

Agenda

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West Area Planning Committee

Date: **Wednesday 17 April 2013**

Time: **6.00 pm**

Place: **Assembly Room, Town Hall**

For any further information please contact:

Sarah Claridge, Democratic Services Officer

Telephone: 01865 252402

Email: sclaridge@oxford.gov.uk

West Area Planning Committee

Membership

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

The quorum for this meeting is five members. Substitutes are permitted

HOW TO OBTAIN AGENDA

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AGENDA

	Pages
1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS	
2 DECLARATIONS OF INTEREST	
3 ROGER DUDMAN WAY	1 - 6
<p>The Head of City Development has submitted a report which details the progress made into the investigation of the Roger Dudman Way application (11/02881/FUL)</p> <p><u>Officer recommendation:</u> That the Committee NOTE the position.</p>	
4 UK BATHROOM WAREHOUSE, ABINGDON ROAD: 13/03279/FUL	7 - 30
<p>The Head of City Development has submitted a report which details a planning application to demolish the existing building on site. Erection of 83 bedroom hotel on 3 floors accessed from Abingdon Road. Provision of 45 car parking spaces and bin and cycle storage (Amended and additional plans)</p> <p><u>Officer recommendation:</u> That the Committee REFUSE the planning application for the following reasons:</p> <ol style="list-style-type: none">1. Having regard to the location of the proposed Travelodge in close proximity to the strategic road network, the amount of car parking provided is considered to be inadequate to serve the amount of accommodation proposed. The development would therefore be contrary to policy TR3 and Appendix 3 of the Oxford Local Plan 2001 to 2016.2. In the absence of a legal agreement securing financial contributions towards highways infrastructure, affordable housing, off - site landscaping and public art the proposed development would be contrary to the requirements of policies CP9 and CP14 of the adopted Oxford Local Plan 2001 to 2016; policy CS24 of the Oxford Core Strategy 2026 and accompanying Planning Obligations Supplementary Planning Document in respect of facilities required to mitigate the impact of the development.	
5 10 & 10A BARTLEMAS ROAD: 13/00304/FUL	31 - 40
<p>The Head of City Development has submitted a report which details a planning application for an extension to 10a Bartlemas Road to create a 2 bedroom dwelling. Extension and subdivision of the existing 10 Bartlemas Road to create 2 x 1 bedroom dwellings (to be known as 10 and 10b Bartlemas Road). Removal of workshop in rear garden and provision of shared amenity space</p>	

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Prior to occupation the existing garden building shall be removed
- 5 Bin and Cycle storage
- 6 Limit parking permit eligibility to four permits:

6 55 WOLVERCOTE GREEN: 13/00290/FUL

41 - 48

The Head of City Development has submitted a report which details a planning application to erect a two storey side extension.

Officer recommendation: That the Committee REFUSE the planning application for the following reason:

- 1 The proposed extension features both excessive and inappropriate fenestration on both the front and side elevations which serves to accentuate the substantial scale of the extension and thus fails to respect the character and appearance of the original and uniform terrace in which it is located. Consequently the proposals fail to accord with policies CP1, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policies HP9, HP13 and HP14 of the Sites and Housing Plan.

7 CUTTESLOWE PARK PAVILION: 13-00389-CT3

49 - 54

The Head of City Development has submitted a report which details a planning application to install an external raised metal platform to front and side. Refurbishment works including insertion of windows and doors to create enclosed glazed corridor to front, insertion of windows and doorways, removal of rear windows, installation of public toilets and internal remodelling.

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions:

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

8 PLANNING APPEALS

55 - 60

The report on planning appeals received and determined during February 2013

Officer recommendation: That the Committee NOTE the report.

9 FORTHCOMING APPLICATIONS

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

this meeting.

- Summertown House, Apsley Road: 13/00217/VAR: Refurbishment of student accommodation
- 49 - 51 Jeune Street: 13/00614/FUL: Extension to commercial garage
- ROQ, Walton Street: 12/03279/FUL: Blavatnik School of Government

10 MINUTES

61 - 70

Minutes from the meeting on 13 March 2013 (adjoined and re-convened on 14 March 2013).

Recommendation: That the minutes of the meeting held on 13 March 2013 (adjoined and reconvened on 14 March 2013) be APPROVED as a true and accurate record.

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

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Agenda Item 3

West Area Planning Committee

17th April 2013

Application Number: 11/02881/FUL

Proposal: Extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate units consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 car parking spaces.

Site Address: Castle Mill, Roger Dudman Way.

Ward: Jericho and Osney

Applicant: The University of Oxford

Recommendation: Committee is recommended to note the position.

Background to Report

1. The Committee, at its meeting on 7th February 2013, resolved to NOTE the report of the Head of City Development: Roger Dudman Way: 11/02881/FUL, and
 - To instruct the Head of City Development to negotiate with the University of Oxford in order to ameliorate the size and impact of the development given planning permission under 11/02881/FUL
 - To instruct the Head of City Development to submit a report back to this Committee at the earliest opportunity on the progress of his negotiations, and by the scheduled April 2013 meeting at the latest
 - To establish a working party, to include members of local amenity groups as well as members and officers, to recommend to the Council any changes to procedures or policies which the process of handling and determining the application

Progress to date

2. Following an initial meeting a letter was sent to the Director of Estates at the University on 4th March, **Appendix 1**.
3. A letter in response was received on 22nd March 2013, **Appendix 2**. The letter explains in particular that the University is very much aware of serious concerns that have been expressed and it is keen to investigate mitigating actions. The

letter offers to work with City Council officers to consider potential options in more detail.

4. At the time of writing this work is still underway and it is not possible to report to this meeting on the outcome of that work. Therefore Members are asked to recognise that work is still in progress and that a further report will be brought to its next meeting.
5. In the light of this officers are not able to present to the Committee the full report it would need in order to consider whether or not discontinuance of the planning permission is an option open to the Council. This is because in reassessing the planning merits of the development, the potential for mitigation is one of the relevant material considerations that will need to be taken into account by the Committee.
6. It had been intended to hold the first meeting of the working party requested by the Committee on 27th March 2013. However, officers felt obliged to postpone the meeting in the light of the pre-action protocol letter received to the Council from Protect Rural England (CPRE) threatening Judicial Review, and the extensive interaction between the media and the City Council in recent weeks. It was considered that it would be more appropriate to undertake an assessment of lessons to be learnt after the Council had made a decision with respect of discontinuance and when there is no longer any potential conflicts of interest.
7. Committee is recommended to note the position.

Background Papers: Planning applications 97/00342/NOY, 02/00898/RES, 11/02881/FUL.

Contact Officer: Michael Crofton Briggs

Extension: 2360

Date: 5th April 2013

City Development

Direct Line: 01865 252360

Fax 01865 252144

E-mail: mcrofton-briggs@oxford.gov.uk

APPENDIX 1
St Aldate's Chambers

109-113 St Aldate's

Oxford, OX1 1DS

Central Number: 01865 249811

www.oxford.gov.uk



Paul Goffin
Director of Estates
University of Oxford
The Malthouse
Tidmarsh Lane
Oxford
OX1 1NQ

4th March 2013

Dear Paul Goffin

**Subject: Student Accommodation at Castle Mill, Roger Dudman Way:
11/02881/FUL**

I am writing further to our meeting on 8th February 2013.

As you are aware I presented a report to the City Council's West Area Planning Committee on 7th February to review the current position of the planning permission for this student accommodation. This report had been called for by the Leader of the Council, following a petition to Council on 17th December 2012.

My report to the Committee confirmed that the correct planning procedures had been adopted by the City Council in reaching its decision to grant planning permission and that the Committee came to its decision in a rational fashion bearing in mind all the material circumstances. It also confirmed that there is no evidence that the development is being constructed other than in compliance with the planning permission, or that any other breach of planning control has taken place.

Nevertheless the Committee heard from a number of speakers who made the following points:

- The consultation process was not good enough; the process needs to be improved.
- Planting more trees is not effective mitigation for the height of the building, it will not bring back the skyline only removing the top two storeys of the development will save the skyline.
- Planting the wrong type of trees will damage wetlands. Council should suspend the planting scheme.
- The development is an act of vandalism, it has ruined tourism and the views of the city from Port Meadow
- We need to halt development to preserve Port Meadow for future generations.
- Although revoking permission could be very expensive, the chance of the



developer ordering costs is zero due to the embarrassment of the development

Having considered my report and heard from a number of speakers, the Committee decided to instruct me to negotiate with the University of Oxford in order to ameliorate the size and impact of the development given planning permission under 11/02881/FUL.

At our meeting on Friday 8th February we explored a number of potential approaches that the University might take, starting with a full and costed appraisal of a range of building modifications and mitigation options.

Our conversation evolved into the importance of a higher level discussion between our two organisations and the scope for further partnership building and the consequential consideration of organisational reputations.

I emphasised that I had to report back to the Committee on our discussions and on the wider work that might be undertaken as a result of their decisions by April at the latest.

The purpose of this letter is to seek a written response that I use to report back to the West Area Planning Committee on 17th April. I trust you or an appropriate representative from the University will be able to attend this meeting. If it would be helpful for us to meet again I would be happy to do so, and both David Edwards, the Executive Director for City Development, and Councillor Bob Price, the Leader of the Council would be willing to take part in any further discussions that we undertake.

Yours sincerely

M Crofton Briggs
Head of City Development



ESTATES SERVICES

The Malthouse, Tidmarsh Lane, Oxford OX1 1NQ
 Tel: +44(0)1865 278750 Fax: +44(0)1865 278792
estates.reception@admin.ox.ac.uk www.admin.ox.ac.uk/estates/

Paul F. Goffin, BSc MSc FRICS, Director of Estates
 Tel: 01865 278751 paulf.goffin@admin.ox.ac.uk



Michael Crofton-Briggs
 Oxford City Council – City Development
 St Aldate's Chambers
 109-113 St Aldates
 Oxford OX1 1DS

22 March 2013

Dear Mr Crofton-Briggs

**Student Accommodation at Castle Mill, Roger Dudman Way, Oxford
 11/02881/FUL**

Thank you for your letter of 4th March 2013 which was sent following our meeting on 8th February 2013.

In your letter you highlight a number of issues arising from the City Council's West Area Planning Committee meeting, held on 7th February 2013, which included key points raised by speakers at the meeting. You noted also that the Committee had decided to instruct you to "negotiate with the University of Oxford in order to ameliorate the size and impact of the development" with the intent of reporting back to the Committee at its meeting on 17th April 2013. With the aim of assisting you with that report, you have asked for our written response to the various matters raised.

As indicated in your earlier report to Committee on 7th February, the correct planning procedures have been followed with regard to the development. The buildings are being constructed in strict accordance with the plans and details approved by the Planning Committee on 15th February 2012, and the effect of the development, including the views over Port Meadow, was considered by the Planning Officer in the report to Committee, and by members at the Committee meeting.

Various suggestions have been made over recent weeks to reduce the height of some of the buildings by changing the pitched roofs to flat roofs or by removing one or two floors from the buildings. It is not practicable to change the roof form since the pitched roofs contain a large amount of vital services for the buildings. The removal of floors, although being structurally possible, would be extremely difficult to achieve at this stage and would involve a major redesign and rebuild. In addition, any removal of floors would also significantly reduce the student accommodation within the scheme which would have a major impact on the University's ability to comply with the City Council's strict limit on student numbers in privately rented accommodation.

Making such major modifications at this late stage to the largely completed buildings will have major cost implications. We have not undertaken any detailed work, but the costs will be significant and certainly between £10m and £20m when also taking into account the other consequential costs, such as loss of rent.



The University is a charity, with the charitable objective of the advancement of learning by teaching and research. It would be an inappropriate use of charitable funds to incur costs of this magnitude in relation to a scheme which has planning approval and which helps to address the City Council's longstanding requirement for increased student accommodation in the city. Therefore the University will not voluntarily reduce the heights of these buildings.

The University is however very much aware that there have been some serious concerns expressed by certain parts of the community and we are keen to investigate mitigating actions that could be reasonably taken to ameliorate any adverse impacts. We would be comfortable in considering options for further on-site and off-site landscaping, including the possibility of the application in some areas of 'green walls'. We would be willing to work with the relevant officers of the Council to consider these options in more detail.

You will recall that we did change the colour of the render finish and the roofs when the Planning Condition for the colours of materials was approved by the Planning Officer and we would anticipate that no further changes to these approved details is necessary.

A point was raised at the meeting on the 7th February regarding light pollution onto Port Meadow. We have considered this point, and as all of the bedrooms will have window blinds and/or curtains fitted we do not consider that any further mitigation, such as window film, would be necessary or appropriate.

We also note that some concern has been expressed regarding the level of consultation in regard to the development. In this case we believe that we exceeded the normal expectation in regard to consultation, a policy that we follow in regard to all our developments. We are however very happy to participate in any discussion about improvements to this process, both for the preparation of statements of community involvement, and during the application process itself.

Finally, we are also very aware of the City Council's desire to complete the further stage of the 'Views Study' for Oxford, which should more clearly define expectations regarding how the impact of proposed developments should be assessed. I would confirm the University's keen desire to be involved in and contribute to this study.

I think that it would be helpful for us to meet again once you have had an opportunity to consider this letter and I would suggest that we endeavour to arrange a meeting for soon after the Easter break.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paul Goffin', written over a light blue horizontal line.

Paul Goffin,
Director of Estates.

