

# Agenda

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## West Area Planning Committee

Date: **Tuesday 12 November 2013**

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Time: **6.30 pm**

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Place: **Council Chamber, Town Hall**

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For any further information please contact:

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# West Area Planning Committee

## Membership

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

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

### **HOW TO OBTAIN AGENDA**

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum internal and Council member requirement. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's and at the Westgate Library

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# AGENDA

|  | <b>Pages</b> |
|--|--------------|
| <b>1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS</b>   |              |
| <b>2 DECLARATIONS OF INTEREST</b>  |              |
| <b>3 CASTLE MILL, ROGER DUDMAN WAY: 11/02881/FUL</b>   | 1 - 6        |
| <p>The Head of City Development has submitted a progress report on Castle Mill, Roger Dudman Way (11/02881/FUL).</p> <p><b><u>Officer Recommendation:</u></b> That the Committee NOTE the progress reported.</p>   |              |
| <b>4 ST EDWARD'S SCHOOL, WOODSTOCK ROAD: 13/001645/FUL</b>   | 7 - 16       |
| <p>The Head of City Development has submitted a report which details a planning application to demolish the existing music school, annex, rifle range and estates/storage buildings. Erection of a two storey building accommodating music school and ancillary facilities (amended plans)</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 required</li><li>4 Cycle parking details required</li><li>5 Tree Protection Plan (TPP) 2</li><li>6 Arboricultural Method Statement (AMS) 2</li><li>7 Bat survey recommendations to be carried out</li><li>8 Biodiversity enhancement measures required</li><li>9 External lighting scheme details required</li><li>10 SuDS</li><li>11 Phased contamination risk assessment required prior to commencement</li></ol> |              |
| <b>5 TYNDALE HOUSE, 134A COWLEY ROAD: 13/01777/FUL</b>   | 17 - 26      |
| <p>The Head of City Development has submitted a report which details a planning application for a change of use of unit 1 from A1 (shop) to A3 (restaurant/cafe)</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></ol>  |              |

- 2 Develop in accordance with approved plans
- 3 The use to only commence in conjunction within hotel development
  
- 4 Details of mechanical plant and ventilation
- 5 Details of opening hours
- 6 Construction Traffic Management Plan

## 6 PLANNING APPEALS

27 - 30

To receive information on planning appeals received and determined during September 2013.

The Committee is asked to note this information.

## 7 MINUTES

31 - 34

Minutes from 8 October 2013

**Recommendation:** That the minutes of the meeting held on 8 October 2013 be APPROVED as a true and accurate record.

## 8 FORTHCOMING APPLICATIONS

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

- 13/01376/FUL: 1 Abbey Place: 9 houses.
- 13/02557/OUT: Westgate Redevelopment.
- 13/02558/FUL: Oxpens Coach Park: Decking of car park.
- 13/02563/FUL: Redbridge Park & Ride: Part change of use to coach park.
- 13/00832/FUL & 13/01075/LBD: Former Ruskin, Walton St: Student accommodation and educational use.
- 13/02417/FUL: 229, 231, 233 Cowley Road: Change of use to student accommodation plus new house at rear.
- 13/02350/FUL: Adjacent to Thames Wharf, Roger Dudman Way: 9 Student Study Rooms.
- 13/02512/FUL & 13/02513/CAC: Democrats Club, North Street
- 13/02107/FUL: Ruskin School of Art, Bullingdon Road

## 9 DATE OF NEXT MEETING

The Committee NOTES the following future meeting dates:

Thursday 14 November if necessary  
Tuesday 10 December 2013 (and Thursday 12 December if necessary)  
Tuesday 7 January 2014 (and Thursday 9 January if necessary)  
Tuesday 15 January 2014 – Special Meeting for Westgate application



## **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.

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**West Area Planning Committee**

12th November 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 asked to note the progress reported.

## **Purpose of the Report**

1. The purpose of this report is to update the Committee since the report to its September meeting was withdrawn.
2. At the time Members were advised that the City Council had taken external legal advice in relation to the approval of compliance with conditions for the University development at Roger Dudman Way. In acting on that advice it was necessary to withdraw the report to the Committee and defer consideration of the conditions compliance. This would enable a further screening opinion to be undertaken in accordance with the applicable regulations.

## **Screening Opinion**

3. The City Council has prepared the further screening opinion and a copy of this is attached to this report. It has also been available on the City Council's website since the beginning of the month.

## **Voluntary Environmental Statement**

4. The University wrote to the City Council on 10<sup>th</sup> July explaining that while it does not accept that the development is an EIA Development requiring an Environmental Impact Assessment; nevertheless it is carrying out an assessment of the environmental impacts of the development on a voluntary basis.

5. The University has said that it intends to send the City Council its voluntary Environmental Statement in November or by December. The City Council will consult statutory bodies and the public on this EIA when it is received following the processes of the relevant directive and regulations. This will include a formal notice in the local newspaper and displaying a number of public notices around the site.
6. Members will be aware that the CPRE was refused permission to pursue an application for judicial review on 23 October 2013. This was on the basis that the procedures that the Council is undertaking are sufficient to comply with EU law even assuming that there was any defect in the screening process in respect of the original grant of permission and that EIA was required. The Judge expressly made no findings as to whether or not there was such a defect. Officers remain of the view that an ES is not required but in any event a voluntary retrospective ES is being provided

### **Next Report to Committee**

7. In the light of these processes to give the public an opportunity to read and comment on the University's ES it is anticipated that it will not be possible to report to Committee before the end of this year. It will very much depend on the nature of the public comments on the ES and any subsequent action how soon on the New Year before the next report can be put before the Committee.
8. Just recently the Campaign Group has approached the City Council asking if there can be further dialogue between it, the University and the City Council over the proposed Landscape Strategy and other mitigation. Such dialogue might also have an impact on the timetable for the ES and its consultation, which even if it delays the timings indicated above, is nevertheless to be welcomed.
9. At that meeting the first section of the report will enable Members to confirm compliance or otherwise with the outstanding planning conditions. Once these decisions have been made the second section of the report will advise Members whether there are any outstanding breaches of planning control and whether it would or would not be expedient to consider enforcement proceedings against the University.
10. Members will recall that on this matter of enforcement they were advised by officers on 26<sup>th</sup> September that:

“The Council has written to the University advising that the occupation of the accommodation is at the University’s risk, as the City Council, as the local planning authority, has not discharged the outstanding planning conditions.

The City Council has received further expert legal opinion this week on this issue. The City Council is advised that it should not give consideration to enforcement action until it has received the University’s voluntary Environmental Statement. This will enable the City Council to consider whether to approve compliance with the outstanding planning conditions. To consider enforcement now would be prejudicial to a fair consideration of compliance with the conditions. The City Council understands that the University intends submitting its voluntary Environmental Statement in December.”

