

# Agenda

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## West Area Planning Committee

Date: **Tuesday 8 April 2014**

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Time: **6.30 pm**

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Place: **The Long Room, 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

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# AGENDA

## Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

3 **WORCESTER COLLEGE, WORCESTER STREET: 14/00392/FUL & 14/00393/LBC**

11 - 26

The Head of City Development has submitted a report which details a planning application and a listed building consent to:

14/00392/FUL: Erect a new building incorporating lecture theatre, studio, two common rooms, bar, servery etc. Removal of part of wall to form new courtyard, extension to lake, landscaping works plus relocation of tennis courts and storage sheds.

14/00393/LBC: Demolition of 6.7m of curtilage listed wall and alterations to other sections of existing wall.

**Officer recommendation:** That the Committee APPROVE the planning application (14/00392/FUL) subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Material samples
- 4 Flood mitigation measures
- 5 Buffer zone around lake
- 6 Method statement for removal of trees
- 7 Archaeology - evaluation
- 8 Biodiversity enhancements
- 9 Construction traffic management plan
- 10 Replacement tennis court
- 11 Details of re-located buildings required
- 12 Noise and emission mitigation scheme
- 13 Hardsurfacing to be SuDS compliant
- 13 Lighting plan
- 14 Tree protection plan required
- 15 Arboricultural method statement
- 16 Landscape plan required
- 17 Landscaping to be completed prior to end of first planting season
- 18 Details of underground services avoiding tree roots
- 19 Site arrangements plan

**Officer recommendation:** That the Committee APPROVE the listed building consent (14/00393/LBC) subject to the following conditions:

- 1 Commencement of works LB/CAC consent
- 2 LB consent - works as approved only
- 3 7 days' notice to LPA
- 4 LB notice of completion

- 5 Sample panel of stonework
- 6 Rebuilt wall incorporate
- 7 Photo survey

**4 FORMER TRAVIS PERKINS SITE, CHAPEL STREET:  
14/00163/VAR**

27 - 38

The Head of City Development has submitted a report which details a planning application to vary condition 8 (Student accommodation) of planning permission 12/02560/VAR (Variation of condition 7 (occupation by full time students) of planning permission 09/02518/OUT to allow occupation of the development by students in full time education on courses of an academic year or more) to allow occupation of the development including vacation periods.

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

- 1. Time limits.
- 2. Maximum floor space & student rooms.
- 3. Boundary treatment: student accommodation.
- 4. Boundary treatment: B1 offices.
- 5. Obscure glazing.
- 6. Student accommodation – vocational use.
- 7. Exclusion from CPZ.
- 8. Tenancy agreement.
- 9. Emergency access
- 10. Car parking spaces
- 11. Car and cycle spaces.
- 12. Landscape management.
- 13. Noise attenuation.

**5 GRANDPONT NATURE PARK, WHITE HOUSE ROAD:  
13/01344/VAR**

39 - 48

The Head of City Development has submitted a report which details a planning application to vary condition 17 (Hours of use) of planning permission 13/01344/CT3 (Erection of pavilion and clubroom) to allow for the extension of opening hours.

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

To include the conditions imposed on planning permission 13/01344/CT3

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Sports Pavilion Management Plan
- 5 Details of Secure By Design Principles
- 6 Details of Cycle and Refuse Storage
- 7 Construction Traffic Management Plan
- 8 Landscape plan required
- 9 Tree Protection Plan (TPP) 1

- 10 Arboricultural Method Statement (AMS) 1
- 11 Landscape hard surface design - tree roots
- 12 Landscape underground services - tree roots
- 13 Flood Risk Assessment recommendations carried out
- 14 Details of Sustainable Design Principles
- 15 Ecological Appraisal recommendations carried out
- 16 Sustainable Urban Drainage Scheme
- 17 Hours of use - Monday to Sunday 09.00 – 21.30 hours
- 18 Contaminated Land Risk Assessment
- 19 Contamination - Verification Report
- 20 Contamination- unsuspected contamination