West Area Planning Committees

- 17th April 2013

Application Number: 12/03279/FUL

Decision Due by: 5th April 2013

Proposal: Demolition of existing building on site. Erection of 83 bedroom hotel on 3 floors accessed from Abingdon Road. Provision of 45 car parking spaces and bin and cycle storage (Amended and additional plans)

Site Address: UK Bathroom Warehouse Abingdon Road, **Appendix 1.**

Ward: Hinksey Park

Agent: Kemp And Kemp

Applicant: Anglo Holt Construction

Recommendation: Planning permission be REFUSED.

Reasons for Refusal

1. Having regard to the location of the proposed Travelodge in close proximity to the strategic road network, the amount of car parking provided is considered to be inadequate to serve the amount of accommodation proposed. The development would therefore be contrary to policy TR3 and Appendix 3 of the Oxford Local Plan 2001 to 2016.
2. In the absence of a legal agreement securing financial contributions towards highways infrastructure, affordable housing, off - site landscaping and public art the proposed development would be contrary to the requirements of policies CP9 and CP14 of the adopted Oxford Local Plan 2001 to 2016; policy CS24 of the Oxford Core Strategy 2026 and accompanying Planning Obligations Supplementary Planning Document in respect of facilities required to mitigate the impact of the development.

NB: Notwithstanding the recommendation to refuse planning permission, if committee is nevertheless minded to support the proposals, then the application should be deferred in order to complete an accompanying legal agreement securing the following:-

1. Highways infrastructure: £26,600.
2. Affordable housing: £10,009.
3. Off - site landscaping: £12,000.
4. Public art: £15,785.

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
CP14 - Public Art
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP22 - Contaminated Land
TR1 - Transport Assessment
TR2 - Travel Plans
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR9 - Park & Ride
TR14 - Servicing Arrangements
NE15 - Loss of Trees and Hedgerows
NE23 - Habitat Creation in New Developments
TA4 - Tourist Accommodation

Core Strategy

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS10 - Waste and recycling
CS11 - Flooding
CS12 - Biodiversity
CS13 - Supporting access to new development
CS14 - Supporting city-wide movement
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS24 - Affordable housing
CS28 - Employment sites
CS32 - Sustainable tourism

Other Policy Documents.

1. Planning Obligations Supplementary Planning Document (SPD).
2. Affordable Housing SPD.
3. Natural Resource Impact Analysis (NRIA) SPD.
4. Parking Standards, Transport Assessments & Travel Plans SPD.
5. National Planning Policy Framework (NPPF).

Public Consultation

Statutory Bodies:

- Oxfordshire County Council: Highways: Following comments on previous proposal 12/00249/FUL, Highway Authority are concerned regarding lack of car parking on site; hotel is within easy reach of A.34 trunk road but 2km from city centre and railway station, suggesting most customers will arrive by car, for both tourist and business purposes; hotel anticipates 80% occupancy but there will no doubt be times when it will seek 100% occupancy; Park and Ride is aimed at relieving problems in town centre; allowing developments which potentially attract high car numbers near Park and Ride is likely to encourage use of facilities for which it was not designed, contrary to the spirit and strategy of these facilities; no supporting information provided to support the amount of car parking proposed; Highway Authority consider that at such a location any hotel / motel 1 parking space per bedroom is provided to ensure parking is restricted to development itself; in the absence of such provision, Highway Authority object to proposals.
- Oxfordshire County Council: Drainage: Development should incorporate SUDS systems, soakaways, porous parking area and/or green roof.
- Environment Agency: (i): Flood storage design does not adequately prove there would be no loss of floodplain storage; floodplain compensation including use of voids and stilts should be designed to fill and drain naturally; proposed voids along one side of building would not function this way. (ii): Updated flood storage design will not lead to loss of flood storage capacity; if permitted conditions suggested on work being undertaken in accordance with Flood Risk Assessment submitted; details being submitted for approval to address ground contamination, surface water disposal and any piling methods proposed. With conditions in place objection withdrawn.
- Environmental Development: Site adjacent to large area of historic landfill; condition recommended to ensure site investigation and any required remediation

Third Parties:

- Oxford Preservation Trust: Council should act with caution in relation to views from outside the city, and from Cold Harbour and Weirs Mill Stream; building should be smaller in height and size with changes to primary façade to Abingdon Road which is out of character and intrusive at the entrance to the city from the south; application should be refused and applicants requested to refine proposals to minimise visual impact.

Officers' Assessment

Background to Case

1. The application site consists of a rectangular parcel of land measuring approximately 0.21 ha. (0.5 acre) located at the junction of Abingdon Road and Old Abingdon Road. **Appendix 1** refers. Immediately to the south and west is the Redbridge Park and Ride site. Access is taken from Old Abingdon Road a short distance west of the junction. The site is currently occupied by a single storey building housing a bathroom warehouse, having previously been a car showroom.

2. Although the existing building has existed on the site for a number of years, since 2000 there have been several planning applications to redevelop the site. The first was in 2001 when application 01/01371/NFY sought to demolish the car showroom building and construct in its place a 3 storey office building consisting of 2,431 sq m of office accommodation served by 67 car parking spaces. The application was not permitted however but refused planning permission on the basis that commercial office development would be contrary to policies of employment restraint in operation at the time and that the building was overlarge in its context, being adjacent to open land and the Oxford Green Belt. The case was appealed but dismissed, the Inspector not accepting the arguments in relation to employment restraint, but concurring with the local planning authority that the building was overlarge in its context.
3. Subsequently a scaled down proposal for offices was submitted in 2003 under reference 03/01773/FUL. This was for 1,712 sq m of office accommodation on two floors served by some 36 car parking spaces and 40 cycle spaces. The application was granted planning permission, and although details were submitted subsequently in compliance with imposed conditions, the development has not been completed. As a start had been made on site however then the permission remains “extant” and could be completed without the need of a further permission.
4. More recently a similar proposal to the current application, also for a Travelodge with 83 bedrooms and 45 car parking spaces was submitted under reference 12/00249/FUL. The application was refused at West Area Planning Committee in July 2012 for the following reasons:

(i): Having regard to its height, mass, layout and overall appearance the proposed development would constitute an overlarge and over dominant feature at a prominent location at the southern edge of the city, close to open land and Oxford Green Belt. The development would therefore be contrary to policies CP1, CP8 and CP9 of the Oxford Local Plan 2001 to 2016 and policy CS18 of the Oxford Core Strategy 2026.

(ii): Having regard to the location of the proposed Travelodge in close proximity to the strategic road network, the amount of car parking provided is considered to be inadequate to serve the amount of accommodation proposed. The development would therefore be contrary to policy TR3 and Appendix 3 of the Oxford Local Plan 2001 to 2016.

Current Proposal

5. This latest proposal is similar to the Travelodge previously proposed and again proposes 83 bedrooms served by 45 car parking spaces in 2475 sq m of accommodation. However this latest proposal would possess a slightly modified footprint, allowing the accommodation to be distributed on 3 floors only, unlike the previous case which would have possessed some 6 bedrooms at a third floor level at its northern end where the building addresses the corner of Abingdon Road and Old Abingdon Road. Again lift access is provided to all

levels. At ground floor level a breakfast area is indicated with 48 covers plus an informal seating area adjacent to the reception area. No meeting rooms or other facilities are proposed. Of the bedrooms, four are to full disabled standard, two rooms being located on each of the first and second floors. Four of the 45 car parking spaces are for disabled use, with covered cycle parking provision for 10 cycles.

6. There are a number of trees which would be required to be lost to allow the development to proceed, though mitigation is offered through replacement planting. Access would continue to be from Old Abingdon Road as now. As the building would be located closer to its Abingdon Road boundary than is currently the case with the bathroom warehouse, then that planting would be in the adjacent highway verge. A financial contribution of £12,000 is offered accordingly.
7. Subject to all other material considerations Local Plan policy supports the provision of short stay visitor accommodation on the principal radial routes into the city, including Abingdon Road. Moreover although the planning permission for office use had commenced on site, only a minimal amount of work was undertaken and therefore there is no actual loss of employment land involved in these proposals. The small amount of employment at the bathroom centre would be matched by that at the Travelodge where it would be intended to employ 4 full - time and 15 part time staff.
8. As with the previous application, Officers consider the key determining issues in this case to be:
 - highways, access and parking;
 - scale and form of development;
 - landscaping;
 - flood risk; and
 - sustainability

Highways, Access and Parking

9. As with the previous planning application refused permission in 2012, vehicular access to the application site is taken via Old Abingdon Road approximately 45m from the controlled junction with the A.4144 Abingdon Road. Entrance to the car park is from the western side of the site to some 45 car parking spaces, including 4 for disabled use. Covered cycle parking is provided for 10 cycles adjacent to the entrance to the Travelodge building. Again as previously, a transport assessment accompanying the planning application assessed the additional amount of traffic through the controlled junction to amount to 11 movements in the morning peak and 4 in the evening peak. This increase in traffic generation was described previously by the Highway Authority as minimal and to have no material impact on the workings of the junction. Nevertheless in the event of planning permission being granted, then due to the overall increase in traffic movements compared to existing conditions a contribution would be sought by the Highway Authority towards highways infrastructure in line with the Planning Obligations SPD. The applicant is agreeable to such a contribution.

10. In terms of the level of car parking provision, the requirement within the adopted Local Plan distinguishes between hotels and motels. Although there is no definition of either within the Plan, officers would consider a motel to be a specialist form of hotel with limited facilities catering predominantly for car borne guests. Accordingly the parking requirement for motels is set at 1 space per bedroom, and for hotels at 1 space per 2 bedrooms plus 1 space per 2 resident staff. In this case 45 car parking spaces are provided to serve 83 bedrooms. Throughout negotiations with officers the applicant has insisted that the proposed Travelodge at this location should be regarded as a hotel rather than motel and therefore attract only the lower parking requirement, or 42 spaces as no resident staff are envisaged in this case. In this regard it is noted that other hotels on the periphery of the city possess a far greater ratio of car parking spaces to bedrooms than proposed here, whilst accepting that they may also provide additional facilities.
11. More important however than any precise label to be attached to the proposed Travelodge are the actual circumstances pertaining to this particular case. In this regard the proposed Travelodge would possess limited facilities and be sited at a highly accessible position on the strategic road network, being located in close proximity to the Southern By Pass / Oxford Ring Road, A.423 Henley road, and A34 trunk road. Officers are therefore of the view that it would be most attractive to car borne customers, whether business customers, tourists or other guests. Whilst it is acknowledged that a proportion of guests may arrive by modes other than the private car, in view of the excellent accessibility by road and 3km distance from the city centre railway and bus stations, it is envisaged that such guests would represent only a very small proportion of the total. It is recognised however that following their arrival guests seeking access to the city centre may use public transport rather than the private vehicle they may have arrived in.
12. Previously the transport assessment accompanying the earlier planning application made comparison between the parking needs of the proposed development and what was considered to be the company's most similar establishment located in Manchester. Neither the Planning nor Highways Authority considered that case to be comparable to the current one however as it was located at a more central site with other important differences. In the absence of convincing arguments to the contrary officers concluded therefore that insufficient parking was available to serve the development and recommended committee to refuse planning permission for that reason. That recommendation was accepted.
13. As a consequence, in pre application discussions in relation to this latest application the applicant was advised either that parking levels should be increased from the standard of 1 space per 2 bedrooms in view of its peripheral location with one space per bedroom as the starting point, or cogent arguments tabled demonstrating conclusively that the intended level of car parking proposed would be sufficient to serve an 83 bedroomed facility. It was envisaged that such evidence might include reference to other

Travelodge establishments at similar edge of town or out of town locations. In the event no additional car parking has been proposed on site, and no evidence produced that 45 spaces would be sufficient to meet all envisaged parking and servicing requirements. As such officers are drawn to the same conclusion as to the 2012 application.

14. Whilst City and County Councils are committed to policies of traffic and parking restraint, concerns remain that with 45 car parking spaces only provided for 83 double rooms then at certain times the potential exists for car parking to spill over into Redbridge Park and Ride or uncontrolled residential streets nearby such as Bertie Place. Such a potential is especially so if as previously advised the Travelodge may seek to charge its customers separately for car parking at a price equivalent to Park and Ride charges. The applicants have been advised that officers cannot support the use of Park and Ride for these purposes as it is a facility specifically intended to serve city centre not local needs and has steadily grown in usage over the years and continues to do so. Their use for purposes other than serving city centre needs would seriously erode their function and the City and County Councils' long held policies of city centre parking and traffic restraint. Rather developments of all sorts at peripheral locations are required to meet their parking requirements on their own site.
15. In response to officers' concerns the applicant has submitted a legal opinion which argues that there are benefits from the proposals and that there should be a presumption in favour of the development. It goes on to indicate that the NPPF requires that any detriment from the development would have to be severe to justify refusal of planning permission, and that there is no evidence that parking problems would occur. Even if there were insufficient parking available on site at various times the opinion suggests that it would be legitimate that Redbridge Park and Ride be used as overspill. Officers do not accept these arguments. There are parking guidelines attached to the adopted Local Plan which have been subject to examination before adoption, and it is legitimate to apply them accordingly. In this case the issue is confused to an extent as the applicant insists the development is a hotel not motel in terms of parking requirements and that only the lower standard in the former should apply. Officers are cognisant however of the site's peripheral location in close proximity to the strategic road network and its 3km distance from the city centre railway and bus stations. For these reasons it is felt that a higher standard than 1 per 2 bedrooms as required for hotels should apply. In any event an opportunity has been provided for evidence to be brought forward that a lower standard would be sufficient, but has not been responded to.
16. For all these reasons Planning and Highways officers remain of the view that too little car parking is provided to serve the proposed Travelodge and that the development cannot therefore be supported.
17. In terms of cycle parking, as 11.5 full time equivalent staff are intended to be employed (4 full time, 15 part time), then the Local Plan requirement for 1 cycle space per 5 non residential staff is met. However officers had advised

that some additional provision be made to encourage staff to cycle to their place of work if possible and to cater for any very occasional guest who arrives by cycle. The provision of 10 cycle stands is therefore welcomed. As suggested the cycle parking is shown in covered, secure conditions. If the application gains planning permission further details of the structure would be requested.

