stone dressings and applied timber onto render. The other two linked buildings known as the North and South blocks were originally early 20<sup>th</sup> Century extensions to the Post Office which is located on St Aldates. These buildings also range between two and three storeys and are finished in painted render. Together, the buildings are arranged around a central courtyard.
2. The main pedestrian access into the site is from Pembroke Street, although vehicular access is provided from St Aldates.
3. The building is presently used as offices and for the administration for The Story Museum, an organisation which was already in existence before moving to the application property. Occasional, temporary exhibitions and workshops are held at the premises, although its authorised use remains as offices, (B1). The buildings are in a state of some disrepair having been vacant for a

number of years and require refurbishment and repair works to help secure their longevity.

4. The site lies within the Oxford Central (City and University) Conservation Area and within the setting of listed buildings. The application property is not listed, however.

**Proposal:**

5. This application seeks permission for the change of use from class B1 (offices) to class D1 (museum). The museum would be known as The Story Museum, and would primarily be aimed at children with the intention of celebrating children's stories and to give visitors the opportunity to listen to and become inspired by story telling, using the building as a means of doing this.
6. In addition to refurbishment and repair works, external alterations to the building are also proposed and these include two new lift towers, walkways to the central courtyard and roof and alterations to the front elevation of Pembroke Street. Photovoltaic panels are also proposed on the flat lantern roof over the North block. The buildings would accommodate galleries, public space, a theatre, café, bookshop, education rooms, storyteller's studio, children's play house, offices and storage.
7. The museum would be open every day except Mondays with opening hours of 9am to 6pm, and 10pm on Thursday, Friday and Saturday. Entry to the public courtyard, ground floor bookshop and café will be open every day and visitors would not require a ticket for this. The museum proposes to employ 26 full time staff in addition to volunteers, and estimate annual visitor numbers to be between 90,000 and 110,000. The public entrance would be from Pembroke Street.
8. Officers consider the key determining issues in this case to be:
  - Policy context and principle of the development
  - Design and built form
  - Impact on Heritage Assets
  - Impact on residential amenity
  - Highway Safety
  - Sustainability

**Policy Context and Principle of the Development**

9. The National Planning Policy Framework [NPPF] encourages the efficient use of existing buildings and in particular, outlines the importance of finding active uses for vacant buildings within city centres to help add to their vitality. The property is currently in use by the Story Museum but had been vacant for a number of years before this, despite being in a prime city centre location. The proposed use would present the opportunity for establishing a long-term, active use for the building.

10. The proposed use of the building as a museum is appropriate as a city centre activity. The NPPF emphasises the important contribution such uses have on the local economy. The City Council also recognise that tourism is important to the national and local economy, in terms of generating trade and jobs. The museum hopes to attract approximately 100,000 visitors a year which would have a positive contribution to the local economy and boost the city's attraction as a tourist destination. The proposed use would also make an important contribution to the provision of facilities for the performance and enjoyment of the arts within the city which are currently underprovided, in line with policy TA8 of the Local Plan. It is considered therefore that the proposed use would not only provide an active use to this locally important building, it would also make an important contribution to the local economy, providing a source of employment, and adding to the diversity of cultural attractions in the city.
11. The proposed change of use from offices into a museum in this location would be supported by in principle therefore, subject to the detailed considerations and policy context outlined in this report.
12. Whilst the West Area Action Plan, adopted 2008, seeks to obtain financial contributions from new development in this area to contribute to local infrastructure, it should be noted that museums are excluded from this requirement.

### **Design and Built form**

- 13 The proposed change of use would require external alterations to facilitate the use of the buildings as a museum. In doing so it is important to consider the impact of the proposals on the character and appearance of the existing building, and on significance of the surrounding Heritage Assets which include the conservation area, listed buildings, buildings of local interest and important views. :
- 14 The three buildings that contain Rochester House are linked and composed around a central courtyard which is not visible from either Pembroke Street or St Aldates. They comprise Rochester House, a 19<sup>th</sup> Century part two, part three storey brick building which fronts Pembroke Street. Sitting at a right angle and to the north of this building is a three storey building constructed as an extension to the Post Office in 1924 to accommodate a new automatic telephone exchange, (East Block). Finally, to the north, and enclosing the courtyard is a three storey building again previously an extension to the Post Office, constructed in 1934 and formerly used as the Oxford switchboard, (North Block). The later former Post Office extension buildings accommodate larger spaces and there is a visual contrast between these and the 19<sup>th</sup> Century Rochester House.
- 15 Whilst not listed, Rochester House makes a positive contribution to the character and appearance of the conservation area, and compliments the setting of the adjoining historic buildings along Pembroke Street. The character of Rochester House is mainly influenced by its arts and craft styling,

most evident on the projecting front gables which incorporate applied timber onto painted render, and the stone dressings and detailing which create an interesting contrast with the red brickwork on the building.

- 16 The majority of the alterations proposed to these buildings would be internal works to reconfigure the building for its new use as a museum and to make the most efficient use of the existing space for this purpose. The external alterations comprise of a new lift tower to be sited at the western end of the internal courtyard, to the rear of Rochester House. This would have a utilitarian character to reflect the adjacent 1930s buildings, but would also have a strong cylindrical shape, drawing the eye upwards. Subtle contrasts in materials and shape at each level would also draw attention to the different floors of the museum and the different identity of each.
- 17 Elevated walkways at the first and second floor levels in the south western corner of the courtyard are proposed to allow people to observe the internal courtyard from the upper levels, as well as to provide a unifying connection between the older Rochester House and later buildings. A rooftop walkway is then proposed along the south eastern corner of the courtyard which would then lead to the north to a 'Story Tower' placed between the two later buildings. The Story Tower would be the second narrow vertical tower within the courtyard and would be decorated richly in contrast to the more functional materials of the surrounding buildings. From the tower, a viewing platform would provide views across to the south west of the city.
- 18 It is clear that the proposed alterations to the application property have been designed to inspire the imagination of the children visiting the museum and to draw attention to it as a destination. The character of the internal courtyard is currently somewhat discordant by virtue of the utilitarian buildings that dominate the north and east sides. The proposed lift tower, story tower and elevated walkways, whilst perhaps fanciful and themed, would create an attractive and interesting environment within the courtyard, reflecting the spirit of the museum.
- 19 The remaining issue to consider in terms of the impact of the alterations on the buildings are in relation to the Pembroke Street elevation. This is considered to be the most important elevation of the building currently, by virtue of the fact that it has the most visual interest, it is the most prominent, and it would serve as the public entrance to the museum.
- 20 The alterations on this elevation comprise of the addition of two 5.5m timber clad rooftop spires above the existing roof dormers, the replacement of the existing timber doors with new gates and a new timber surround around these gates. This element would be quite ornate but would be wholly reversible from the building. Vertical cladding is also proposed above the gated entrance to obscure two existing windows, required to provide a solid background for the exhibition space behind this wall. All features are proposed to be illuminated.
- 21 Concern has been raised with respect to the proposed alterations on this elevation, with particular attention to the spires and gates, which are

considered to detract from the character and appearance of the existing building. Officers agree that certain elements of this part of the scheme could usefully be amended to ensure that the alterations are more sympathetic to the original design and character of the building. To this end negotiations are continuing with the applicants, seeking appropriate amendments to the form of the roof spires, vertical cladding above the entrance way, and detail of the entrance gates and surround. These discussions are well advanced, and if amended drawings are available they will be provided at committee. Otherwise a condition is suggested requiring these details to be submitted and approved prior to commencement of development.

### **Impact on Heritage Assets**

- 22 As well as considering the impact of the alterations to this building, it is important to consider the impact of the proposals on the significance of the surrounding Heritage Assets which include the conservation area, listed buildings, buildings of local interest and views.
- 23 The nature of the proposals is to allow the building to visually assert itself as a visitor's destination and to reflect its use as a story museum. It is clear that if the business is to be successful, its presence within the streetscene must allow it to be recognisable to attract visitors. There is a balance to be struck however, between the requirement for the museum to be clearly visible for visitors who may not all be familiar with the locality, and the impact any increased visibility may have on the character and appearance of the surrounding area.
- 24 The site is located within the Oxford Central (City and University) Conservation Area and within the setting of listed buildings, and non-designated buildings of local interest, all of which are Heritage Assets. The property itself, whilst not statutorily listed, is also considered to be a building of local interest and so is also a non-designated Heritage Asset.
- 25 Pembroke Street is a relatively narrow street characterised by domestic scale buildings of a range of styles and dates, many of them listed. Nos.13-14, 17 and 38 are listed Grade II\*. Immediately opposite the site is a narrow alley leading to Pembroke Square, dominated by St Aldate's Church, Grade II\* and Pembroke College, Grade I. The main entrance to Pembroke College is directly opposite the front elevation of the Story Museum, visible through the alley. The historic street layout and high quality traditional buildings are considered to have high evidential, historic, aesthetic and communal value.
- 26 The National Planning Policy Framework requires proposals to be based upon an informed analysis of the significance of any affected Heritage Asset and expects applicants to understand the impact of any proposal upon the asset with the objective being to preserve that significance. These aims are embodied in Local Plan Policy HE7 which seeks to preserve or enhance the special character and appearance of the conservation area or its setting. In considering the impact of development on the significance of Heritage Assets, new development must not cause harm to this significance of these assets



and where there is the potential for harm, the public benefits must clearly outweigh that harm.

- 27 Policy CS18 of the Oxford Core Strategy 2026 requires proposals to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; contributes to an attractive public realm; and high quality architecture. The Local Plan encourages new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 requires development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area.
- 28 In this context, many of the proposed alterations to the building would either be internal works which would not require planning permission, or they would be located within the internal courtyard where views from within the public realm are screened by the Pembroke Street elevation of the building. The proposals that would be visible within the public realm would be the story tower, roof walk and alterations to the front elevation of the building. Here, limited views of the story tower would be afforded, although these views would be screened by much of the frontage of Rochester House and by virtue of the narrow width of Pembroke Street which limits views above and passed the building. It is therefore considered that these elements would not be visually dominant, and consequently, would have a very limited impact on the character and appearance of the conservation area in terms of short distance views from street level.
- 29 Having said this, it is also important to consider the proposals in light of wider views of the site, and concern has been raised in this respect. The proposed alterations to the roof of the buildings and two towers have the potential to impact on views afforded across the city. The applicants and Officers have considered carefully the impact of each proposal on both short term and long term views within the city. The proposed rooftop walkway would not be visible from the top of Carfax Tower. The solar panels, lift tower and story tower would be partially visible, although these would be long-distance views and by virtue of the relatively modest scale in this perspective, these elements of the proposal would not appear unduly prominent within this important viewpoint.

#### **Impact on Residential Amenity:**

- 30 The existing buildings are predominantly surrounded by mixed use developments including retail, office and educational uses. Pembroke College own many of the buildings on the south side of Pembroke Street which are used for their own purposes, some of which may include student residential uses. The predominant character of the area is however, as a mixed use development, rather than a residential area.
- 31 Whilst external alterations to the building are proposed, and the new use could result in an increase in the number and frequency of visitors to the site. However given the central city location of the development it is not considered

that there would be an adverse impact on neighbouring residential properties sufficient as to warrant opposition to the development on these grounds.

- 32 The proposed change of use and alterations are therefore considered to be acceptable in preserving the residential amenities of neighbouring properties in accordance with Policy HS19 of the Oxford Local plan and Policy HP14 of the Sites and Housing plan.

### **Highway Safety.**

- 33 The application site is located on a narrow, one-way street without on-street parking provision. Concern has been raised in respect of the potential impact visitors to the museum may have in terms of highway safety, in particular, the potential for visitors to try to access the site by car, or coach.
- 34 The site is located in a highly sustainable and accessible location in the City Centre and is well located for regular bus services to and from Oxford including park and ride services, access to the rail station and access to walking and cycling routes. Pembroke Street is also a well used pedestrian route.
- 35 The applicants estimate that the museum will attract between 90,000 and 110,000 visitors per year consisting of organised group visits, general admissions and visitors attending performances and events, with some seasonal fluctuation. Of these numbers, it is estimated that less than 20,000 visits will come from organised groups, those which are considered to be the most likely to use private transport such as coaches or mini-buses.
- 36 The proposed use will generate greater footfall on Pembroke Street and indeed St Aldates, particularly at the end of tours and performances. Concern has been raised with the potential for visitors to congregate on Pembroke Street. However, the proposed ground floor plans submitted with the application show that the ticket office will be located well into the courtyard which would itself, provide sufficient internal space to accommodate any queuing that may occur.
- 37 Furthermore, Pembroke Street is lightly trafficked as a one-way single carriageway road from St Ebbe's Street to St Aldates with the Highway Authority estimating that 50% of vehicle movements are made by cyclists. It is noted however, that the pavements either side of the street are very narrow and thus the proposed new gates should not open outwards where this could cause an obstruction to access.
- 38 The option for arriving at the site by coach or car will be severely limited by the nature of the site and Pembroke Street. It is considered that the narrow street giving poor vehicular access and lack of parking will deter access by this means, and visitors are more likely to be directed to the existing coach parking facility at Oxpens Coach Park as the primary drop off and pick-up point, or alternatively, at the bus stops on Speedwell Street which would be closer than

the Coach Park. From here accompanied groups of children would be walked to the museum.

39 The Highway Authority has not objected to the proposal subject to a number of conditions to address these issues. Subject to these conditions, it is not considered that the proposal would have a significant or detrimental impact on the safe operation of the surrounding highway network.

### **Conclusion.**

40 It is recommended that the proposed change of use and all alterations to the buildings be approved subject to conditions outlined in this report which shall include a condition to omit the details proposed for the front elevation of Rochester House. Should acceptable amended plans be received prior to the meeting, Officer's will recommend approval of these plans also.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** Application 12/02218/FUL.

