

# Agenda

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## East Area Planning Committee

Date: **Wednesday 7 August 2013**

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Time: **6.00 pm**

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Place: **Oxford Town Hall**

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For any further information please contact:

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# East Area Planning Committee

## Membership

<b>Chair</b>	<b>Councillor Roy Darke</b>	Headington Hill and Northway;
<b>Vice-Chair</b>	<b>Councillor David Rundle</b>	Headington;
	<b>Councillor Mohammed Altaf-Khan</b>	Headington Hill and Northway;
	<b>Councillor Mary Clarkson</b>	Marston;
	<b>Councillor Van Coulter</b>	Barton and Sandhills;
	<b>Councillor Steven Curran</b>	Northfield Brook;
	<b>Councillor Sam Hollick</b>	Holywell;
	<b>Councillor Ben Lloyd-Shogbesan</b>	Lye Valley;
	<b>Councillor Michele Paule</b>	Rose Hill and Iffley;

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

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# AGENDA

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<p>The Head of City Development has submitted a report which details a planning application to erect a single storey extension to accommodate additional change room facilities to the north elevation</p> <p><b><u>Officer recommendation:</u></b> That the Committee APPROVE the planning application subject to the following conditions:</p> <ol style="list-style-type: none"><li>1 Development begun within time limit</li><li>2 Develop in accordance with approved plans</li><li>3 Samples of materials</li><li>4 Sustainable Urban Drainage Scheme</li><li>5 Details of sustainability measures</li></ol>	
<b>4 30 COWLEY ROAD, LITTLEMORE: 13/00811/FUL</b>	11 - 20
<p>The Head of City Development has submitted a report which details a planning application for a change of use of ground floor from shop (Class A1) into 1x1 bed flat (Class C3). Demolition of rear extension to accommodate garden.</p> <p><b><u>Officer recommendation:</u></b> That the Committee APPROVE the planning application subject to the following conditions:</p> <ol style="list-style-type: none"><li>1 Development begun within time limit</li><li>2 Develop in accordance with approved plans</li><li>3 Materials - matching</li><li>4 Removal of existing canopy</li><li>5 External amenities prior to occupation</li><li>6 Parking and manoeuvring space</li><li>7 Renewable energy source</li></ol>	
<b>5 114 KESTREL CRESCENT: 13/01102/FUL</b>	21 - 30
<p>The Head of City Development has submitted a report which details a planning application to erect a two storey side extension to form 1 x 1 bed dwelling (Class C3). Provision of associated parking, bin store and 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 Amended parking layout
- 5 Submission of further matters of cycle and bin stores

**6 GREHAN HOUSE, 190-196 GARSINGTON ROAD: 13/01740/T56**

31 - 36

The Head of City Development has submitted a report which details a planning application for prior approval for change of use from offices (use class B1a) to 12 x 1-bed apartments and 15 x studio apartments (use class C3).

**Officer recommendation:** That PRIOR APPROVAL be required for the following reason:

- 1 At present, there is insufficient information submitted with the applications to determine, as a result of the proposed use, whether the sites will be contaminated land as described under Part 2A of the Environmental Protection Act 1990.

**7 PLANNING APPEALS**

37 - 40

To receive information on planning appeals received and determined during June 2013

The Committee is asked to note this information.

**8 MINUTES**

41 - 44

Minutes from 3 July 2013

**Recommendation:** That the minutes of the meeting held on 3 July 2013 be APPROVED as a true and accurate record.

**9 FORTHCOMING APPLICATIONS**

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

13/01383/OUT - Land West of Barton North of A40 and South of Boundary Brook - Outline application (seeking means of access) for the erection of: A maximum of 885 residential units (Class C3); a maximum of 2,500 sqm gross Class A1, A2, A3, A4 and A5 uses (with a maximum of 2,000 sqm gross foodstore Class A1); a maximum of 50 extra care housing units; a maximum of 7,350 sqm GEA hotel (Class C1); a maximum of 3,000 sqm GEA Class

D1, D2 floorspace (community hub and primary school); in development blocks ranging from 2 to 5 storeys with associated cycle and car parking, landscaping, public realm works, interim works and associated highway works.

13/01096/FUL - Land to the rear of William Morris Close - Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 65 car parking spaces, access road and landscaping accessed off Barracks Lane

13/01119/FUL - Former DHL Site Sandy Lane West - Erection of 3 units providing 3509sqm of accommodation for Class B1 (Business), Class B2 (General Industrial) or Class B8 (Storage or Distribution) use. Provision of 31 car parking spaces and 15 cycle parking spaces.

12/02848/OUT - Land North of Littlemore Healthcare Trust, Sandford Road - Outline application (fixing access) for up to 140 residential units together with 258 car parking spaces, 356 cycle parking spaces, landscaping and open space

13/00302/FUL – Oxford Stadium, Sandy Lane - Demolition of existing structures. Erection of 220 x residential units (37 x 1 bed flats, 43 x 2 bed flats, 24 x 2 bed houses, 90 x 3 bed houses, 26 x 4 bed houses) (use class C3 - single family dwellings), new site accesses, parking, landscaping, public open space and ancillary works.

13/00739/FUL and 13/00740/CAC – Lawn Upton House, Sandford Road, Littlemore - Erection of 24 residential units consisting of 5 x 1-bed, 9 x 2-bed and 10 x 3-bed flats. Provision of 34 car parking spaces, 58 cycle parking spaces and landscaping and demolition of existing buildings

13/00757/FUL – 8 Jersey Road – Internal alterations to an existing, lawfully extended, building to provide enlarged flats (2 x 2-bed and 2 x 1-bed). Provision of vehicle parking, bin/cycle storage, communal amenity space and landscaping.

13/01815/CT3 & 13/01814/CT3 – Parks Depot Bury Knowle Park - Conservation Area Consent for demolition of existing sheds and erection of 2 x 1-bed, 7 x 2-bed and 1 x 3-bed residential units (use class C3) in 3 blocks arranged around central courtyard, together with covered cycle and bin stores, and landscaping

13/01553/CT3 - Eastern House, Eastern Avenue - Demolition of Eastern House and erection of 7 x 3-bed and 2 x 2-bed dwellings (use class C3). Provision of associated car parking, landscaping, private amenity space and bin and cycle stores.

13/01557/CT3 - Garage Block, Leiden Road - Demolition of garage block. Erection of 3 x 3-bed houses (use class C3) with associated parking and bin stores. (Reserved matters of outline permission 12/01845/CT3)

13/01558/CT3 - Land to the rear of 1 and 3 Thomson Terrace - Erection of 3 x 2-bed houses (use class C3). Provision of associated parking, private amenity space and bin stores.

13/01603/CT3 - Land at Cardinal Close - Erection of 3 x 2-bed units.

Provision of parking and bin storage.

13/01555/CT3 - Land East of Warren Crescent - Erection of 10 x 3-bed dwellings (use class C3) together with associated car parking, cycle and bin storage. Diversion of public footpath.

13/01592/CT3 - Alice Smith House, Alice Smith Square - Demolition of Alice Smith House. Erection of 3 x 2-bed and 8 x 3-bed houses (Use Class C3). Provision of 11 car parking spaces, cycle and bin store.

13/01610/CT3 - East Minchery Allotments, Grenoble Road - Erection of 48 residential units (4 x 1-bed flats, 8 x 2-bed flats, 4 x 2-bed houses, 26 x 3-bed houses and 6 x 4-bed houses) (use class C3), 102 car parking spaces, public open space, retained allotments and access road, together with diverted right of way, landscaping and cycle and bin stores.

## **10 DATES OF FUTURE MEETINGS**

The Committee NOTES the following future meeting dates:

Wednesday 4 September 2013 – Normal meeting

Thursday 12 September - Q&A session for Barton application

Tuesday 24 September – Special meeting for Barton application

Wednesday 2 October 2013 (and Thursday 10 October if necessary)

Wednesday 6 November 2013 (and Thursday 14 November if necessary)

Wednesday 4 December 2013 (and Thursday 12 December if necessary)

## **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\*\*](mailto: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 of the public are reminded that the recording of the meeting (audio or visual) is not permitted without the consent of the Committee, which should be sought via the Chair.
7. Members should not:-
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.