Scale and Form of Development

18. The application site is located at the southern edge of the built up area of the city on a principal radial route and in close proximity to the Southern By Pass / Ring Road. To its north are residential areas whilst in other directions open land. To the south and west is the large Redbridge Park and Ride site which is generally well screened by perimeter planting, whilst to the east beyond the Abingdon Road are fields and meadowland leading to the River Thames and its tributaries within the Oxford Green Belt. The application site therefore occupies a prominent position at the southern entry to the city.
19. The proposed Travelodge is rectangular in shape within a rectangular site, as previously extending along its eastern boundary facing Abingdon Road in a linear fashion. Entrance to the reception area of the building is taken from its north - west corner through two alternative sets of doors located in the western elevation facing the car park and northern elevation facing Old Abingdon Road. The building would be constructed on 3 floors under a shallow pitched undulating roof, probably of a standing seam metal construction. Powder coated aluminium windows with a vertical emphasis are positioned in a rhythmical arrangement along the long elevations to east and west, but with windows offset at each level rather than being vertically aligned. Interspersed with the windows are cladding panels of the same size and proportions as for the upper floor windows with a red / orange brick plinth at ground floor level. The panelling is indicated to be of pastel shades, the colours intended to break up the mass of the building; to contrast with the red / orange brickwork at ground floor level; and in order to create more colour, interest and variety into the facades of the building. The precise choice of colours for cladding and brickwork would be subject to condition if the development were permitted.
20. At the northern end where the entrances to the building are located, the distinctive rhythm of the main facades is interrupted by full height brickwork with the roof extending to its highest point, emphasising the building's corner location. In addition to the entrances, at the north - east edge of the building the brickwork gives way to vertical glazing and panelling rising over two floors and more where the main stairs would be located.
21. The building displays an undulating pitched roof which generally extends to between 10.0m and 11.0m in height, other than at the more prominent northern end where it reaches a height of 13.0m. The pitched roof not only adds more interest to the building compared to the refused proposal, but also provides functional space to locate lift overruns, plus servicing plant and equipment. Although the overall height of the building is a little greater than

in the refused proposal of 2012, it is in a form which seeks to reduce and break down its apparent bulk, scale and mass, and does not now include a partial fourth floor of accommodation. The architect indicates that the general roof heights respond to those at Gordon Woodward Way to the east of Abingdon Road where flats on 3 or 3.5 levels attain a height of 11.4m to ridge in many cases.

22. A comparison of the building heights and other features of the proposed development with those of previous proposals at this site is attached as **Appendix 2**, and in this regard the 2002 appeal decision where a larger development of commercial offices was dismissed by the Planning Inspectorate is a material consideration. In respect of that appeal the Inspector had concluded in terms of the impact of the development on the character of its surroundings:

“While the relationship of the appeal building to the nearby houses is acceptable in terms of height and scale, I consider that its impact on the open, green and low key character of the wider surroundings would be harmful. This would be particularly so because of the height and mass of the building and the fact that most of the site would be enclosed to form the ground floor parking area. Minimal space would be left on the eastern side for tree planting and the landscaped area on the northern side would not be generous. In my opinion this would make the development appear stark and over dominant by comparison with the green and open surroundings which characterise this area. The proposed building would intrude into views from the Green Belt and take away from its open character. For these reasons, I consider that the impact of the proposal on its surroundings would fail to accord with SP policy G2 and LP policy EN76 such that permission should be refused.”

23. The full text of the appeal decision is attached as **Appendix 3**. Whilst it is acknowledged that the Inspector’s decision was made some 11 years ago, it remains relevant and indeed recent advice in the National Planning Policy Framework (NPPF) emphasises the importance attached to good design and that innovation, originality and initiative should not be stifled. Rather evaluation of proposals should concentrate on guiding principles of scale, density, massing, height, landscape, layout, materials and access.
24. In relation to the refused application for a Travelodge at this location last year, officers had advised that that development would be located at a prominent position in an area which enjoys an open character, and that it would not abut other buildings but would stand alone. That development was described by officers as not being innovative or original in concept which the site demanded, but rather would lack character and distinctiveness as a consequence, for example, of its regularity of form in its flat roof structure and its use of square window types in a grid fashion throughout. This led to the building possessing only a rather utilitarian appearance. It was concluded that at such a prominent site the development could not therefore be supported by officers.

25. This latest application has sought to address these deficiencies by proposing a building of materials and form which would better address its surroundings and neighbours than previously, whilst not seeking to imitate any particular architectural language to be seen in the vicinity in what remains a stand alone building. To that extent it represents a more distinctive and original contemporary structure which better identifies this southern entrance point to the built up city than the existing bathroom warehouse or previous proposals for the site. Whilst the fenestration retains a horizontal rhythm, being offset and interspersed with coloured cladding panels rather than within a fixed grid at all levels, an element of visual interest merges where previously there was a certain monotony. Moreover the building, (and perhaps its shallow pitched undulating roof in particular), adds diversity of form as it rises at its northern end to address the junction of Abingdon Road with Old Abingdon Road. Or in the architects own words, *"...ripples then rises to the corner to address the junction and herald the entrance to the hotel"*.
26. All that said the building as now proposed is in the main slightly taller in height than the refused 2012 application, though without the partial third floor of accommodation previously proposed. Overall Officers have concluded that in terms of its presence at this prominent site, the proposal represents a more suitable development than the previous one with any marginal increase in height offset by its more appropriate, contemporary and original appearance and use of materials. These matters are required to be weighed in the balance however along with all other material considerations. Officers have formed the view, on balance, that the changes to the design and built form are now sufficient to consider them and the relationship of the proposed building to its immediate environment as acceptable, and do not propose to oppose the development on these grounds. Nevertheless, as this is a matter of judgement, members will need to reach their own conclusions but within the context of the officers' recommendation.

Trees and Landscaping

27. The application site is located at the southern edge of the city and some 12 trees of various sizes and species currently exist on the site or in its immediate environs. These consist of 3 willows, 6 cherries, 1 pear, 1 crab apple and 1 cotoneaster. These have been surveyed using British Standards recommendations in respect of trees in relation new buildings with 3 being assessed as category B (where retention is desirable) and 9 category C (trees which could be retained). In these proposals 10 are proposed for removal with 2 only retained, two category B willows along the southern boundary to the south - west corner. These two willows have a life expectancy in the range of 20 to 40 years. This varies from the 2012 proposal only in that the category C pear tree to the north - west corner previously intended for retention is now removed to allow car parking at this location.
28. Of particular concern however is the loss of the prominent weeping willow to the south - east corner of the site. This category B tree is the most significant specimen on the site, also with a life expectancy in the range of 20 to 40 years.

It was retained in the extant office development and ideally Officers feel it should be retained in these proposals. The applicant argues however that it cannot be incorporated into the development without a major redesign which would make the development unviable.

29. Whilst these losses, particularly the weeping willow, are regretted, and there is little or no scope for new planting within the application site as proposed, they can be mitigated by new planting within the adjacent highway verge to the north and east. To this end the applicant is prepared to contribute £12,000 towards off site planting which would allow 12 new trees to be planted and maintained by City and County Councils for the future. No objection was previously raised to such an arrangement.

Flood Risk

30. The application site is located within Flood Zone 2 as defined by the Environment Agency which equates to a medium risk of flooding. The site was in fact flooded in the worse recorded flood of 1947 but not in more recent flood events. Moreover since the 2007 flood various localised flood mitigation measures have been carried out in the vicinity by the Oxford Area Flood Partnership. Existing ground levels within the site are within the range of 55.90 AOD to 56.30 AOD.
31. In these proposals it is intended that the finished floor level to the building would be set at 56.50 AOD, or over 300 mm above the 1 in 100 year flood event level of 56.14 AOD with allowance for climate change. This would protect the building from flooding itself. In order to not increase flood risk elsewhere ground levels would be reduced below the building to compensate for a small loss of flood storage in levelling the site. This would increase the flood storage capacity of the site slightly by a net volume of 130 cu m. Voids would also be created beneath the building to allow floodwater to move freely under it in an extreme flood event. This is achieved by placing 1.4m openings with grills at intervals around the external walls to the building aligning with windows above. In a 1 in 100 year event with climate change the car park would then be flooded but would still allow evacuation of the building in accordance with an Evacuation Plan to be drawn up. In any event the site is vulnerable to fluvial rather than flash flooding, giving good prior warning of the onset of flood conditions.
32. These provisions are similar to those proposed in relation to the previous Travelodge application, and are not opposed by the Environment Agency, subject to appropriate conditions being imposed in the event of permission being granted.

Sustainability

33. An Energy Strategy Report and Natural Resource Impact Analysis accompany the planning application. Although a partial air source heat pump system is contemplated in terms of on - site renewable energy plus a gas fired CHP system, generally the emphasis of the development in sustainability terms is in

incorporating energy efficiency measures into the building wherever possible. This is achieved by minimising energy consumption through passive measures; by utilising efficient building services; and including low and zero carbon technologies. This translates into the use of naturally ventilated double glazed window units throughout with mechanical ventilation only required in specific areas such as the breakfast area. Insulation and air permeability would meet or exceed Building Control requirements with low energy lighting and control systems in place throughout. All appliances would be A rated.

34. Timber would be sourced from a Forestry Stewardship Council (FSC) supplier. Other materials would be sourced from the UK wherever possible, with the demolished building reused as aggregate. A site waste management plan would be operated with recycling facilities on site. Dual flush WCs and low flow water systems would be utilised throughout.
35. With these features in place an overall a score of 7 out of a possible 11 is achieved on the NRIA with the minimum score exceeded in each of the categories of energy efficiency, renewables, use of materials and water resources.

Other Matters

36. Planning Obligations in the Event of Approval. Notwithstanding the recommendation at the head of this report that planning permission be refused, if committee is nevertheless minded to grant planning permission, then various contributions are payable in line with the requirements of the adopted Planning Obligations Supplementary Planning Document (SPD). The applicant is agreeable to such contributions. In addition a further sum has been agreed with the applicant for off - site tree planting and landscaping in the highway verges adjacent to the development as mitigation for the trees lost to construction. The contributions would be as follows, index linked:
- Highways infrastructure: £26,600.
 - Affordable housing: £10,009.
 - Off - site landscaping: £12,000.
 - Public art: £15,785.
37. Biodiversity. A phase 1 habitat survey of the application site undertaken in November 2011 indicated no evidence of protected species or reptiles, and only low potential for bat roosts. The existing trees on site, especially the willows, provide some potential habitats for bird life. In the event of planning permission being granted mitigation of the lost trees is provided by new tree planting whilst bird and bat boxes can be incorporated into the development, secured by condition.

Conclusion

38. Whilst the provision of low cost visitor accommodation can generally be supported along the main radial routes into the city centre, in this case the development is sited at a highly prominent location close the strategic road

network. Planning and Highways Officers assess it will therefore be most attractive to car borne guests where a parking standard of 1 space per 2 bedrooms is considered to be insufficient to respond to the demands likely to be put upon an 83 bed Travelodge, especially at busy periods. With the central bus station and railway station 3km away to the north it is judged that only a minority of guests would be arriving by public transport. Nor has there been any evidence produced by the applicant to suggest that 45 car parking spaces only would be sufficient to meet its needs. Moreover use of the adjacent Redbridge Park and Ride car park as overspill is not appropriate as it is a facility specifically to serve city centre needs, and in any event developments at non - central locations are expected to provide all their parking and servicing requirements on their own land.

39. For the reasons indicated, Officers have concluded that the planning application cannot be supported.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: Applications 01/01371/NFY, 03/01773/FUL, 12/00249/FUL, 12/0329/FUL.