**Contact Officer:** Clare Golden

**Extension:** 2221

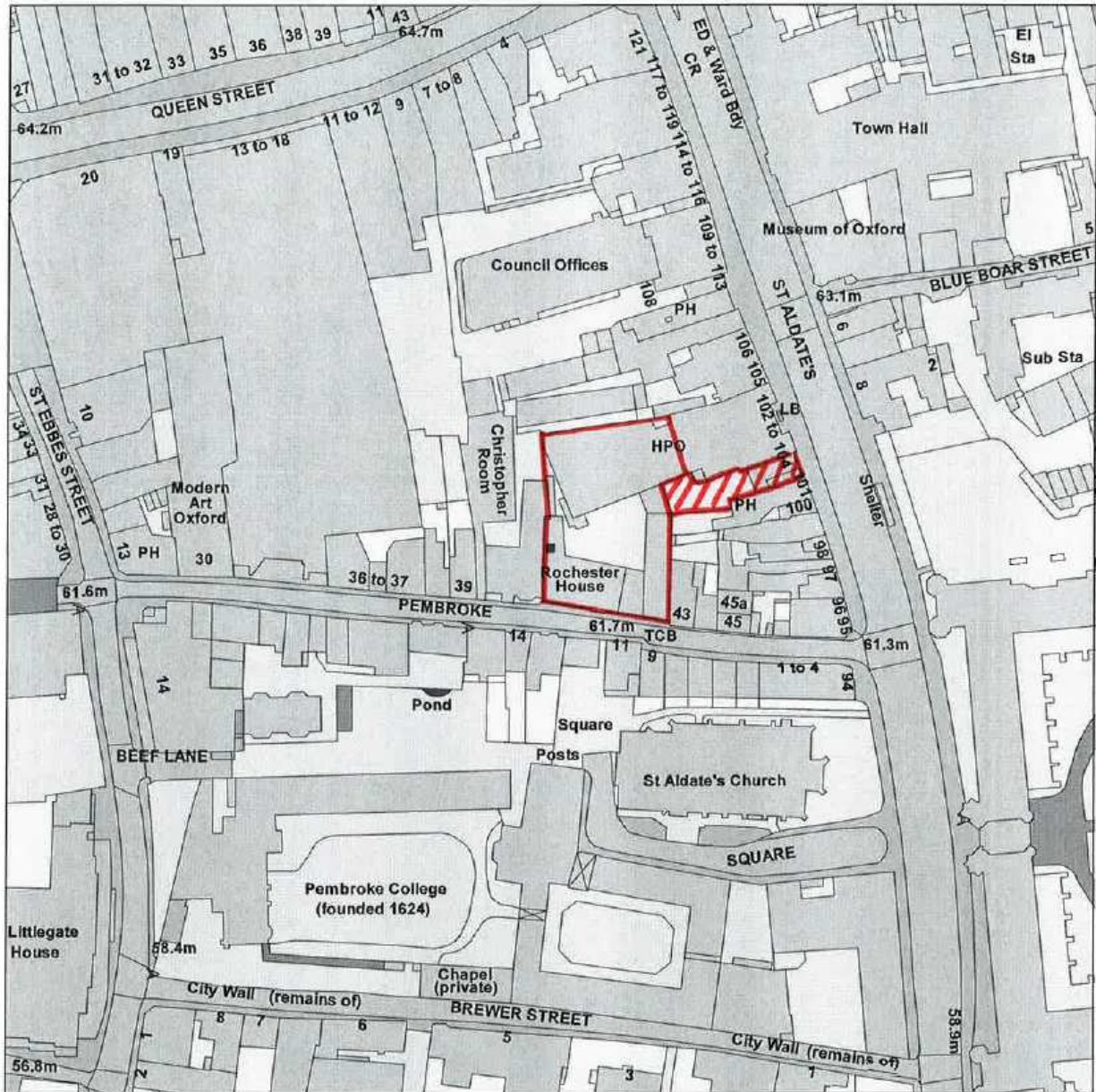
**Date:** 29th November 2012

# Appendix 1

## 12/02218/FUL Story Museum, Pembroke Street



GIS by ESRI (UK)



Scale : 1:1250

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Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Not Set
Department	Not Set
Comments	
Date	29 November 2012
SLA Number	Not Set

WEST AREA PLANNING COMMITTEE

12 December 2012

**Application Number:** 12/02432/CT3 and 12/02331/CT3

**Decision Due by:** 15th November 2012

**Proposal:** 12/02432/CT3: Listed building consent for external alterations to display 4No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market street, a high level non illuminated fascia sign in Market Street, 4No. illuminated display boards within the Avenues.  
12/02331/CT3: Advertisement consent for external alterations to display 4No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market street, a high level non illuminated fascia sign in Market Street, 4No. illuminated display boards within the Avenues.

**Site Address:** Covered Market, Market Street, Oxford, Oxfordshire  
(Appendix 1)

**Ward:** Carfax Ward

**Agent:** Mr Ian Gordon

**Applicant:** Oxford City Council

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**12/02432/CT3: Listed building Consent Recommendation: (Note: because the applicant is the City Council the application is to be determined by the Secretary of State)**

RAISE NO OBJECTION

For the following reasons:

- 1 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting and features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity;
- 2 The Council has tried to work positively and proactively with the applicant(s) and their agent(s), including the offer of pre-application advice, discussions during the course of determination of the application and the opportunity to

submit amended proposals where appropriate, in order to implement planning policy objectives, secure sustainable development and satisfy the requirements of the National Planning Policy Framework.

subject to the following suggested 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 Repair of damage after works
- 6 Details of equipment
- 7 Cabling details
- 8 Samples of materials

**12/02331/CT3: Advertisement Consent Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the advertisements would be appropriate for the proper advertising of the building in a manner that would raise its profile. The boards would aid navigation around the market. The Council has taken into consideration all other material matters, including matters raised in response to consultation and publicity;
- 2 The Council considers that the advertisements would suit their visual setting in terms of scale, design, appearance and materials; they would preserve or enhance the visual amenity of the building; and they would not significantly prejudice highway safety or residential amenity;
- 3 The Council has tried to work positively and proactively with the applicant(s) and their agent(s), including the offer of pre-application advice, discussions during the course of determination of the application and the opportunity to submit amended proposals where appropriate, in order to implement planning policy objectives, secure sustainable development and satisfy the requirements of the National Planning Policy Framework.

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

- 1 Avenue fascia signs max luminance
- 2 Banner max luminance
- 3 Display boards max luminance
- 4 Site maintenance of adverts
- 5 Satisfactory removal of adverts
- 6 No alteration to advert
- 7 Removal of existing adverts
- 8 Fixing of banners
- 9 Five year time limit
- 10 Permission of owner for advert

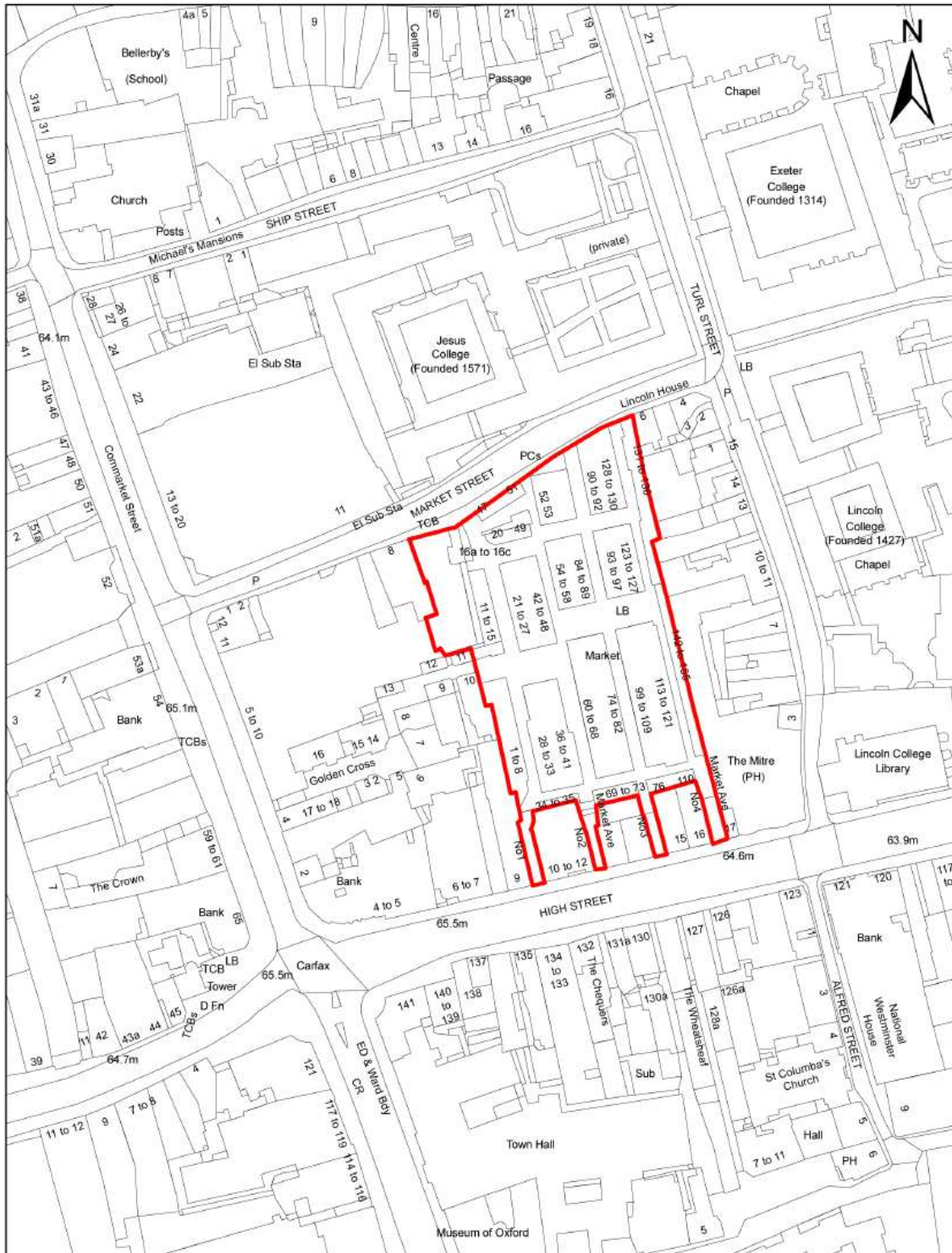
INFORMATIVES :-

- 1 Highway licence
- 2 Non peak hour installation
- 3 Archaeological advice

### **Officer's Report**

1. These applications were presented at West Area Planning Committee on 7 November 2012 when they were deferred, for further consideration. The applications are before committee for the second time.
2. Officers have discussed the concerns raised by committee with the applicants and their agents. Additional information is being prepared to elaborate on the design rationale for the various elements of the signs, including the choice of typeface, colour, materials, locations, and precedents. The applicants have agreed to circulate a supplementary report to committee members prior to the meeting, but at the time of writing this report this information is not yet available.
3. The report to West Area Planning Committee on 7 November 2012 is attached as **Appendix 2**.
4. The officer's conclusion remains the same and approvals are recommended.

# APPENDIX 1



LOCATION PLAN  
C0523/01/01

Scale: 1:1,250

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Ordnance Survey 100019348.





**WEST AREA PLANNING COMMITTEE**

**7 November 2012**

**Application Number:** 12/02432/CT3 and 12/02331/CT3

**Decision Due by:** 15th November 2012

**Proposal:** 12/02432/CT3: Listed building consent for external alterations to display 4No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market street, a high level non illuminated fascia sign in Market Street, 4No. illuminated display boards within the Avenues.  
12/02331/CT3: Advertisement consent for external alterations to display 4No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market street, a high level non illuminated fascia sign in Market Street, 4No. illuminated display boards within the Avenues.

**Site Address:** Covered Market, Market Street, Oxford, Oxfordshire

**Ward:** Carfax Ward

**Agent:** Mr Ian Gordon

**Applicant:** Oxford City Council

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**RC14** – Advertisements

**HE3** – Listed Buildings and Their Setting

**HE.7** - Conservation Areas

**Core Strategy**

**CS18\_** - Urb design, town character, historic env

**Other Material Considerations:**

National Planning Policy Framework.

This application is in the Central Conservation Area. The covered market is listed grade II.

**Relevant Site History:**

90/00219/GFH - Curved entrance signs to Avenues 1-4; PER 18th April 1990.

## **Representations Received:**

### English Heritage:

'The case for making the entrances to the Covered Market more prominent is well made and English Heritage has no objection in principle to the works which require listed building consent. The proposed totem signs would add unfortunate clutter to the street scene, which is ironic as the Covered Market was developed to rid the streets of unsightly clutter. However, as these do not require listed building consent and do not form part of the application, we can only pass comment on these'.

### Highways Authority:

No objections to the application as proposed but objects to totems on the footway.

The signs, banners and boards are to be erected adjacent to and above well-used footways in Oxford City centre's shopping and leisure area.

The proposed signs, banners and boards are outside of the highway boundary and where these are within the highway boundary a minimum height clearance of 2300 mm and a minimum clearance of 600mm from the kerb is achieved.

Objects to totem on the footway where this would reduce the width on High Street where there is a heavy footfall. Totems would adversely affect those with mobility impairments and would create risks to pedestrian safety where pedestrians could be forced into the road on this busy bus route and where considerable activity including loading/unloading occurs.

Pedestrians would also be re-directed towards the entrances to the Covered Market which would create greater conflicts between pedestrian movements and risks to pedestrian safety where there is a congregation of people.

### Access Officer:

While the totem poles cut the width of the pavement down, they do have good colour contrast which would increase the ability for visually impaired people to see them. Many visually impaired people would be used to a busy town environment and would be aware of lamp posts, street furniture etc being on the kerb line. It is not ideal and would have made more sense in such a busy area to have had some type of hanging signage.

## **Statutory and Internal Consultees:**

Highways Authority, English Heritage Commission, Oxford Preservation Trust, Access Officer.

## **History**

1. The Oxford Mileways Act of 1771 was introduced to make the city's main roads safer and less cluttered and to rid the main streets of 'untidy, messy and unsavoury stalls' from Butcher Row (Queen Street) and Fish Street (St Aldate's). In 1771 John Gwynn was commissioned to prepare designs. His scheme was never fully implemented but 13-16 High Street (The Parade) of 1774 follow his plan.
2. The market was very successful, principally because the 1771 Act and a subsequent 1781 Act severely controlled the location of butchers, butter stalls and the sale of fruit throughout the city: a virtual monopoly. The market

expanded throughout the latter part of the C18th and into the C19th. In 1808, 48 stalls were added but in 1823 plans to extend the market west were thwarted by the breakdown in negotiations between the market committee and Edward Latimer, the landowner, who berated the committee for short-sightedness and false economy. Eventually in 1842 agreement was reached and the erection of a 'more imposing and less congested entrance by way of Market Street' was achieved. The south-west end of the street, 1842-4, and the north-west end, 1845-9, were set back and rebuilt in accordance with plans by H J Underwood. In 1845, a corn exchange was introduced into the market but this was not successful and in 1863 it moved. During the latter part of the C19th, gradual reconstruction of the market took place and in 1894 it was substantially rebuilt.

### **Description**

3. The market fronts onto both Market Street and High Street. The High Street elevation, which has three storeys, is composed of a formal classical C18th façade with wide central pediment, sash windows on both first and second floors, the first floor windows being taller, and with three pedimented tripartite sashes spaced at regular intervals along the façade. Above the shop fronts is a stone string band. Over aisle four is one of the pedimented windows with balustrade that mark the entrance. Aisle one is an extension to the market, part of a building that has a different appearance and that is stylistically more late 17thC. The building is three storeys and rendered with projecting pedimented Serlian windows at the second floor level. The market entrance is articulated as a more traditional shopfront with timber shop fascias, rather than a string course.
4. The High Street façade, which has retail uses on the ground floor with the first floors in separate occupation and ownership, is part of a street that exhibits considerable variety in architectural form. The predominant uses are retail; projecting and fascia signs are part of the street's character. Further down the High Street the colleges and University buildings are more dominant. There are long views both up and down the High Street, the view west facing on Carfax Tower, the views east capturing its 'stream-like winding' (Wordsworth) framed by buildings.
5. Currently, there are projecting hoop signs over each avenue entrance, which now look a little dated and are attached rather clumsily with thick poles to the ceiling of each entrance. In long views up and down the street, the signs are not readily visible.
6. Market Street has a different character and a sense of being a medieval lane, with on one side the high wall of Jesus College and on the other the C19th additions to the covered market. This elevation of the market is more varied and has in part a stone façade with blind arcading and an off-centre main entrance and a white timber-framed skeletal structure that supports the extended roof of the market (perhaps a loading bay). In between, is a more recent, flat-roofed WC block that fortunately is mostly obscured in long views up and down the street.
7. Market Street provides access for deliveries to the market and there is a traders' loading area in front of the aisle entrances. There are no other signs on this part

of the building. Because of the curve of Market Street this part of the market is not readily visible from Cornmarket and two projecting flag poles have been erected to announce the Market Street entrances. There are also two unauthorized high level signs on the timber framed part. The stone façade has been repaired and redecorated in 2011 which included the removal of a plethora of small directional and traffic enforcement signs and cigarette butt box.

8. The covered market was provided to remove market stalls from the surrounding streets and to tidy up and de-clutter the public realm. The design intent was that the market should be discreet and hidden from view. It is ironic that it is this characteristic that now makes the market vulnerable due to lack of awareness by casual shoppers, and thus greater prominence is necessary to increase footfall and to make the heritage asset more accessible.