**Appendices**

Appendix 1 Screening Opinion Oct 13

**Background Papers:** none

**Contact Officer:** Michael Crofton Briggs

**Extension:** 2360

**Date:** 29<sup>th</sup> October 2013

## **Appendix 1: Further Screen Opinion**

### **Castle Mill Student Accommodation, Roger Dudman Way, Oxford.**

#### **Screening Opinion under the Provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.**

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This statement constitutes a “Screening Opinion” under the provisions of Part 2 Regulations 5 and 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as to whether details supplied in response to the requirements of condition 16 to planning permission 11/02881/FUL require an Environmental Statement to be submitted to the Oxford City Council as local planning authority.

The development to which the condition relates occupies a linear site aligned north - south and measuring some 1.2 hectares, being 320m in length and between 27m and 45m in width. The site constitutes brownfield land formally occupied by railway sidings and railway related activities. To the east are active railway lines and sidings north of the Oxford Railway Station; to the west are Cripsey Road Allotments; to the south an earlier phase of student accommodation by the University of Oxford known as Castle Mill; and to the north a public car park accessed off Walton Well Road. Beyond Walton Well Road is a large area of common land known as Port Meadow. The development itself consists of graduate student accommodation for the University of Oxford as an extension to its existing Castle Mill accommodation. Some 312 postgraduate units are permitted consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats. The accommodation is laid out in a series of 8 accommodation blocks on 3, 4 and 5 floors. Three pairs of accommodation blocks are aligned east - west across the site linked by “gatehouse” features, with two of the blocks aligned north - south. 360 covered cycle stands and 3 car parking spaces serve the development, with a permissive day time public cycle and pedestrian route through the site linking Botley Road to the south with Walton Well Road to the north.

A screening opinion dated 8th November 2011 concluded that the proposal the subject of planning permission 11/02881/FUL was not likely to have significant effects on the environment and therefore that it did not require an Environmental Impact Assessment (“EIA”). Some summary comments accompanied that screening opinion and no request was ever made for further reasons.

Having examined the proposal the local planning authority is of the view that the development does not fall within any of the categories of development within Schedule 1 of the 2011 Regulations where an Environmental Statement would always be required. The development does however constitute Schedule 2 development as an “Urban Development Project” falling within the terms of paragraph 10(b) of the Schedule as the site area of the development is greater than 0.5 hectares. However no part of the development falls within a “sensitive area” as defined in Part 1 of the Regulations, ie it does not fall within a Site of Special

Scientific Interest (SSSI), a National Park, the Broads, World Heritage Site, Scheduled Ancient Monument, Area of Outstanding Natural Beauty or a European site within the meaning of Regulation 8 of the Conservation of Habitats and Species Regulations 2010.

Guidance on the need for an Environmental Statement to accompany an Urban Development Project is given at Appendix A to accompanying Circular 2/99: "Environmental Impact Assessment". At paragraph A.19 to the Circular it states that development proposed on sites which have not previously been intensively developed are more likely to require an Environmental Statement if the site area exceeds 5 hectares; the development would provide more than 10,000 sq m of new commercial floorspace; or it would have a "significantly urbanising effect" in a previously non urbanised area, (eg a new development of more than 1000 dwellings). In this case the permission is for less than 1000 dwellings (312 units); it is previously developed land; the site is less than 5 hectares in area; and falls within an existing urban environment.

By notice of planning permission dated 13<sup>th</sup> August 2012, condition 16 of planning permission no. 11/02881/FUL required submission of various details relating to ground contamination works:

*(a) The soil and water environment maybe contaminated and prior to commencement of development, a desk-top study on the history of the site and a soil and water contamination survey and risk assessment shall be carried out in accordance with the guidelines set out in the Department of the Environment CLR report and in the CIRIA reports on remedial treatment for contaminated land volumes 1-12, and any subsequent updates of the reports. Details of the desktop study, soil and water contamination surveys and risk assessment shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.*

*(b) In the event of the findings of contamination to soil or water as a result of the surveys carried out under condition (a) above, a programme of remedial works shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.*

*(c) The approved remedial measures and monitoring and certification of the works shall be carried out by a company consultant or organisation quality-assured under ISO 9001 and the approved remedial works shall be completed prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority beforehand or unless carried out in accordance with a programme which has been agreed in advance in writing by the Local Planning Authority. No property shall be occupied until a certificate has been received by the Local Planning Authority verifying that remedial works on that part of the site have been completed. A full validation report and final completion certificate shall be provided by the company consultant or organisation who carried out the remedial works on completion of this scheme.*

Reason: *In the interests of public and environment health, in accordance with policy NE13 of the Adopted Oxford Local Plan 2001 to 2016.*

In considering the requirements of the condition, a series of reports have been submitted to the local planning authority pre and post permission being granted, namely:

1. "Phase One Environmental Review" (Report number 611481 dated 26.07.2011) produced by Frankham Consultancy Group Ltd. Submitted November 2012
2. "Report on a Ground Investigation" (Report reference O1241 dated October 2011) produced by ESG for Frankham Consultancy Group *Castle Mill - Phase 2 Intrusive Ground Investigation Report*). Submitted November 2012
3. "Contaminated Land Generic Risk Assessment" (Report reference O1241/GRA dated November 2011) produced by ESG for Frankham Consultancy Group (submitted but only on 28 March 2013)
4. "Contamination Land Supplementary Generic Risk Assessment" (report no G3057 Rev 1 Final, dated May 2013) produced by ESG for Frankham Consultancy Group and received on 15 May 2013.
5. "Castle Mill, Oxford - Quantative Groundwater Risk Assessment" (letter reference G3057/Groundwater RA) produced by ESG for Frankham Consultancy dated 13 June 2013
6. "Castle Mill Phase 2, Oxford Verification Report" (Report reference R3089/VR) produced by ESG for Frankham Consultancy dated August and received on 13 August 2013.

In considering these technical reports the local planning authority has taken specialist advice from the Environment Agency and its own Environmental Development Service. Following submission of the August 2013 Verification Report the Environmental Development Service concluded that it was satisfied that the use of clean cover was suitable; there would be no unacceptable risk to buried services; contaminated materials had been appropriately removed from the site; and that no significant risk was posed to allotment wells or controlled waters from historic contamination, subject to an 18 month groundwater monitoring programme. That monitoring programme has now been secured by Unilateral Undertaking received from the University of Oxford. In relation to the same document the Environment Agency concluded: *"Given this commitment to additional monitoring with a back up contingency plan we do not have any outstanding issues with respect to condition 16"*, (of planning permission 11/02881/FUL).