Contact Officer: Murray Hancock

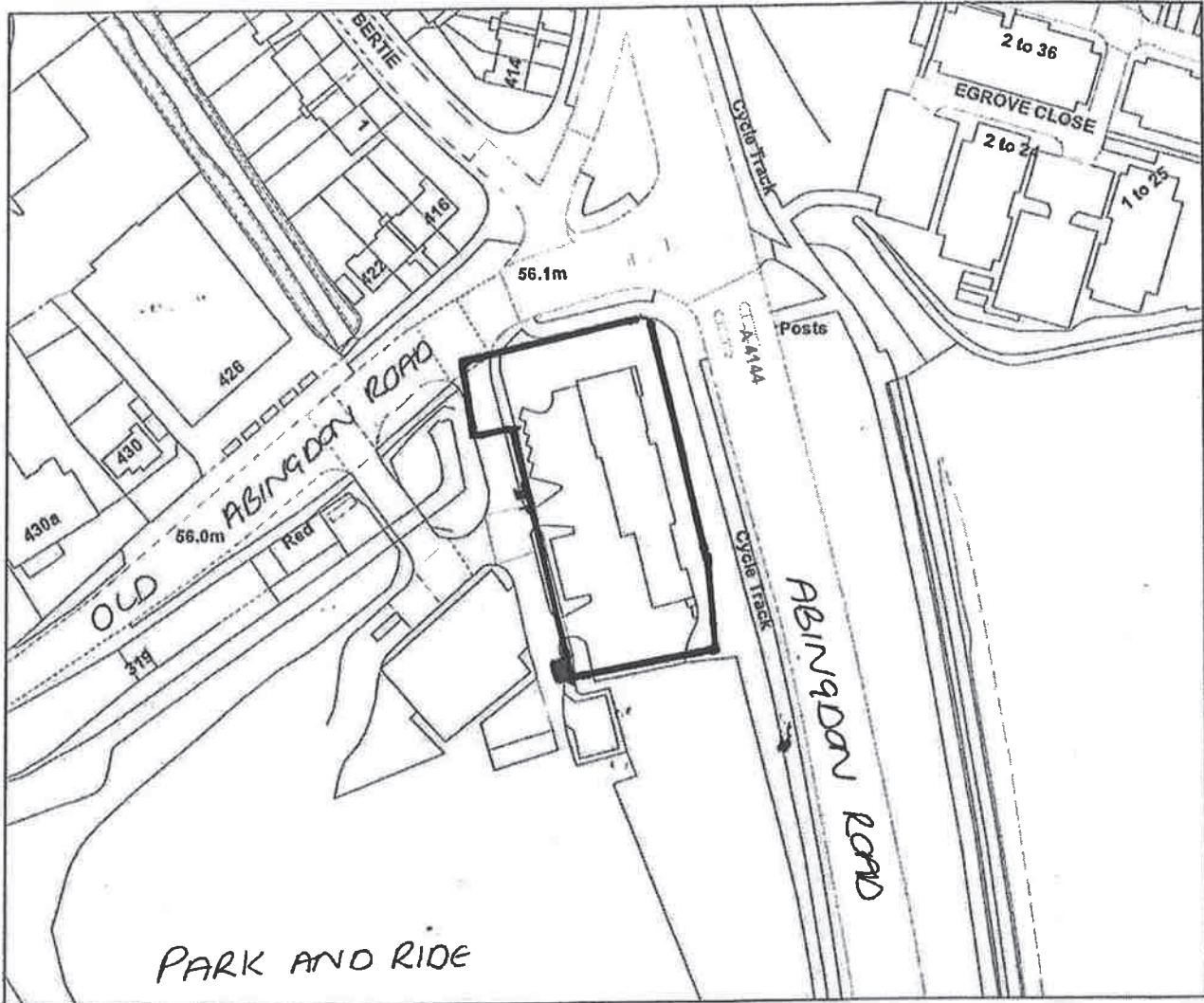
Extension: 2153

Date: 5th April 2013

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Former Motor World, Abingdon Road



Legend

Scale: 1:1250



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Organisation	Oxford City Council
Department	Planning
Comments	
Date	28 June 2012
SLA Number	100019348

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Appendix 2: Comparison with Previous Proposals at Application Site

	Floors	Height to Highest Point (m)	General Height (m)	Total Floor-space (sq.m)	Footprint (sq.m)	Car Parking Spaces	Cycle Parking Spaces
Dismissed: Office Development (01/01371/NFY)	3	15.0	11.0	4,400	1,775	67	0
Permitted: Office Development (03/01773/FUL)	2	9.7	9.0	1,712	818	36	40
Refused Travelodge Application (12/00249/FUL)	3 & 4	12.5	9.8	2,475	780	45	4
Current Travelodge Application (12/03279/FUL)	3	13.0	10.0 – 11.0m	2,475	825	45	10



Appeal Decision

Inquiry held on 3 & 4 October 2002

Site visit made on 4 October 2002

by Mrs J Jones MA DipTP MRTPI

an Inspector appointed by the First Secretary of State

APPENDIX 3

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date
24 OCT 2002

Appeal Ref: APP/G3110/A/02/1088788

Former Motorworld Garage, Abingdon Road, Oxford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Jewson Holdings Limited against the decision of Oxford City Council.
- The application Ref. 01/01371/NFY, dated 24 July 2001, was refused by notice dated 28 March 2002.
- The development proposed is the erection of 2856 square metres of B1 office development with associated car parking, access and landscaping.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The proposal was amended by the submission of revised drawings numbers 01015/205, 210 and 211 on 18 October 2001. These reduced the floorspace to some 2431 square metres with changes to the size and appearance of the building and a reduction in the number of parking spaces to 67. This is the scheme which was considered by the Council and is the subject of this appeal.
2. At the Inquiry, drawing 01015/205A was submitted, together with an amended location plan, to provide for a slight variation in the position of the site boundary in relation to the landscaped area fronting Abingdon Road. The Council considers that this does not significantly alter the substance of the application and I shall deal with the appeal on this basis.

Background to proposal

3. The appeal site was formerly used for car sales and servicing, a sui generis use, but is now occupied on a short lease by a bathroom sales business. It has an area of some 0.243ha, containing a single storey showroom building with workshops and a car park to the rear. It adjoins the large Redbridge park and ride site with two storey houses on the other side of Old Abingdon Road. It has a frontage to the A4144 Abingdon Road across a grass verge and cycle track. Beyond this road is open land in the Green Belt containing river channels, water meadows and pasture. There is a former rehabilitation unit almost opposite the appeal site which is allocated for redevelopment in the local plan.
4. The proposal is to redevelop the land with a building having two floors of offices above a ground floor car parking area. The parking would cover most of the site boundary, being screened by stone filled gabion baskets planted with climbers. The building above would be stepped back with a central curved glass atrium. The walls would be of precast concrete

panels with reconstituted stone facing and the curved roof above the atrium would be aluminium with a flat roof and parapet above the main office wings.

Main Issues

5. I consider that the main issues are:
- 1) whether the scale and environmental impact of the proposal would be acceptable in the light of planning policies which seek sustainable development and to restrain employment uses in Oxford;
 - 2) the impact of the proposal on the character of the locality, with particular reference to its height, site coverage, amount of landscaped area and its relationship to the Oxford Green Belt.

Planning Policies

6. Relevant development plan policies are found in the Oxfordshire Structure Plan 2011, adopted in 1998 (SP) and the Oxford Local Plan 1991-2001, adopted in 1997 (LP). The SP strategy includes continued restraint on employment growth in Oxford City; reducing the need to travel, especially by car; the optimum use of land within built up areas and protection of the environment. This is reflected in policies G1 and G2. In Oxford, the provision of land for Class B use will be restrained under policy E1. Such development will be expected to take place on land already used or allocated for that purpose and redevelopment for residential or mixed purposes is encouraged. Policy E4 makes provision for small or local firms.
7. Policy EM1 of the LP seeks to maintain, strengthen and diversify Oxford's economic base to maximise employment for the existing population of the Oxford area. Thereafter, any extra employment likely to attract a significant number of additional people to the City will be discouraged unless exceptionally there is an important benefit to the City. The most relevant detailed policy in this case is EM2 which limits Class B development to certain categories. Category e allows Class B uses on land and premises involving prior employment use not in Class B, subject to the particular merits of each individual case. LP policy EM12 indicates that B1 (office) developments will generally be encouraged to locate in the City Centre, local centres or on sites proposed for that use in other policies. Policy EN76 requires that all new developments respect the character of their surroundings in terms of scale and materials.
8. The Oxford Local Plan 2001-2016 was put on first deposit in June 2002. In respect of large new employment proposals, policy CP.4 requires need to be demonstrated and a sequential test to be satisfied. Employment growth that will attract a significant number of additional people to Oxford will only be granted exceptionally under policy EC.1 but the modernisation of existing employment sites will be encouraged subject to a number of criteria by policy EC.3. Policy CP.9 carries forward the need for development to relate to its context.
9. I have also had regard to the advice of Planning Policy Guidance 1 (PPG1) – *General policy and principles*, PPG4 – *Industrial and commercial development and small firms*, PPG6 – *Town centres and retail developments* and PPG13 – *Transport*.

Inspector's reasons

Issue 1 – Policy matters

Restraint on employment uses

10. Turning firstly to the development plan. I note that employment restraint in Oxford is to be mainly achieved by restrictions on the supply of new land for employment generating development as described in paragraph 4.23 of the LP. The parties agree that the appeal site falls within category e of policy EM2, that is a prior employment use not in Class B where proposals for Class B development will be considered on their individual merits and in the light of other policies. Paragraph 4.24 indicates that the criteria for assessing such a case will include the importance of the existing use; previous employment density; potential employment generation; potential traffic generation; environmental impact and relative suitability of the site for other uses. I shall consider these in turn.
11. The appellants have submitted information about the marketing of the site after the lease was surrendered by Motorworld in March 2000. No interest was shown by motor dealers and it is occupied by a bathroom company on a short term lease. From the information provided, I accept that the site is not as large as normally sought by motor dealers today and the Council has not provided evidence to show that it is important to retain it in this use.
12. The appellants state that the previous garage use provided about 40 full time equivalent jobs. The use involved the sale of new and used vehicles and the servicing of up to 40 vehicles per day. They estimate that the proposed office development could employ some 180-200 people although the Council's estimate is 121, based on a comparison with a recent development on the Oxford Business Park. The appellants point out that the unemployment rate for the South Ward, in which the appeal site lies, is about twice that for Oxford as a whole and that the proposal could assist in the aim of maximising employment for the existing population.
13. The previous traffic movements are described in the Statement of Common Ground, together with a transport consultant's report on the proposed traffic impact. This indicates that there would be fewer trips in both the morning and evening peak hours as a result of the appeal development, even based on the floor space of 2856 as originally submitted.
14. As far as the environmental impact is concerned, I accept that there would be no significant harm to the living conditions of the occupiers of nearby houses nor to ecological interests.
15. Other suitable uses are said to include a petrol filling station, showroom or a mixed residential/office use. McDonalds have shown recent interest in the site although their application was refused. It has not been suggested that the site is required for an important alternative use and it does not have an allocation in the LP.
16. In summary, I find that the only one of these criteria which gives rise to concern is the increased employment density which the Council believes could lead to further inflow of employees from outside Oxford, resulting in increased traffic congestion and pressure on housing. However, the Council agrees that re-use of the existing building for BI office purposes would be acceptable and also that redevelopment with a single storey of offices above the car park would not increase the floorspace to a stage where these concerns would justify the refusal of permission. The issue between the parties is therefore the amount of floorspace above this which would be acceptable. Clearly, there could be a situation where

the redevelopment of a site falling within LP policy EM2e was of such intensity that it would undermine the objectives of the development plan. However, the Council has not been able to provide evidence to demonstrate that the appeal scheme would have this harmful effect.

17. I have concluded that the proposal is acceptable in terms of the criteria of LP paragraph 4.24. However, in my view, the assessment of the individual circumstances of each case for the purposes of LP policy EM2e requires also an analysis of the location in terms of sustainability because this is an important aim of the development plan and national policies.

Sustainability

18. The appeal site lies just off the A4144 Abingdon Road, the main route into Oxford city centre from the south, and close to its junction with the ring road. I saw from my inspection that traffic moves slowly into Oxford from this point but that it is well served by the buses from the adjacent park and ride site which run very frequently to and from the centre. The Council's witness stated that the appeal site was on the fringe of the built up area and regarded this as an out-of-town location where it would be undesirable to concentrate development. The LP proposals map does not define a settlement boundary for Oxford, however, the appeal site is excluded from Green Belt or other open land notations, it is already developed and it is contiguous with the residential area to the north. It is my view that, in terms of the definitions in Annex A to PPG6, this is an out-of-centre rather than out-of-town location.
19. The appeal site is accessible on foot from the nearby residential area and parts of east Oxford via Donnington Bridge. It also lies next to the cycle way which is a pleasant and safe route from south and east Oxford. The park and ride bus provides a fast and frequent service with discounted fares which make the site accessible for employees living in other parts of Oxford who wish to use public transport. In my opinion, this location performs well in terms of the sustainability objectives of the development plan and national policies.
20. The Council believes that it is necessary for the appellants to show that they have followed a sequential test to justify the development of this land. LP policy EM12 encourages office uses to locate in the city centre but does not prohibit them elsewhere. The deposit local plan is more restrictive than the existing adopted LP in that it requires evidence of need and a sequential test but that has only reached an early stage in its progress towards adoption so can be accorded only limited weight. Paragraph 1.15 of PPG6 also refers to the sequential test being used for all key town centre uses which attract a lot of people, including commercial and public offices. However, paragraph 1.8 indicates that this approach is for identifying additional sites. The appeal site is currently in employment use and is not an additional site. If it were, the Council could have required a sequential approach to any office redevelopment of whatever scale whereas it agrees that there is no objection in principle to a scheme with lower floorspace.

Local occupancy

21. Although the question of limiting the occupancy of the proposed offices to local firms was discussed at the Inquiry, I do not find any reason for this to be needed. In particular, the second part of LP policy EM2 which covers this matter does not relate to the appeal site as that falls within category e.

Conclusion on first issue

22. My conclusion on this issue is that the appeal proposal does not conflict with LP policy EM2e, nor does it undermine the objectives of the development plan. In terms of national policies, it is in a location with good access by means other than the private car and I find that the refusal of planning permission is not justified on these grounds.