### **Summary of the heritage significance**

9. The covered market has high integrity and is an important surviving component of Oxford's building stock, providing evidence of the development of the town. Its evidential value helps to explain the conflicts between traders, transport infrastructure and the need for the authorities to manage businesses in the town 'in the public interest'. The different phases of development of the market show how it expanded to address its popularity and to meet the retail needs of the town. Architecturally, the elevations are competent and contribute to the character and appearance of Market Street and High Street. Internally, the character of the market has special qualities and presents a very different experience to that of other shopping streets due to the market's scale of small units, its roof structure, levels of light, intimacy, noise and bustle. The market is a visitor attraction as a whole, as well as meeting a range of retail needs. The market has high communal value amongst visitors, residents and the traders themselves.

### **Sustainability:**

10. Assists with the continuation of listed building in the same use for which it was designed.

### **Proposals:**

11. The City Council wants to upgrade the existing signage at the four entrances to the High Street and at two locations in Market Street.
12. The City Council wishes to provide well designed signage that would reflect the individual nature of the building and of the activities taking place within, and would also attract and draw the attention of the public.
13. The High Street avenue frontages are not in the ownership of the City Council. The aim is to increase the prominence of the entrances and to provide some separate, limited information about the traders within the corresponding avenues. The resultant designs along the High Street are to update the high level, curved, projecting signage and to provide new monolithic floor-mounted signs to enhance and improve the visibility of the entrances.
14. The design approach for the Market Street elevation is to revise and replace the

two high level signs for a design more in keeping with the existing design and proportion of the external frame and walling. In addition a new vertical banner style sign located near to the market yard entrance would be easily visible and nearer to the public viewpoint from Cornmarket. The challenges are:

- The market does not have direct street frontages, ie shop windows, except at Market Street;
  - The lack of visibility of the market from principal shopping streets;
  - Poor marketing generally;
  - Poor public awareness of the range of goods and services available within the market;
  - Avenue entrances off High Street are flanked by buildings that are not in the control of the landlord;
  - These entrances are flanked by retail premises that have fascia and projecting signs that reduce the prominence of the entrances; The plethora of unauthorised signs and A-boards that accumulate on or near the entrances;
  - The quality of the public realm and management of servicing in Market Street and
  - Servicing vehicles parked in Market Street conceal views of the entrances.
15. The Covered Market is a listed building and sits within a conservation area. This means that standard solutions are unlikely to be appropriate and proposals have been developed with the objective of enhancing the heritage value of the site.

### **Details**

16. To the High Street, the overhead avenue signs would be placed over each of the four entrances and replace the existing signs. They would read: 'Market' in individually cut lettering, set on a segmental curve projecting from the building line. The material would be polished Verometal bronze paint finish to the lettering with dull Verometal bronze paint finish to the supporting frame. They would be of fret cut polyurethane block lettering, supported on curved aluminium box section frame and mounting arms. Fixing to the building would be non-ferrous. They would be illuminated by LED trough lighting to illuminate from above and these would be integrated. Illumination would be low voltage with remote controlled located transformer and isolation control.
17. To Market Street, there would be a wall-mounted banner, double-sided, attached to the modern market building immediately adjoining and west of the listed building. It would be finished in Verometal bronze with white vinyl text applied to both sides, and integral LED trough light in the top projecting arm to light up both faces. The letters would run vertically, thus this will have a more modern character than the other signs. The advantage of the lettering running thus is that a large area of lettering is provided but in a less obtrusive manner than if it was to be set horizontally across an entrance.
18. Also to Market Street, the existing two sign boards would be removed at high level and be replaced by single letters reading 'Covered Market' in capitals, on the timber frame, to the side. Thus the sign would be visible from the west part of Market Street. The letters would be fret cut polyurethane supported on an

aluminium box section frame and mounting arms. They would be polished Verometal with bronze paint finish to the supporting frame.

19. To High Street on the pavement there would be two totems that require neither Advertisement nor Listed Building Consent but are included for completeness. The totems would be placed opposite the entrances to avenues 1 and 3 so as to signal the entrances. These would be fabricated aluminium with internal galvanised steel frames, with flange plate fixings below ground floor to concrete foundation slabs. The material would be painted Verometal in dull bronze. There would be fret cut lettering internally illuminated by LED light source behind opaque toughened glass. Illumination would be low with remote controlled transformer and isolation control. There would be line illustrations to both faces showing the David Loggan map of 1675.
20. The current unauthorised plastic signs would be removed prior to commencement of the works and this would be an improvement.

**Officer's Assessment:**

21. The National Policy Planning Framework, Oxford Core Strategy and Local Plan share the objective of seeking to sustain the special interest of the historic environment. Policies recognise that change may be necessary to maintain the viability of heritage assets and to secure their future. If carried out sensitively and with understanding of the heritage values that a place holds, it is recognised that this can add interest. Where there is harm identified in any proposal, there needs to be a justification to show that the public benefits of a particular proposal outweigh that harm.
22. Care has been taken to choose locations that are respectful of the historic building. The materials would have a natural appearance, in keeping with the palette of the stone, painted timber and natural slate of the market.
23. The proposals would improve the visibility of the market and provide accessible information about the shops within, promoting the shopping experience within as single entity as well as a destination with historic interest.
24. Signage has been integrated into the design of the building, not just to be bigger and brighter to stand out from the rest. The architectural qualities have been capitalised and the signs are innovative and creative.
25. The highway authority has expressed concern that, the two totems on the pavement would be potential hazards to those with sight impairment. However the Access Officer has pointed out that people tend to use their sticks to tap along building fronts and not along the kerb. The totems would to an extent impede the pedestrian flow along the High Street for most pedestrians but this is offset against the advantage of the improved awareness of the market that the signs would bring. In any event the totems are not part of these applications and their installation is within the highway authority's control
26. The proposals are too small-scale to have significant archaeological implications in this location. However given the general archaeological sensitivity of the High

Street it is suggested that an informative be added to any consent to allow opportunities for a watching brief.

**Conclusion:**

The signs would help sustain and enhance the viability of the Covered Market and thus assist with retaining the market in the original use for which it was designed.

The proposals are designed with regard to the special architectural and historic interest of the listed building and subject to the conditions above, would be appropriate and well-designed interventions.

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

**Background Papers:**

National Planning Policy Framework  
Planning Policy Statement 5: Practice Guide

**Contact Officer:** Katharine Owen

**Extension:** 2148

**Date:** 26th October 2012

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# Agenda Item 5

**West Area Planning Committee**

12<sup>th</sup> December 2012

**Application No.** 12/02336/LBC & 12/02335/FUL

**Decision Due by:** 29 November 2012

**Proposal:** Erection of gates and redecoration of external walls. Removal and replacement of suspended ceiling in bar area, formation of new ground floor doorway to rear stairwell. (Amended plans) (Amended description)

**Site Address:** Former Elm Tree PH, 95 Cowley Road, OX4 1HR

**Ward:** St Clement's

**Agent:** Kemp And Kemp Property Consultants **Applicant:** Spice Island Leisure Limited

**Recommendation:** Grant listed building consent

## **Reasons for Approval**

- 1 The Council considers that the proposal accords with Government advice on the management of the historic environment as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any harm to the heritage assets that the works would otherwise give rise to can be justified and mitigated by detailed design, which the conditions imposed would control.
- 2 The impact on the significance of the heritage significance is considered acceptable and justified by the public benefits of the proposed works. Overall the benefits that will be delivered, ensuring the building's continued use, encouraging the public's understanding and enjoyment of the heritage assets, justify granting listed building consent.
- 3 The Council has tried to work positively and proactively with the applicant(s) and their agent(s), including the offer of pre-application advice, discussions during the course of determination of the application and the opportunity to submit amended proposals where appropriate, in order to implement planning policy objectives, secure sustainable development and satisfy the requirements of the National Planning Policy Framework.

## **Conditions**

1. Development begun within time limit
2. Develop in accordance with approved plns
3. Paint sample on site
4. Colour and finish of timber gate

**Other Material Considerations:** none

## **Public Consultation**

Oxford Civic Society – 2 letters have been received. The first letter outlines they are happy to see this being properly cared for appreciated and reused. The removal of the A boards are welcome. They question the appropriateness of the red neon

signage and the style of lettering of the proposed type 2 sign. Also question the choice of grey to redecorate the render when white and light coloured stonework are characteristic of buildings of this period.

The second letter received about electronic gates and railings is confusing (planning reference does not correspond with site address). Nevertheless it does state that the 'lock up look' can be very unpleasant, unfriendly and might encourage burglaries.

#### **Private Individuals:-**

- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on traffic
- Noise and disturbance
- Parking provision
- Object to red neon sign – too large and out of character with listed building and area. Appropriateness of neon lighting on a listed building is debatable
- Concerns raised about size of mural signage and lettering
- Change of use required from restaurant to bar
- Applicant to be congratulated on wishing to renovate badly treated building
- Object to blue/grey redecoration of render

#### **Relevant planning history**

- **Approved applications:**
  - 00/02016/L - Internal alterations to form one additional bedroom, one additional bathroom at first floor level & enlarge door opening at ground floor level. 2 x hay basket planters, wall washer luminaires, externally illuminated fascia signs & amenity - approved
  - 00/02017/AH - Two externally illuminated fascia signs below first floor windows, and two non-illuminated amenity boards to external elevations - approved
  - 92/00770/L - Listed Building consent for internal alterations to provide additional ladies W.C., enlargement of bar and fire precaution works - approved
  - 04/01702/LBC – 4 flood lights, 1 lantern to entrance, externally illuminated gable lettering and 3 spot light illuminating sign boards - withdrawn
  - 04/01703/adv – externally illuminated gable lettering and 3 spot light illuminated sign boards - withdrawn
  - 12/02334/adv - withdrawn

#### **Officers Assessment:**

1. No 95 is situated on the north side of Cowley Road at the junction of Cowley Road and Jeune Street. The building is two storeys, plus basement and is set at an angle to Cowley Road
2. No 95 Cowley Road was built as an inn, known as the Elm Tree in 1899 for the independent brewery owned by Joel Evans, later bought by Morrell's Brewery which once stood behind the Elm Tree before the Penultimate Picture Palace cinema was built in 1910. This building replaced an earlier building on the site built in 1866 also called the Elm Tree, named after the last Elm tree which once stood outside the inn<sup>1</sup>.

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<sup>1</sup> P. Marriott, Oxford Pubs Past and Present, 1978, p39.

3. The building was designed by Oxford Architect Henry Thomas Hare. Hare designed a number of buildings in Oxford, including Oxford Town Hall and 65 Cornmarket, now occupied by HSBC. Hare later became President of the Royal Institute of British Architects, R.I.B.A from 1917-1919.
4. As with many of HT Hare's buildings, No 95 Cowley Road uses historic detail for decoration and is in the Arts and Crafts style. The building is roughcast render with a steep pitched tiled roof and sits on a stone plinth. It has a central bay with two projecting cross wings, set at different angles to the street. The main entrance is at the front of the building in the middle of the central bay and is framed by two distinctively tall rendered symmetrical pillared chimney stacks.
5. Much of the original 1899 exterior frontage survives including the distinctive Rounded headed projecting stone porch hood and stone fascia panel above the front door.
6. Either side of the central doorway are two 5 light rectangular leaded cross-windows with Ovolo moulded stone mullions and transoms, similar to those at Oxford Town Hall. Elsewhere on the building this same Ovolo moulding has been replicated in timber rather than stone. Above the main entrance is a large octagonal pitched dormer again with 6 rectangular leaded lights with glazing. A small pitched dormer provides light to the main staircase at the rear of the building.
7. The main living accommodation is on the first floor and a series of partitions divide up the bar area on the ground floor. Internally there is an attractive winder staircase with a sturdy flat topped newel post. Original rooms on the first floor survive although there have been some interventions in the form of partitions and most of the doors have been lost. Many of the fireplaces upstairs survive.

**Heritage Significance:**

8. No 95 Cowley Road is grade II listed and is one of the most distinctive buildings along Cowley Road and is a part of the history of development of the street. The building forms part of the collection of listed buildings at the junction of Jeune Street and Cowley Road and makes a positive contribution to the street scene, highly valued by local residents.
9. The building has aesthetic and historic value, designed by well known Oxford architect of HT Hare who is also of national importance. It is an accomplished design incorporating architectural elements that are distinctively part of the Arts and Crafts palette, derived from vernacular motifs, traditional building techniques and adoption of asymmetrical compositions. The design and composition of the building helps understanding of Victorian values and perceptions of good quality design in the late 19<sup>th</sup> century, for respectable public houses.

### **Brief description of proposals:**

**Amended plans received 6<sup>th</sup> November 2012 which seek to address concerns raised by officers and the public. These applications no longer propose any advertisements which will be the subject of a separate application to follow in due course. Works proposed as part of these applications are as follows:**

- Erection of 2.2m wide timber security gate fronting Jeune Street
- Removal of existing timber signage and lettering
- Redecoration of exterior render from cream to light grey (Farrow and Ball Skimming Stone)
- Redecoration of windows and downpipes from red to dark grey (Farrow and Ball Dove Tale)
- Internal alterations to remove existing suspended ceiling in bar area and replace with shallower ceiling to conceal electrical wiring.
- Remove modern partitioning and reinstate doorway in rear bar as a fire escape and insertion of new fire door
- New external lighting to frontage
- No neon, timber or mural signage is proposed as part of this application

### **Impact on heritage assets:**

10. The building has been empty for over a year and repairs are required to windows and roofs. Repair work is also required to the chimneys including re-pointing and re-rendering. New owners wish to carry out the repairs and continue the use of the building for the purpose for which it was originally designed.
11. Re-opening the doorway from the rear bar to the staircase lobby responds to the history of the place and the original design intent and are changes that are considered acceptable to improve circulation and means of escape in case of fire. The new fire door is modern but seeks to replicate the design of the remaining historic door on the first floor balancing the architectural qualities of the building with user needs.
12. The existing suspended ceiling in the front bar is deeper than it needs to conceal electrical wiring and pipework. The new ceiling will be higher and less visible than the existing suspended ceiling. This will achieve a more integrated and discreet means of enclosing necessary electrical wiring from public view. The removal of existing modern partitioning and shelving in the rear serving area and insertion of new shelving will rationalise existing provision.
13. The side passage between the cinema and No 95 is used as a means of escape for cinema users and removal of bins. The insertion of new timber gates to the side passage will prohibit access to the passage and improve security for both sites. The new gates have been simply designed with vertical boarding, using good quality timber. They will be set back from the street to take account of highway concerns and require the minimum of fixings to avoid damage to historic fabric.
14. The existing paint scheme is modern and is in need of redecoration. The colour proposed to redecorate existing exterior paintwork is a muted light grey. The windows and downpipes will be painted a dark grey to contrast with the render and will echo the colour of the leaded glazing. This is considered acceptable.

**Conclusion**

Internal alterations seek to better reveal features and improve layout and functionality as originally designed and reverse later inappropriate interventions to building and will continue the use of the building as intended.

Officers are satisfied that need for a gate to the side passage is justified and its design and construction discrete. The redecoration of exterior paintwork is subtle and appropriate.

Approval is recommended

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# 12/02335/FUL & 12/02336/LBC

95 Cowley Road



Scale : 1:1250



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Ordnance Survey 100019348.

Organisation	Oxford City Council
Department	Planning
Comments	
Date	29 November 2012
SLA Number	100019348

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West Area Planning Committee

-12th December 2012

**Application Number:** 12/02809/VAR

**Decision Due by:** 2nd January 2013

**Proposal:** Variation of conditions 5 (landscape planting scheme), 7 (landscape management plan), 8 (bin stores and cycle stores) and removal of conditions 3 (materials), 4 (boundary treatments), 10 (residents parking permits), 11 (sound attenuation), 12 (noise assessment survey), 13 (extraction), 15 (recording), 16 (drainage) and 17 (archaeological investigation) of planning permission 10/01631/FUL for short stay visitor accommodation

**Site Address:** 62 St. Clements Street, **Appendix 1**

**Ward:** St Clement's Ward

**Agent:** Mr Henry Venners

**Applicant:** Linfield Ltd

**Application Called in –** by Councillors –Graham Jones, James Fry, Stuart McCready and Pat Kennedy; for the following reasons – on the ground the removal of the conditions would effectively nullify the Committee's decision.