It is acknowledged that the application site has possessed a degree of contamination as a consequence of its previous railway uses. However having examined the details submitted in compliance with condition 16 of the planning application and taken specialist advice from the relevant statutory body and its own Environmental Development Service, in exercise of the powers conferred on it by Part 2 Regulation 5 of the 2011 Regulations the local planning authority has concluded that the details received do not give rise to the likelihood of any significant environmental effects and thus that there is no need for an Environmental Statement.

Michael Crofton – Briggs  
Head of City Development

**WEST AREA PLANNING COMMITTEE**

12<sup>th</sup> November 2013

**Application Number:** 13/01645/FUL

**Decision Due by:** 25th September 2013

**Proposal:** Demolition of existing music school, annex, rifle range and estates/storage buildings. Erection of a two storey building accommodating music school and ancillary facilities (amended plans)

**Site Address:** St Edward's School, Woodstock Road (Appendix 1)

**Ward:** Summertown

**Agent:** Tim Ronalds Architects

**Applicant:** The Governors Of St Edward's School

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## **Recommendation:**

APPLICATION BE APPROVED

## **Reasons for Approval**

- 1 The proposed new music school building is considered to be, on balance, of a form, scale and general appearance that ensures it will satisfactorily integrate with the South Parade streetscene and views from Alexandra Park as well as respect the character of established built development within its immediate context. The proposals will also ensure no material harm occurs to trees of significance either on the site or in the immediate locality. Consequently the proposals are considered to comply with all relevant policies of the development 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.

## **Conditions**

- 1 Development begun within time limit

- 2 Develop in accordance with approved plans
- 3 Samples of materials required
- 4 Cycle parking details required
- 5 Tree Protection Plan (TPP) 2
- 6 Arboricultural Method Statement (AMS) 2
- 7 Bat survey recommendations to be carried out
- 8 Biodiversity enhancement measures required
- 9 External lighting scheme details required
- 10 SuDS
- 11 Phased contamination risk assessment required prior to commencement

**Principal Planning Policies:**

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- CP11** - Landscape Design

Core Strategy

- CS16** - Access to education
- CS18** - Urban design, town character, historic environment
- CS13** - Supporting access to new development

**Relevant Site History:**

- 58/06875/A\_H - Miniature rifle range - Permitted 22nd April 1958
- 61/06522/A\_H - Erection of building for music room - Permitted 24th October 1961
- 61/11376/A\_H - Erection of building for music room - Permitted 24th October 1961.



## **Public Consultation:**

### Statutory and Internal Consultees:

Thames Water Plc – No objection

Local Highway Authority – No objection

Drainage Officers (County Council) – No objection subject to hardsurfacing being SuDS compliant.

Environmental Development – A phased contamination risk assessment is required before commencement of development.

### Third Party Representations:

Oxford Civic Society – The proposed new building is large and dominant and the impact on surrounding historic buildings needs to be carefully considered

### Consultation on amended proposals:

Following concerns raised by officers about the scale and massing of the proposed building, amended plans were submitted which reduced the height of the building and amended the roof form. Re-consultation was carried out for a period of three weeks though no further comments were received.

## **Officers' Assessment:**

### Application Site and Locality

1. The application site consists of part of the St Edward's School site on the northern side of South Parade. The site is currently home to a number of 1960's era buildings that provide a music school, rifle range and estate management offices amongst a row of more traditional domestically scaled buildings that date back to the 19<sup>th</sup> century. The site sits behind the Lemon Tree public house and Jack FM building when viewed from Woodstock Road and to the south of Alexandra Park. To the east of the site is the County Council maintained Northern House School. Summertown Court (a small development of flats) also lies immediately to the west. The application site can be seen within its context on the site location plan attached as appendix 1.

### Description of Proposed Development

2. The application seeks consent for the demolition of the existing music school, annex, rifle range and estates buildings on the site to facilitate the erection of a new two storey music school building that would extend from the South Parade street frontage through to the rear boundary with Alexandra Park encompassing the majority of the footprint of the site.

3. Following concerns raised by offices over the scale of the building and its apparent dominance over neighbouring buildings, amended proposals were submitted that reduced the height of the building and, following an amendment to the roof form, also reduced its mass. It is on the basis of these amended proposals that the application

has been considered.

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

- Principle;
- Design and appearance;
- Impact on Neighbouring Properties;
- Trees;
- Ecology; and
- Parking.

#### Principle

5. Policy CS16 of the Core Strategy states that the City Council will work with the County Council and other organisations to improve access to all levels of education within the City through new or improved facilities. It also states that planning permission will only be granted for new educational facilities in locations accessible by walking, cycling and public transport.

6. The proposed music school would improve the facilities offered to pupils by St Edward's School on a site that is well established and easily accessible by transport modes other than the private car. Consequently officers are satisfied that the proposals accord with the requirements of policy CS16 of the Core Strategy and as such support the proposals in principle.

#### Design and Appearance

7. Policy CP8 of the Local Plan states that planning permission will only be granted where new development integrates well with the wider area, where building design respects its context and enhances the style and perception of the area where of high public visibility. Policy CS18 of the Core Strategy further adds that planning permission will only be granted for development that demonstrates good quality design through high quality architecture that responds appropriately to the site and its surroundings. These policies are consistent with Government guidance which emphasises the importance of high quality design and states that "*proposals that fail to take the opportunities available to improve the character and quality of an area and the way it functions should be rejected*". It is against this planning policy context that the proposals should be considered with respect to design.

8. The principal elevation of the proposed building faces the northern side of South Parade which contains a range of buildings of mostly domestic scale and character. With the exception of the existing music school and rifle range buildings, they are generally both visually pleasant and of architectural merit such that they contribute positively to the appearance of the street. Glimpsed views of the buildings are also available from Woodstock Road. To the east lies a 19<sup>th</sup> century School House at No. 24 South Parade designed in a regency style that is locally listed and of more notable architectural merit. To the west of the site in South Parade lies a traditional Victorian L-shaped building used as part of the School's estate offices that projects into the site leaving a small courtyard to its front. Further to the west lies a terrace of two storey red-brick modestly proportioned houses of late 19<sup>th</sup> century construction. Officers therefore consider the building to sit within a more domestic setting both in terms of the use of surrounding buildings as well as their appearance and that any proposed development should respect this established character.

9. Officers raised concerns about the scale of the building originally proposed which was considered to dominate the adjacent properties and detrimentally affect their setting within the street. The revised proposals have sought to address this by reducing the height of the building and the volume of roof. This has, in effect, taken reference from the style of the regency house adjacent to the site and increased its proportions. The result is a building of proportions more consistent with the traditional domestic buildings in its immediate context in South Parade though the roof will, in officers' view, appear somewhat squat in comparison to the bulk of the building as a whole with a flat roof being partly in view from Woodstock Road.