**East Area Planning Committee**

7th August 2013

**Application Number:** 13/01397/CT3

**Decision Due by:** 31st July 2013

**Proposal:** Erection of single storey extension to accommodate additional change room facilities to the north elevation

**Site Address:** Blackbird Leys Leisure Centre, Pegasus Road (**site plan: appendix 1**)

**Ward:** Blackbird Leys

**Agent:** B3 Architects

**Applicant:** Oxford City Council

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## **Recommendation:**

The East Area Planning Committee is recommended to APPROVE planning permission for the following reasons:

- 1 The proposed single storey extension to create a sports pavilion would represent a wholly appropriate use within the Blackbird Leys Leisure Centre and providing more modern changing facilities that will support the long term needs and sustainability of two local community football clubs. The extension to the existing leisure centre would represent an efficient use of previously developed land, while also enhancing this existing indoor sports facility by providing a focal point between the indoor and outdoor sports facilities within Blackbird Leys Park. The size, scale, siting, and design of the pavilion would be well integrated with the existing centre and surrounding area, while safeguarding the residential amenities of the surrounding properties within Pegasus Road and Evenlode Tower. The proposal would not have a significant impact upon the local highway network given the football clubs already use the existing leisure centre and there would be adequate car parking and cycle parking for all users of the leisure centre. The proposal would not have a detrimental impact upon flood risk or sustainability matters. The proposed development would therefore accord with the relevant policies of the Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016. No third party objections have received.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation

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

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Sustainable Urban Drainage Scheme
- 5 Details of sustainability measures

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP19 - Nuisance
- CP20 - Lighting
- CP21 - Noise
- TR2 - Travel Plans
- TR4 - Pedestrian & Cycle Facilities
- NE15 - Loss of Trees and Hedgerows
- HE2 - Archaeology
- SR2 - Protection of Open Air Sports Facilities

**Core Strategy**

- CS1\_ - Hierarchy of centres
- CS3\_ - Regeneration areas
- CS9\_ - Energy and natural resources
- CS11\_ - Flooding
- CS13\_ - Supporting access to new development
- CS18\_ - Urban design, town character, historic environment
- CS19\_ - Community safety
- CS21\_ - Green spaces, leisure and sport

**Sites and Housing Plan**

- SP5\_ - Blackbird Leys Central Area

**Other Material Considerations:**

National Planning Policy Framework

**Relevant Site History:**

68/21021/A\_H - Erection of a sports hall for educational and public use at Redefield School: Approved

83/00036/NF - Extension to existing building to form training hall: Approved

81/00514/GF - Adjacent to Redefield Sports Hall Pegasus Road - Change of use of part of school playing field to adventure playground and erection of building to serve as an indoor facility: Withdrawn

81/00713/GF - Change of use of part of school playing field to adventure playground and erection of building to serve as an indoor facility (revised): Withdrawn

87/00010/GF - Demolition of single storey ancillary buildings to sports hall and erection of two storey extension: Deemed Consent

04/01888/CT3 - Extension to Leisure Centre: Deemed Consent

05/02245/CT3 - Extension and alterations to leisure centre, external condensers (x10). (Variation to permission 04/01888/CT3): Approved

10/00325/CT3 - Refurbishment of existing main entrance including the re-modelling of the entrance doors. Insertion of 5 opening roof lights in the entrance/reception area to replace 5 existing non-opening roof lights: Approved

11/00242/CT3 - Extension to existing Blackbird Leys Leisure Centre to provide 25m swimming pool, learner and fun pools and ancillary facilities. Alterations to existing leisure centre including new entrance, plus external works including landscaping and alterations to existing car parking to provide 121 spaces and 50 cycle spaces. (Additional Information): Approved

**Representations Received:**

None

**Statutory Consultees:**

Blackbird Leys Parish Council: No objection

Environment Agency Thames Region: The development is deemed to have a low environmental risk.

Oxfordshire County Council Drainage Team: The proposed extension does increase the surface water discharge to a soak away with a high level overflow to the existing system would be one option to reduce that out fall.

**Officers Assessment:**

**Site Location and Description:**

1. The site is located on the northern side of Pegasus Road, and is bordered by the Oxford and Cherwell Valley College to the north-west, playing fields and Blackbird Leys Park to the north and east, and Evenlode Tower to the west. The site is within a predominately residential area, with properties on the southern side of Pegasus Road facing the site (**site plan: appendix 1**).

2. The site comprises the Blackbird Leys Leisure Centre which includes a multi-use sports hall, gym, exercise studios, spin studio, crèche, and café. The centre has undergone various refurbishment works in recent years and has an extant planning permission in place for the provision of a new 25m swimming pool, learner and fun pools and ancillary facilities.
3. The site is accessed via the Pegasus Road with a car park located to the west of the multi-use sports hall which has 89 spaces including a small area for disabled parking. There is also cycle parking of 30 spaces and pedestrian access to the facility along the frontage.

## **Proposal**

4. The proposed development forms part of the Oxford City Councils Pavilion Modernisation Project and is seeking permission for the erection of a single storey extension to the rear of the existing leisure centre to provide a sports pavilion as a direct replacement for the existing pavilion which is currently located in the north-eastern side of the park.
5. The pavilion will provide two 16 person changing rooms, with WC's and showers, officials changing room with WC and shower, accessible WC, external store, kitchen / shop with external window, and gas meter.
6. The Oxford City Councils Pavilion Modernisation Project involves the investment of £2.7m over the next 3 years (supplemented by grant funding from sporting bodies such as Sport England and the Football Foundation making a total of £3.14m) to improve pavilions in the city's parks which provide central bases and facilities for many sports clubs in the city. The aim of the project is to provide outstanding facilities which meet modern day standards of the respective sporting bodies and to meet the Councils policies to encourage participation in sport.
7. Officers consider that the principle determining issues for this application are the principle of development; improvements to the sports facility; form and appearance; impact upon adjoining properties; highway matters, and flood risk.

## **Principle of Development**

8. The National Planning Policy Framework encourages the effective use of land and by reusing land that has been previously developed provided that it is not of a high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026
9. The general principle of reusing the existing previously developed land within the park to provide the replacement facilities would be supported by the above-mentioned policies. The proposed extension would not impinge on any of the protected open-air sports facility.

## **Improvements to the sports facilities**

10. The existing sports pavilion is located in the north eastern corner of Blackbird Leys Park and was used by two local football clubs (Oxford Boys and Girls FC, and Greater Leys FC) who have over 500 members. The building has been unusable for several years, as it did not meet modern standards and has been condemned due to the amount of asbestos within the building. This has had an impact upon the sustainability of the clubs, who in the interim have had to use two existing changing rooms in the leisure centre, as it does not meet the clubs needs and hinders club development and participation.
11. The proposed development is therefore seeking to provide a direct replacement for the pavilion by extending the existing leisure centre. The pavilion will primarily be used by the two football clubs, but will be available to other users who may wish to use it. The pavilion will provide changing facilities for players and officials which comply with current Sport England and Football Foundation requirements. The design will encourage participation by all groups, particularly women, children and disabled through the provision of privacy screens to the changing rooms, ensuite changing rooms, accessible unisex toilets, and changing rooms (including hinged shower seats).
12. The relocation of the pavilion to the existing leisure centre would be entirely appropriate as it would connect the outdoor team activities to the main leisure centre and provide a focal point for leisure activities within the park. At the same time it would reduce the pressure on the existing changing room facilities within the existing leisure centre. This would be entirely consistent with the aims of Oxford Core Strategy Policy CS21 which encourages improvements to indoor and outdoor sports facilities across the city.

## **Form and Appearance**

13. The Oxford Core Strategy 2026, through Policy CS18 encourages development to demonstrate high-quality urban design by responding to the site and its surroundings; creating a strong sense of place; contributing to an attractive public realm and providing high quality architecture. The Local Plan supports these aims through Policy CP1 which requires new development to enhance the overall quality of the environment, and CP8 which states that the siting, size, scale, and massing of development should be integrated with the built form and grain of the area in which it is sited.
14. The extension to the centre has been located on the northern elevation of the building, to allow it to connect to the existing access to the sports pitches. The extension is single storey and relatively modest in size and scale, when viewed against the existing leisure centre and indeed within the context of the swimming pool extension which has yet to be implemented. The location of the pavilion to the north of the leisure centre will help provide some activity to this part of the leisure centre by providing a focal point which currently does not exist and therefore allowing the leisure centre to have an active frontage onto the outdoor pitches. The design will be relatively simple and contemporary in appearance, using materials consistent with the existing centre and the proposed swimming

pool. The materials to be used include aluminium standing seam cladding, signage, and curtain walling. A dark grey brick plinth and feature bricks between windows will be used, while the smooth grey bricks will be used on the main elevation to break up the expanse of cladding.