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## **Recommendation:**

Application be Approved

For the following reasons:

- 1 The proposal to vary conditions 5, 7 and 8 of planning permission 10/01631/FUL is considered acceptable given the implementation and acceptable amended details provided with the application. Due to the proposed use of the premises to provide Bed and Breakfast accommodation with morning meals only (and no restaurant use) conditions 11, 12 and 13 are no longer necessary nor reasonable and therefore would not comply with the tests set out in Circular 11/95. For the same reasons it is considered appropriate to delete conditions 4 and 16 also, as the requirements and purposes of those conditions have been carried out. However the remaining conditions 3, 5, 6, 7, 8, 10, 15 and 17 are varied or re-imposed accordingly as set out in detail below due to the impact the deletion of those of conditions would have parking pressure, the historical environment, visual and residential amenity.
- 2 The Council considered that the proposal accords to 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 the consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

1. Material details- door
2. Unless otherwise agreed the permission excludes any restaurant use outside of the building.
3. Landscape plan in accordance with scheme as submitted
4. Completion of the approved submitted landscaping scheme by 1 April 2013.
5. Maintenance of landscaping in accordance with the management plan submitted as approved
6. Notwithstanding the GPDO no part(s) of the roof shall be used as a balcony or terrace.
7. Bin and cycle stores to be maintained in accordance with the details submitted as approved
8. Traffic variation Order to exclude the site from eligibility for hotel guest parking permits in the future.
9. Programme of architectural recording to be submitted by 1 April 2013.
10. Level II Salvage report for archaeological recording to be submitted by 1 April 2013

#### **Main Local Plan Policies: Oxford Local Plan 2001-2016**

CP 1- Development proposals  
CP 5- Mixed use Developments  
CP 10- Siting of development to meet its needs  
CP 11- Landscape design  
CP 21- Noise  
HS19- Privacy and Amenity  
HE 2- Archaeology  
HE 4- Archaeological remains within listed buildings  
HE 6- Buildings of local interest  
HE 7- Conservation Areas  
NE10- Sustainable Drainage  
TR 3- Car Parking Standards  
RC12- Food and Drink Outlets

#### **Core Strategy**

CS 18- Urban Design, townscape character and historic environment.

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

- National Planning Policy Framework
- The application site is located within the St. Clement's And Iffley Road Conservation Area.

## **Relevant Site History:**

07/00825/FUL-Demolition of public house, retention of vaulted basement. Erection of four storey building containing restaurant on ground floor and 7 flats on upper floors. Bin/cycle stores. Refused- 20.6.07

08/02726/FUL- Demolish single storey rear extension. Single and 2 storey rear extensions. Use as restaurant (ground floor) and three flats (2 bed x 3) on first and second floor. Approved 31.3.09

09/02796/NMA- Application for a non-material amendment to permission 08/02726/FUL involving re-ordering of rear elevation to accommodate lower staircase. Approved 8.01.2010

10/00869/CND- Details of materials, security gate, means of enclosure, landscape plan, bin and cycle storage, mechanical plant, construction process and architectural recording submitted in compliance with conditions 3, 4, 5, 6, 9, 12, 15 and 16 of planning permission 08/02726/FUL. Approved- 05.07.2010

10/00899/NMA- Application for a non-material amendment to planning permission 08/02726/FUL involving alterations to single storey rear extension. Refused 27.04.2010

10/03220/FUL- Demolition of rear extension. Erection of single and three storey rear extension, to provide restaurant on ground floor and 3x2 bed flats on the 1st and 2nd floor. Refused 23.3.2011

10/01631/FUL- Demolition of existing rear extension. Erection of part single and part 3 storey extension to provide restaurant and staff accommodation at ground floor and 9 bedrooms for short stay visitor accommodation at upper levels. Approved 13.08.2010

11/01306/FUL- Demolition of existing single storey rear extension. Erection of new single and 3 storey rear extension to provide restaurant at ground floor level and 3 x 2 bed flats at first and second floor levels. Revised roof details. Approved 07.07.2011

## **Representations Received:**

### **Statutory and Other Consultees:**

Highways Authority: no objection to the application

**Third Parties:** One objection received: concerned with the removal of the planning conditions which protect neighbouring amenities; namely conditions 10, 11, 12 and 13.

## **Officers Assessment:**

### **1. Site Description:**

The application site, the former Coach and Horses public house, is located on

the northern side of St. Clements's Street between the junctions of Boulter Street and Bath Street. The site comprises of a three storey building with basement fronting St Clements, built tight to the back of the footway. There is a vehicular access to the side of the building and re-modelling of a large rear extension has recently been carried out as part of application 10/01631/FUL.

## **2. The Proposal:**

This application seeks the removal of conditions 3, 4, 10, 11, 12, 13, 15 and 16 and the variation of conditions 5, 7 and 8 imposed on planning permission 10/01631/FUL for; 'demolition of existing rear extension. Erection of part single and part 3 storey extension to provide restaurant and staff accommodation at ground floor and 9 bedrooms for short stay visitor accommodation at upper levels.'

The application has come about as part of an enforcement investigation into the positioning of an exterior flue (condition 13). On further investigation it was found none of the conditions attached to the above planning permission had been complied with prior to work commencing. A previous submission of details had been approved but this related to an earlier permission which the applicant had not implemented.

Work on site is near completion and it is officers understanding that the applicant wishes to open the Bed and Breakfast for trade in the near future. As many of the conditions required details to be approved 'prior to the start of work...' they can no longer be complied with. The purpose of this application is to rationalise the position by varying some conditions, and removing those which the applicant considers no longer serve any purpose.

The principal determining issues are the following, which are considered in relation to each condition proposed for variation or deletion as relevant.

- Impact on Neighbouring amenity
- Parking
- Impact on Conservation Area

**3. Condition 3:** required samples of the exterior materials to be used to be approved in writing prior to the start of work on site. The condition was attached in the interests of the visual appearance of the St Clement's and Iffley Road Conservation Area. The applicant has provided details of the materials used for the roof covering (grey fibreglass, appears as a lead finish from the ground); garden wall (brick); other external walls (smooth concrete render painted in white masonry paint except for the front elevation which has been painted a light blue). The windows have been replaced with timber double glazed custom units, painted white. The windows and other finishes are considered acceptable. No details of the door have been provided however other than the photograph of the front elevation. The door installed is not in keeping and is of an inappropriate design for its location within the building and conservation area in which it is located. It is therefore suggested further details are required of the front door to show one that is more appropriate to the C19th architectural style of the front elevation of this building. Therefore the condition will

not be removed but re imposed with the wording varied to include further details of the door specifically. Summary – condition VARIED

**4. Condition 4:** requested the boundary treatment to be as shown on the approved plan ref 250130 050 which accompanied the application. This was done in the interest of both residential amenity and security. The applicant has submitted that the pre- existing boundaries have been retained and therefore no further change is required. Plan ref. 250130 050 indicated the boundary treatment to be the retention of the existing 1.8m brickwork boundary wall. It is suggested this condition can be removed as it no longer serves any purpose. Summary – condition REMOVED

**5. Condition 5:** required the applicant to submit a landscape plan to include a survey of the existing trees, indicate which (if any) were to be removed and show details of all tree and shrub planting. This condition was imposed in the interests of visual amenity. The applicant has included a scheme with this application, ref. 250130 050C. The planting scheme varies from that originally submitted with the application by rationalising the planting area from a circular to a square shape planting bed. This has resulted in the planting area being slightly larger. Visually this proposal is acceptable and does not impact on visual or residential amenity. The condition can therefore remain but with the wording varied to include reference to the submitted landscaping scheme. Summary – condition VARIED

**6. Condition 6:** follows on from condition 5 above and states that the planting should be carried out in accordance with the scheme above in the next planting season following substantial completion of the development. The applicants have indicated this will be carried out by the 1<sup>st</sup> April 2013, providing condition 5 is agreed. Condition 6 can therefore remain but with the wording varied to require the planting is completed by 1<sup>st</sup> April 2013. Summary – condition VARIED

**7. Condition 7:** related to the agreement of a landscape management plan which was to include design objectives, management and maintenance schedules for the landscape areas. The applicant has included a management plan which details the soil preparation and the proposals for each species; the Apple Tree, Soribus and Prunus Trees, Jasmine, Polentilla, Lavendula and Hebes and various Spring, summer and Autumn bedding plants. The plan is considered acceptable as it covers all the areas of the planting and landscape plan as detailed in condition 5. The condition can be varied to include the maintenance of the landscaping in line with this approved management plan. Summary- condition VARIED.

**8. Condition 8:** required the submission of details of both bin and cycle storage in order to ensure the bins were adequately screened to protect the amenities of occupiers of nearby properties and to encourage cycle use respectively. The proposal includes details of the bin and cycle stores as constructed. The bin store is screened by 1.8m 'hit and miss' timber fencing and is located in the north west corner of the rear courtyard which utilises the existing boundary wall for the rear and far side of the store. The store can accommodate 3 x 240 litre wheelie bins. The applicant has not included any details of a screened and covered cycle store in line with condition 8 however but instead has installed 2 'Wiggins' cycle

racks which secure cycles by placing the front wheel in the rack which is secured to the ground. There is provision for 10 cycles in this rack. Given there are 9 rooms available for customers the provision is acceptable. Highways raise no objection to the proposal in this regard and it is therefore recommend this condition is varied accordingly. Summary – condition VARIED

**9. Condition 10:** was imposed to exclude the site from eligibility for residents parking permits. The applicant submits that as the site is to be used as a bed and breakfast, there will be no residents and in turn the condition was unnecessary and unreasonable as there was no significant change from the pre existing situation when staff or visitors would stay above the pub. Again Highways have raised no objection to the variation of this condition, where there is no difference in number of residents at the site. In the interests of minimising on street parking pressure it is therefore suggested that the condition is not removed but varied so that the site is not eligible for hotel guest parking permits in the future. Summary- condition VARIED.

**10. Condition 11:** required details of the mechanical plant and the anticipated sound attenuation measures. The plant as approved should then be installed prior to the first use of the restaurant. The applicant has stated the specification of the ceiling which includes the use of soundbloc plasterboard and two x layers of 100mm rockwool between chipboard and 17mm engineered oak flooring. Only half of one side wall is connected to neighbouring accommodation. On the application site is a 9 inch party wall with further Celotex and soundbloc in a 50mm air gap.

The plant machinery used is only domestic in scale and only domestic power extraction has been installed for the toilets and the kitchen. It is therefore likely that very little sound will be detectable from outside, and no significant difference from a 'normal' residential domestic situation. Consultation with colleagues in Environmental Development has confirmed this scale of plant would not generate unacceptable levels of noise. The submitted details are therefore accepted and the condition no longer serves any purpose given that no plant machinery has been installed. Summary- condition REMOVED

**11. Condition 12:** followed on from 11 above, and required a Noise Assessment Survey in order to protect residential premises from noise from commercial development. The applicant asserts that as the previous use of the premises as a licensed public house would have not have caused any more noise and disturbance than the proposed use as a B and B with cooking of morning breakfast meals only. Both conditions 11 and 12 were imposed in the interests of protecting neighbouring amenity. Given the proposed use is as a B and B with small scale cooking facilities and no licensed bar the use is unlikely to cause any more noise or disturbance than the previous use a public house. Consequently condition 12 is not considered to be either reasonable or necessary and therefore can be removed. Summary – condition REMOVED

**12. Condition 13:** required a scheme for the treatment of cooking fumes and details of the extraction systems to be installed. The toilets and bathrooms have been fitted with a continuous mechanical extract ventilation unit and which vent through the roof, one through the external wall and the rest through 230 volt fans.

The kitchen extraction has been fitted on the advice sought from colleagues in Environmental Development. As the kitchen is only equipped to cater for breakfasts a standard domestic extractor hood was considered acceptable. This extracts on to the driveway/underpass and is 5 metres from the neighbouring boundary wall. This is considered acceptable for the use now proposed which has no additional significant impact than can be reasonably expected in any residential situation. The condition therefore no longer serves any purpose and can be removed. Summary – condition REMOVED

**13. Condition 15:** requires a programme of architectural recording to take place to record the building to be demolished by drawings, measurements and photography. This was imposed in order to preserve by record the building so that archive details could be kept. The applicant has requested this condition be removed as the historic parts of the building have been retained. No specific details of this have been provided other than the drawings which supported the original application previously which indicated which structural sections of the building were to be removed. To delete this condition would undermine the purpose of preservation by record and it is considered the applicant should provide sufficient details in the form of photographs taken over the course of the development. This condition will therefore be re imposed but the wording varied to request these details within a specific time frame. Summary – condition VARIED

**14. Condition 16:** A Sustainable drainage scheme was required to be approved and implemented prior to commencement of development in order to prevent the risk of surface water flooding. The applicant has submitted details to show a 4x 4m and 3m deep soakaway which is provided at the rear of the site and the pavements used allow for drainage. The details show the fall across the site so that water falls away to the soakaway and not on the street. The details are considered acceptable and as the scheme has been carried out on site it is no longer reasonable or necessary to continue to impose this condition. Summary-condition REMOVED

**15. Condition 17:** A programme of archaeological work in accordance with a scheme to be approved before development takes place was required by condition 17. The applicant has stated that as 'nothing of interest' was found the condition no longer serves any purpose. The purpose of the condition was similar to 15, above, to record the historic interest of the building. The Councils' Archaeologist suggests that scope remains to produce a salvage record of the building which would provide some mitigation. This should consist of a level II record including archived reports, annotations, plans and photographs where necessary. This condition will therefore be re imposed but the wording varied to require submission of these details within a specific time frame. Summary condition- VARIED

## **16. Conclusion:**

Having considered each condition in turn it is recommended that conditions 4, 11, 12, 13 and 16 are removed, and conditions 3, 5, 6, 7, 8, 10, 15 and 17 are varied or re-imposed accordingly.