10. However, the existing buildings are already having a significant adverse effect on the setting of the neighbouring more historic buildings and the streetscene in general. This stems from their blank, windowless and unappealing elevations that turn their back on South Parade. Their demolition is therefore welcomed by officers and the replacement building is considered to be acceptable in visual terms despite its large scale when viewed from Woodstock Road. The use of stone cream brick as well as clay tiles is also considered to represent a significant improvement upon the existing buildings. Larger windows designed in a more classical style improve the building's interaction with the street.

11. Views of the proposed building will be generally limited from Woodstock Road and the adjacent Northern House School but the rear of the building will be prominent from Alexandra Park and have a significant visual impact on it given that it abuts the boundary and replaces single storey rifle range and storage buildings. However, in the context of the scale of buildings that already exist at Northern House School, the building is considered to be appropriate in its size and massing.

12. Overall therefore officers conclude that the proposed building will still be significant in size but that, on balance, the scale of the building and its form and detailing are appropriate to its setting and represent an enhancement over the existing poor quality buildings that it will replace.

#### Impact on Neighbouring Properties

13. The existing music school building runs along the western boundary of the site with Summertown Court. Flats 5-10 have small rear gardens that face towards the back of this existing two storey building which results in their gardens being somewhat dominated by the structure. The proposed building is similar in height to the existing building and in fact has a lower eaves line so that the mass of walling facing these gardens is actually slightly reduced. Consequently officers have concluded that conditions would be improved for these properties and that the proposals will adequately safeguard their living conditions in accordance with the requirements of policies CP1 and CP10 of the Local Plan. There are no other residential properties in close proximity to the site and no other existing uses that would be likely to be affected by the proposals.

#### Trees

14. Policy NE15 of the Local Plan states that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that are important to public amenity. The proposals

require 3 small trees (birch, cherry plum and yew) to be removed and modest pruning will be undertaken to some of the retained sycamore trees. Pile and beam foundations are to be used where the new building encroaches within the root protection areas of the large sycamore trees which stand adjacent to the site. Officers' consider the submitted tree protection plan and arboricultural method statement make adequate provision for the protection of retained trees and officers recommend a condition be imposed requiring the works to proceed in accordance with these details.

### Ecology

15. Two of the buildings proposed to be demolished have been found to be home to roosting bats. Policy NE21 of the Local Plan states that planning permission will not be granted for development that would harm animal species protected by law unless the harm can be overcome through appropriate mitigation. In this case the works would be scheduled to take place outside the bat roosting season with replacement bat tubes, boxes and bricks to be incorporated into the new design as secured by condition. Officers consider that this will adequately mitigate for any loss of habitat space resulting from the development. The applicant will also need to be obtain a license for the works from Natural England separately from the planning application process.

### Parking

16. The application proposes no net loss of off-street car parking. The building is a replacement facility on an existing school site and officers see no planning policy reason why any additional off-street parking should be provided for the development. However, additional cycle parking spaces are proposed to the side of the building and officers recommend imposing a condition requiring further details of this provision. Consequently, officers have no concerns about the transport implications of the development proposed.

### **Conclusion:**

17. The proposals will provide new and improved teaching accommodation for St Edward's School which officers, in principle, support. The existing buildings are bland and detract from the quality of the street and so officers have no objection to their demolition. The proposed building is large and would have a significant presence within the existing more domestically scaled buildings located at the western end of South Parade. However, the amended proposals have reduced the scale of the building such that, on balance, officers have concluded that the building is of an appropriate scale in comparison to surrounding buildings and is of a form and appearance that ensures it adequately responds to the character and setting of neighbouring buildings. Important trees and biodiversity will also be satisfactory safeguarded. Overall therefore, officers find that the proposals accord with all relevant policies of the development plan and recommend that Committee approves 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:**

58/06875/A\_H

61/06522/A\_H

61/11376/A\_H

13/01645/FUL

**Contact Officer:** Matthew Parry

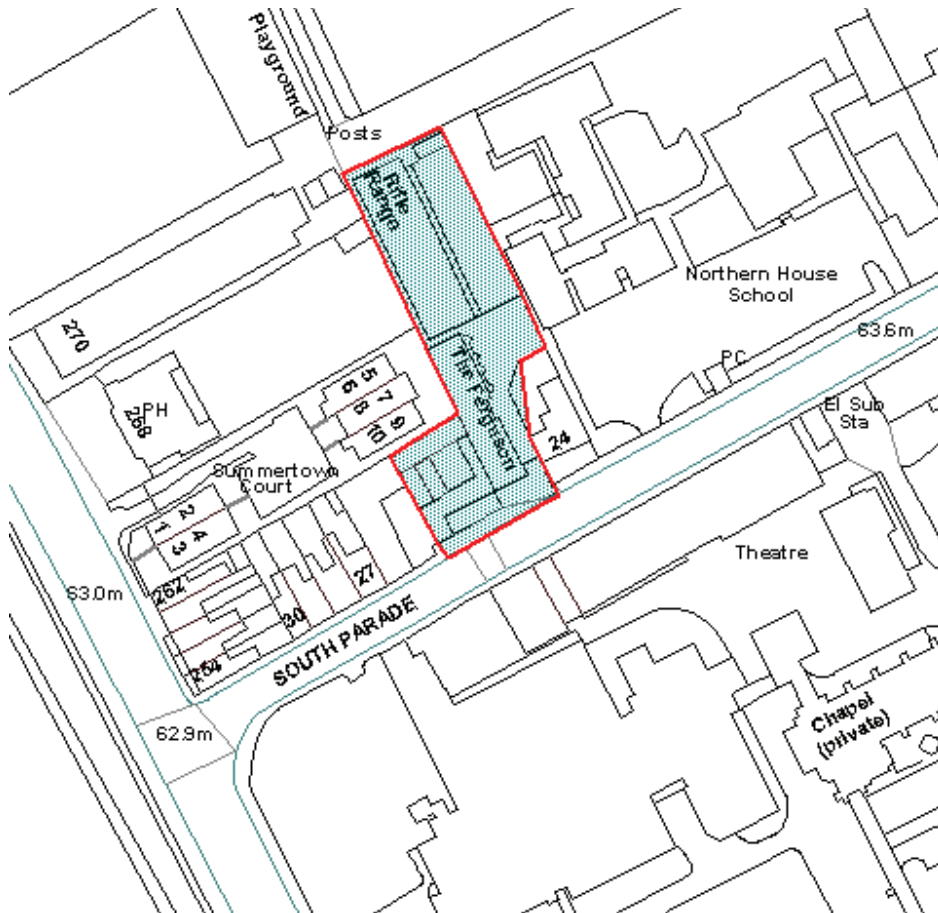
**Extension:** 2160

**Date:** 28th October 2013

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# Appendix 1

## 13/01645/FUL - St Edward's School



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Ordnance Survey 100019348

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**West Area Planning Committee**