Issue 2 – Impact on the character of its surroundings

23. The appellants' view is that this island site is located at a gateway into Oxford where a landmark building would enhance the locality. 'Landmark' is defined in the CABE and DETR document *By Design* as a building or structure that stands out from its background by virtue of height, size or some other aspect of design. The Council does not dispute that the appeal proposal would provide a high quality building of modern design but considers that it would harm the character of its surroundings primarily by reason of its height.
24. At the site inspection I saw that the appeal site faces open land in the Green Belt on the other side of Abingdon Road. This land is water meadows which separates the built up area of south Oxford from that of East Oxford and there are belts of trees along the river banks and hedge lines. The other major feature in the locality is the park and ride site which is extensive, open and well screened by mature trees so that it appears to be part of the landscape from all but very close quarters.
25. I note that part of the design approach has been to echo the line of the terraced houses which front the Abingdon Road just to the north of the appeal site. I agree that, although only two storey, these are imposing both in their height and arrangement. The appellants' witness Mr Halls estimated that these have a ridge height above road level of some 9.5m whereas the appeal building would be about 11m to the top of the parapet of the main office wings, the central atrium being higher. Adjoining trees are estimated to be about 9-10m high.
26. While the relationship of the appeal building to the nearby houses is acceptable in terms of height and scale, I consider that its impact on the open, green and low-key character of the wider surroundings would be harmful. This would be particularly so because of the height and mass of the building and the fact that most of the site would be enclosed to form the ground floor car parking area. Minimal space would be left on the eastern side for tree planting and the landscaped area on the northern side would not be generous. In my opinion, this would make the development appear stark and over dominant by contrast with the green and open surroundings which characterise this area. The proposed building would intrude into views from the Green Belt and take away from its open character. For these reasons, I consider that the impact of the proposal on its surroundings would fail to accord with SP policy G2 and LP policy EN76 such that permission should be refused.

Other matters

27. I have noted the objections made at application stage by nearby occupiers and the South Oxford Residents' Association on the grounds of traffic danger and inconvenience. However, the evidence suggests that traffic resulting from the appeal development would not be greater than for the previous use and this point has not contributed to my decision.

Conclusions

28. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

29. In exercise of the powers transferred to me, I dismiss the appeal.

Information

30. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

Jean Sures

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Shadarevian of Counsel, instructed by the Solicitor to Oxford City Council

He called
Mr P Turner MSc MRTPI Assistant Principal Planner, Oxford City Council

FOR THE APPELLANT:

Mr N Cameron of Counsel, instructed by Kemp and Kemp, Elms Court, Botley, Oxford OX2 9LP

He called
Mr T Halls BA(Hons) Partner, HHB Architects, 1. Elm Place, Eynsham, Oxford OX8 1PU
DipArch RIBA

Mr S Sensecall BA(Hons) Partner, Kemp and Kemp
DipTP MRTPI

DOCUMENTS

- Document 1 List of persons present at the Inquiry
- Document 2 Copy of Council's letter of notification of the Inquiry and list of persons notified
- Document 3 Copy of letter of objection at application stage from Valerie Walton, 404 Abingdon Road
- Document 4 Extracts from the Oxford Local Plan 1991-2001 including proposals map
- Document 5 Extract from the Oxfordshire Structure Plan 2011
- Document 6 List and map of development sites in the First Deposit Oxford Local Plan
- Document 7 Letter dated 9 July 2002 from Oxford City Council to Mr P Jewson
- Document 8 List of suggested conditions submitted by the Council
- Document 9 Draft occupancy condition submitted by the Council
- Document 10 Draft occupancy condition submitted by the appellants
- Document 11 Statement of Common Ground
- Document 12 Appendices to statement of Mr Turner
- Document 13 Appendices to statement of Mr Sensecall

PLANS

- Plans A 1-7 Application plans
- Plans B 1-2 Drawings showing amended site boundary as agreed at the Inquiry

WEST AREA PLANNING COMMITTEE

17th April 2013

Application Number: 13/00304/FUL

Decision Due by: 4th April 2013

Proposal: Extension to 10a Bartlemas Road to create a 2 bedroom dwelling. Extension and subdivision of the existing 10 Bartlemas Road to create 2 x 1 bedroom dwellings (to be known as 10 and 10b Bartlemas Road). Removal of workshop in rear garden and provision of shared amenity space

Site Address: 10 and 10a Bartlemas Road

Ward: St Clement's Ward

Agent: Mrs Emily Warner

Applicant: Unique Lets Ltd

Application called-in by Councillors Clack, Sinclair, Rowley, Fry, Tanner and Kennedy as the street is cramped and already has buildings with only small gaps between them.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development proposed is considered to provide more efficient use of land by creating an additional dwelling of reasonable size and quality whilst also improving the quality of the two existing flats. The physical works proposed to the building are visually commensurate with surrounding development without significant harming neighbouring residential amenity. No material harm should occur to highway safety as no additional on-street parking will result as a consequence of the development proposed. As a consequence the proposals are considered to comply with the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18 and CS23 of the Oxford Core Strategy 2026 as well as policies HP9, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Prior to occupation the existing garden building shall be removed
- 5 Bin and Cycle storage
- 6 Limit parking permit eligibility to four permits

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs

Core Strategy

- CS18**_ - Urb design, town character, historic env
- CS23**_ - Mix of housing

Sites and Housing Plan - Submission

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

Other Material Considerations:

National Planning Policy Framework
Balances of Dwellings SPD

Relevant Site History:

12/01567/CEU - Application to certify that the existing use of 10 Bartlemas Road as a 2 bedroom dwelling and 10a Bartlemas Road as a 1 bedroom flat is authorised. Granted 16th August 2012.

12/02505/FUL - Conversion of existing 2 bedroom dwelling at No.10 into 2 x 1-bedroom dwellings (use class C3). Conversion of existing 1-bedroom flat at No.10A into 2 x 1-bedroom dwellings (use class C3) including two storey side extension and removal of workshop in rear garden. (Amended plans) (Amended description). Refused 3rd January 2013.

Representations Received:

None

Statutory and Internal Consultees:

Thames Water Utilities Limited – No objection.

Highways Authority – No objection subject to the development being limited to no more parking permits than the two existing flats are eligible for.

Officers' Assessment:

Site Description

1. The site comprises a building (formerly a typical two storey semi-detached family house) that has recently been converted and authorised to provide two relatively large flats (a two bedroom unit at ground/basement level and a one bedroom flat on the first floor). The house is built of red brick and features a blue slate roof though the front wall has been painted in a cream colour in common with a number of other properties within the street. The house features a two storey outrigger extension to the rear which it shares with the adjoining property (No. 8) and also includes a single storey flat roof element which was added at a later date.

2. As a result of its semi-detached form, the house benefits from a side pedestrian access which links through to the rear garden. In common with other properties in the street the rear garden is of typical rectangular layout so that it is of a relatively generous depth but quite narrow width. Within the garden there is a relatively large single storey domestic 'workshop' building that is in a poor state of repair and has clearly not been regularly used for some time.

The Proposal

3. The application seeks consent for the extension and subdivision of the two existing flats to enable the creation of an additional flat to form two x 1 bedroom and one x 2 bedroom units. As well as involving numerous internal alterations, an extension to the existing two storey rear outrigger is proposed as well as the insertion of two rear dormer windows in the rear roof slope. It is also proposed to alter the roof of the existing single storey flat roof addition so that it has a dual pitched roof. Each flat is proposed to have its own separate entrance and this will involve the insertion of side entrance doors as well as alterations to fenestration. To provide rear outdoor amenity space the existing detached workshop building in the rear garden is proposed to be demolished and bin and cycle storage facilities put in its place.

4. The current application follows a refusal of an application to create four x 1 bedroom flats on the site in January 2013. This application was refused for four reasons which are summarised as follows:

- The proposals did not provide an appropriate mix of dwellings;
- No financial contribution was provided towards off-site provision of affordable housing;

- The proposals would result in a poor quality basement flat;
- The roof terrace created would result in a loss of privacy for neighbouring occupiers.

5. The current scheme seeks to overcome each of these reasons for refusal by reducing the number of units on the site from four to three flats (and thus not triggering the Council's thresholds for applying affordable housing and balance of dwellings policies), reducing basement level accommodation and omitting the balcony/roof terrace feature.

6. Officers consider the principal determining issues in this case to be:

- Principle;
- Design;
- Amenity;
- Impact on Neighbouring Properties; and
- Highway Implications.

Principle

7. Policies CP6 of the Local Plan, policy CS2 of the Core Strategy and Government guidance encourage greater efficiency of use of previously developed land so as to prevent unnecessary development on greenfield sites. The application proposals seek to provide an additional unit of residential accommodation within an existing residential street located close to the Cowley Road district centre such that it is sustainably located. Consequently the proposals are supported in principle by the policies of the development plan.

Design

8. To facilitate the creation of the additional flat, an extension to the side of the existing two storey rear outrigger is proposed. This results in the outrigger extending a further 1.8m in width so that it matches the width of the main house. As a consequence of the extension to the two storey outrigger, its roof pitch changes mid-way along its width to become shallower. Whilst this does somewhat unbalance the existing shared outrigger and perhaps appear a little awkward but due its location to the rear of the house and the fact that it is not visible from the public realm, the adverse effect of these works on the surrounding area is not considered to be significant.

9. The proposals also include the insertion of two joined dormer windows in the rear roofslope. Whilst such works to a house would not normally require consent, the building now comprises flats which do not benefit from permitted development rights and therefore roof extensions fall within the remit of planning control. Whilst the dormer windows are relatively significant in scale and prominent in the roofslope, there are a number of other similar and generally less appropriate dormer windows in the roofs of other houses in the immediate area. Two new rooflights are also proposed in the front roofslope though this would be in common with many other roof alterations in the immediate area and such provision is considered neither inappropriate nor excessive. Officers are therefore content that the works will not materially adversely affect the character of the area.

10. The scheme also involves the replacement of the existing flat roof on the rear single storey extension with a shallow pitched tiled roof. This extension is also proposed to be rendered to improve its appearance. Officers are supportive of such changes which should improve the appearance of this tired looking element of the building and provide a form of extension that is more in keeping with the character of the main house.

11. It is also welcomed that the proposals include the demolition of the existing rather unsightly workshop outbuilding as this currently detracts from the surrounding environment. Indeed, for reasons set out further below, it is suggested that a condition be imposed requiring this building to be demolished prior to occupation of the new flats though this is required to facilitate a reasonable level of amenity space rather than for aesthetic reasons.

12. In summary, for the reasons set out above, the physical works proposed are considered to represent visually appropriate development that responds satisfactorily to its context in accordance with policies CP1 and CP8 of the Local Plan as well as policy HP9 of the SHP.

Amenity

13. Policy HP12 of the Sites and Housing Plan requires new flats to provide a reasonable quality of internal space at a minimum of 39 sq m in floor space so that occupiers enjoy a reasonable standard of living in the future. All of the proposed flats comfortably exceed this policy requirement such that officers have no objection to the proposals in this regard. Policy HP12 also states that a new dwelling must possess adequate ceiling height, natural lighting/ventilation and a reasonable outlook that allows proper use and enjoyment of the dwelling. In contrast to the previous refused scheme, all of the flats are now set at above ground level which should ensure they enjoy good levels of light. Flat 1 has one room at basement level though it is not a habitable room and, although flat 3 is set over three floors, each room provides decent usable space with good lighting and an outlook onto Bartlemas Road from each room. Therefore, with regard to internal space, officers are satisfied that the scheme proposes dwellings of a reasonable quality in accordance with policy HP12.

14. Policy HP13 of the Sites and Housing Plan requires one and two bedroom flats to be served by private outdoor amenity space which should either be in the form of a balcony or a shared outdoor space that enjoys direct access from the flats. In this case the flats are proposed to share the existing rear garden which is of a reasonable size particularly following the proposed demolition of the existing domestic workshop outbuilding which takes up about half of the usable garden. Officers consider this space to be more than adequate in size and quality to satisfactorily serve the needs of future occupiers of all of the flats though to ensure sufficient space is available however it is recommended that a condition be imposed requiring the demolition of this existing outbuilding prior to occupation of the flats.

15. Designated bin and cycle storage is proposed to be provided in the rear garden to serve the flats. These facilities are shown to be both covered and secure as well as benefitting from direct and level access out to the road. The

level and quality of such bin and cycle storage therefore accords with the requirements of policies HP13 and HP15 of the SHP..

Impact on Neighbouring Properties

16. Policies CP1 and CP10 of the Local Plan as well as policy HP14 of the SHP require proposals to adequately safeguard neighbouring amenity in order to be granted planning permission. It is against these policy requirements that the application proposals should be assessed in this regard.

17. The increased width of the two storey outrigger extension means that it will project much closer to the boundary with 12 Bartlemas Road. However the extension is not significant in scale in the context of existing development and will not materially overbear the rear garden of this neighbouring property. Similarly, given that there are no rear windows in No. 12 directly adjacent to the location of the widened outrigger, no significant loss of light into habitable rooms of the neighbouring property will occur. The existing situation potentially allows occupiers of 10A Bartlemas Road to overlook the small rear garden of No. 12 from upper floor side windows in the existing two storey outrigger. As a result of the widening of the outrigger however and the altered internal layout of the flats, this effect will be substantively reduced with the only upper floor side window facing this neighbouring property being a bathroom window. Consequently officers conclude that the scheme should not have a significant adverse impact on the outlook and light enjoyed by 12 Bartlemas Road and should in fact represent an improvement in privacy terms.

18. The increased width of the two storey outrigger will not have an impact on the amenity enjoyed by No. 8 Bartlemas Road given that it will project away from this neighbouring house. A minor increase in the height of the existing single storey rear extension is proposed as a result of an alteration to the roof form to create a dual pitched roof. The resulting roof is however not materially higher than the existing roof where it abuts the neighbouring property and officers no concerns at all about the physical impact of the development on No. 8 Bartlemas Road.

19. Dormer windows are proposed in the rear roofslope which will create the possibility to overlook part of the rear garden of Nos. 8 and 10 Bartlemas Road. However, in the context of existing upper floor rear facing windows as well as other dormer windows in the locality, this increased overlooking is not considered to be significant and officers are not concerned about this element of the scheme.

20. Overall therefore officers are satisfied that the proposals adequately safeguard neighbouring amenity in accordance with the development plan policies listed above.