15. The proposed extension would create an appropriate visual relationship with the built form of the existing leisure centre and as part of the resultant building once the swimming pool extension has been added and would therefore accord with the overall aims of Policy CS18 of the Oxford Core Strategy 2026, and Policies CP1 and CP8 of the Oxford Local Plan 2001-2016.

### **Impact upon adjoining properties**

16. Policy CP10 of the Local Plan requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties. This is supported by Policy HS19 which states that development proposals should not increase the potential for overlooking into habitable rooms, noise intrusion, overbearing impact, or loss of sunlight or daylight.
17. The proposed extension would not have any impact upon any of the adjoining residential properties in Pegasus Road or the nearby Evenlode Tower that would conflict with the aims of this policy.

### **Highway Matters**

18. The proposed extension would not result in the loss of any of the existing parking for the leisure centre, or alter any of the parking arrangements approved as part of the swimming pool extension. The proposal does not include any additional parking at the centre over that already approved as part of the expansion works to the car park approved under the swimming pool extension. The peak use of the changing room will be weekends and the car park adjacent to the current pavilion will still be utilised by members of the football club. Similarly the proposed extension only seeks to maintain the existing situation whereby users of the football clubs are currently using the leisure centre for changing facilities and as such there is no change to the existing situation.

### **Flood Risk**

19. The proposed extension would be sited within Flood Zone 1 (less than 0.1% chance of flooding in any year). A Flood Risk Assessment (FRA) by Curtins Consulting has been included with the application. The Environment Agency has identified the scheme as having low risk in terms of flooding. The Flood Risk Assessment has indicated that the proposed development would not generate an increase in permeable area and therefore the existing drainage on site should be able to deal with any additional surface water. A condition should be attached which requires details of a sustainable urban drainage system for the proposed development.

**Conclusion:**

20. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016, and therefore officer's recommendation is to approve the development.

**Human Rights Act 1998**

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

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

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

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

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

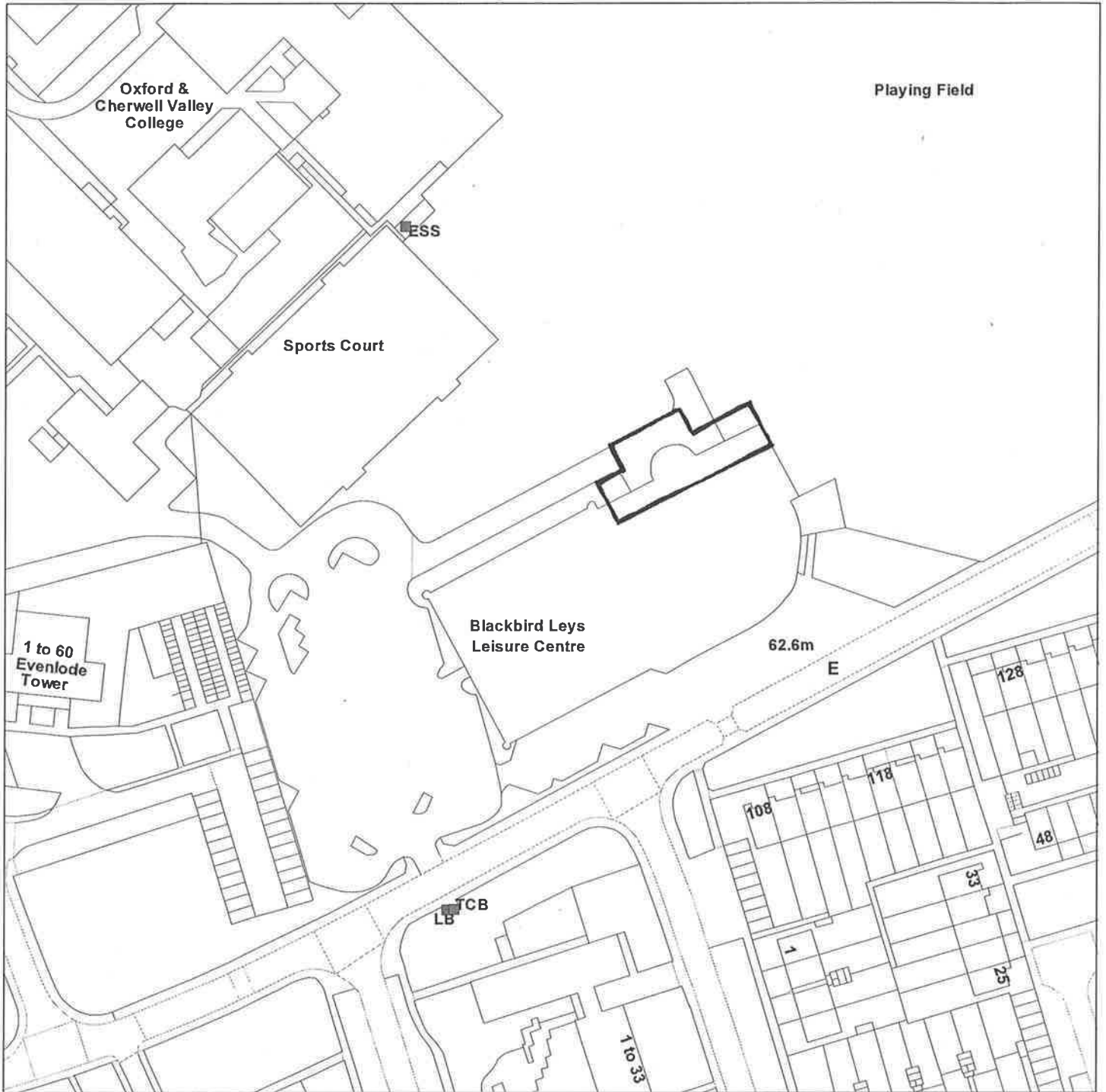
**Date:** 26th July 2013

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# Appendix 1

## Blackbird Leys Leisure Centre (13/01397/CT3)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	26 July 2013
SLA Number	Not Set

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East Area Planning Committee

-7th August 2013

**Application Number:** 13/00811/FUL

**Decision Due by:** 5th June 2013

**Proposal:** Change of use of ground floor from shop (Class A1) into 1x1 bed flat (Class C3). Demolition of rear extension to accommodate garden.

**Site Address:** 30 Cowley Road Littlemore Oxford OX4 4LD

**Ward:** Littlemore

**Agent:** ZAAVIA LTD

**Applicant:** Mr A Ghaffar

**Application Called in –** Called in by Cllr Tanner

Supported by Cllrs Fry, Clarkson and Humberstone, for the following reasons – to examine retail policy and demand in relation to this unit, the practical implications of such a change and the resulting quality of accommodation, and the contribution to housing needs.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 It is considered that, in this case, there are sufficient material considerations to permit the proposed change of use having regard in particular to the length of time that the unit has been vacant, the evidence that has been submitted in support of the change of use, the retention of 50% retail uses in this parade, to the satisfactory internal and external living conditions created in the scheme, and to the potential contribution to meeting housing needs.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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 Removal of existing canopy
- 5 External amenities prior to occupation
- 6 Parking and manoeuvring space
- 7 Renewable energy source

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

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

**RC8** - Neighbourhood Shopping Centres

**CP1** - Development Proposals

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

#### **Core Strategy**

**CS22**\_ - Level of housing growth

**CS23**\_ - Mix of housing

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

#### **Sites and Housing Plan**

**HP2**\_ - Accessible and Adaptable Homes

**HP11**\_ - Low Carbon Homes

**HP12**\_ - Indoor Space

**HP13**\_ - Outdoor Space

**HP14**\_ - Privacy and Daylight

**HP15**\_ - Residential cycle parking

**HP16**\_ - Residential car parking

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

**MP1** - Model Policy

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

National Planning Policy Framework

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

61/00692/M\_H - Outline application for conversion of 2 houses into shops with flats over. PER 6th July 1961.

61/00924/M\_H - Conversion of two houses into 2 shops and 2 flats and erection of 4 garages. PER 6th September 1961.