12th November 2013

**Application Number:** 13/01777/FUL

**Decision Due by:** 9th September 2013

**Proposal:** Change of use of unit 1 from A1 (shop) to A3 (restaurant/cafe)

**Site Address:** Tyndale House, 134A Cowley Road (**site plan, appendix 1**)

**Ward:** St Mary's

**Agent:** Mr Arron Twamley

**Applicant:** Wilton Place Properties Ltd

**Application called in** by Councillors Tanner, Smith, Fry and Sinclair on grounds that there is concern about the loss of shops in East Oxford

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## **Recommendation:**

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

- 1 The proposed development would form part of the redevelopment strategy of Tyndale House, which seeks to make an efficient use of a previously developed site within the Cowley Road district centre. Although in itself the change of use of the retail (class A1) unit would not comply with part (b) of Oxford Local Plan Policy RC4, the applicant has demonstrated that there are material considerations which would support an exception being made to this policy given the direct relationship of this proposal to enable the hotel development on the upper levels of the building to take place which would add to the vitality and viability of the District Centre. The proposed food and drink outlet would not give rise to any unacceptable environmental and highway impacts as any impacts could be successfully controlled through the imposition of conditions. The development would therefore accord with the aims of the National Planning Policy Framework, and the relevant development plan policies and there are material considerations which justify an exception being made where this is not the case.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

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

**Conditions:**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 The use to only commence in conjunction within hotel development
- 4 Details of mechanical plant and ventilation
- 5 Details of opening hours
- 6 Construction Traffic Management Plan

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP5** - Mixed-Use Developments
- RC4** - District Shopping Frontage
- RC12** - Food & Drinks Outlets

**Core Strategy**

- CS1\_** - Hierarchy of centres
- CS31\_** - Retail

**Other Material Considerations:**

National Planning Policy Framework

**Relevant Site History:**

The following applications are relevant to the planning application.

10/00821/FUL: Retrospective change of use of ground floor of 134a Cowley Road from B1 (office) to A1 (retail): Approved

10/02626/FUL: Erection of single storey rear extension: Approved

12/02826/FUL - Three storey extension to rear and extension at roof level. Change of use of first, second and third floors to 66-bed hotel with entrance from James Street. Re-cladding of existing facades and provision of 2 disabled parking spaces, cycle and bin stores and external seating at rear accessed from James Street. (Additional information) (Amended Description): Approved

**Public Consultation:**

Statutory Consultees

Oxfordshire County Highways Authority: No objection, subject to a condition requesting a construction traffic management plan

### Third Parties

Letters have been received from the following addresses, whose comments can be summarised below

- 40 Turner Close; 120 Bullingdon Road; 38 Rectory Road

### Comments

- The change of use would not benefit the local diversity of shops.
- Another café/restaurant would only dilute the range of shops available on the Cowley Road where this type of use outweighs the number of retail stores
- There is not enough parking to support this change of use and the adjoining hotel which the change of use would support
- The existing music shop provides a much needed and liked service to the local community and employs several full-time staff
- There is no information about the opening hours

### **Officers Assessment:**

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

1. The application relates to Tyndale House which is situated at the corner of Cowley Road and James Street. It is within the Cowley Road District Shopping Centre and is approximately 1 mile from the centre of Oxford (**site plan: appendix 1**)
2. Tyndale House is a large and prominent three/four storey office building of typical 1960s utilitarian design. It is constructed of grey engineering brick with strong horizontal bands of rough cast render between each floor. It has a parking and service area to the rear which is accessed from James Street.
3. The ground floor of Tyndale House has two retail (Class A1) units, which are currently occupied by Sainsbury's and Professional Music Technology. The upper levels of the building are accessed from James Street and have recently been granted planning permission for the change of use from B1 to a 66 bedroom hotel (12/02826/FUL).
4. The application site comprises the ground floor retail unit (Unit 1) which is approximately 217m<sup>2</sup> and has permission to extend to 270 m<sup>2</sup>. The retail unit is currently occupied by Professional Music Technology but they are relocating to new premises as they require more space to meet their business / operational needs.

### **Proposal**

5. The application is seeking planning permission for the change of use of the Retail (Class A1) unit to a café / restaurant (Class A3) use, in order to provide a supporting role for the proposed hotel on the upper floors of Tyndale House.

6. Officers consider that the principle determining issues with regards to the proposal are as follows:
  - Principle of development
  - Change of Use of Retail (Class A1) Unit
  - Environmental Impacts
  - Highway Matters

### **Principle of Development**

7. The National Planning Policy Framework [NPPF] has a general presumption in favour of sustainable development. It recognises there are three dimensions to sustainable development; economic, social, and environmental. The economic role centres around building a strong, responsive, and competitive economy by ensuring that sufficient land of the right type is available in right place to support growth.
8. The NPPF goes on to encourage the effective use of land that has been previously developed. This is supported by Policy CS2 of the Oxford Core Strategy 2026 and Policy CP6 of the Oxford Local Plan 2001-2016 which require new development to be focused on previously developed land, and to make the best use of a sites capacity in a manner compatible with the site and the surrounding area.
9. The general principle of reusing this existing building would broadly accord with the above-mentioned aims of the NPPF, Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016.

### **Change of Use of Retail (Class A1) Unit**

10. The site is located within the Cowley Road District Shopping Centre. The Oxford Core Strategy identifies Secondary District Centres as the third tier of the retail hierarchy, fulfilling a complimentary role to the City centre in providing convenience and specialist goods for the local population with Policy CS31 stating that permission will only be granted for proposals that seek to maintain and enhance the role of the District centre within the retail hierarchy.
11. Policy R4 of the Oxford Local Plan relates specifically to District Shopping Frontages and states that within these frontages, permission will only be granted for:
  - a) Class (A1) shops
  - b) Other Class A uses only where the proportion of units at ground level in A1 use does not fall below 65% of the total ground level of units in the centre; and
  - c) Other uses only where the proportion of units at ground level in Class A use does not fall below 95% of the total ground level units in the centre.
12. The Council undertakes surveys of the District Centre as part of their monitoring function twice a year, usually in January and August. The most recent survey was carried out in August 2013 and indicates that the percentage of retail units (A1) within the centre is at 58.49% which is below the 65% threshold. The

change of use would reduce this further to 56.6% and so would be contrary to part (b) of Policy RC4. The applicant recognises that the proposal is not compliant with Policy RC4, but has put forward material considerations that they consider would justify an exception being made in this case. Therefore these material considerations need to be considered in the determination of this application.