Highway Implications

21. The existing flats benefit from eligibility for two residents' parking permits each in the newly created East Oxford CPZ making a total of four permits available for the building. To ensure no increase in on-street parking results from the development in an area already suffering intense parking pressure, a

condition would be necessary limiting the development to a total of four parking permits between the three flats. It is understood that the applicant is satisfied with this distribution of the parking permits amongst the dwellings.

22. Cycle parking is proposed to be provided in accordance with the standards set out in the Local Plan such that an alternative to the private car is readily available. Officers are therefore satisfied that the proposals are acceptable on highway grounds and concur with the views expressed by the Highway Authority in this regard.

Conclusion:

23. The proposals are considered to provide reasonable quality additional residential accommodation in a sustainable location that will appear visually commensurate with surrounding development whilst not resulting in material harm to established residential amenity. The proposals are thus considered to accord with the Council's development plan and, as a consequence, Committee is recommended to approve the application subject to the conditions set out at the beginning of this report.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 12/01567/CEU, 12/02505/FUL & 13/00304/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 28th March 2013

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Appendix 1

10 & 10A Bartlemas Road



Scale : 1:1250

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Organisation	Oxford City Council
Department	City Development
Comments	13/00304/FUL
Date	28 March 2013
SLA Number	Not Set

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WEST AREA PLANNING COMMITTEE

17th April 2013

Application Number: 13/00290/FUL

Decision Due by: 8th April 2013

Proposal: Erection of two storey side extension

Site Address: 55 Wolvercote Green Oxford OX2 8BE

Ward: Wolvercote

Agent: Ms Lesley Cotton

Applicant: Mr & Mrs Robert & Cathy Scott

Application called-in by Councillors Gotch, McCreedy, Goddard and Fooks due to concerns that consideration of the application should not be too prescriptive with respect to the design of the extension.

Recommendation:

APPLICATION BE REFUSED

For the following reason:-

- 1 The proposed extension features both excessive and inappropriate fenestration on both the front and side elevations which serves to accentuate the substantial scale of the extension and thus fails to respect the character and appearance of the original and uniform terrace in which it is located. Consequently the proposals fail to accord with policies CP1, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policies HP9, HP13 and HP14 of the Sites and Housing Plan.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan - Submission

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

HP13_ - Outdoor Space

Other Material Considerations:

National Planning Policy Framework (NPPF)

Relevant Site History:

06/01466/FUL - Two-storey side and rear extension. Permitted 7th September 2006.

10/03177/FUL - Two-storey side extension to form 2-bed dwelling, access road, amenity space, parking, refuse and cycle storage, means of enclosure and landscaping. Permitted 22nd March 2011.

11/02438/FUL - Side and rear two storey extension. Permitted 12th December 2011.

12/03036/FUL - Erection of two storey side and rear extension (amended plans). Permitted 25th January 2013.

Representations Received:

None

Statutory and Internal Consultees:

No comments received

Officers' Assessment:

Application Site and Locality

1. The application site relates to a modest two bedroom end of terrace house set at one end of a 1930's era three-house red brick terrace which overlooks Wolvercote Green directly abutting the Wolvercote and Godstow Conservation Area. The application property occupies a larger plot than the two others within the terrace as its garden is wider where it projects out towards The Plough public house. The application house and the others within the terrace can unusually only be accessed by foot along the Wolvercote Green footpath rather than by road. However the footpaths are well trafficked by pedestrians as they allow access through to a nearby children's play area as well as Wolvercote Meadow, a protected public open space.

The Proposal

2. The application seeks consent for the erection of a two storey side and rear extension to the house.
3. Officers consider the principal determining issues in this case to be:
 - Design and appearance; and
 - Impact on Neighbouring Properties.

Design and Appearance

4. Policies CP1 and CP8 of the Local Plan as well as policies CS18 of the Core Strategy and HP9 of the Sites and Housing Plan (SHP) require development proposals to create an appropriate visual relationship with the surrounding area in terms of form, grain, scale, materials and design detailing. Policy CP8 then goes on to state that building design is specific to the site and its context and should respect local characteristics. Policy CP8 also adds that on sites of high public visibility, development should enhance the style and perception of the area particularly by retaining features which are important to the character of the local area.
5. The design of development is a well-founded material planning consideration irrespective of the location of the site and the above development plan policies have been adopted to provide the Council with the framework by which this important planning issue can be assessed. Committee should therefore have regard to these policy requirements in their determination of the application. The requirements of the above policies is reflected in Government guidance in the NPPF which states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Government guidance also adds that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
6. A two storey side extension to the house was first granted planning permission back in 2006. Whilst this extension was subservient in height to the original house, the extension approved was significant in width. The approved extension therefore represented a significant increase in the size of the house in actual terms which would also be readily apparent from Wolvercote Green. This extension was not built during the lifetime of the planning permission though consent was granted in 2010 for exactly the same extension though this time it was proposed as a separate house. Following this, in 2011, an application for the same extension as approved in 2006 was submitted to the Council as it was no longer intended to build the extension as a new house. This application was again approved. Consequently the principle of constructing a two storey side extension to the house has now been well established.
7. The extension approved between the period from 2006 and 2011 responded to the existing form and design detailing of the original house and its wider terrace. Therefore, whilst it was a little too wide to be considered truly sympathetic in scale to the original house, its design detailing was consistent with the original house and therefore continued the uniform appearance of the terrace in which it was proposed to sit. It was therefore considered to be visually appropriate.
8. In late 2012 a different applicant submitted an application looking to build an even larger extension to the building (the same width as that already approved though quite considerably deeper). Initially the form and

appearance of the proposed extension was in stark contrast to that of the existing terrace with the use of white render and timber cladding on the external walls as well as a pitched roof form that ran perpendicular to the roof form of the terrace. After a number of design iterations were submitted a larger extension was finally approved (that increased the floor area of the house by approximately 125%) though more traditional design features were incorporated to ensure that the large extension would sit more comfortably with the terrace in which it was proposed to be located. This involved a reduction in the number and re-location of rooflights (the current terrace's roof form is original and unbroken), use of matching red brick on the majority of the front and side walls of the proposed extension rather than render, as well as more traditional fenestration patterns that were consistent with that found in the rest of the terrace.

9. Following the approval of that application in January 2013 this current application was submitted seeking to reverse some of the design changes made following negotiations with officers on the previous application. Essentially this involves more significant glazing on the front elevation at first floor level, the insertion of more rooflights in the side roofslope, the return of higher level fenestration on the side elevation facing The Plough pub as well as the insertion of the front door in the extended part of the dwelling rather than the original house.
10. As already pointed out in this report, the extension proposed is substantial in scale in comparison with the original house despite its set-down ridge height. Recognising the significant scale of the extension, officers were previously prepared to accept such an increase in the size of the dwelling (and therefore terrace) provided the design features as well as the form and general appearance of the extension reflected that found in the existing terrace to ensure that it was, on balance, visually appropriate on such a prominent site overlooking Wolvercote Green and abutting the conservation area.
11. The application property is not of any particular architectural merit. However, the terrace in which it sits still appears predominantly as it was originally constructed without significant alteration or extension affecting the front façade. This ensures that together the house terrace makes a positive contribution to the area whereas individually they are unremarkable. Officers therefore consider it important that, where planning control allows, alterations and/or extensions to the terrace reflect its important characteristics as required by policy CP8 of the Local Plan.
12. Unfortunately the return to excessive levels of rooflights in the currently unbroken terrace and a run of bland high level windows rather than more traditional casements on the side elevation are at odds with the character of the terrace. Furthermore, the large patio doors at first floor level on the front elevation span almost the entire width of the extension and thus not only contrast with the more traditional windows on the terrace but also visually accentuate the significant width of the side extension. It is also disappointing that the front door is proposed to be inserted in the extended

part of the house rather than the original house as this also contributes to the loss of apparent primacy of the original dwelling and further reflects the loss of sympathetic subordination that is generally expected of extensions to dwellings.

13. Cumulatively the changes result in an awkward hybrid extension that is neither completely contemporary nor traditional in form or appearance. As such officers find that the changes from the approved scheme result in an extension that does not respect the general appearance of the existing house, or, more importantly, the terrace in which it sits. Consequently officers have concluded that the proposals fail to accord with the design related policies of the development plan set out earlier in this section of the report and cannot be supported.

Impact on Neighbouring Properties

14. The proposed extension is of the same dimensions as that already approved by the Council in January 2013. Consequently the impact of the extension on the outlook and light enjoyed by neighbouring dwellings must continue to be acceptable. Furthermore, no windows are now proposed that would give rise to a potential increase in overlooking of neighbouring properties. Consequently the proposals are considered to accord with CP1 and CP10 of the Local Plan as well as HP13 of the SHP which together seek to safeguard neighbouring residential amenity.

Other Matters

15. In the event that Committee is minded to approve the application officers suggested that a condition is imposed requiring biodiversity improvement measures to be incorporated into the scheme (due to proximity to Wolvercote Meadow) as well as a condition securing materials to match that in the submitted plans. Finally officers would recommend that permitted development rights be removed by condition for any further additions or alterations to the house to ensure future consideration can be given to their impacts on the terrace.

Conclusion:

16. The proposed extension was previously approved despite its substantial size on the basis that it generally adopted features characteristic of the original terrace in which it sat. As a result of its return to inappropriate and excessive fenestration patterns, the proposed extension will visually fail to respect the original unaltered terrace in which it is located. It would therefore appear as a discordant feature within the terrace when viewed from Wolvercote Green. Consequently Officers recommend refusal of the application for the reasons set out at the beginning of the report.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of

Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

Background Papers: 13/00290/FUL,

Contact Officer: Matthew Parry

Extension: 2160

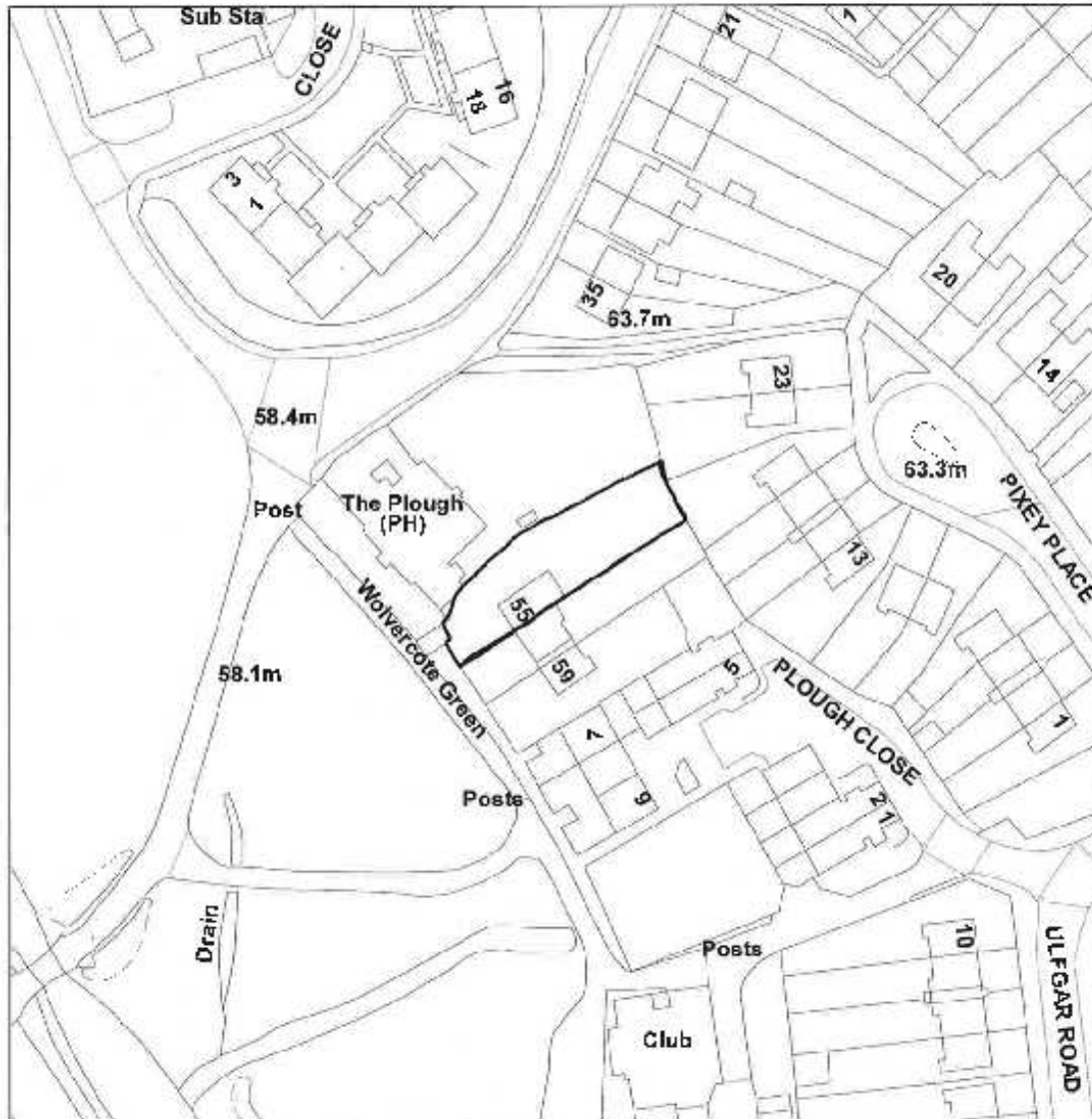
Date: 25th March 2013

Appendix 1

55 Walvercote Green



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Scale : 1:900

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Organisation	Oxford City Council
Department	City Development
Comments	1010350.F1.1
Date	17 March 2011
SLA Number	101 501

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WEST AREA PLANNING COMMITTEE

17th April 2013

Application Number: 13/00389/CT3

Decision Due by: 15th April 2013

Proposal: Installation of external raised metal platform to front and side. Refurbishment works including insertion of windows and doors to create enclosed glazed corridor to front, insertion of windows and doorways, removal of rear windows, installation of public toilets and internal remodelling.