64/00755/M\_H - Canopy (30-40 Cowley Road, Littlemore).. PER 23rd September 1964.

12/02790/FUL - Change of use of ground floor from shop (Class A1) to 1 x 3-bed flat (Class C3 dwelling).. REF 1st February 2013.

**Representations Received:**

None

**Statutory and Internal Consultees:**

Highways Authority – no objection

Littlemore Parish Council – objects to impact on the street scene,

Thames Water Utilities Limited – no objection in terms of water or sewerage infrastructure with an informative in respect of the latter.

**Issues:**

Loss of a shop unit

Living conditions

Impact on the street scene

Highways and parking

**Sustainability:**

This proposal is sustainable in that it represents re-use of existing developed land. The new dwelling is in a sustainable location being close to shops and local amenities and on a main bus route. Policy HP11 of the SHP requires an energy statement to be submitted and include an element of on-site renewable or low carbon technologies in new development. This can be required by condition.

**Officers Assessment:**

Site and Surroundings

1. 30 Cowley Road, Littlemore is presently the vacant end shop (southern end) in a parade of 6 shops in a row of two-storey Edwardian/Victorian buildings. The shops are on the ground floor with flats/storage in the first floor. A canopy above the shop fronts extends the length of the parade and projects 1.8m out from the face of the building. There is a wide pedestrian forecourt to the parade. At the rear of the parade is a large concrete vehicle access/parking/delivery area with 8 garages.
2. The parade includes a Post Office/confectionary store, a Mini-market, a Hairdresser, a Polish Food mini-market, a Jamaican Takeaway. The application property was last used (for 10 years) by a specialist retailer selling catering equipment. A short distance away, separate from this parade but within the neighbourhood centre, there is also a Fish and Chip shop, Newsagent and a Barber shop.

**Proposal**

3. The shop which is the subject of this application has been vacant for some time and the applicant reports continuing difficulties in letting. The applicant

proposes to change the shop to a 1-bed flat to make beneficial use of the property.

### **Loss of a shop unit**

4. Policy RC8 of the Oxford Local Plan identifies this parade as a Neighbourhood Shopping Centre which performs an important retail function in relation to the surrounding residential areas. Planning permission will only be given for a change of use of a shop unit in such a Centre when there is evidence that the shop use is not viable and that the proportion of Use Class A1 shop units at ground floor level does not fall below 50% of the shop units in the centre. Other commercial or community uses will be considered on their own merits. Changes to residential use need to be supported by substantial proof that commercial uses are not viable. Currently this Neighbourhood Centre has 75% A1 use at ground floor and if this shop unit were to be lost the A1 level would not fall below 50%.
5. Some evidence of lack of viability has been submitted to support the application. The applicant has said that the property has been empty since the end of July 2012 when the previous occupier vacated the shop. The applicant states that the property has been marketed since it became vacant but without success: it was advertised with Christopher Stanley Estate Agents between April and June 2013, and advertised on "Gumtree". The applicant states that 10 parties have viewed the property but none has made an offer citing the location and/or nearby retail competition as their reason. Additionally, the applicant points to the Cowley Centre which is a 10 minute walk away and which provides for a full range of local shopping needs. An estate agent showed some interest but then decided that it was an unsuitable location. The applicant points, as evidence of the lack of economic viability in the area, to a nearby pub which was recently converted to a restaurant at great expense, which was open for 6 months but has been closed for over a year.
6. The applicant has been requested to submit further written evidence to corroborate these statements in order to allow the issue of viability of retail or other commercial uses of the property to be properly and fully addressed in accordance with policy. This more robust evidence has not been submitted and in these circumstances it could be argued that the lack of viability has not been proved sufficiently robustly to justify a change of use to residential in the terms of policy RC8.

### **Living conditions**

7. Setting aside the issue of viability of retail use, consideration needs to be given to the principle and suitability of this property for residential use.

### **Principle**

8. 30 Cowley Road was originally built as a residential unit in the Edwardian era but was converted to retail on the ground floor with a flat above in the early

1960s. The projecting canopy running along the front of this parade was erected under planning reference 64/00755/MH. Policy CS22 of the Core Strategy sets out the housing growth level which is to be achieved in the City. Policy CS23 of the Core Strategy aims to achieve a mixed and balanced supply of new housing development and an efficient use of land. In terms of those policies therefore this proposal can be regarded as a gain to the City's housing stock.

#### Internal and external living conditions

9. Policies HP2, HP9 and HP12 to HP15 of the Sites and Housing Plan deal with the design, sustainability and residential amenities of the proposed new housing. Policy HP12 of the SHP requires that each new dwelling has its own lockable front door, a kitchen and a bathroom; acceptable room sizes to accommodate furnishing and circulation, and storage. No dwelling should be less than 39 sq m. Policy HP2 requires that all new dwellings meet the Lifetime Homes Standard. Policy HP13 of the SHP requires that new (and retained) dwellings have exclusive use of adequately sized and suitably located and oriented garden space, together with refuse storage facilities. Policy HP15 requires that provision be made for secure storage for at least 2 cycles for a one-bedroom property.
10. This proposal meets all those standards: access is via a front door to the street and the flat extends to over 64 sq. m. The rooms are sufficiently large to create a satisfactory internal environment and with level access which meet the Lifetime Homes Standard. The main living area has south facing side windows and patio doors to an enclosed private amenity space. Although the outlook from the windows is towards the garden fence at 28 Cowley Road they will be well-lit rooms. The external amenity space is over 26 sq. m. with a southerly orientation, suitably screened by boundary fencing and with an external access from the side alley. Cycle and bin storage is provided to the required standard. The proposal therefore accords with the Council's policies on internal and external living conditions.

#### Impact on adjoining properties

11. Policy HP14 of the SHP requires that residential properties are not overlooked or overborne by new development and retain adequate daylight and sunlight. This proposal is on the ground floor at the end of a terrace and has no impact on the privacy or other amenities of adjoining or adjacent properties.

#### **Impact on the street scene**

12. The removal of the front shop canopy will to an extent unbalance the visual appearance of the parade of shops but not to the extent that this could form a reason for refusal.
13. The front door and fenestration to the street mean that the proposal retains activity on the street (it does not become a 'dead frontage') while the internal arrangement of rooms means that residential privacy at the street frontage is

secured. It is therefore considered to be acceptable in accordance with adopted design policies CS18 of the Core Strategy, HP9 of the Sites and Housing Plan, and CP1 and CP8 of the Oxford Local Plan.

## Highways and Parking

14. In this locality HP16 indicates that parking provision will be judged in its local context taking into account existing parking capacity and safety issues. There is a large garage court at the rear of the property with garages allocated to the shops and flats above.
15. The Highway Authority has commented that the site fronts a busy local road. Parking is not restricted to the front of the parade of local shops and on adjacent residential side roads, where considerable on-street parking was observed. The highway authority considers that these garages are not to the current standards, which limits their use for practical off-street car parking. They have not however raised an objection to the development on highway or safety grounds. In these circumstances a condition is proposed which requires the permanent availability to the new dwelling of a garage or parking space and associated vehicle manoeuvring space in the garage block at the rear of the site.

## Conclusion

16. The property has been vacant since the end of July 2012 when the previous tenant moved out. Some marketing has been carried out for retail or estate agent use but without success. The amount and type of marketing has not been as comprehensive or as rigorous as is normally demanded to justify a change of use from neighbourhood shop to residential. Some anecdotal evidence has been submitted concerning local competition and lack of demand for a unit of this type in this location. Were the unit to change to residential use, 50% of the units in this parade would remain in retail use. It is considered that the location of this property at the southern end of the parade enables a residential unit to be created which will add to the stock of housing in the City, provide satisfactory internal and external living conditions, and have an acceptable impact on the street scene.
17. Whilst the absence of a fully robust viability assessment of retail or other commercial uses in this property mean that the proposal may be regarded as not fully meeting the tests of Policy RC8 of the Local Plan, it is clear from the length of vacancy and the marketing that has been undertaken that the property is unattractive to new retail or commercial occupiers. The viability assessment requirements of Policy RC8 have therefore been balanced against other material considerations, principally that 50% of the units in the parade will still be in retail use, and that a new dwelling with satisfactory living conditions can be created which can contribute to the city's housing stock. In these circumstances it is considered that the deficiencies in the viability assessment may, in this case, be outweighed by those material considerations and that the property better lends itself to helping to meet housing need. Accordingly the recommendation is that permission be granted.