**6 24 CHARLBURY ROAD: 14/00144/FUL**

49 - 58

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

**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 Samples in Conservation Area: North Oxford Victorian Suburb,
- 4 Tree Protection Plan (TPP) 1
- 5 Front paving
- 6 Arboricultural Method Statement (AMS) 1

**7 TREE PRESERVATION ORDER (TPO) AT FOLLY BRIDGE**

59 - 66

The Head of City Development has submitted a report to confirm a tree preservation order to protect two willow trees on land to the south of 5 Folly Bridge, Oxford.

**Officer recommendation:** That the Committee CONFIRM the Oxford City Council – Folly Bridge (No.1) Tree Preservation Order, 2013 with a modification changing the wording in the order Schedule; at paragraph 2(2), line four: "...Regulations 2011." to read "...Regulations 2012.

**8 12 ALMA PLACE: 13/03252/FUL**

67 - 72

The Head of City Development has submitted a report which details a planning application for a change of use from dwelling house (Use Class C3) to HMO (Use Class C4) (Retrospective)

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

- 1 Develop in accordance with approved plans
- 2 Bin and cycle storage

**9 15C CROSS STREET: 14/00047/FUL**

73 - 78

The Head of City Development has submitted a report which details a planning application to erect a part single, part two storey rear extension.

**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
- 4 Materials - matching
- 5 Amenity - no additional windows
- 6 Sustainable drainage
- 7 No further buildings

**10 PLANNING APPEALS**

79 - 84

To receive information on planning appeals received and determined during February 2014.

The Committee is asked to note this information.

**11 MINUTES**

85 - 94

Minutes from 11 and 18 March 2014

**Recommendation:** That the minutes of the meeting held on 11 March 2014 be APPROVED as a true and accurate record.

**Recommendation:** That the minutes of the meeting held on 18 March 2014 be APPROVED as a true and accurate record.

**12 FORTHCOMING APPLICATIONS**

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

- Elsfield Way: 13/03454/CT3: Residential
- Former Filling Station, Abingdon Road: 13/02638/FUL: 9 flats
- 3/5 Middle Way: 14/00582/FUL: First floor extension to office
- Former MFI site, 110 to 120 Botley Road: Supermarket
- 127 to 129 Walton Street: Change of use from retail to restaurant.

**13 DATE OF NEXT MEETING**

The Committee NOTES the following future meeting dates:

Thursday 10 April if necessary  
Wednesday 7 May and (Friday 9 May if necessary)  
Tuesday 24 June and (Wednesday 25 June if necessary)  
Tuesday 22 July and (Wednesday 23 July if necessary)  
Tuesday 12 August and (Thursday 14 August 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.



**WEST AREA PLANNING COMMITTEE**

8<sup>th</sup> April 2014

**Application Numbers:** 14/00392/FUL & 14/00393/LBC

**Decision Due by:** 20th May 2014

**Proposal:** FUL: Erection of new building incorporating lecture theatre, studio, two common rooms, bar, servery etc. Removal of part of wall to form new courtyard, extension to lake, landscaping works plus relocation of tennis courts and storage sheds.

LBC: Demolition of 6.7m of curtilage listed wall and alterations to other sections of existing wall.

**Site Address:** Worcester College, Worcester Street – Appendix 1

**Ward:** Jericho and Osney

**Agent:** Mrs Joanne Halton

**Applicant:** The Provost, Fellows And Scholars Of Worcester College

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## **Recommendation:**

APPLICATIONS BE APPROVED

14/00392/FUL

Reasons for Approval:

- 1 The City Council has given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed buildings, registered historic garden and conservation areas. It considers that any harm that would result from the proposed development and works to the listed building is justified by the public benefits that would result and that the proposal is considered to comply with adopted policies contained within the adopted Oxford Local Plan, the adopted Oxford Core Strategy, the adopted Sites and Housing Plan and National Planning policy and guidance.
- 2 As a result of recent re-designation of the site to a lower flood risk and the incorporation of a fully engineered flood risk design solution, the proposals will not give rise to an increase in flood risk locally or elsewhere and the building should not be unduly vulnerable in itself. Furthermore, no material harm to the

use of existing nearby properties should result. Consequently, the proposals are considered to accord with all relevant policies of the development plan.