Site Address: Top Pavilion, Cutteslowe Park, Harbord Road, Appendix 1

Ward: Wolvercote

Agent: N/A

Applicant: Oxford City Council

This application is required to be determined by Committee as the applicant is Oxford City Council.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposals will involve the appearance and functionality of the pavilion building and consequently improve its quality to the benefit of the local community and sports groups. The proposals therefore accord with policies CP1 and CP8 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy CS23 of the Oxford Core Strategy 2026.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

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

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

Core Strategy

CS18_ - Urb design, town character, historic env

CS21_ - Green spaces, leisure and sport

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

N/A

Representations Received:

One representation received from 3 Cutteslowe Park stating that whilst they support the improvements to the pavilion it appears as if the current cricket tea room will be replaced by more of a multi-function space that could be used by a range of different groups including later in the evening. This could cause a disturbance to local residents.

Statutory and Internal Consultees:

No comments received.

Officers' Assessment:

Site Description

1. The application site consists of a long single storey sports pavilion located within Cutteslowe Park set between the cricket and football fields. It is currently appears as a rather tired looking building from the outside that does not allow for easy and pleasant terrace seating outside or window views of the sports ground.

The Proposal

2. The application seeks consent for external alterations to the building including a completely new fenestration arrangement including long glazed windows in the side wall that allow overlooking from inside the pavilion out onto the sports field. A terraced walkway is also proposed to surround the building allowing people to stand on it to watch sports events on the adjacent cricket field. The entrance doors are also proposed to be updated along with significant internal alterations to improve the layout and the facilities provided.

3. Officers consider the principal determining issue in this case to be the appearance of the building. The internal alterations are beyond the remit of planning control.

Appearance

4. The existing building is a rather bland and utilitarian structure that struggles to adequately cater for modern recreation needs as well as local community uses. The increased and improved fenestration not only enhances the appearance of the building but also allows improved overlooking of the adjacent sports fields for spectators. The metal platform proposed to surround half of the building and the veranda proposed along the front are considered to be entirely visually commensurate with the nature of the building and also improves its functionality for spectators. Consequently officers fully support the proposals since they are considered to enhance the appearance and functionality of the building to the benefit of its users and those enjoying Cutteslowe Park.

Other Matters

5. Some concern has been raised by a local resident that the building may be used for other community purposes at the expense of cricket. It seems clear from the proposals that they are primarily to provide improved access to recreation facilities though it is possible that as a result of internal alterations it could be used for community meetings etc. Officers see no objection to this given that policy CS21 of the Core Strategy encourages access to facilities for all parts of the community and should not in any way prejudice the long term future of enjoyment of the sports grounds. Members should also note that the building could be altered internally and used to hold such community meetings without the need for consent from the local planning authority. Officers therefore do not have any concerns in this regard.

Conclusion:

6. The proposals will result in a much needed modernisation and improvement to an important sports/community facility that will encourage greater use of it in the future including by a wider section of the local community. Officers therefore recommend Committee approve the application subject to the conditions suggested.

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: 13/00389/CT3

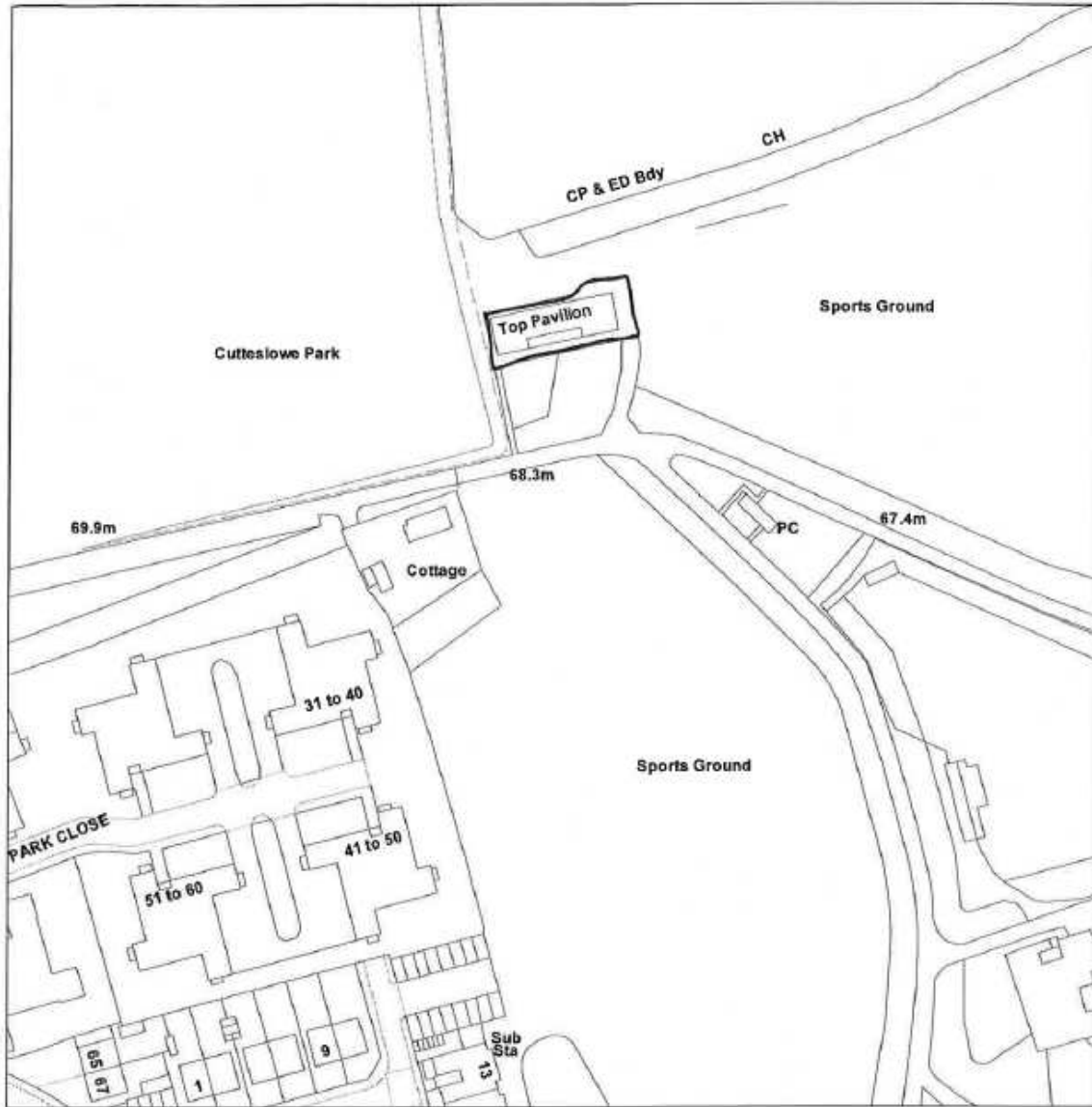
Contact Officer: Matthew Parry

Extension: 2160

Date: 25th March 2013

Appendix 1

Top Pavilion, Cutteslowe Park



Scale : 1:1250

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Organisation	Oxford City Council
Department	City Development
Comments	13/00389/CT3
Date	28 March 2013
SLA Number	Not Set

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Agenda Item 8

Monthly Planning Appeals Performance Update – February 2013

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 28 February 2013, while Table B does the same for the current business plan year, ie. 1 April 2012 to 28 February 2013.

Table A. BV204 Rolling annual performance (to 28 February 2013)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	17	(40%)	4 (50%)	13 (38%)
Dismissed	25	60%	4 (50%)	21 (62%)
<i>Total BV204 appeals</i>	42		8	34

Table B. BV204: Current Business plan year performance (1 April to 28 February 2013)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	16	(41%)	4(50%)	12 (39%)
Dismissed	15	59%	4 (50%)	19 (61%)
<i>Total BV204 appeals</i>	39		8	31

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 28 February 2013

	Appeals	Percentage performance
Allowed	20	(41%)
Dismissed	29	59%
All appeals decided	49	
Withdrawn	0	

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 February 2013.
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 February 2013. 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 1/2/13 And 28/2/13**

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, ASP- Appeal allowed in part AWD - Appeal withdrawn, DIS - Dismissed

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDE	WARD	ADDRESS	DESCRIPTION
12/00994/FUL	12/00032/REFUSE	DEL	REF	ALWCST	01/02/2013	HEAD	Store Adjacent 79 St Leonard's Road Oxford Oxfordshire	Demolition of garage/store building and erection of two storey house (3 bedroom).
12/01774/FUL	12/00042/REFUSE	DEL	REF	DIS	01/02/2013	HHLNOR	28 Foxwell Drive Oxford Oxfordshire OX3 9QD	Erection of two storey side extension to form new 2 bedroom dwelling. Provision of private amenity space and car parking.
12/00683/VAR	12/00044/REFUSE	DELCOM	PER	ASP	07/02/2013	STMARY	The Carling Academy At Oxford 190 - 194 Cowley Road Oxford Oxfordshire OX4 1UE	Application to vary condition 2 of planning permission 05/01355/VAR to enable the premises to be open between the hours of 18:00 - 02:00 Mondays to Thursdays; 18:00 - 04:00 on Fridays and Saturdays; 12:00 - 00:00 on Sundays; 12:00 - 04:00 on Sundays prior to Bank Holidays; and on 30th April each year to be open until 06:00 the following day (May Day)
12/00821/FUL	12/00031/REFUSE	DEL	REF	ALC	11/02/2013	MARST	54 William Street Oxford Oxfordshire OX3 0ER	Demolition of existing building. Erection of 1x4 bed dwelling
11/03005/FUL	12/00039/REFUSE	COMM	REF	DIS	12/02/2013	JEROSN	Innovation House Mill Street Oxford Oxfordshire OX2 0XJ	Change of use from office (class B1a) to student accommodation, together with alterations to the building facade, changes to the car parking arrangements, landscaping and the provision of 100 covered cycle stands. (Amended plans)
11/03335/FUL	12/00025/REFUSE	DEL	REF	DIS	13/02/2013	SUMMTN	Grove House Club Grove Street Oxford Oxfordshire OX2 7JT	Retention of 3 storey building to former Grove House Club and conversion to 1x4 bedroom house. Erection of detached 4 bedroom house.
12/01457/VAR	12/00041/COND	DEL	PER	DIS	13/02/2013	SUMMTN	Grove House Club Grove Street Oxford Oxfordshire OX2 7JT	Deletion of conditions 8, 9 and 10 to planning permission 12/00872/FUL (use as 1 x 4-bed dwelling), relating to use of roof terrace, ground contamination and residents parking permits respectively.

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDE	WARD	ADDRESS	DESCRIPTION
12/00876/FUL	12/00037/REFUSE	DELCOM	PER	ALWCST	18/02/2013	SUMMTN	241 Banbury Road Oxford Oxfordshire OX2 7HN	New first floor rear 2 bedroom apartment with separate ground floor entrance

Total Decided: 8

Enforcement Appeals Decided Between 1/2/13 And 28/2/13

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditons, AWD - Appeal withdrawn, DIS - Dismissed

EN CASE	AP CASE NO.	APP DEC	DECIDE	ADDRESS	WARD	DESCRIPTION
12//0039/4/ENF	12/00043/ENFORC	DIS	25/02/2013	34 Mill Lane, Marston Oxford Oxfordshire OX3 0QA	MARST	Appeal against alleged unauthorised subdivision.

Total Decided: 1

TABLE E**Appeals Received Between 1/2/13 And 28/2/13**

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	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD	DESCRIPTION
12/01608/VAR	13/00004/COND	DELCOM	PER	W	77-77a Sandfield Road Headington Oxford OX3 7RW	HEAD	Application to remove conditions 7, 11, 15, 18 and 19 from planning permission 12/00077/FUL (for 2 bed
12/02105/FUL	13/00005/REFUSE	DEL	REF	W	3 David Nicholls Close Oxford Oxfordshire OX4 4QX	LITTM	Change of use of garage to 1-bedroom dwelling (class C3). (Amended plans)
Total							2

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WEST AREA PLANNING COMMITTEE

Wednesday 13 March 2013

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Goddard (Vice-Chair), Benjamin, Canning, Clack, Coulter, Jones, Khan and Tanner.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Michael Morgan (Law and Governance), Murray Hancock (City Development) and Nick Worledge (City Development)

130. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Cook – Councillor Coulter substituted.

131. DECLARATIONS OF INTEREST

None

132. HINKSEY RAILWAY FOOTBRIDGE: 12/023282/PA11

The Head of City Development submitted a report (previously circulated now appended) concerning prior approval for development comprising demolition of existing and erection of replacement footbridge under Part 11 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

Murray Hancock presented the report to the Committee. He emphasised that this application was for “prior approval” and was not a planning application in the normal way, and refusal could only be on limited grounds.

In accordance with the criteria for public speaking, Gill Garratt and Diego Vargas spoke against the application and made the following points:-

- Existing bridge is not fit for purpose and this one is worse;
- No level access in this area;
- A better, more accessible (for people with prams, people in wheelchairs, people with disabilities) bridge should be built, one that is fit for now and the future.