## **Human Rights Act 1998**

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

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

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

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

**Background Papers:** file ref 13/00811/FUL

**Contact Officer:** Fiona Bartholomew

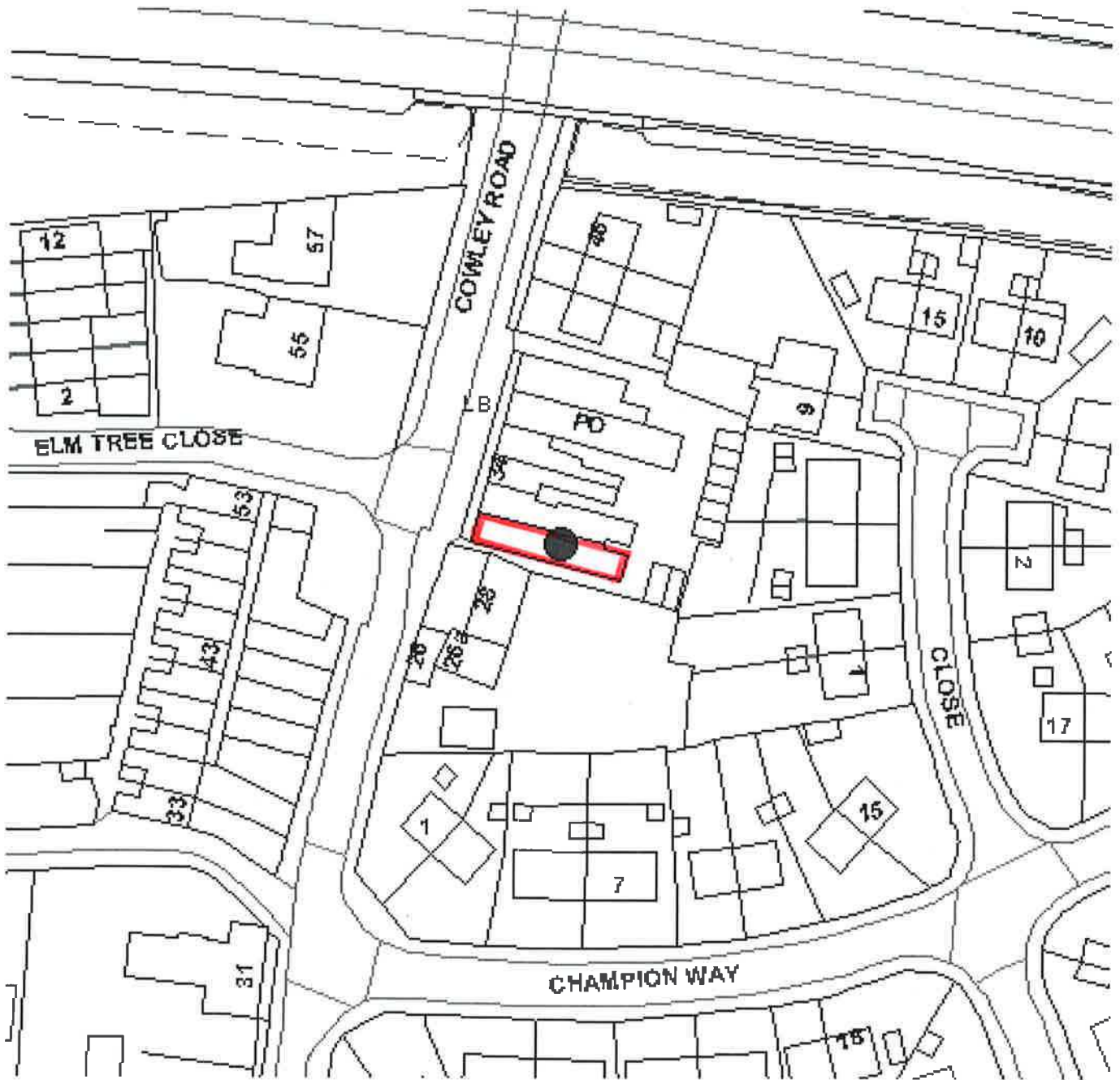
**Extension:** 2774

**Date:** 25<sup>th</sup> July 2013

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# Appendix 1

13/00811/FUL - 30 Cowley Road



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Ordnance Survey 100019348

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East Area Planning Committee

-7<sup>th</sup> August 2013

**Application Number:** 13/01102/FUL

**Decision Due by:** 5th July 2013

**Proposal:** Erection of two storey side extension to form 1 x 1 bed dwelling (Class C3). Provision of associated parking, bin store and amenity space.

**Site Address:** 114 Kestrel Crescent, Appendix 1.

**Ward:** Northfield Brook

**Agent:** AK Architects Ltd

**Applicant:** Mr Sokol Collaku

**Application Called in** – by Councillors – Seamons, Rowley, Baxter and Khan for the following reasons - overdevelopment and parking problems

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is considered to be located on an appropriate site, form an acceptable visual relationship with the existing building and local area and will not have a significant effect on the current and future occupants of adjacent properties. The dwelling will allow future adaptation for occupation by a disabled person, concerns over flooding, parking and the storage of bins and cycles can be dealt with by condition and the proposals therefore comply with Policies CP1, CP6, CP8, CP9 and CP10 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11, CS18 and CS23 of the Core Strategy and Policies HP2, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan. No objections have been received from third parties.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Development begun within time limit

- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Amended parking layout
- 5 Submission of further matters of cycle and bin stores,

**Main Local Plan Policies:**

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

**CP1** - Development Proposals

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

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

**CP9** - Creating Successful New Places

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

**Core Strategy**

**CS11\_** - Flooding

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

**CS23\_** - Mix of housing

**Sites and Housing Plan (SHP)**

**MP1** - Model Policy

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

**HP10\_** - Developing on residential gardens

**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

Oxford City Council Planning Design Guide 1 – Corner Site Extensions  
(Design Guide1)

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

**Relevant Site History:**

None relevant

**Representations Received:**

No comments received

**Statutory and Internal Consultees:**

Local Highway Authority: Parking spaces should be 2.9m wide

County Drainage Team: Drainage should be SUDS compliant

Thames Water: No objection, but refers to legal situation with regard to sewers.

Blackbird Leys Parish Council: No objection

**Determining Issues:**

- Principle of development
- Lifetime Homes
- Visual appearance
- Effect on adjacent occupiers
- Parking
- Bin and cycle storage
- Flooding

**Officers Assessment:**

Site Description and Proposal

1. 114 Kestrel Crescent is an end of terrace house that is situated on a corner plot with a somewhat unusually wide frontage for the area, although the rear of the plot is reduced in width by a run of garages.
2. Permission is sought to construct a building to the side of the existing house and backing onto the side of the garages to provide an additional one bedroom house.

Principle of Development

3. Para.111 of the National Planning Policy Framework explains that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. However concerns over “garden-grabbing” and inappropriate high density infill housing schemes resulted in private residential gardens being omitted from the definition of previously developed land in the NPPF as defined in Appendix 2 the Glossary.
4. Policy CS2 of the Core Strategy – Previously Developed and Greenfield Land resists development on large areas of greenfield land. It does not apply to residential gardens however. Policy HP10 of the Sites and Housing Plan (SHP) is designed to strike a balance between the contribution of gardens to local character, and the need to ensure that suitable land can be used for well-designed residential development. The policy therefore defines residential

garden land differently to 'greenfield' land, such that development can continue to come forward on appropriate sites in residential areas. The SHP has now been adopted and this policy is a material consideration to which some considerable weight must be given.

5. Policy HS10 makes it clear that the proposal must respond to the character and appearance of the area, taking account the views from street, footpaths and the wider residential and public environment and that the size of the plot to be developed is of an appropriate size and shape to accommodate the proposal.
6. The proposed site of the dwelling is an area of residential garden to the side of the existing house and the majority of the rear garden would remain available for use by that house. The design of the new house responds to the existing character of the area and the available space is of an appropriate size to accommodate a one bedroom dwelling. The site is therefore considered to be an "appropriate" location in regard to Policy HS10 of the SHP.
7. The proposal is for 1 additional unit and does not therefore trigger the requirements in the Balance of Dwellings SPD and policy HS8.