## **Human Rights Act 1998**

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

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

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

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

**Background Papers:** Planning applications listed at the head of this report.

**Contact Officer:** Hannah Revell

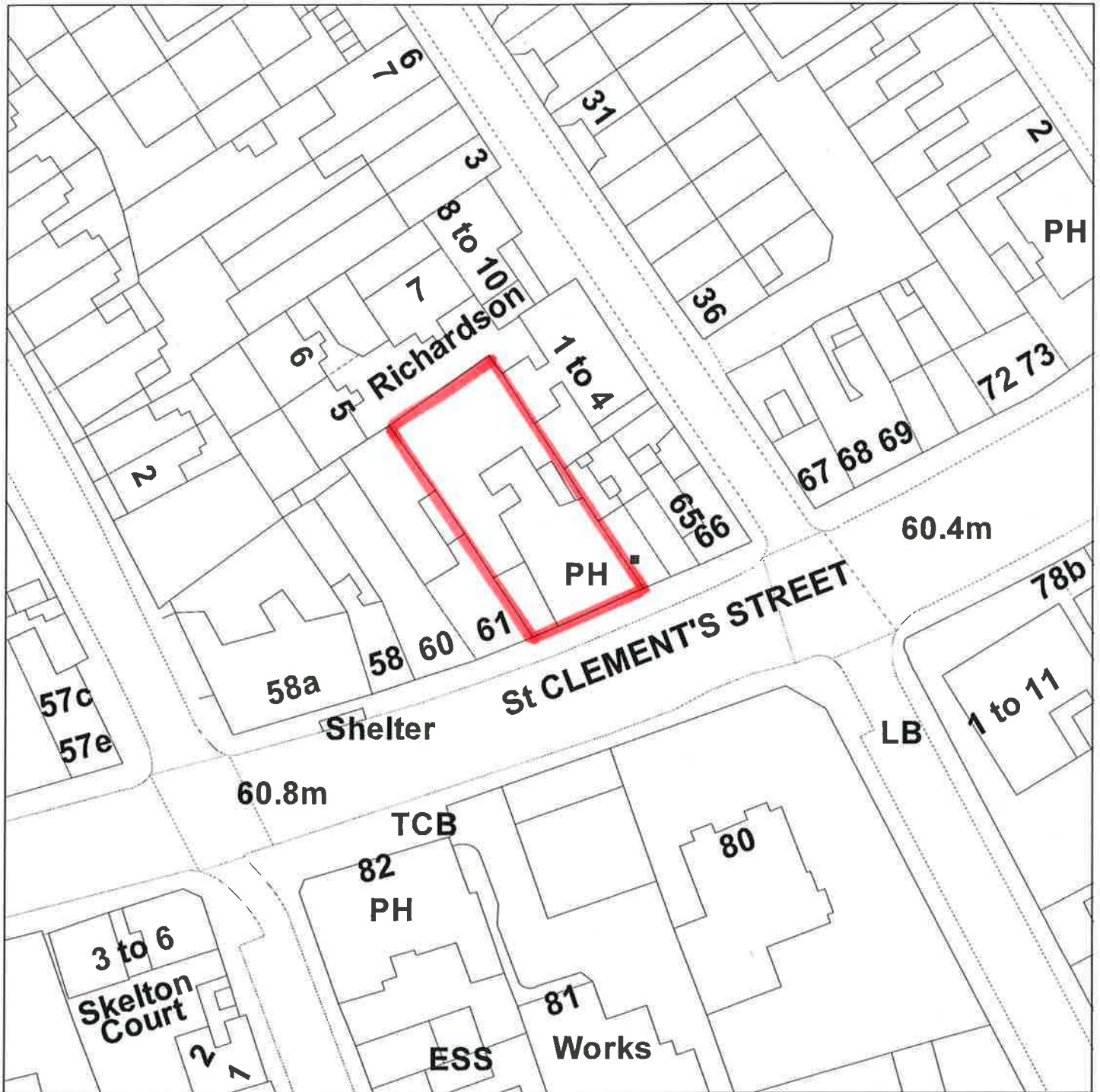
**Extension:** 2241

**Date:** 28<sup>th</sup> November 2012



# APPENDIX 1

62 St Clement's Street, Oxford



Scale : 1:625

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Organisation	Oxford City Council
Department	City Development
Comments	
Date	29 November 2012
SLA Number	Not Set

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**West Area Planning Committee**

-12th December 2012

**Application Number:** 12/02208/FUL

**Decision Due by:** 23rd October 2012

**Proposal:** Demolition of existing building comprising 2 x flats. Erection of a pair of semi-detached dwellings (class C3). Provision of car parking, bin and cycle stores, landscaping and private amenity space. (Amended plans)

**Site Address:** 13 and 13A Blenheim Drive – Appendix 1

**Ward:** Wolvercote Ward

**Agent:** JPPC Chartered Town Planners

**Applicant:** Gomm Developments

**Application Called in –** by Councillors – Gotch, Fooks, Campbell and Wilkinson for the following reasons – overdevelopment of the site and deleterious effect on neighbours

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the site and surrounding development and will be in keeping with the character and appearance of the area. The proposal will not have a detrimental impact on the residential amenities enjoyed by adjacent properties, nor on vehicle or pedestrian movements. While the loss of trees is regrettable their removal is not unacceptable and new planting will help to mitigate these losses. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026, the Oxford Local Plan 2011-2016, and the Sites and Housing Development Plan Document 2011-2026.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 4 The Council has tried to work positively and proactively with the applicant(s) and their agent(s), including the offer of pre-application advice, discussions during the course of determination of the application and the opportunity to submit amended proposals where appropriate, in order to implement planning policy objectives, secure sustainable development and satisfy the requirements of the National Planning Policy Framework. On occasions, however, it will not have been possible to achieve acceptable proposals and applications will be refused.

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 Sustainable design/construction
- 4 Design - no additions to dwelling
- 5 Amenity no additional windows side,
- 6 Samples
- 7 Tree Protection Plan (TPP) 1
- 8 Landscape plan required
- 9 Landscape carry out after completion
- 10 Boundary details before commencement
- 11 Cycle parking details required
- 12 Bin storage
- 13 Provision of permeable parking area
- 14 Vision splays
- 15 Sustainable drainage details
- 16 Amenity windows obscure glass first and second floor bathroom windows,
- 17 No felling lopping cutting

- 18 Details of solar panels
- 19 Bio-diversity enhancements
- 20 Contaminated Land - Desktop study etc.
- 21 Construction Traffic Management Plan

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

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

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- NE15** - Loss of Trees and Hedgerows
- HS20** - Local Residential Environment
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS21** - Private Open Space
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS10** - Loss of Dwellings
- HS20** - Local Residential Environment
- NE23** - Habitat Creation in New Developments

#### **Core Strategy**

- CS23\_** - Mix of housing
- CS12\_** - Biodiversity
- CS18\_** - Urban design, town character, historic environment

#### **Sites and Housing Plan - Submission**

- HP10\_** - Developing on residential gardens
- HP12\_** - Indoor Space
- HP13\_** - Outdoor Space
- HP14\_** - Privacy and Daylight
- HP15\_** - Residential cycle parking
- HP16\_** - Residential car parking
- HP9\_** - Design, Character and Context
- HP1\_** - Changes of use to existing homes
- HP11\_** - Low Carbon Homes

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

National Planning Policy Framework

**Relevant Site History:**

61/10376/AH: conversion to 2 flats and extension - approved

76/00997/AH: garage – approved

89/00425/NF: conversion of garage to study and new porch – approved

**Representations Received:**

Representations have been received from the following addresses and their comments are summarised below:

Blenheim Drive: 1, 1A, 2, 2A, 3, 4, 7, 8, 9, 11, 12, 13, 13A, 14, 15, 16, 17, 18, 21, 22, 23, 23A, 24, 25, 26, 27, 29, 30, 31, 32, 33, 35, 36, 39, 41, 44, 45, 47, 57, 63, 65, 67; 19 Northfield Road; 12 Wyndham Way.

**Statutory and Original Consultees:**

- There was no pre-application consultation, an omission which should be taken into account in determining the application
- Blenheim Drive has detached family homes, one dwelling per plot, houses have front gardens, a leafy appearance, individually designed mixed styles of houses, but making a homogenous whole. Even where houses have been extended they maintain the individual and distinctive character of this well-loved road
- The character and appearance of Blenheim Drive has remained unchanged owing to the very strong design and layout principles upon which it was planned and supported by a covenant restricting development to a single house: this should guide determination of the application
- The townscape/landscape character assessment of Wolvercote Ward is high
- The current house is perfectly sound well constructed. It is located in an important corner plot and is the only one that can be fully seen from Woodstock Road. Its demolition would affect negatively the Blenheim Drive street scene.
- The proposed building would be too bulky for the plot, incongruent and discordant, dominant and out of place in the view from both directions, it would not suit the site's capacity and would create an inappropriate visual relationship with the adjoining buildings, a gross overdevelopment of the plot with a footprint that would be almost twice that found at present
- The width and height would intrude into the sense of space around the buildings. The view through between the properties will be much diminished
- The 'chalet style' is very substantially out of keeping, it does not preserve or enhance the character and appearance of the street scene, nor does it respect the unique townscape and character that exists in this neighbourhood.
- It will destroy an unusually and increasingly rare homogenous 1930s streetscape a signal that there is no protection for interesting 1930s design in North Oxford, just as there was once no protection for Victorian North Oxford. This should be a matter of great regret.
- The value of the existing properties would be changed.
- An individually designed detached house, of some architectural merit or 2 smaller semi detached, 3 or 4 bedroom houses would be more appropriate

- Within the proposed frontage, the site layout appears cramped with the two parking spaces per property shoe horned into a single forecourt hard against the boundaries and only a 1 m gap leading around the building.
- The size and massing of the proposed semi-detached properties and extent of rearward projections, as well as the proximity to the common boundaries, would affect the privacy of the current and future occupants. It would also mean a loss of free movement and quietness for all of them.
- The proposed houses would be too close to the neighbouring houses and because of their scale would have a detrimental impact upon the amenity of the neighbouring properties, particularly numbers 11 and 15 Blenheim Drive, blocking light, overlooking gardens, enforce a sense of enclosure
- Blenheim Drive is a well established and respected community and the residents have the right to have their own space without invasion of privacy
- The development will dominate and shade a side (west) facing bay window at number 11 Blenheim Drive which is 10 feet from the boundary and will seriously impact any evening light and direct sunlight significantly
- There are windows which will directly overlook the rear garden of No. 11. This will result in a loss of privacy to the private open space.
- On the proposed third storey (west elevation) of the semi closest to 11 Blenheim Drive, a dormer window is proposed to provide natural light to the new bathroom on the second floor. This new window will directly overlook 11 Blenheim Drive, and will have views which will overlook the side elevation velux windows of the bedroom accommodation on this floor.
- The 45 Degree Rule: the drawing is inaccurate, and shows the line taken from the middle window of the ground floor bay window to the sitting room on the rear elevation which is not the nearest window to the proposed development. Instead it should have been taken from the side window of the bay. Also the line shown from the first floor window on the rear elevation of the bedroom at 11 Blenheim Drive to the proposed development is inaccurate.
- The building extends double the distance into the rear garden and fails to respect the rear building line which respects each individual properties' space.
- Greater overlooking into gardens across the road
- The front garden at this property will be transformed into a parking area with bins and no sense of a garden area
- Due the size of the proposed semi-detached houses (5 dorms each), the amount of new residents, plus their corresponding cars and other vehicles, would mean a higher level of noise, rubbish and traffic unsuitable for such size of space and unbearable for the adjoining buildings' occupants
- If the new parking slots provided are not enough for all the new residents' vehicles, the amount of them parked off-site, on the street, would increase considerably, and therefore would affect the other residents' capacity of parking their own cars on the street too
- On-street parking is likely on this narrow blind corner and will increase traffic flows and the road-safety hazard. The road gets very crowded during school drop-off and pick-up times. Cars will not be able to turn round into the plot and so will reverse into the road increasing danger for inhabitants, drivers, pedestrians and cyclists.
- There will be increased traffic dangers during the construction phase

- The lilac trees sited within the boundary of 11 Blenheim Drive adjacent to the application site are mature, and also in good condition. The proposal will be within approximately 2 metres of the trees, fails to account for root protection
- The tree in the front garden is a spectacular example of an ornamental tree which adds to the visual diversity of the road
- The rear garden is a valuable wildlife corridor with a diverse habitat. The size of the rear garden would be very substantially reduced, and its division would be detrimental to wildlife: slow-worms, grasshoppers, crickets and hedgehogs, increasingly threatened in an urban context, are seen in the garden frequently.
- Retained gardens are too small for children to play in.
- The loss of trees in the rear garden is most regrettable, has to be questioned
- The existing fan-shaped back garden is one of the highlights of a walk in St Edwards School Golf Course which this development would ruin completely.
- the reduced garden and removal of trees and bushes would be detrimental to the surrounding landscape. This is against the general interest of a greener environment and public health, and would constitute a precedent for reducing other green zones in the area as well
- The proposed scheme design has failed to include any mitigation measures or enhancement through habitat creation
- This is speculative development based on greed with no regard for the interests of the residents of Blenheim Drive
- It will set a dangerous precedent in the road for placing two five bedroom properties of such height and bulk within one plot.
- Need to consider current and future residents

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

Highways Authority: no objections subject to conditions and informatives concerning size of parking spaces, surface water drainage, vehicle crossover, vision splays, cycle parking, bin storage, Construction Traffic Management Plan, access protection markings. These have been attached.

Thames Water Utilities Limited: no objections, informative concerning water pressure attached

Oxford Civic Society: the existing house, which fits harmoniously into the 1930's development of this end of Blenheim Drive, where individual detached houses relate comfortably to each other, with well-spaced but not excessive gaps, is proposed to be replaced by a pair of large semis, almost filling the frontage. It would be a bulky pretentious structure, much more obtrusive than the existing house, and would extend much further down the garden than the existing. Both its neighbours' gardens would suffer overlooking, and a sense of overbearing. No 11 would lose evening sunlight from the west, which is a significant feature of its siting. The chosen chalet style would be alien to the neighbourhood. The building would have several large gables with many windows, facing both the garden and the road, and would challenge privacy in them both.

The proposed accommodation seems out of scale. Each of the new dwellings would offer a large array of ground floor accommodation and five bedrooms, mainly with ensuite bathrooms. The sustainability implications of demolition and replacement in this case which already provides two units of accommodation are questionable, as is the provision of only four off-road parking spaces for ten bedrooms. Meeting car parking space standards will leave little scope for attractive landscaping to the front, which is such a significant feature of the character of the street.



**Issues:**

Demolition of the existing building  
Principle of 2 semi-detached houses on this site  
Impact on the street scene  
Impact on neighbouring properties  
Garden space and residential amenities  
Impact on trees  
Impact on biodiversity  
Highway Matters  
Contaminated land  
Sustainability

**Officers Assessment:**The Site and its Surroundings

1. Blenheim Drive is characterised by two-storey detached houses within relatively generously sized plots. The houses are set back from the street by front gardens and have good sized often very large private gardens to the rear. There are street trees which, together with the mature trees and shrubs in front and rear gardens give the street a verdant, tree-lined appearance. This effect is enhanced by the trees and open spaces in the wider surroundings such as the St Edwards School Golf Course located to the south and east and the large residential gardens in the adjacent streets.
2. Blenheim Drive is wide with footpaths on both sides which, together with the set back of the houses gives the street a spacious feel. Where spaces are retained between buildings there are views through adding to this effect. In some parts of the street there is a more contained feel because properties are located close to their side boundaries and others have been extended close to their side boundaries. In addition some houses have been subdivided into two properties. Many houses have garages, hard-surfaced driveways and/or on-plot parking in the front garden. There is controlled on-street parking.
3. Overall in Blenheim Drive, there is a range of building ages, sizes and architectural styles, plot frontage widths, gaps between buildings and boundaries, and a variety of front garden planting, fencing/walling and parking arrangements. Notwithstanding this variety there is a pleasing and characterful unity to Blenheim Drive arising principally from the visual rhythm of large buildings set behind mature front garden planting.
4. 13/13a Blenheim Drive dates from the 1930s and is a substantial brick-built single dwelling which was converted into 2 two-bedroom flats following the grant of planning permission in February 1961.
5. The application site is located on the south side of Blenheim Drive on the outside of a corner where the street turns from a SW/NE orientation through 90 degrees to a SE/NW orientation. It is visible from the junction of Woodstock Road and Blenheim Drive although it does not dominate that view

being distant with other intervening houses and trees, and being set at an angle to the road. Moving south-west up Blenheim Drive the run of 6 buildings on the south side of Blenheim Drive (from number 3 to number 15) set up a rhythm of large properties set in spacious plots with attractive front gardens and on-plot parking. 13/13a recedes in prominence and numbers 11 and particularly 15 gradually become more dominant. 13/13a is not visible south-eastwards down Blenheim Drive because of its set-back from, and angle to the road and because it is obscured by trees and shrubs. In that view 11 Blenheim Drive which presents a much larger building frontage to the street dominates. It is understood that when in bloom, the cherry tree in the front garden of 13/13a is a significant feature of the street in its own right and when viewed from either direction.