- 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 Material samples
- 4 Flood mitigation measures
- 5 Buffer zone around lake
- 6 Method statement for removal of trees
- 7 Archaeology - evaluation
- 8 Biodiversity enhancements
- 9 Construction traffic management plan
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- 19 Site arrangements plan

### 14/00393/LBC

#### Reason for Approval:

The City Council has given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed buildings, registered historic garden and conservation areas. It considers that any harm that would result from the proposed development and works to the listed building is justified by the public benefits that would result and that the proposal is considered to comply with adopted policies contained within the adopted Oxford Local Plan, the adopted Oxford Core Strategy, the adopted Sites and Housing Plan and National Planning policy and guidance.. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

### **Conditions**

- 1 Commencement of works LB/CAC consent

- 2 LB consent - works as approved only
- 3 7 days' notice to LPA
- 4 LB notice of completion
- 5 Sample panel of stonework
- 6 Rebuilt wall incorporate
- 7 Photo survey

**Principal Planning Policies:**

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP19 – Nuisance
- HE2 - Archaeology
- HE3- Listed Buildings and Their Setting
- HE7 - Conservation Areas
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees
- NE21 - Species Protection
- HE8 - Important Parks & Gardens
- SR2 - Protection of Open Air Sports Facilities
- TR4 - Cycle Parking

Core Strategy

- CS18\_ - Urban design, town character, historic environment
- CS29\_ - The universities
- CS12\_ - Biodiversity
- CS11\_ - Flooding
- CS9\_ - Energy and natural resources
- CS25\_ - Student accommodation

**Public Consultation**

Statutory Consultees:

- Environment Agency  
No objection subject to conditions requiring the development to proceed in accordance with the specifications set out in the submitted flood risk assessment as well as a requirement for details of an 8m buffer zone around the extended lake.
- English Heritage  
No objection. The building design is elegant and delicately treated, appropriate to its garden context and similar in scale and approach to the adjacent Sainsbury

Building. The proposal to extend one arm of the lake up to the new building cements this resemblance. The Cricket Ground has begun to appear more formal with buildings visible around its periphery and efforts should be made to return to its more historic informal character as part of on-going site development plans.

- Thames Valley Police

The applicant should strive to meet the principles of Secure by Design.

Third Parties:

One representation has been received from the Oxford Synagogue at 21 Richmond Road. They state the following:

- The proposed plant room is located close to the main prayer room and protection of this sensitive prayer space is important. Any significant noise spill or intrusion from the operation of the proposed plant room would be unacceptable. There seems to be potential to re-plan the plant room to obviate the need for a vent in the currently proposed location adjacent to the Synagogue.
- It was agreed during pre-application discussions that the College would include a bridge link for fire escape purposes from the Synagogue. This bridge is shown to be proposed. It is hoped that a condition could be imposed requiring its provision.
- During pre-application discussions Worcester College assured the Synagogue that foul sewerage would be taken to the south of the proposed building and that Sustainable Drainage System (SuDS) compliant surface water drainage system would be incorporated. Subject to this being the case, no objection is raised to this.

Prior to the submission of the application, consultation was carried out by the applicant with local stakeholders during two separate meetings held at the College. Local residents groups, neighbours, local amenity and heritage societies, councillors, officers and representatives from English Heritage were all invited and their comments documented in the submitted Statement of Community Involvement. In addition, the applicant has engaged in substantial pre-application discussions with officers dating back to the summer of 2013.