Ian Wheaton (on behalf of Network Rail) spoke in favour of the application. He confirmed that this was part of the programme of electrification of the line, and that Network Rail wished to proceed with the application for the bridge as applied for (i.e., without any current disabled access). He had no information on any difference in costs between the bridge as applied for and one which would more accessible for the disabled etc. The following additional information was provided by officers in response to questions from Councillors:-

- The submission was not for planning permission but for “prior approval” and the scope for refusal or imposing conditions was limited;

- Despite recent disability legislation, Network Rail is not required in this case to provide full disabled access;
- If prior approval was not granted, the applicant could appeal or request a Judicial Review;
- When considering possible injury to the amenity of the neighbourhood, the scope is normally restricted to how the structure would appear, its design and external appearance;
- Prior approval relates to the erection of the new bridge and not the removal of the existing one. Prior approval is not needed for the removal of the existing bridge, but it is for one to be put in its place;
- The proposal would permit disabled access to be added at a later date and Oxfordshire County Council might contribute accordingly. However it had not responded to consultation on the proposal and the representative of Network Rail indicated that it (Network Rail) it would not be providing disabled access.

Having considered all submissions, both written and oral, and having considered all advice from officers, the Committee resolved to REFUSE prior approval for development on the grounds that the Committee was satisfied that the design of the bridge would injure the amenity of the neighbourhood and would injure fair and equal access across the bridge for people with disabilities.

133. 190 IFFLEY ROAD: 12/03016/EXT & 12/03122/EXT

The Head of City Development submitted a report (previously circulated now appended) concerning the following planning application:-

- (1) 12/03121/EXT: Application to extend the time limit for implementation of planning permission 09/01036/FUL (Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear).
- (2) 12/03122/EXT: Application to extend the time limit for implementation of conservation area consent 09/01035/CAC, (Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building

Nick Worlledge presented the report to the Committee.

In accordance with the criteria for public speaking Sarah Wendon and Sarah Wild spoke against the application. No-one spoke in favour.

Having taken all submissions into account, both written and oral, it was resolved to REFUSE the application on the following grounds:-

- (1) The proposed development has an unacceptable impact upon the character and setting of a significant heritage asset, and an adverse impact upon the Conservation Area contrary to the Oxford Local Plan policies HE6 (Buildings of Local Interest) and Sites and Housing Plan policy HP9 (Design, character and context).
- (2) The effect upon the amenity and privacy of the proposed development is not acceptable contrary to the Oxford Local Plan Policies HS19 (Privacy

and amenity), HS20 (Local residential environment) and Oxford Core Strategy policy number HP14 (Privacy and daylight).

134. 229 - 233 COWLEY ROAD: 12/03269/FUL

The Head of City Development submitted a report (previously circulated now appended) concerning the following application:-

Change of use of 229 Cowley Road from dwelling house (Class C3) to student accommodation. Erection of building to rear of 229, 231 and 233 Cowley Road to provide 2 x 3 bed flats (Class C3) with associated vehicle parking and amenity space.

Murray Hancock presented the report to the Committee.

In accordance with the criteria for public speaking Steve Pickles (on behalf of the Applicant) spoke in favour of the application. No-one spoke against it.

Having taken all submissions into account, both written and oral, it was resolved to REFUSE the application on the following grounds:-

- (1) The proposed development would result in the net loss of a self contained residential dwelling from the East Oxford Neighbourhood Area which is an area identified as having an intense pressure to safeguard new family dwellings and to achieve a higher proportion of family dwellings as part of the mix of new residential developments. Furthermore the flats proposed as replacement self-contained accommodation would not constitute good quality self-contained homes in comparison to the dwelling that they are replacing. This would be contrary to Policy HP1, HP12, HP13 and Hp14 of the Sites and Housing Plan
- (2) That the proposed flats would fail to provide good quality accommodation for the future occupiers of these family dwellings. This would be because their overall layout would be cramped and congested, with small rooms that would not allow reasonable furnishings, circulation space, natural light and outlook that would have an impact upon the quality of the accommodation. Furthermore the proposed gardens for the flats would have limited amenity value as they would be enclosed spaces, and in the case of the first floor flat in a divorced and impractical location so as to make them usable for their potential occupants which could include children. Therefore the proposal would fail to create adequate internal and external living conditions for the future occupiers of the dwellings, contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001-2016, and Policies HP12, HP13, and HP14 of the Sites and Housing Plan.
- (3) The proposed building would be of a size and scale that would fail to create an appropriate visual relationship with the infill nature of the site, and the character and appearance of Bartlemas Road and wider residential area. Furthermore the overall layout of the dwellings would fail to provide any active frontage to the property or increase natural surveillance of the street scene which would also not reflect the prevailing character of the street. As a result the proposal would be contrary to the

aims and objectives of Policy CS18 of the Oxford Core Strategy 2026, Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016, and Policy HP9 of the Sites and Housing Plan.

135. ADJ. 385 WOODSTOCK ROAD: 12/03138/FUL

The Head of City Development submitted a report (previously circulated now appended) concerning the following planning application:-

Erection of a 1 x 6-bedroom dwelling (Class C3).

Murray Hancock presented the application to the Committee.

In accordance with the criteria for public speaking, Nik Lyzba spoke in favour of the application. No-one spoke against it.

Having taken all submissions into account, both written and oral, it was resolved to APPROVE the application with conditions laid out in the Planning Officer's report, and that the Head of City Development be authorised to issue the notice of permission.

136. 7 NORHAM GARDENS: 12/02636/FUL & 12/02537/LBD

The Head of City Development submitted a report (previously circulated now appended) concerning the following planning applications:-

(1) 12/02637/LBD – Demolition of existing conservatory. Toilet block and garage. Erection of two storey extension, porch and conservatory, new garage and garden studio. New timber and metal gates, railings and piers. Internal alterations including new openings, removal of existing walls and partitions and staircase. Insertion of new staircases, new partitions and lift.

(2) 12/02636/FUL – Change of use from education establishment (use class D1) to single dwelling house (use class C3). Erection of part single storey, part two storey, detached garage, garden studio, new timber and metal gates, railings and piers. Provision of private amenity space, car parking and bin and cycle stores

Nick Worlledge presented the application to the Committee.

In accordance with the criteria for public speaking, Nik Lyzba and Chris Mealand (on behalf of the Applicant) spoke in favour of the application. No-one spoke against it.

The Committee considered all submissions both written and oral.

Resolved to APPROVE **both** applications with conditions set out in the Planning Officers' report, and that the Head of City Development be authorised to issue the notice of permission.

137. 30 PLANTATION ROAD: 12/03264/FUL & 12/03265/CAC

The Head of City Development submitted a report (previously circulated now appended) concerning the following planning application:-

(i): 12/03265/CAC: Conservation Area Consent for demolition of 2 storey hipped roof side extension and detached pitched roof double garage.

(ii): 12/03264/FUL: Demolition of 2 storey hipped roof side extension and detached pitched roof double garage. Erection of two storey side and rear and single storey front extension at lower-ground and ground floor levels with integral garage. Erection of low level stone wall, piers and sliding gates to front garden / driveway.

Nick Worlledge presented the application to the Committee.

In accordance with the criteria for public speaking, Phyllis Ferguson spoke against the application and spoke in favour of it. Neil Perry (on behalf of the Applicant) spoke in favour.

Having taken all submissions into account, both written and oral, the Committee resolved to REFUSE application 12/03265/FUL on the following grounds:-

- (1) The extension to the property would overwhelm the existing building and the neighbouring properties and harm the character and appearance of the Conservation Area and harm the amenity of the neighbouring properties contrary to the Oxford Local Plan 2001-2016 policies HE7 (Conservation area), CP1 (Development proposals) and CP8 (Design development to relate to its context); also policy CS18 (Urban design, town character and the historic environment) of the Core Strategy.
- (2) The impact of the proposed wall and gate at the end of the road adds to the overbearing nature of the proposed development and is damaging to the streetscape;
- (3) The existing driveway provides an important gap in the street frontage and the loss of it would be harmful to the character and appearance of the Conservation Area contrary to the Oxford Local Plan 2001-2016 policies HE7 (Conservation area),

The Committee resolved to APPROVE application 12/03265/CAC (Conservation Area consent for demolition).

138. DEFERRED ITEMS

The Committee resolved to defer consideration of the remaining items on the agenda to a deferred meeting on 14th March 2013.

The meeting adjourned at 9.00pm.

RECONVENED MEETING

The meeting reconvened at 6pm, Thursday 14 March in the Council Chambers.

COUNCILLORS PRESENT: Councillors Goddard (Vice-Chair, in the Chair), Benjamin, Clack, Jones, Khan, Tanner and Coulter.

OFFICERS PRESENT: Martin Armstrong (City Development), Nick Worledge (City Development), David Radford (City Development), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

139. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Oscar Van Nooijen (Councillor Van Coulter substituted), Councillor Colin Cook and Councillor Anne-Marie Canning.

140. DECLARATIONS OF INTEREST

None

141. 81 WYTHAM STREET: 12/03016/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application for an erection of a single storey side extension and single storey rear extension

The Planning Officer explained that the application is going to appeal due to non-determination because the statutory time limit has expired. However, the Committee is asked to express how they would have voted, had the application not been going to appeal.

The Committee noted that no one wished to speak on the application.

The Committee resolved (by 7 votes to 0) to REFUSE the planning application on the following grounds:

As a result of a combination of its excessive depth and height, proximity to the boundary and bland side elevation, the proposed extension represents poor quality design that fails to respect the prominence of the corner plot on which it is located detrimental to the Wytham Street and Oswestry Road streetscenes contrary to policies CP1, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy HP9 of the Sites and Housing Plan.

142. 36 MORRELL AVENUE: 12/02829/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application for details a change of use from class C3 dwelling house to C4 House in Multiple Occupation.

The Committee noted that no one wished to speak on this application.

The Committee resolved (by 7 votes to 0) to REFUSE the application because:

- 1 The proposed development would result in an over concentration of Houses in Multiple Occupation within Morrell Avenue, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.
- 2 The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. This would be contrary to Policy HS15 of the Oxford Local Plan 2001-2016 and Policy HP7 of the emerging Sites and Housing Plan.

**143. EAST OXFORD COMMUNITY CENTRE, PRINCES STREET:
13/00242/CT3**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to replace existing crittal windows with double glazed powder coated aluminium windows

The Committee noted that no one wished to speak on the application.

The Committee resolved (by 7 votes to 0) to APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified slim profile,
- 4 Transom and mullions to remain unaltered on windows.

144. OXFORD ARCHAEOLOGICAL ACTION PLAN

The Head of City Development has submitted a report which describes the work involved in the completion of the Oxford Archaeological Plan (OAP) project and the production of an Oxford Archaeological Action Plan.

The Head of Heritage presented the report to the Committee.

With funding received from English Heritage in 2008 the Heritage and Specialist service team has been recording and collating the archaeology in Oxford. The OAP is designed to:

- Signpost the results of the assessment and characterisations projects online.

- Provide a short overview of the city's historical development.
- Flag up strategic issues regarding long term archaeological asset management.
- Provide a framework of encouragement for larger developers and land owners to protect archaeology in the city.
- Improve the quality and scope of the Urban Archaeological Database and seek to improve public access to this information.

The project has focused on the city centre and the pressure of development on the city's archaeology.

The Committee resolved to NOTE the completion of the Oxford Archaeological Plan and the production of the Oxford Archaeological Action Plan.

The Committee congratulated the officers for the Archaeological Action Plan and the background work they have been doing. They recognised the challenges highlighted in the report and endorsed the council's commitment to

- developing high quality evidence base on the historic environment and
- providing effective archaeological development control advice.

The Committee made the following comments/ questions on the proposed action plan:

1. How are you going to further engage the public?

The Council is going to proactively work with external partners ie universities, conservation trusts, Oxfordshire County Council and museums to better engage with public.

2. If a developer ignores the archaeological condition of the site how do we ensure that conditions are observed?

These cases are very rare. The Heritage team hopes that open communication between developers and officers to identify any archaeology at a site at an early stage would reduce the chances of this happening.

3. The archaeological strategy creates a sense of place within estates. It should inspire designers to create innovative architectural designs to reflect and incorporate the archaeological remains at a site. If the city does this well, we can promote it to increase tourism.

The archaeologist agreed, some colleges are incorporating archaeology into their designs. However we need to know which sites have archaeological remains early to incorporate into developers design.

4. Increasing educational awareness can we persuade other places in the city to use strategy?

The Council has uploaded a lot of documents onto the Heritage Gateway website to increase educational awareness of the archaeology of Oxford.

5. The report says this project has no financial implications but other funding streams are about to expire what are you doing about it?

An Oxford Conservation fund is being set up between universities, councils, local businesses to assist with continued work.

There are also grants available from English Heritage and the National Trust, as officers, we are confident that funding can be found.

145. PLANNING APPEALS

The Committee NOTED the report on planning appeals received and determined during January 2013, with the following amendments -
Arithmetic in table C: All planning appeals (not just BV204 appeals): Rolling year to 31 January 2013 to be corrected.

146. MINUTES

The following amendments were made:

Minute 119 – Roger Dudman Way, 11/02881/FUL

- Speakers' affiliations to be added to minutes

A suggestion was made that more details of the discussion be minuted when the Committee considers applications with a large public interest.

The Committee resolved (by 7 votes to 0) to APPROVE the amended minutes of the meeting held on 7 February 2013 as a true and accurate record.

147. FORTHCOMING APPLICATIONS

The Committee NOTED the list of forthcoming applications.

148. DATES OF FUTURE MEETINGS

The Committee NOTED the next meeting will be held on Wednesday 17 April 2013.

The meeting started at 6.00 pm and ended at 7.00 pm

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