13. The planning statement states that the change of use would form an important part of the hotel development for the upper levels of Tyndale House which was approved in February 2012. The intended occupier is Travelodge who require an affiliated café/restaurant use as part of their 'business hotel model'. The premises will be occupied by Loungers who are a food and drink operator that focus on continental-in-style café and restaurants, and will be available to hotel guests and the general public. The provision of this use on the upper floors of the building were investigated, but would have led to a reduction in the number of rooms that could be provided and the overall viability of the redevelopment. The statement makes clear that the redevelopment of the upper floors will be unlikely to come forward if permission is not obtained for the change of use. The future tenant will be tied to a long lease as it is affiliated to the hotel development which would provide more certainty in the current economic climate, which along with redevelopment of Tyndale House will be of benefit to the district centre. A further material consideration would be that previous alterations to Tyndale House have seen the creation of further retailed space (219m<sup>2</sup>) as part of the extension to the Sainsbury's store, which would effectively offset the retail space lost through the proposal. Similarly the changes to permitted development rights introduced in 2013 have enabled retail units to change to non-A1 units for a two year period where they relate to a floor space of no more than 150m<sup>2</sup>. At the same time attempts to market the unit for letting since 2012 have generated a poor response despite competitive rent levels being offered.
14. Having reviewed the submitted information, officers consider that the redevelopment of Tyndale House will clearly have some benefits in terms of meeting the key aims of the NPPF to promote economic growth to create jobs and prosperity, and would be a positive measure in terms of adding to the vitality and viability of the District Centre. The policies of the development plan also actively promote hotels on main arterial roads into the city. Therefore it would be disappointing if this scheme did not come forward because permission was not secured for the change of use. The ground floor of Tyndale House essentially comprises two units, with the current proposal seeking to utilise the smaller unit. It is clear that most hotels have some affiliated use such as this, either within their building or in a separate building nearby. The site constraints and extent of work to redevelop the building make it difficult to provide the facility on the upper levels, but in any case it would seem reasonable for the hotel to increase its presence on the ground floor so that guests are attracted to the premises. As a result these material considerations would provide sufficient justification in this instance to support the proposed change of use and make an 'exception' to the requirements of Policy RC4. However in making such an exception it is suggested that a condition be imposed that the proposal should only proceed in conjunction with the permitted hotel.

## **Environmental Impact**

15. Oxford Local Plan Policy RC12 states that permission will only be granted for Class A3-5 (food and drink) uses where they will not give rise to unacceptable environmental problems or nuisance from noise, smell, or visual disturbance, including the impact of any equipment or plant associated with the use. The council will impose planning conditions to control these impacts where necessary.
16. Having regards to the location of the site within a District Centre, it is unlikely that the proposed café/restaurant will give rise to any undue impact in terms of noise or visual disturbance. The application has not included any details of the mechanical extract ventilation which will be required for the kitchen. However, as the proposal will form part of a comprehensive redevelopment of the building as part of the hotel development then it would be possible for any extract equipment to be routed internally or externally. As such Oxford City Council Environmental Health has confirmed that an appropriate ventilation scheme could be secured by condition which protects nearby residents from smell and noise nuisance.
17. The application has not included any details of the opening hours for the facility as they are not known at this stage. It is anticipated that there will need to be some alignment with the hotel use, and so a condition should be attached requiring these details to be submitted and agreed before the unit is occupied.

## **Highways Matters**

18. The site is considered to be a sustainable location given it is within a district centre and is accessible by all forms of transport. The existing retail unit is carried out from the frontage on Cowley Road, where there is a loading bay within the controlled parking zone. The Local Highways Authority have raised no objection to the proposal in terms of highway impacts, but have recommended a condition be attached requiring a construction traffic management plan to be approved before work commences.

## **Conclusion:**

19. 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 that there are material considerations which would outweigh any potential conflicts with development plan policies therefore the 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