6. The application site is one of the largest plots in Blenheim Drive (0.11ha) extending southwards in a 'fan' shape from a 13.4 metre frontage to a 31 metre rear plot width within a 48 metre plot depth. It backs onto the St Edwards School Golf Course.
7. Numbers 11, 13/13a and 15 are oriented at slight angles to one another in a 'fan' arrangement around the street corner. 13/13a was built well within its boundaries leaving significant gaps to the boundaries on both sides. The neighbouring properties are located much closer to the shared boundaries. The 2-storey gaps between them are as follows:
  - between 13/13a and 11 Blenheim Drive at the front corner is 4.2 metres and at the back 6.2m (number 11 is 1.4m from the boundary at the front and at the back; 13/13a is 2.8m at the front and 4.6m at the back);
  - the 2-storey gap between 13/13a and 15 Blenheim Drive at the front corner is 7m (with a garage intervening), and at the back 8m (number 15 is 1m from the boundary at the front and 2.8m at the back; 13/13a is 7m at the front and 5.2m at the back).
8. The roof at 13/13a is hipped from the front and steeply pitched at the sides adding to the spacious feel around it. At the rear there is a 2 storey front-to-back pitched element which is not readily visible from the street until close up or directly opposite at which points it tends to close the visual gap between numbers 13/13a and 15.
9. The rear garden contains patios, a sunken garden, lawns, mature ornamental and fruit trees together with a Robinia and a Birch, and shrub planting. The front garden has shrub planting, a mature ornamental cherry tree 6m high which the applicant has assessed as being in average condition, a low brick wall, a hard standing for a car for the residents of number 13 and a tarmac driveway and side garage for 13a. Access is via 2 dropped kerbs.

### The Proposal

10. The application seeks planning permission for demolition of the existing building and the erection of a pair of 5 bedroom semi detached dwellings each with 2 off-street car parking spaces and covered cycle parking and bin stores to the required standard. At the request of officers, amended plans have been

submitted. The principal changes included reduction in the width (by 0.4m on each side) of the ground floor single storey rear element, and reduction of the height (by 1.5m) and projection (by 1.0m) of the first floor rear elements.

11. The proposed new building as amended has:
  - a main range of two storeys with rooms in the roof which is located largely on the existing footprint of buildings on the site;
  - a rear two-storey element extending centrally 4.3 metres deep by 10.3 metres wide and 6.5m high; and
  - a single storey flat-roofed element extending a further 2.9 metres rearwards into the garden (8.4 metres from the original building/proposed main range) 18.2 metres wide and 'wrapping' round the sides of the two storey element.
12. The proposed building contains two semi-detached properties which are identified in the front elevation by the incorporation of two steeply angled gables with 2-storey projecting bays with tiled roofs, joined by a central tiled covered porch extending over both front doors. The second floor rooms are contained within the apex of the gables together with side facing dormers and a hipped roof truncated by a flat roof in which are located flush solar panels.
13. The gables are replicated in the rear view with the addition of the hipped part flat-roofed first floor projection and an extensive area of single storey flat roof for the kitchen and family rooms. Chimneys are incorporated on both side walls.
14. The existing ridge heights at 11, 13/13a and 15 Blenheim Drive are 8.68m, 7.81m and 8.50m respectively. The proposed ridge height (at the apex of the gables) is 8.78m with the mid-roof matching the existing ridge height at 13/13a.
15. The proposed building is positioned in the site so that it replicates the position of the existing building and therefore maintains the front building line. The proposed building is however wider than the existing building (14.7m proposed, 8.6m existing) and thus the gaps between the proposed building and its neighbours will be less than exist at present (as previously noted, 11 and 15 Blenheim Drive are located significantly closer to the boundary than the existing building 13/13a):
  - the 2-storey gap between 13/13a and 11 Blenheim Drive at the front corner will be 2.8 metres (both 11 and 13/13a will be 1.4m from the boundary) and 4.4m at the back (number 11 is 1.4m from the boundary and 13/13a will be 3m);
  - the 2-storey gap between 13/13a and 15 Blenheim Drive at the front corner will be 2.5m (13/13a will be 1.5m from the boundary and 15 is 1m), and 5.6m at the back (both 11 and 15 will be 2.8m from the boundary).
16. The scheme proposes relatively plain, contemporary windows throughout; constructed of painted timber with natural stone heads and sills. Doors are to be painted timber. The walls are to be facing brickwork with painted timber bargeboards in the apex of the gables and on the side walls of the two storey rear extension. Sloping roofs are to be plain roof tiles.
17. The existing front gardens will be remodelled with hard standings for parking two cars at each property together with new planting the details of which will be

assessed through submission of a landscape plan. This meets the requirements of Policy HS2I of the adopted Oxford Local Plan 2001-2016 concerning the provision of private open space.

18. Individual rear private gardens (including patios) will be retained for the two properties extending rearwards by some 23 metres along their common boundary. In both cases 12 metres wide at the back of the house and 15 metres wide at the end of the garden. This meets the requirements of Policy HS2I of the adopted Oxford Local Plan 2001-2016 concerning the provision of private open space.

#### Demolition of the existing property

19. Notwithstanding the high value attached by local residents to the character and appearance of the existing building it is not of sufficient quality to be listed nor is it in a conservation area. No controls are therefore available to the Council to resist its demolition or to insist on its retention within a development scheme for the site.

#### The principle of 2 semi-detached houses on this site

20. Policy HP10 of the Sites and Housing DPD allows for suitably designed development on residential gardens provided that any biodiversity losses are avoided or mitigated. The site constitutes an existing residential plot and there is therefore no 'in principle' objection to its residential redevelopment subject to consideration of design and biodiversity.
21. Policy CP6 of the Oxford Local Plan states that suitably designed development proposals should make maximum and appropriate use of land and best use of a sites capacity in a manner that does not compromise the character of the surrounding area. Permission to divide the existing property into 2 flats was given in February 1961 and subsequently implemented: redevelopment of the site for 2 houses is therefore appropriate in principle, subject to suitable design.
22. While 2 houses on this site would not increase housing supply, it will be maintained in accordance with Policy CS23 of the Core Strategy, the Balance of Dwellings SPD and Policy HP1 of the Sites and Housing DPD all of which resist net housing losses.

#### Impact on the Street Scene

23. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policy HP9 of the Sites and Housing DPD combine to require that development proposals incorporate high standards of design and respect local character.
24. Although the proposed building is to house two properties, the main range appears as a single building which maintains the flow and grain of built form in

Blenheim Drive. The fact that it is semi-detached is not out of keeping with Blenheim Drive where other properties have been subdivided.

25. The proposed building has a greater scale and bulk than the existing building and will be more prominent in the street scene. Although it sits on the existing front building line a greater proportion of building is in the front plane particularly at first floor and in the gables and because of the increased width of the proposal compared to the existing. The width of the proposed building narrows the gaps to 11 and 15 Blenheim Drive (which are themselves located very close to the boundaries) making the proposal more dominant within the site itself.
26. The street scene will therefore be changed by this proposal but the issue is whether that effect will be unacceptable.
27. The proposed roof height corresponds with the roof of the neighbouring properties so the proposal will not be dominating at roof level. The steeply angled gables help to retain a sense of space around the second storey. Significantly smaller but still reasonable gaps are retained at the front to 11 and 15 Blenheim Drive: 2.8 metres and 2.5 metres which are acceptable in this location and correspond to many other gaps in Blenheim Drive. The development will not therefore appear unacceptably cramped in the street scene; many other properties in Blenheim Drive are located with small boundary gaps.
28. Further, there is no dominant architectural style or building age in Blenheim Drive indeed there is considerable variety including gable-fronted properties. The unity of character of the street is created by the flow of buildings behind street-side vegetation rather than resulting from a unifying architectural feature. The proposed design draws on traditional architectural styles found in north Oxford. It is proposed to be constructed in brick and clay tile with stone opening surrounds and timber boards all of which will weather and soften the appearance and blend with neighbouring properties which are brick built with tile rooves. The design and external appearance of this scheme will not be discordant in this part of Blenheim Drive nor in the wider context given the variety of architecture that exists.
29. The scheme proposes 4 front garden off-street parking spaces. The existing property has 2 off-street spaces (and a garage). Many other properties in Blenheim Drive have hard landscaped areas in their front gardens used for off-street car parking which, over the years have become softened by matured planting, hedging and trees. There is room for some limited planting in the front garden of the proposed scheme which together with a retained hedge and a replacement tree will over time serve to soften the impact of the proposed parking and re-integrate the site into the verdant street scene. This can be required by condition and its suitability will be judged against Policy CP11 of the Oxford Local Plan.
30. It is therefore concluded that although the proposed development will change the street scene in this part of Blenheim Drive it will not dominate or be

discordant, nor appear cramped between its neighbours. Its architectural style and detailing will be a suitable addition to the variety of architectural styles in the street and will be further softened in time with weathering and as the proposed front garden planting matures.

#### Impact on neighbouring properties

31. Policy HS19 of the Oxford Local Plan and Policy HP14 of the Sites and Housing DPD require that reasonable privacy and daylight are allowed for occupants of existing and new homes.
32. The rear single storey element of the building extends some 8.4 metres into the back garden with the two storey element projecting 4.3 metres out. Because of the southward down-slope of the site, the floor and roof levels of these elements are set lower down than would be predicated by the main range (they are accessed down the level change via internal steps).
33. The applicant has demonstrated that these rear extensions from the main range would not breach the 45/25 degree code when measured from principal windows to habitable room at 15 Blenheim Drive but would clip the line at 11 Blenheim Drive by a small measure and at some distance from the affected window. Given the angled orientation of the three properties and their due-south facing aspect it is judged that the light available to and outlook from the principal windows to habitable rooms in adjacent properties will not be unduly affected by the new development. The development will not therefore dominate or overbear the adjacent gardens or unacceptably enclose the outlook from them.
34. Using the 45/25 degree guidelines, assessments have also been made of the potential impact of the scheme on the side facing windows in the adjacent properties and all have been found to be acceptable principally because the gabled roof creates space for light penetration to those windows.
35. Side facing window and doors in the proposed building at ground floor will not create unacceptable overlooking or other loss of amenity to neighbouring properties; and at first floor and in the roof serve bathrooms and would be obscure glazed.

#### Garden Space and residential amenities

36. Policies CP10, HS20, HS21 and TR4 of the Oxford Local Plan; and Policies HP 12, 13, 15 and 16 of the Sites and Housing DPD set out the functional requirements for residential developments.
37. The proposed new dwellings will have a deeper footprint and therefore higher site coverage than the existing building. The proposed gardens are still however large and meet policy requirements. Their size is in keeping with other garden sizes in Blenheim Drive; and the reduced garden area will not adversely affect the character and quality of the public realm. All other functional requirements such as for cycle parking, indoor space, waste

storage are met subject to conditions requiring details of their design and construction.

### Impact on Trees

38. Policy NE15 of the Oxford Local Plan specifically refers to the retention of trees, hedgerows and other landscape features where their removal would adversely impact upon public amenity or ecological interest. The same restrictions are referred to in many of the other design policies already referred to.
39. In the back garden the scheme results in the loss of one tree assessed by the applicant as being good condition (Cherry, 9 metres high) and a fruit tree in poor condition. While it is regrettable that any tree should be lost these trees are not protected in any way and could be removed as part of normal garden planning and maintenance. They do not perform any role in the public realm or terms of screening between properties and are to be replaced by new trees elsewhere in the garden. Their loss is therefore judged to be acceptable.
40. In the front garden a Cherry tree will be lost which is 6 metres high and is assessed by the applicant as being in average condition. This is a very attractive mature street tree, significant when in bloom in the street scene, but in this position it would prevent the accommodation of two off-street parking spaces for the property. Given that a replacement tree is proposed its loss, although regrettable, is judged to be acceptable.
41. There is a variety of mature forest, ornamental, and fruit trees and hedging within the adjacent gardens along their boundaries with the development site. At the request of officers a root protection plan relating to boundary trees has been submitted as part of the application and it is clear that the proposed development will not impinge on these areas. These trees can be adequately protected during site works and will not be adversely affected by the scheme.

### Impact on Biodiversity

42. Policy CS12 of the Core Strategy states that developments will not be permitted that result in a net loss of sites and species of ecological value; and where there is an opportunity, development will be expected to enhance Oxford's biodiversity. In this respect, the inclusion of new features beneficial to biodiversity within new developments is particularly applicable.
43. Local residents commenting on this application have mentioned the loss of garden shrubs and trees; and the role of the existing rear garden as a wildlife corridor, including for slow-worms and hedgehogs, both species that are of conservation concern, but whose habitat is not legally protected.
44. The wildlife impact of the loss of garden shrubs has been assessed by the Council as being minimal, as is the loss of part of the garden. In addition the applicants have undertaken to plant native shrubs which are likely to have a higher wildlife value than those lost.

45. The new building will be south facing, and the area is good for bird and bat feeding and bat flyways. There are nearby records for bats. These factors indicate that biodiversity enhancement by condition is appropriate. The new building provides an opportunity to provide bat boxes and bird boxes and possibly a roosting chamber for bats in the roof space. A condition is recommended requiring the installation of these biodiversity enhancements.

#### Highway Matters

46. Each new property would be provided with 2 off-street parking spaces accessed from the existing individual vehicle cross-overs. The Local Highways Authority considers that provision of 2 spaces per dwelling is acceptable in accordance with Policy TR3 of the Oxford Local Plan and Policy HP16 of the Sites and Housing DPD given the sustainable location of the site; and has raised no objections to the development subject to conditions relating to vision splays, sustainable drainage of the parking area and other highways matters. A Construction Traffic Management Plan is to be submitted for review by the Local Highway Authority prior to any demolition and construction works being carried out.

#### Contaminated Land

47. The application has been considered with respect to contaminated land and a condition is recommended requiring a phased risk assessment due to the sensitive nature of the proposed development being residential properties with gardens. Whilst the site is not known to be contaminated, it is important that the developer demonstrates that the site is suitable for the proposed use.

#### Sustainability

48. Policy CS9 of the Core Strategy 2026 encourages the use of renewable energy sources and the promotion of energy efficiency. The proposal includes the use of flush solar panels on the top flat part of the roof of each dwelling. A condition is recommended requiring further details of these panels.

#### Conclusion

49. The proposal forms an appropriate visual relationship with the site and surrounding development and will be in keeping with the character and appearance of the area. The proposal will not have a detrimental impact on the residential amenities enjoyed by adjacent properties, nor on vehicle or pedestrian movements. While the loss of trees is regrettable their removal is not unacceptable and new planting will help to mitigate these losses. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026, the Oxford Local Plan 2011-2016, and the Sites and Housing Development Plan Document 2011-2026.



## **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.

**Background Papers:** 12/02208/FUL

**Contact Officer:** Fiona Bartholomew

**Extension:** 2159

**Date:** 30th November 2012

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# Appendix 1

13 and 13A Blenheim Drive 12/02208/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	12/02208/FUL
<b>Date</b>	23 November 2012
<b>SLA Number</b>	Not Set

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**West Area Planning Committee**

-12th December 2012

**Application Number:** 12/02278/FUL

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

**Proposal:** Erection of single storey rear extension and first floor roof extension. (Amended plans) (Amended description) (Amended Plans)

**Site Address:** 42 Stratfield Road – Appendix 1

**Ward:** Summertown Ward

**Agent:** Mr Steve Karpa

**Applicant:** Leila Rawlins

**Application Called in –** by Councillors – McCreedy, Fry, Benjamin and Rowley for the following reasons - so that residents' concerns about overlooking, overdevelopment and detracting from the character of Stratfield Road can be heard in public

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the site and surrounding development and will be in keeping with the character and appearance of the area. The proposal will not have a detrimental impact on the residential amenities enjoyed by adjacent properties. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026, the Oxford Local Plan 2011-2016, and the Sites and Housing Development Plan Document 2011-2026.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 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.