#### Lifetime Homes

8. Policy HP2 of the SHP requires that all new dwellings meet the Lifetime Homes standard to ensure that the spaces and features in the new home can readily meet the needs of most people, including those with reduced mobility. The City Council has published a technical advice note detailing the standards.
9. The proposed dwelling has been assessed using the technical advice note. Whilst the car parking space is close to the house and could be configured for use by a wheelchair user, other aspects of the specification, such as a ground floor WC are not provided. However, Officers note that HP2 provides for some flexibility where full provision would not be viable and it is considered that requiring a one bedroom house to meet all of the requirements of Lifetime Homes would be unreasonable as it would make the development non-viable.

#### Visual Appearance

10. The Council expects new development to enhance the quality of the environment, and with this Policy CP1 is central to the purpose. This policy states that all new development should respect the character and appearance of the area. This view is taken a step further in Policies CP8 of the OLP, CS18 of the Core Strategy and HP9 of the SHP, which require all new development to demonstrate high quality urban design and ensure that the siting, massing and design creates an appropriate visual relationship with the built form of the local area.
11. Oxford City Council Planning Design Guide 1 - Corner Site Extensions seeks to ensure that houses on corner sites are not unbalanced by excessively wide side extensions that dominate the existing houses. Design Guide 2 – Side Extension



suggests that it is usually best practice to continue building lines and detailing on terraced houses.

12. The proposed development would be highly visible from the public domain and would project beyond the building line along Kestrel Crescent. However a number of side extensions on corner plots along Kestrel Crescent have been granted planning permission in recent years, and this particular proposal is not considered to result in the loss of important views along the street or to appear out of place in its context. The proposal is of relatively modest width, reflects the lines of the terrace on which it would sit and accords with Design Guides 1 and 2.
13. Subject to a condition of planning permission to control the appearance of materials used in the build, the proposal is not considered to be materially out of character with the existing house or local area, and complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

#### Effect on Adjacent Occupiers

14. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
15. The proposal complies with the 45-degree guidance, is considered unlikely to have a material effect on adjacent occupiers, and complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

#### Parking

16. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that different levels of parking will be suited to different areas, that the design of car parking spaces is vitally important to the success of development and that developers should have regard to current best practice. Oxfordshire County Council has published "Car parking standards for new residential developments" (parking standards) which includes detailed technical guidance on parking space dimensions and visibility, along with a guide to maximum parking provision.
17. The house currently provides two parking spaces in tandem, although the Local Highway Authority considers the existing parking provision to be substandard in its dimensions. The proposed level of parking is for two spaces side by side, one of which would be available for the existing house and one for the new house.
18. The application site is relatively sustainable, with good links to public transport and reasonably close to local shops and facilities. Bearing in mind that the side by side arrangement would be preferable to the existing tandem layout and subject to a condition to ensure that the two new spaces are of a more

appropriate width than those they replace, the proposed parking provision will not represent a deterioration in the parking situation on the site and the proposals comply with Policies CP1 of the OLP and HP15 of the SHP.

### Private Amenity Space

19. Policy CP10 of the OLP states that permission will only be granted where developments are sited to ensure that outdoor needs are properly accommodated, including private amenity space, where buildings are orientated to provide satisfactory light, outlook and privacy, and where the amenity of other properties is adequately protected. Policy HP13 of the SHP states that permission will only be granted for houses of 2 or more bedrooms that have direct access to an area of private open space that is of adequate size and proportions for the size of house proposed, while the accompanying text states that the City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint. Smaller areas are appropriate for one bedroom dwellings.
20. The proposed development would result in the loss of private amenity space to the side of the existing house; however the remaining space to the rear is considerably greater than the original footprint of the house and more than adequate for the original house. The new house would have one bedroom and would have access to a good sized area to the front and rear of the house. Officers consider that these areas would be lacking somewhat in privacy. However the small area of space to the rear will provide an increased level of privacy, and in combination these areas are considered to provide a level and quality of private amenity space somewhat in excess of the minimum expected by the SHP and the proposal therefore complies with Policies CP10 of the OLP and HP13 of the SHP.

### Bin and Cycle storage

21. Policy HP13 of the SHP states that permission will not be granted for residential dwellings unless adequate provision is made for the safe discrete and conveniently accessible storage of refuse and recycling, whilst HP15 states that permission will only be granted for residential development where at least two cycle parking spaces (for a one bedroom dwelling) are provided in a secure, undercover manner.
22. The proposed site plan indicates an area to the front for bin storage and that cycles will be accommodated in sheds in the rear gardens. Officers consider that more information is required to ensure that the development complies with Policies HP13 and HP15 and that it would be reasonable to require this information as a condition of any grant of planning permission.

### Flooding

23. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.

24. The Local Drainage Authority has suggested that drainage from the development be compatible with the principles of Sustainable Urban Drainage Systems (SUDS) to attenuate the run-off of rain water and it is considered reasonable for any grant of planning permission to be conditional on SUDS compliant drainage in order to reduce the rate of run off and the risk of flooding in accordance with Policy CS11 of the Core Strategy.

Conclusion:

25. The development is considered to be located on an appropriate site, form an acceptable visual relationship with the existing building and local area and will not have a significant effect on the current and future occupants of adjacent properties. The dwelling will allow future adaptation for occupation by a disabled person, concerns over flooding, parking and the storage of bins and cycles can be dealt with by condition and the proposals therefore comply with Policies CP1, CP6, CP8, CP9 and CP10 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11, CS18 and CS23 of the Core Strategy and Policies HP2, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 13/01102/FUL

**Contact Officer:** Tim Hunter

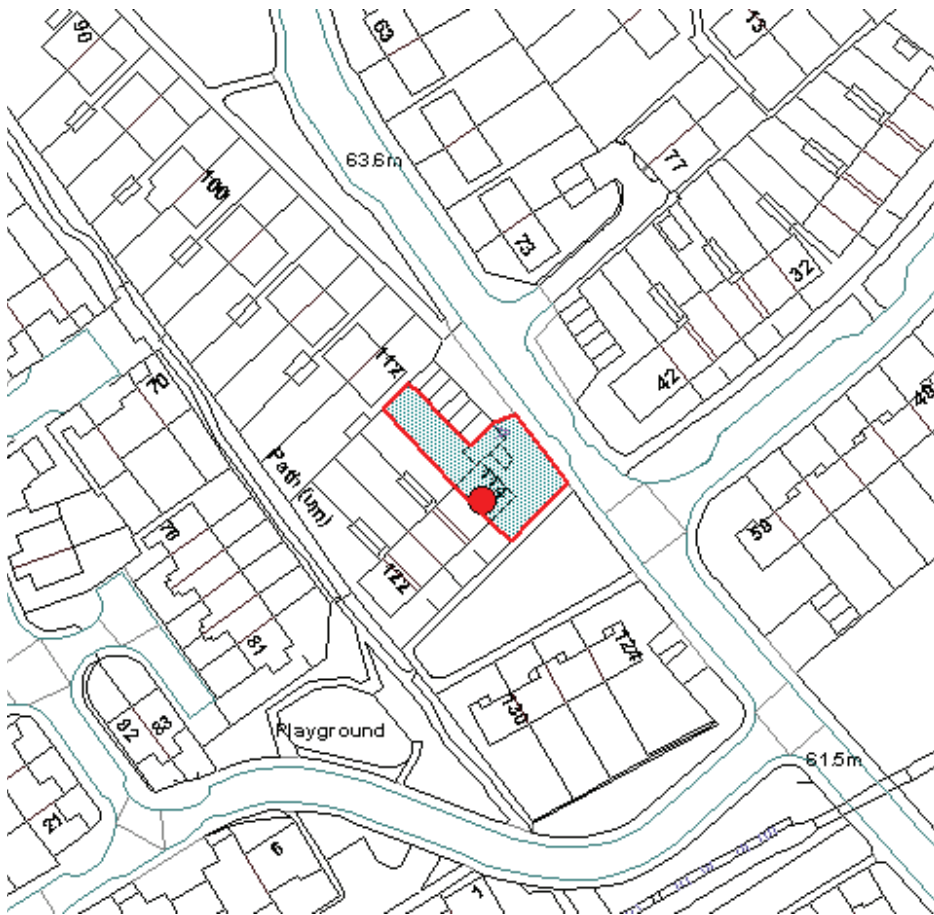
**Extension:** 2154

**Date:** 25th July 2013

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# Appendix 1

13/01102/FUL - 114 Kestrel Crescent



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**East Area Planning Committee**

7<sup>th</sup> August 2013

**Application Number:** 13/01740/T56

**Decision Due by:** 9<sup>th</sup> August 2013

**Proposal:** Application for prior approval for change of use from offices (use class B1a) to 12 x 1-bed apartments and 15 x studio apartments (use class C3).