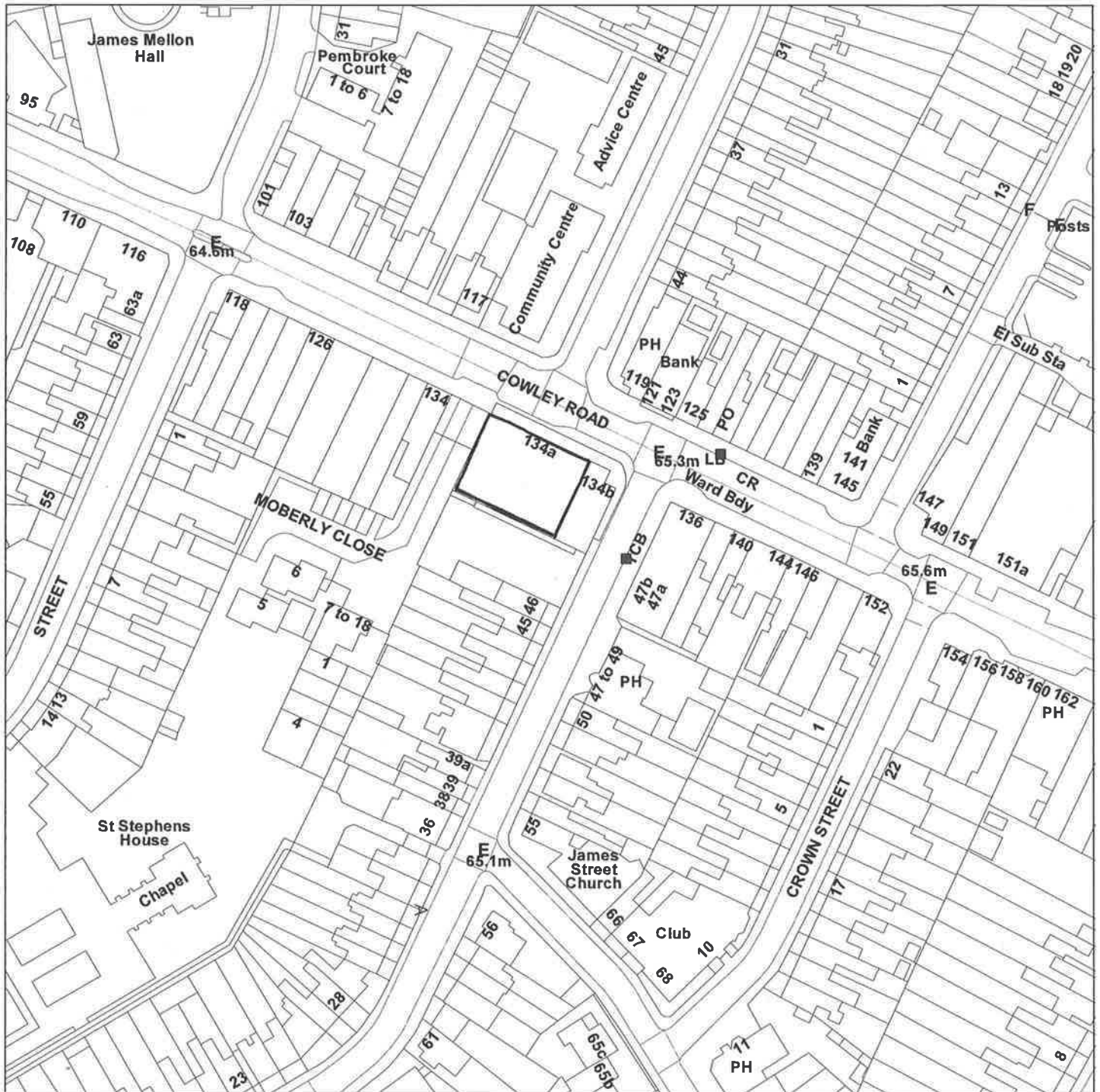
**Date:** 30th October 2013

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# Appendix 1

## Tyndale House, 134a Cowley Road (13/01777/FUL)



Scale : 1:1250

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|                     |                 |
|---------------------|-----------------|
| <b>Organisation</b> | Not Set         |
| <b>Department</b>   | Not Set         |
| <b>Comments</b>     | Not Set         |
| <b>Date</b>         | 31 October 2013 |
| <b>SLA Number</b>   | Not Set         |

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# Agenda Item 6

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

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

| A.                         | Council performance |       | Appeals arising from Committee refusal | Appeals arising from delegated refusal |
|----------------------------|---------------------|-------|--|--|
|                            | No.                 | %     | No.                                    | No.                                    |
| Allowed                    | 15                  | (38%) | 5 (63%)                                | 10 (31%)                               |
| Dismissed                  | 25                  | 62%   | 3 (38%)                                | 22 (69%)                               |
| <i>Total BV204 appeals</i> | 40                  |       | 8                                      | 32                                     |

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

| B.                         | Council performance |       | Appeals arising from Committee refusal | Appeals arising from delegated refusal |
|----------------------------|---------------------|-------|--|--|
|                            | No.                 | %     | No.                                    | No.                                    |
| Allowed                    | 5                   | (29%) | 2(50%)                                 | 3 (23%)                                |
| Dismissed                  | 12                  | 71%   | 2 (50%)                                | 10 (77%)                               |
| <i>Total BV204 appeals</i> | 17                  |       | 4                                      | 13                                     |

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 September 2013

|                     | Appeals | Percentage performance |
|---------------------|---------|------------------------|
| Allowed             | 18      | (38%)                  |
| Dismissed           | 30      | 62%                    |
| All appeals decided | 48      |                        |
| Withdrawn           | 2       |                        |

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 September 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 September 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 1/9/13 And 30/9/13**

**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**

| <b>DC CASE</b> | <b>AP CASE NO.</b> | <b>DECTYPE:</b> | <b>RECM:</b> | <b>APP DEC</b> | <b>DECIDED</b> | <b>WARD:</b> | <b>ADDRESS</b>  | <b>DESCRIPTION</b>   |
|----------------|--------------------|-----------------|--------------|----------------|----------------|--------------|---|--|
| 12/02821/FUL   | 13/00017/REFUSE    | DEL             | REF          | DIS            | 03/09/2013     | COWLYM       | 66 Cricket Road Oxford<br>Oxfordshire OX4 3DQ                                   | Erection of 1-bed detached bungalow (use class C3). Provision of car parking, bin and cycle stores and private amenity space.  |
| 12/02914/ADV   | 13/00021/REFUSE    | DEL             | REF          | DIS            | 04/09/2013     | STMARY       | 146 Cowley Road Oxford<br>Oxfordshire OX4 1JJ                                   | Installation of 1 x illuminated fascia sign to the front elevation. (Retrospective)  |
| 12/03159/FUL   | 13/00019/REFUSE    | DEL             | REF          | ALC            | 04/09/2013     | STCLEM       | 78B St Clement's Street<br>Oxford Oxfordshire OX4<br>1AW                        | Erection of three storey rear extension and internal alterations to create enlarged 8-bedroom HMO (Sui Generis). Insertion of basement level door to front elevation and 4 x windows to rear   |
| 13/00654/FUL   | 13/00031/REFUSE    | DEL             | REF          | DIS            | 04/09/2013     | COWLEY       | 11 Cornwallis Road Oxford<br>Oxfordshire OX4 3NP                                | Erection of conservatory to rear.  |
| 12/02935/FUL   | 13/00014/REFUSE    | COMM            | PER          | ALC            | 12/09/2013     | COWLYM       | The Lord Nuffield Club<br>William Morris Close<br>Oxford Oxfordshire OX4<br>2JX | Change of use from a Leisure Centre (use class D2) to a Community Free School (use class D1), works to the external appearance of the existing building, boundary treatments, provision of play areas including Multi Use Games Area, access and parking along with associated landscaping. (Amended plans) (Amended description). |

**Enforcement Appeals Decided Between 1/9/13 And 30/9/13**

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

| <b>EN CASE</b>           | <b>AP CASE NO.</b> | <b>APP DEC</b> | <b>DECIDED</b> | <b>ADDRESS</b>      | <b>WARD:</b> | <b>DESCRIPTION</b>  |
|--------------------------|--------------------|----------------|----------------|---------------------|--------------|---|
| 12/0060/0/ENF<br>OX3 7QF | 13/00026/ENFORC    | ALC            | 25/09/2013     | 29 Harcourt Terrace | CHURCH       | Alleged erection of rear dormer without planning permission |