- 4 The Council has tried to work positively and proactively with the applicant(s) and their agent(s), including the offer of pre-application advice, discussions during the course of determination of the application and the opportunity to submit amended proposals where appropriate, in order to implement planning policy objectives, secure sustainable development and satisfy the requirements of the National Planning Policy Framework. On occasions, however, it will not have been possible to achieve acceptable proposals and applications will be refused.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Amenity windows obscure glass Side facing first floor,

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

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

**CP1** - Development Proposals

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

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

**HS19** - Privacy & Amenity

##### **Core Strategy**

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

##### **Sites and Housing Plan - Submission**

**HP9\_** - Design, Character and Context

**HP14\_** - Privacy and Daylight

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

National Planning Policy Framework

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

None

##### **Representations Received:**

Representations have been received from 40 and 44 Stratfield Road in relation to the original and amended schemes. In summary the comments are:

- Modern windows out of keeping with the character of the property;
- Size of extension too big and would make the area very urban;
- Loss of garden area; tragic to eat into valuable precious green space in Summertown;
- Extension is too near the adjoining boundaries raising Party Wall issues, fears

for adjacent foundations, and impacting on light, gardens, privacy and noise pollution;

- Disproportionate to other houses: beyond the line of other extensions in the surroundings;
- Overbearing and boxing in of number 44 due to size and height next to the boundary

#### **Statutory and Other Consultees:**

Highways Authority: no objection; informative suggested regarding construction traffic

Oxford Civic Society: the proposed extensions are unacceptable, because they would be extremely large. They would be out of keeping with existing buildings and would overdevelop this building.

#### **Issues:**

Compatibility with the existing house

Impact on neighbouring properties

Cumulative loss of gardens in Summertown

#### **Officers Assessment:**

##### The Site and its Surroundings

1. Stratfield Road is located in Summertown. It runs approximately north/south between the rear of the main shopping area and the rear of St Edwards School. It is mostly comprised of turn of the century houses set in pairs or in short runs of terraces. Most properties have generous rear gardens.
2. 42 Stratfield Road is semi-detached (with number 40) and is the 'northern' half of the pair. It is gable-fronted with front bay windows to ground and first floor; it has brick walls and a slate roof. The small front garden in common with many properties along the road is used for parking a single car. The original building has a 2 storey rear projection (6.2 metres) to which has been added a single storey rear breakfast room projecting 4 metres out and 3.5 metres wide (replicating the width of the 2 storey element) with a sloping roof up to the first floor window cill.
3. The boundary to 44 Stratfield Road consists of a wall and fence with a trellis on top amounting to 2.2 metres, above which screening vegetation (ivy) is maintained giving a total boundary height between 42 and 44 Stratfield Road of 2.5 metres.
4. The rear garden of 42 Stratfield Road extends some 34 metres beyond the extension and is mostly laid to lawn with established trees and shrubs particularly along the boundaries.

##### The Proposal

5. The proposal as originally submitted included:

- a rear box dormer to facilitate a loft conversion but this is now substantially complete: it is considered to be permitted development and was removed from the application;
  - a 2 storey rear/side extension with a pitched and hipped roof wrapping round the end of the original 2 storey rear element of the house. It was to extend 1.75 metres rearwards and 1.1 metres side wards making it 4.35 metres wide and bringing it to within 1 metre of the boundary with 44 Stratfield Road for a length of 4.6 metres;
  - a single storey rear extension with a very shallow angled dual pitched roof with eaves of only 2.35 metres and ridge 3.15 metres, projecting 4.8 metres from the original house, and extending fully up to the side boundaries; and
  - a small roof extension to raise part of the ceiling height in the original 2 storey projection by just under a metre and create a small area of flat roof to a bathroom and bedroom. On its own this would be classed as permitted development but as it is being constructed as part of this scheme it needs planning permission.
6. At the request of officers:
- the 2 storey rear/side extension was removed from the application on the grounds that it would block the light to, enclose the outlook from and overbear 44 Stratfield Road to an unacceptable degree; and
  - the single storey rear extension was set in from the boundary by 350mm in order that the existing wall, fence and screening could be maintained between 42 and 44 Stratfield Road.
7. This amended application therefore seeks planning permission for a single storey rear extension as described and set in from the boundary with 44 Stratfield Road by 350mm; and a small first floor roof extension to the original rear 2 storey projection.

#### Compatibility with the existing house

8. The extensions are to be constructed in brickwork, tiles and other materials to match. The fenestration is to be of contemporary design but of proportions suitable to this property and would not look discordant on the rear elevation. The external appearance is therefore acceptable.

#### Impact on neighbouring properties

9. Policies CP1 of the Oxford Local Plan, CS18 of the Core Strategy, and HP9 and HP14 of the Sites and Housing DPD allow for residential extensions provided that the design respects the site context and provides reasonable privacy, daylight and outlook for neighbouring homes.
10. The proposed single storey extension is to project 4.8 metres beyond the original house. This is only 800mm beyond the existing breakfast room extension, and about 1m beyond the conservatories at 40 and 44 Stratfield Road. It is not inconsistent with other extensions in Stratfield Road.



11. It is considered that this will not adversely affect the daylight or outlook available to the adjoining property, 40 Stratfield Road which is located on the south side of the semi-detached pair and has a conservatory which projects 3.8 metres out. The extension is set in slightly from the boundary with 40 Stratfield Road to allow the gutter and foundations on that side to be located wholly within the boundary of 42 Stratfield Road. Party Wall concerns are not planning issues, they are civil matters dealt with under separate legislation. Issues around the stability of existing adjoining foundations are dealt with under the Building Regulations.
12. In relation to 44 Stratfield Road, the projection of the proposed extension just clips the 45 degree line from what would have been the original rear back window of the house but is now within a 3m conservatory. Although that projection meets the 45 degree guideline, the degree to which the proposed extension might overbear or enclose the outlook from 44 Stratfield Road has also been assessed because of the proximity of the proposed extension to the shared boundary and its length along it.
13. The roof of the extension will be visible from 44 Stratfield Road but given that it has been designed with low eaves (2.35m) a very shallow pitch and moderately low ridge (3.15m), it will be largely screened from view from 44 Stratfield Road by the existing wall/fence and vegetation growing to 2.5m high along the shared boundary at that point. Further, it will not obscure any of the daylight or sunlight available to 44 Stratfield Road from that southerly direction. It is concluded therefore that the extension will not impact on the daylight or sunlight available from the south nor unacceptably enclose the outlook from or overbear 44 Stratfield Road.
14. The small roof extension in the existing house has also been assessed using the 45/25 degree code. It is judged not to unduly affect the light or outlook available to rear or side facing windows at 44 Stratfield Road. The side facing windows in the proposed roof extension are to be obscure glazed which will also be secured and maintained as such by condition.

#### Cumulative loss of gardens in Summertown

15. Local residents have also voiced fears about the cumulative impact of the loss of garden space and its impact on the character of the street and the area. In this case some 35 metres of garden is retained beyond the extension. Officers regard these losses as minimal and being rear private space having no impact on the character of the public realm. Even if regarded cumulatively this could not be supported as a reason for refusal in this instance.

#### Sustainability

16. This proposal aims to make the best use of urban land and recognises one of the aims of sustainable development in that it will create extended accommodation on a brownfield site within an existing residential area.

## Conclusion

17. The proposal forms an appropriate visual relationship with the site and surrounding development and would appear in keeping with the character and appearance of the area. The proposal will not have an unacceptable detrimental impact on the residential amenities enjoyed by adjacent properties. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026, the Oxford Local Plan 2001 - 2016, and the Sites and Housing development Plan Document 2011-2026.

## **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:** Fiona Bartholomew

**Extension:** 2159

**Date:** 30th November 2012

# Appendix 1

42 Stratfield Road 12/02278/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	12/02208/FUL
Date	27 November 2012
SLA Number	Not Set

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**West Area Planning Committee**

12<sup>th</sup> December 2012

**Application Number:** 12/02684/FUL

**Decision Due by:** 17th December 2012

**Proposal:** Erection of a two storey side extension with new vehicular access and parking.

**Site Address:** 72 Hill Top Road, **Appendix 1,**

**Ward:** St Clement's Ward

**Agent:** Mr Ben Tanner

**Applicant:** Mr & Mrs Boyns

Called in by Councillors – Jones, Rowley, McCreedy and Price  
for the following reasons:

Overdevelopment, unsympathetic design

---

**Recommendation:**

**APPLICATION BE APPROVED**

For the following reasons:

- 1 The development is considered to form an acceptable visual relationship with the existing building and local area and is unlikely to have a significant effect on the current and future occupants of adjacent properties. Issues relating to landscaping and drainage can be dealt with by conditions of planning permission to ensure the development complies with Policies CP1, CP6, CP8, CP10, CP11, NE15 and HS19 of the adopted Oxford Local Plan 2001 – 2016 and Policies CS11 and CS18 of the Core Strategy.
- 2 A number of comments and objections have been received. The issues raised have been considered in the officer's report and it is considered that the concerns raised are either not so significant as to warrant refusal or that they can be sufficiently mitigated by the conditions imposed.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Amenity no additional windows side,
- 5 Flood and Water Management
- 6 Details excluded submit revised plans parking access and front garden layout, 1204 D 03,
- 7 Tree Protection Plan

### **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

**CP11** - Landscape Design

**NE15** - Loss of Trees and Hedgerows

**TR3** - Car Parking Standards

**HS19** - Privacy & Amenity

#### **Core Strategy**

**CS11\_** - Flooding

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

### **Other Material Considerations:**

- National Planning Policy Framework
- Oxford City Council Planning Design Guide 2 – Side Extension (Design Guide 2)

### **Relevant Site History:**

None relevant

### **Representations Received:**

#### **Statutory Consultees:**

Local Highway Authority: No objection subject to conditions.

Local Drainage Authority: No objection subject to conditions.

#### **Other Comments**

Oxford Civic Society: Overdevelopment and out of character with street. Too large, bulky, confused and unsympathetic.

### **Determining Issues.**

- Making the best use of land
- Visual appearance

- Impact on adjacent occupiers
- Parking
- Trees

### **Officers Assessment:**

#### Site Description and Proposals

1. 72 Hill Top Road is believed to have been constructed around the beginning of the previous century. The building is in part a typical Edwardian style house, with two storey box bay window rising into a front gable with the main roof running parallel to the street. A second element is an unusual castellated feature with flat roof to the front part and behind this, a dual pitched roof that runs perpendicular to the street. This second element may have been constructed as an addition to the original house.
2. Permission is sought to extend the property to the side to nearly double the accommodation and to dig out the existing cellar as additional accommodation. The proposed development would appear as a two storey extension from the street and would incorporate a garage and a secondary “service” door to the front in the form of a further curved feature.

#### Background

3. The proposals were the subject of a Pre Application enquiry as a result of which the extension was revised to make it more subordinate to the existing house; to move the side wall of the extension away from the south eastern boundary; and to amend the roof line so that the extension read more clearly as an addition to the existing house, rather than appearing as a separate property.

#### Making the Best use of Land

4. The National Planning Policy Framework has at its heart a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay where sustainable development is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
5. Policy CP6 of the Local Plan states that development proposals should make efficient use of land by making best use of site capacity in a manner that does not compromise the surrounding area.
6. The proposed development would provide additional and improved accommodation for a dwelling house within the curtilage of the existing large plot and is therefore supportable in principle. The key considerations are therefore whether the additional accommodation has been provided in a manner which accords with the principles of sustainable development and without an unacceptable effect on the surrounding area.

## Visual Appearance

7. The Council expects new development to enhance the quality of the environment, and to this extent Policy CP1 of the Local Plan is central to the purpose. This policy states that all new development should respect the character and appearance of the area. This view is taken a step further in Policies CP8 of the OLP and CS18 of the Core Strategy, which require all new development to demonstrate high quality urban design and ensure that the siting, massing and design creates an appropriate visual relationship with the built form of the local area.
8. The proposed development would be very visible from the public domain. The greater part of the house is set back from the general building line to this side of the street but with a projecting bay aligned with those of its neighbours. In conjunction with the proposed roof line the extension would read as subordinate to the existing house and the painted render and concealed door would help it to appear as an extension rather than as a new infill property. Whilst not a direct reflection of other properties in the area, the proposals are considered to achieve an appropriate visual relationship with the already somewhat unusual house and the proposed changes to the existing dwelling are considered an improvement on the current situation.
9. Subject to a condition of planning permission to control the appearance of materials used in the build and the submission of further details relating to the appearance of the front garden / parking area, 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 OLP and CS18 of the Core Strategy.

## Impact on Adjacent Occupiers

10. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1, CP10 and HS19 of the OLP support this aim. This is supported by Appendix 6 of the OLP which 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 as a detached property is considered unlikely to result in a loss of light to the habitable rooms of surrounding dwellings. Indeed the amendments to the north west boundary may result in a marginal improvement in the situation for number 70 Hill Top Road. Whilst substantial, the projection to the rear relative to the houses on either side means that there is unlikely to be any great material change in circumstances in means of any overbearing appearance or loss of privacy. Overall, and subject to a condition to prevent the insertion of side facing windows, the proposed development is considered unlikely to have a material effect on adjacent occupiers, and the proposal complies with policies CP1, CP10 and HS19 of the OLP.

## Parking



12. Policy CP1 of the OLP 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.
13. The current parking provision is by way of a garage with a depth of approximately five metres and space in front of about the same depth. The proposed extension will create a house with more than four bedrooms with two parking spaces proposed plus the garage. The parking spaces may be of sufficient depth if the garage is not fitted with an up and over style door which would reduce the available space in front of it. It is suggested therefore that further details are required by condition to ensure that the garage and parking area are all of sufficient depth to accommodate vehicles and not protrude over the highway.

### Trees

14. Policy CP1 of the OLP states that where relevant, development proposals must retain and protect important landscape and ecological features and provide for further landscape treatment where appropriate to safeguard the local amenity. NE15 of the OLP states that permission will not be granted for development proposals which include the removal of trees that form part of a development site where this would have a significant adverse impact upon public amenity or ecological interest, whilst NE16 states that permission will not be given for proposals that involves major surgery to, or loss of protected trees unless this can be shown to be good arboricultural practice and any protected tree lost is to be replaced. Policy CP11 also requires that existing trees of significant landscape value are retained, and states that where development is permitted near trees, protection during site works will be necessary and expects these to be required by a condition of planning permission.
15. It is noted that the application includes an arboricultural survey. Following a site visit, officers do not consider the application will result in the loss of trees that would have a significant adverse impact upon public amenity or ecological interest and subject to a condition requiring the implementation of a tree protection plan, the development complies with Policies CP1, CP11 and NE15 of the OLP.

### Drainage and Flooding

16. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk, floodwater flows and flood water storage. The development will result in an increase in the land covered by buildings and hard standing and it is considered that any grant of planning permission should be conditional on the submission and approval of a SUDs compliant drainage plan demonstrating how run off water will be dealt with to avoid additional water

being fed into the existing drainage in the area to avoid an increase in the risk of flooding elsewhere and to ensure the development complies with Policy CS11 of the Core Strategy.

**Conclusion:**

17. 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. Issues relating to landscaping and drainage can be dealt with by conditions of planning permission to ensure the development complies with Policies CP1, CP8, CP10 and HS19 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.