**Site Address:** Grehan House 190 - 196 Garsington Road [Appendix 1]

**Ward:** Blackbird Leys Ward

**Agent:** None

**Applicant:** J Ede

Application called in by Councillor Smith, supported by Councillors Fry, Sinclair, Canning (and Van Nooijen, Rowley, Turner and Humberstone). Concerns that the application site is on an industrial estate and there is very little parking. There are also concerns for the quality of life for anyone living there.

---

## **Recommendation:**

THAT PRIOR APPROVAL BE REQUIRED

For the following reason:

- 1 At present, there is insufficient information submitted with the applications to determine, as a result of the proposed use, whether the sites will be contaminated land as described under Part 2A of the Environmental Protection Act 1990.

## **Main Local Plan Policies:**

Not applicable (application is to determine whether or not approval is required)

## **Relevant Site History:**

11/02179/FUL: Change of use of building from offices [Use Class B1] to hotel [Use Class D1]. Withdrawn

13/00099/FUL: Partial change of use of building from offices (Use Class B1) to mixed offices (Use Class B1) and non-residential institutions (Use Class D1).

APPROVED

## **Representations Received:**

None

## **Statutory and Internal Consultees:**

### Oxfordshire County Council as Local Highway Authority

The proposed level of parking provision is in accordance with standards for residential use and the cycle parking proposed is adequate. It is suggested that the existing vehicular access should be altered to create vision splays in the interests of highway safety.

### Environmental Development Service (Contaminated Land)

Comments: That the Council's prior approval should be required as at present, there is insufficient information submitted with the application to determine, as a result of the proposed use, whether the site would be considered contaminated land as described under Part 2A of the Environmental Protection Act 1990. This comment was made having had regard to the National Planning Policy Framework as required in part 8(b) of the Town and Country Planning (General Permitted Development) (Amendment) (Order) 2013 and also with regard to part a(c) of the aforementioned order.

### **Issues:**

- transport and highways impacts of the development;
- contamination risks on the site; and
- flooding risks on the site,

## **Officers Assessment:**

### Site Location and Description

1. Grehan House comprises a brick built, three storey office building and is located at the junction of the A4142 Oxford Eastern Bypass and the B480 Garsington Road. It was erected in the early 1990's and provides office accommodation laid out over three floors and totalling approximately 994 square metres.
2. The site also provides basement car parking [14 spaces] together with open, courtyard parking at the rear of the building [21 spaces]. Pedestrian and vehicle access into and out of the site and the building is from the service road leading to the Chiltern Business Centre at the rear of the site.
3. The building has been vacant since the summer of 2010 when its previous occupier Appollo Leisure Group relocated. In August 2011 a planning application for the change of use of the building from offices to a hotel was submitted but this was subsequently withdrawn.
4. In March 2013 planning permission was granted for a partial change of use of the building from offices (use class B1) to a mixed use of part offices (B1) and non-residential institution (Use Class D1). The applicant was a Christian Charity (the Redeemed Christian Church of God (RCCG)).



## The Proposal

5. This application seeks to determine whether or not prior approval is required for the change of use of the site from offices (use class B1a) to 12 x 1-bed apartments and 15 x studio apartments (use class C3).
6. The application is made under the recent amendments to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). The amendment (which came into force on 30<sup>th</sup> May 2013) amends the Order to include a new Class J.
7. The provisions of Class J enable a change of use of an office building to a use as a dwellinghouse as permitted development subject to certain specific conditions and requirements.
8. The building must have been in use as offices (Use Class B1(a)) immediately before 30<sup>th</sup> May 2013 or if the building was not in use immediately before that date then that must have been its last use. Additionally in order to meet the requirements of Class J the site must not be in a safety hazard area or a military explosives storage area. In order to benefit from the provisions of Class J the building where the change of use is sought must not be a listed building or a scheduled ancient monument. None of these restrictions apply in this case.
9. A condition of Class J requires that developers seek a determination from the local planning authority as to whether or not their prior approval is required. The determination of whether or not prior approval is required relates only to the following three matters:
  - transport and highways impacts of the development;
  - contamination risks on the site; and
  - flooding risks on the site,

## Transport and Highways Impacts of the Development

10. In addition the wording within the GPDO explains that the Highway Authority should be consulted where the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site. The County Council as the Local Highway Authority have commented on the application. It has been suggested that the amount of car parking to be provided (34 existing spaces) would be acceptable in the context of the proposed residential use. In addition to this it has been suggested that 3 existing spaces in the basement will be turned into dedicated cycle parking; this has been welcomed by the Highway Authority.
11. Access arrangements will not be altered as a result of the proposals. The Highway Authority have suggested that existing obstacles around the car parking access area be removed to create improved visual splays. It is not possible to apply this by a condition as conditions cannot be applied to this type of application.

12. On the basis of the above, prior approval is not required in relation to the transport and highways impact of the development.

#### Contamination Risks on the Site

13. It is considered possible that the application site may be contaminated as a result of a previous use of the land possibly connected to vehicle repairs.

14. On the above basis officers recommend that prior approval be sought in relation to the risks of contamination on the. This recommendation is made on the basis that there is currently insufficient information provided with the application to determine as a result of the proposed use, whether the site will be contaminated land as described under Part 2A of the Environmental Protection Act 1990.

15. The above recommendation is made to ensure that the developer identifies any land affected by contamination and undertakes all necessary remediation to ensure that the land is suitable for its proposed use. In the preparation of the relevant information it is suggested that in the first instance the applicant undertakes a phase one contaminated land preliminary risk assessment. This will establish if there is potential for the development to be affected by land contamination.

#### Flooding Risks on the Site

16. The site does not lie in an area of high flood risk as defined in relation to this prior approval application (Flood Zones 2, 3 or the areas of Flood Zone 1 that have been notified by the Environment Agency as areas of critical drainage problems). On this basis, Officers have not consulted the Environment Agency as the relevant statutory consultee on this matter and prior approval is not required in relation to flood risk.

#### Other Matters

17. Officers have been mindful that there are many other causes for concern in relation to the proposed change of use in relation to the protection of key employment sites, the quality of indoor and outdoor spaces, the living environment next to a noisy road and other possible planning issues. However, as explained above, these considerations are not relevant to the Council's determination.

#### Conclusion

18. On the basis of the above Officers recommend that prior approval be required in relation to the risk of contaminated land.