**TABLE E****Appeals Received Between 1/9/13 And 30/9/13**

**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  |
|--------------|-----------------|----------|------|------|---|--------|--|
| 13/00656/VAR | 13/00051/COND   | DEL      | REF  | W    | 10 Stephen Road Oxford Oxfordshire OX3 9AY                        | HEAD   | Variation of condition 10 of planning permission 08/01961/FUL to allow for a single parking permit to be provided to the 2 bed flat identified on the plan   |
| 13/00757/FUL | 13/00054/NONDET |          |      | W    | 8 Jersey Road Oxford Oxfordshire OX4 4RT                          | RHIFF  | 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. (Amended)   |
| 13/00880/FUL | 13/00052/REFUSE | DELCOM   | REF  | P    | 29 Old High Street Oxford Oxfordshire OX3 9HP                     | HEAD   | Partial demolition of existing house and demolition of existing garages and outbuildings. Erection of two storey side and rear extension. Provision of new access, car parking and turning area. Rebuilding of stone boundary wall fronting Old High Street.       |
| 13/00881/CAC | 13/00053/REFUSE | DELCOM   | REF  | P    | 29 Old High Street Oxford Oxfordshire OX3 9HP                     | HEAD   | Partial demolition of existing house, boundary wall and complete demolition of existing garages and outbuildings.  |
| 13/00906/FUL | 13/00049/REFUSE | DEL      | REF  | W    | 184 And 186 Headington Road Oxford Oxfordshire OX3 0BS            | CHURCH | Change of use from HMO properties (use class C4) into 2 x 3 bed maisonettes (use class C3) with provision for 1 x parking space each and private amenity space and 2 x 1 bed apartments (use class C3) with provision of cycle storage and a communal garden area. |
| 13/01202/FUL | 13/00050/REFUSE | DEL      | REF  | W    | Land To The Rear Of 34 And 36 York Road Headington Oxford OX3 8NW | QUARIS | Erection of 1 x 2 bed single storey dwelling in the rear gardens of 34 and 36 York Road. (Amended information)   |

**Total Received: 6**

## WEST AREA PLANNING COMMITTEE

**Tuesday 8 October 2013**

**COUNCILLORS PRESENT:** Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Canning, Clack, Cook, Jones, Price and Tanner.

**OFFICERS PRESENT:** Fiona Bartholomew (City Development), Felicity Byrne (City Development), Clare Golden (City Development), Nick Worlledge (City Development), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

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

Apologies for absence were received from Councillor Benjamin.

### **47. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **48. ST. CROSS COLLEGE: 13/01800/FUL & 13/01801/LBD**

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

(i): 13/01800/FUL - Demolition and rebuilding of existing boundary walls. Erection of 53 study bedrooms, lecture theatre, library, seminar rooms and ancillary accommodation on 4 floor plus basement.

(ii): 13/01801/LBD - Demolition and rebuilding of existing boundary walls

In accordance with the criteria for public speaking, the Committee noted that Clive Booth spoke against the application and Mark Jones, Neil Mcloughan and Richard Todd spoke in favour

The Committee resolved to REFUSE the planning application for the following reason:

The proposed development is for student accommodation in a sensitive historic location which, by virtue of its height, scale, massing and appearance would have an unacceptable impact on the special character and appearance of the conservation area in which it lies, the setting of St Cross College listed buildings and adjacent listed buildings. As a part of these concerns the Council considers that the proposal fails to enhance the streetscape and wider environment, as it blocks the Grade 2 listed Pusey House chapel's west window viewed from Pusey Street.

Consequently the proposal is not considered to accord with the requirements of policies in the development plan, in particular:

Oxford Local Plan 2001-2016  
CP8 - Design Development to Relate to its Context  
CP9 - Creating Successful New Places  
HE3 - Listed Buildings and Their Setting  
HE7 - Conservation Areas

**Core Strategy**

CS18 - Urban design, town character, historic environment

**Sites and Housing Plan**

HP9 - Design, Character and Context

And to refuse listed building consent for the following reason:

The works for the demolition and rebuilding of the boundary walls are associated with the proposals for the development of student accommodation on the site subject to a planning application (reference 13/01800/FUL). This planning application has been refused and in the absence of an acceptable scheme for the development of the site the works proposed in this application, involving the demolition of the walls would cause harm to the heritage significance of the structures that is not justified by any public benefits deriving from the works. The works therefore do not accord with policies and advice in the National Planning Policy Framework.

**49. MANSFIELD COLLEGE: 13/01637/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect a new building of 5 floors plus basement to provide 78 student study rooms, offices, common rooms, ancillary facilities and landscaping improvements

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

The Committee resolved to APPROVE the planning application subject to the following conditions and legal agreement.

**Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials in Central Conservation Area
- 4 Landscaping plan
- 5 Landscape completion
- 6 Landscape Management Plan
- 7 Tree Surgery Works
- 8 Car parking details
- 9 Cycle and refuse storage details
- 10 Mud on highway
- 11 Foul and surface water drainage
- 12 Underground services
- 13 Surface water drainage
- 14 Students - no cars



- 15 Limitation on occupancy
- 16 Energy efficiency
- 17 Archaeology
- 18 Outside term time

### **Legal Agreement**

The impact of the development on public infrastructure has already been mitigated as a result of financial contributions made to the City and County Councils at the time of granting consent for the extant scheme back in 2008. No new financial contributions are therefore required.

### **50. 333 BANBURY ROAD: 13/01319/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish the modern extension to 333 Banbury Road and change of use of original house to form 4 x 2-bed flats, plus new 2 storey extension to form 2 x 3-bed houses. Erection of terrace of 5 x 5-bed and 6 x 3-bed flats on 3 and 4 levels with access from Capel Close. Provision of 33 car parking spaces, cycle parking and landscaped garden.

The Planning Officer explained to the Committee the viability assessment of the site.

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

The Committee resolved to REFUSE the planning application for the following reason:

The proposed scheme for the erection of 17 dwellings does not include an adequate contribution towards the provision of affordable housing in Oxford which is contrary to policy CS24 of the Core Strategy and policy HP3 of the Sites and Housing Plan.

The Committee resolved to register No. 333 Banbury Road on the Oxford Heritage Assets Register as a building of local interest.

### **51. 40 CHALFONT ROAD: 13/02123/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish the existing single and two-storey rear extension. Erection of a single storey flat roof rear extension with basement level beneath, and a rear pitched-roof three storey extension, with associated landscaping.

In accordance with the criteria for public speaking, the Committee noted that Phillip Watt spoke against the application and Nik Lyzba spoke in favour of it.

The Committee resolved 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
- 4 SUDs
- 5 No balcony

## **52. 81 WYTHAM STREET: 13/02084FUL**

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

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

The Committee resolved to REFUSE the application for the following reason:

As a result of its bland side wall, awkward roof form and poor articulation with the form of the existing house, the proposed extension would detract from the appearance of the prominent corner plot and consequently the streetscene contrary to the requirements of policies CP1 and CP8 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 2011-2026.

## **53. PLANNING APPEALS**

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

## **54. MINUTES**

The Committee resolved to APPROVE the minutes of the meeting held on 10 September 2013 as a true and accurate record.

## **55. FORTHCOMING APPLICATIONS**

The Committee resolved to NOTE the list of forthcoming applications.

## **56. DATE OF NEXT MEETING**

The Committee NOTED the next meeting is scheduled for Tuesday 12 November 2013.

**The meeting started at 6.30 pm and ended at 8.10 pm**