**Human Rights Act 1998**

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

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

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

**Background Papers: 12/02684/FUL**

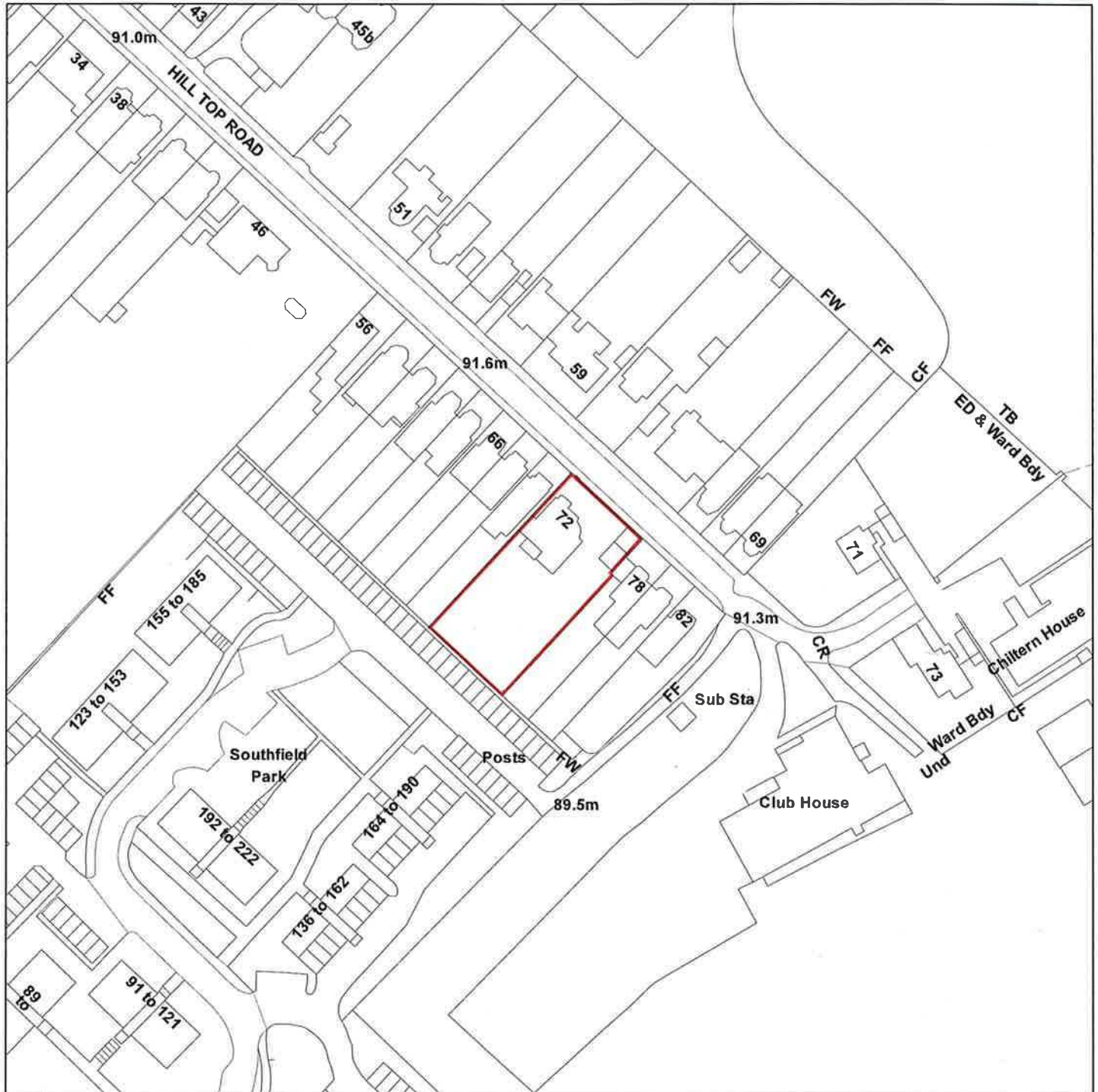
**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 28th November 2012

# 72 Hill Top Road

12/02684/FUL



Scale : 1:1250



Organisation	Not Set
Department	Not Set
Comments	
Date	30 November 2012
SLA Number	LA100019348

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Ordnance Survey 100019348.

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# Agenda Item 10

## Monthly Planning Appeals Performance Update – October 2012

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

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

Table A. BV204 Rolling annual performance (to 31 October 2012)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	10	(30%)	2 (40%)	8 (29%)
Dismissed	23	70%	3 (60%)	20 (71%)
<i>Total BV204 appeals</i>	33		5	28

Table B. BV204: Current Business plan year performance (1 April to 31 October 2012)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	6	(30%)	1 (25%)	5 (31%)
Dismissed	14	70%	3 (75%)	11 (69%)
<i>Total BV204 appeals</i>	20		4	16

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

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

	Appeals	Percentage performance
Allowed	13	(33%)
Dismissed	26	67%
All appeals decided	39	
Withdrawn	1	

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

## Table D Appeals Decided Between 1/10/12 And 31/10/12

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

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
12/00743/EXT	12/00020/NONDET	COMM		ALC	03/10/2012	LITTM	Land To The Rear Of 1 Oxford Road Littlemore	Application to extend the time limit on planning permission 08/02702/FUL for "Proposed 3 storey building containing three houses (1x4 and 2x3 bed) and 3 flats (3x2 bed), new vehicular access to Dudgeon Drive and pedestrian access to Oxford Road. Provision of 9 parking spaces, cycle and bin store."
12/01437/FUL	12/00033/REFUSE	DEL	REF	DIS	26/10/2012	HINKPK	81 Wytham Street Oxford Oxfordshire OX1 4TN	Erection of single storey side extension and single storey rear extension.

**Total Decided: 2**

## TABLE E Appeals Received Between 1/10/12 And 31/10/12

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

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
12/00683/VAR 05/01355/VAR to	12/00044/REFUSE	DELCOM	PER	W	The Carling Academy At Oxford 190 - 194 Cowley Road Oxford Oxfordshire OX4 1UE	STMARY	Application to vary condition 2 of planning permission  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)
12/01457/VAR	12/00041/COND	DEL	PER	W	Grove House Club Grove Street	SUMMTN	Deletion of conditions 8, 9 and 10 to planning (use as 1 x 4-bed dwelling), relating to use of roof terrace, ground and permission 12/00872/FUL contamination residents parking permits respectively.
12/01774/FUL	12/00042/REFUSE	DEL	REF	W	28 Foxwell Drive Oxford	HHLNOR	Erection of two storey side extension to form new 2 bedroom dwelling. Provision of private amenity space and car parking.

## Enforcement Appeals Received Between 1/10/12 And 31/10/12

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

EN CASE NO.	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
12/00394/ENF	12/00043/ENFORC	P	34 Mill Lane Marston Oxford Oxfordshire OX3 0QA	MARST	Appeal against alleged unauthorised subdivision.

Total Received: 1



## WEST AREA PLANNING COMMITTEE

**Wednesday 7 November 2012**

**COUNCILLORS PRESENT:** Councillors Van Nooijen (Chair), Benjamin, Canning, Clack, Khan, Tanner, McCreedy, Wolff, Coulter and Gotch.

**OFFICERS PRESENT:** Murray Hancock (City Development), Michael Morgan (Law and Governance), Nick Worledge (City Development), Robert Lloyd-Sweet (City Development) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

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

Apologies for absence were received from Councillor Colin Cook (substitute Councillor Van Coulter), Councillor John Goddard (substitute Councillor Michael Gotch) and Councillor Graham Jones (substitute Councillor Stuart McCreedy).

Councillor Elise Benjamin chose to abstain from item 8 (Chester Arms, Chester Street 12/02310/FUL) (substitute Councillor Dick Wolff)

### **82. DECLARATIONS OF INTEREST**

None received.

### **83. CHESTER ARMS, CHESTER STREET: 12/02310/FUL**

The Head of City Development has submitted a report which details a planning application for a change of use and conversion from public house (class A4) to a single dwelling house (class C3)

Councillor Benjamin voluntarily abstained from determining this application and was substituted by Councillor Wolff.

In accordance with the criteria for public speaking, the Committee noted that Benedict Pinches, Sarah Wild and Councillor Elise Benjamin spoke against the application and Nik Lyzba spoke in favour of it.

The Committee resolved (by 8 votes to 0) to REJECT the application because it was felt that none of the criteria for a change of use of a public house in Policy RC18 of the Local Plan had been met.

- A realistic effort to market the premises for its existing use had not been made
- Substantial evidence of non-viability had not been submitted; and
- Suitable alternative public house within the locality did not exist to meet the needs of the local community.

The Committee also felt that the application did not meet the criteria of CS20 of the Oxford Core Strategy 2026.

Councillor Benjamin volunteered to represent the Council should this application go to appeal.

**84. 30 BARTLEMAS ROAD - 12/01294/FUL**

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for an extension of basement to form habitable space. Provision of fire escape to front elevation and light well to rear. (Retrospective) (Amended plan)

In accordance with the criteria for public speaking, the Committee noted that Mark Stone spoke against the application and Robert Pope spoke in favour of it.

The Committee resolved (by 6 votes to 3) to APPROVE the application subject to the 4 conditions listed in the report, plus a further condition that the basement should not be occupied as independent residential unit.

**85. LUTHER COURT, LUTHER STREET: 12/01798/FUL & 12/01223/CAC**

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application to:

- 1) Demolish the existing Luther Court housing
- 2) Erect new buildings fronting Thames Street comprising 42 self contained flats (13x1 bed, 29x2 bed) and 82 student study rooms on 5 and 6 storeys. Provision of cycle parking, bin storage and shared amenity areas. Closure of footpath linking Luther Street to Butterwyke Place

In accordance with the criteria for public speaking, the Committee noted that Paul Semple spoke against the application and Mike Cross and Nik Lyzba spoke in favour of it.

The Committee resolved (by 8 votes to 0) to SUPPORT the development in principle but defer the application in order to draw up a legal agreement and delegate to officers the issuing of the notice of permission, subject to the 29 conditions listed in the report and the additional condition:

Details of patient escape route from Luther Medical Centre and how it will be maintained.

Officers to consult Ward Councillors and Chair in regards to decision between parties for the managing of the proposed escape route for patients of the Luther Street Medical Centre.

**86. GROVE STREET CLUB, GROVE STREET: 12/02459/FUL**

The Head of City Development has submitted a report (previously circulated, now appended) which detailed a planning application for the erection of 2x2 bedroom semi-detached dwellings (class C3).

In accordance with the criteria for public speaking, the Committee noted that Laura Campbell and Sara Beck spoke against the application and Joey Webb spoke in favour of it.

The Committee resolved (by 8 votes to 1) to REJECT the planning application on the grounds that the application did not meet the Committee's previous reasons for refusal:

- The proposed development would be unneighbourly due to the lack of privacy and overlooking of the neighbouring properties, especially the kitchen extension of no, 23, and
- The proposed development is considered to constitute over development of the site and results in insufficient private garden and amenity space.

If the application goes to appeal, Councillor Gotch volunteered to represent the Council.

**87. 139 BANBURY ROAD: (ST. CLARE'S COLLEGE): 12/01999/CAC & 12/01997/FUL**

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for:

- (1) Conservation Area Consent for the demolition of existing biology lab, prep room, lean to workshop and store, sheds and 2 domestic greenhouses
- (2) Demolition of existing biology lab, prep room, lean to workshop and store, sheds and 2 domestic greenhouses and erection of new 6 classroom block, workshop and store

In accordance with the criteria for public speaking, the Committee noted that Paula Holloway spoke in favour of the application and no one spoke against it.

The Committee resolved (by 9 votes to 0) to APPROVE the applications for Conservation Area Consent and planning permission subject to the 11 conditions listed in the report.

**88. 220 - 222 COWLEY ROAD: 12/002447/FUL**

The Head of City Development has submitted a report (previously circulated, now appended) which detailed a planning application for a demolition of existing buildings comprising shop, workshop (Use Class B1) and student accommodation. Erection of new buildings to provide replacement retail, offices (Use Class B1), self contained two bedroom flat, and student accommodation (18 student study bedrooms and ancillary accommodation).

In accordance with the criteria for public speaking, the Committee noted that Nik Lyzba spoke in favour of the application and no one spoke against it.

The Committee resolved (by 9 votes to 0) to SUPPORT the application in principle but defer the application in order to allow accompanying legal agreement to be drawn up and delegate to officers the issuing of the planning permission when the legal agreement was completed

## **89. COVERED MARKET, HIGH ST: 12/02432/CT3 & 12/02331/CT3**

The Head of City Development has submitted a report (previously circulated, now appended) which detailed a planning application to seek listed building consent (12/02432/CT3) and advertisement consent (12/02331/CT3) for external alterations to display 4 No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market Street, a high level non illuminated fascia sign in Market Street and 4No. illuminated display boards within the Avenues.

In accordance with the criteria for public speaking, the Committee noted that no one spoke for or against the application.

The Committee resolved (by 8 votes to 1) to DEFER the application as it was felt that the application did not accord with the special character, settings and features of special architectural or historic interest of the listed building.

The Committee felt the advertisements did not suit their visual setting in terms of scale, design, appearance and materials, and that they would not enhance the visual amenity of the building.

## **90. OXFORD HERITAGE ASSETS REGISTER: CRITERIA AND PROCESS**

The Head of City Development submitted a report (previously circulated, now appended) on the proposed Heritage Assets Register for Oxford.

The Heritage Manager presented the report to the Committee and explained that the heritage register was part of a wider area of work to help determine the value of heritage in Oxford. It will assist in robust decision making, will raise public awareness of heritage in the city and will encourage public engagement through the process of registering sites.

The process and criteria for reviewing and determining sites is based on English Heritage's criteria and the proposed methodology will be rolled out across England.

The criteria is a character based assessment focusing on identifying the public significance of heritage asset within Oxford. The Iffley Fields Assessment (appendix c) is what is proposed for each ward. It needs to be publicly consulted on before it can be formally adopted.

The Heritage Officer explained the different levels of heritage protection available:

- Designated assets are assets that meet the national criteria – they don't necessarily respond to local character,
- A Conservation Area provides more flexibility for local character to be considered. They provide a legal level of protection for assets within a geographical area of historical interest.

- The proposed heritage register will not provide any legal protection to sites. It merely will provide added weight to the protection of the sites, as it shows that the public considers them valuable enough to be listed.

The register will only include sites outside of conservation areas as sites within conservation areas are already designated heritage assets with a high level of protection.

The Committee made the following comments on the proposed register, the criteria and process of compiling the list.

- Councillor Benjamin commended the work of the heritage team and endorsed the proposed register for highlighting heritage issues in the City and raising public awareness.
- How will the register be funded? The Heritage team is working on securing additional funding.
- Amendments to the proposed list, it's the Donnington housing estate not Florence Park.

The Committee resolved (by 8 votes to 1) to ENDORSE the proposal for a Heritage Assets Register for Oxford and recommend that the City Executive Board and the Council adopt the proposed criteria and selection process.

At 9pm, the Committee resolved to complete the order of business.

## **91. PLANNING APPEALS**

The Head of City Development submitted a report (previously circulated, now appended) giving details of planning appeals received and determined during September 2012.

The Committee resolved (by 9 votes to 0) to NOTE the planning appeal report

## **92. MINUTES**

The Committee resolved (by 9 votes to 0) to APPROVE the minutes of the meeting held on 10 October 2012 as a true and accurate record.

## **93. FORTHCOMING APPLICATIONS**

The Committee resolved (by 9 votes to 0) to NOTE that the listed planning applications for Worcester College were likely to come to committee's next meeting but that the application at the former Travis Perkins Site, Chapel Street (12/02560/VAR) appeared in error and fell within Officers' delegated powers to determine.

#### **94. DATES OF FUTURE MEETINGS**

The Committee resolved (by 9 votes to 0) to NOTE that the next meeting would be held on Wednesday 12 December 2012.

**The meeting started at 6.00 pm and ended at 9.15 pm**