**Background Papers:** 13/01740/T56

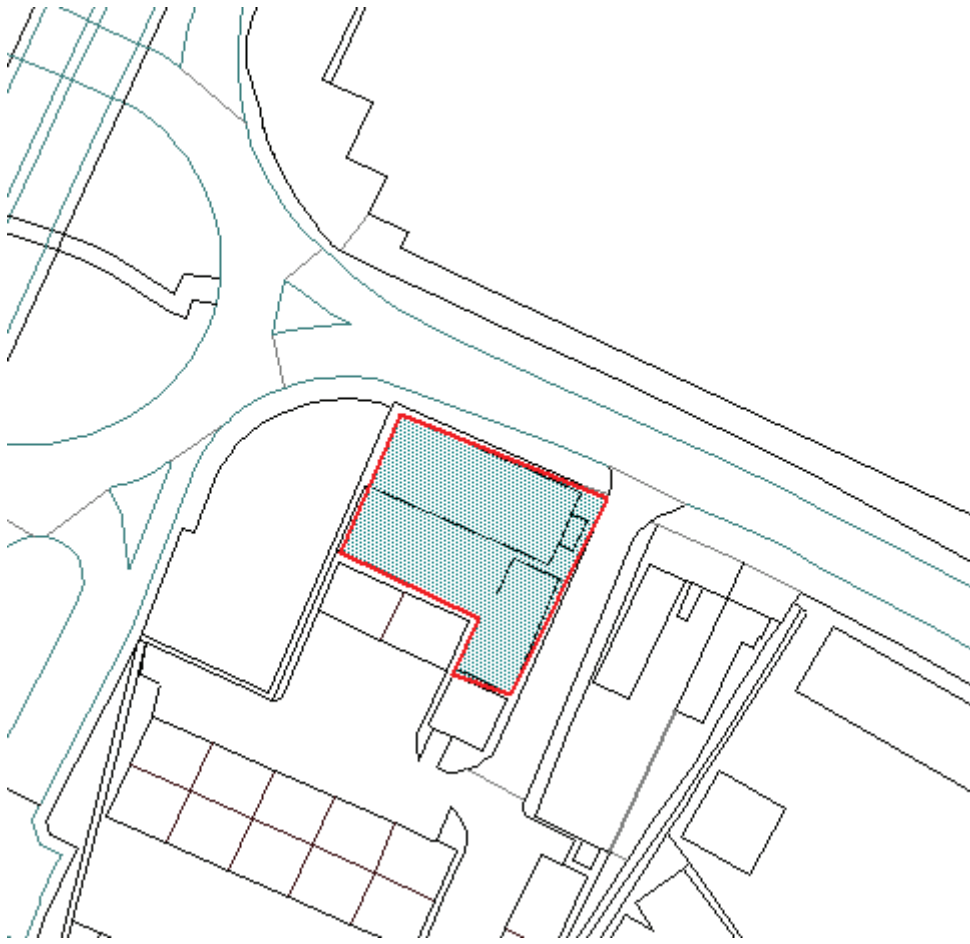
**Contact Officer:** Robert Fowler

**Extension:** 2104

**Date:** 24<sup>th</sup> July 2013

# Appendix 1

## 13/01740/T56- Grehan House



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Ordnance Survey 100019348

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# Agenda Item 7

## Monthly Planning Appeals Performance Update – June 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 30 June 2013, while Table B does the same for the current business plan year, ie. 1 April 2013 to 30 June 2013.

Table A. BV204 Rolling annual performance (to 30 June 2013)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	14	(33%)	4 (50%)	10 (29%)
Dismissed	29	67%	4 (50%)	25 (71%)
<i>Total BV204 appeals</i>	43		8	35

Table B. BV204: Current Business plan year performance (1 April to 30 June 2013)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	2	(22%)	1 (33%)	1 (17%)
Dismissed	7	78%	2 (67%)	5 (83%)
<i>Total BV204 appeals</i>	9		3	6

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

Table C. All planning appeals (not just BV204 appeals): Rolling year to 30 June 2013

	Appeals	Percentage performance
Allowed	16	(33%)
Dismissed	33	67%
All appeals decided	49	
Withdrawn	1	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during June 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 June 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 1/06/13 and 30/06/13

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, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
12/03104/FUL		DELCOM	REF	AWD	07/06/2013	STCLEM	47 Jeune Street Oxford Oxfordshire OX4 1BN	Change of use from a dwelling house (use class C3) to a House of Multiple Occupation (use class C4).

Total Decided: 1

## TABLE E Appeals Received Between 1/6/13 And 30/6/13

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 NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
12/02505/FUL	13/00028/REFUSE	DEL	REF	W	10 and 10A Bartlemas Road Oxford OX4 1XX	STCLEM	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)
13/00546/FUL	13/00027/REFUSE	DEL	REF	W	13 Stanley Road Oxford Oxfordshire OX4 1QY	STMARY	Change of use of first floor and part of second floor from residential to day nursery (Class D1).
13/00603/FUL	13/00029/REFUSE	DEL	REF	W	160 Cricket Road Oxford Oxfordshire OX4 3DN	COWLY	Erection of 2 x 2 bed dwelling houses (Class C3) to rear of existing dwelling. Provision of amenity space, vehicle and cycle parking and bin store. Provision of new vehicle access from Cricket Road.
<b>Total</b>							<b>3</b>

## Enforcement Appeals Received Between 1/6/13 And 30/6/13

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

EN CASE NO.	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
12/00352/ENF	13/00030/ENFORC	W	11 Old Road Headington Oxford Oxfordshire OX3 7JY	CHURCH	Alleged erection of rear extension and loft conversion without planning permission
<b>Total</b>					<b>1</b>



## EAST AREA PLANNING COMMITTEE

**Wednesday 3 July 2013**

**COUNCILLORS PRESENT:** Councillors Darke (Chair), Rundle (Vice-Chair), Altaf-Khan, Clarkson, Hollick, Lloyd-Shogbesan, Paule, Khan and O'Hara.

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

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

Apologies for absence were received from Councillor Coulter (substitute Councillor Khan) and Councillor Curran (substitute Councillor O'Hara)

### **21. DECLARATIONS OF INTEREST**

There were no declarations of interest made

### **22. FORMER CRICKET GROUND, BARTON ROAD: 13/00631/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect 30 residential units (8 x 4 bed houses, 17 x 3 bed houses, 2 x 2 bed flats and 3 x1 bed flats) together with access road, 51 car parking spaces, 60 cycle parking spaces, public open space and landscaping.

In accordance with the criteria for public speaking, the Committee noted that Francis Marshall, Fiona Livingstone, Mark Pitt, (Headington Heritage) and Nicholas Fell spoke against the application and Nik Lyzba spoke in favour of it.

After taking all written submissions into account, the Committee resolved to SUPPORT the proposal in principle with conditions, but defer the application to allow an accompanying legal agreement to be drawn up and to delegate to officers issuing of the notice of planning permission on its completion.

The Committee also wished to record that notwithstanding the specifics of policy SP3 of the Sites and Housing Policy which requires the site to have 25% open space, the Committee accepted the officers' recommendation because of the number of affordable homes the application will provide and the large proportion of family dwellings provided.

#### Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of all materials to be agreed – to include a range of materials
- 4 Public Art - Scheme details & timetable
- 5 No Personal Development Rights to extend dwellings
- 6 No additional windows

- 7 Landscape plan required
- 8 Landscape carry out by completion
- 9 Details of public open space
- 10 Landscape management plan – to include ongoing management of open space
- 11 Boundary details
- 12 Sustainability design/construction
- 13 SUDS drainage
- 14 Details of photo-voltaic systems
- 15 Variation of Road Traffic Order
- 16 Permeable paving for parking areas
- 17 Cycle parking details required
- 18 Vision splays
- 19 Pedestrian vision splays
- 20 Provision of bin stores
- 21 Construction details
- 22 Details of metal fencing
- 23 Details of grassed berms
- 24 Use Class C3 only
- 25 Archaeological investigation – trial trenching
- 27 Remove permitted development Rights for – enclosures within the open space.
- 28 Disabled parking bays outside designated dwellings.
- 29 No development until studies have been undertaken and approved by the PA in conjunction with Thames Water to demonstrate that the water pressure and sewerage infrastructure are adequate for the development on site.

**Legal Agreement:**

Additional clauses to require social housing to be affordable housing and to protect the long term access to the public space – clauses to be agreed with the Chair.

County

£188,557 towards Education  
 £7,498 towards Library facilities  
 £3,175 towards Waste Management  
 £74,925 towards Transport  
 £436 towards Museum facilities  
 £4,891 towards Social Care  
 Total: £279,482 plus 5% administrative fee

City

£8,185 towards Indoor Sport  
 £365 towards Allotments  
 Total: £8,550 plus 5% administrative fee

In addition, the sum of £100,000 has been agreed as an appropriate compensation for the permanent loss of the former sports ground and the applicant has agreed to pay this sum as part of the Section 106 Planning Obligation.

The Chair and Vice Chair to clarify with officers the following issues before planning approval is issued:

- The legal status of public space
- Will the £74,925 towards transport for Oxfordshire County Council be used on transport needs in the North East Oxford area?
- Will the £100,000 compensation money to Oxford City Council be used on refurbishing the Margaret Road Cricket Pavilion?

### **23. PLANNING APPEALS**

The Committee resolved to NOTE the report on planning appeals received and determined during May 2013

### **24. MINUTES**

The Committee resolved to APPROVE the minutes of the meeting held on 5 June 2013 as a true and accurate record.

The Committee resolved to APPROVE the minutes of the meeting held on 13 June 2013 as a true and accurate record.

### **25. FORTHCOMING APPLICATIONS**

The Committee resolved to NOTE the list of forthcoming applications.

### **26. DATES OF FUTURE MEETINGS**

The Committee NOTED the next meeting will be held on Wednesday 7 August 2013.

**The meeting started at 6.00 pm and ended at 7.20 pm**

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