**Relevant Site History:**

12/01809/FUL - Erection of new lecture theatre and College kitchen. **Withdrawn 29th April 2013.**

12/01810/LBD - Alterations and extensions involving demolition to hall, including new lift, stairs, 2 storey block to Pump Quad. Alterations involving demolitions to Nuffield and Buttery Building and to kitchen/bedroom block. **Withdrawn 29th April 2013.**

13/01424/FUL - Demolition of existing store building and extension to Nuffield building. **Erection of single storey extension. Permitted 23rd August 2013.**

13/01425/LBD - Erection of building between Nuffield building and kitchen, to provide kitchen ancillary uses and plant room. Various demolitions including changing/store building, stores/extension to Nuffield building, fire escape, steps, platform, windows

to form new openings, walls to kitchen; walls, floor, ceiling and finishes. Various alterations including infilling of window at Nuffield building. Removal and replacement of kitchen equipment and ventilation. Construction of reinforced concrete wall on college side to boundary wall at Worcester Street. **Permitted 23rd August 2013.**

## **Officers' Assessment:**

### Application Site and Locality

1. The application site lies within the Worcester College grounds, which is located near to the city centre with its main entrance at the western end of Beaumont Street. The application site predominantly comprises land currently occupied by a tennis court adjacent to existing more modern student accommodation buildings which abut the boundary of the College grounds with Worcester Place.

2. The grounds of Worcester College feature a number of notable historic buildings as well as more modern buildings which together are all located along the northern and eastern boundaries of the grounds set within a Grade II\* registered park and garden that is separated into three main constituent sections by a serpentine shaped lake in the centre of the grounds. The Nuffield Lawn and Provost's Garden lie to the east of the lake and these are retained as natural picturesque gardens in keeping with its historic character. The larger part of the garden lies to the north-west of the lake and now features the College cricket grounds, associated cricket nets, pavilion and storage huts as well as tennis courts so that it is now appears more as tree lined sports pitches with less of a parkland character. The application site is to the north-eastern corner of this part of the garden.

3. The main building of Worcester College dates back, in part, to the 14<sup>th</sup> Century but the majority of it constructed in the 17 and 18<sup>th</sup> centuries along with 19<sup>th</sup> century additions. Given its very significant architectural and historical merit it is Grade I listed. The surrounding Grade II\* garden is particularly important in contributing to the setting of the main College building. A Grade II listed building lies to the south of the main block and there is also a Grade II listed gateway abutting the southern boundary of the grounds with the canal.

4. A Grade II listed wall delineates the boundary of some of the grounds with Worcester Street. The Nuffield Building was added in the 1930s to the south east of the grounds and is, whilst unlisted, of merit and contributes positively to the character of Worcester Street and the Central Conservation Area. Later buildings were added in to the south of the College grounds (Casson and Wolfson Buildings) during the 1960s and 1970s. Newer development within the College grounds has predominantly been focused to the north-east of the site to the rear of properties on Worcester Place and Richmond Road including the Sainsbury, Earle and Linbury buildings. The whole of the grounds are located within the designated Central Conservation Area but, contiguous to the north, lies the Jericho Conservation Area.

### Description of Proposals

5. There are two applications, an application for planning permission and an application for listed building consent. Planning permission is sought for the erection of a building comprising a new 160 seat lecture theatre as well as seminar, bar and

studio rooms. The building would be a raised single storey development with the College lake being extended so it abuts up to the new building. The new building is proposed partly on the site of an existing tennis court which is then proposed to be re-located to the south of the grounds adjacent to other existing lawn tennis courts. Other landscaping works are proposed to take place along the lake edge and a corner of the garden is proposed to be used for re-located garden storage buildings displaced by the new development.

6. To allow pedestrian access to the new building listed building consent is sought for the demolition of part of an existing curtilage structure (a boundary wall) that currently runs between the Earle building and the tennis court/gardens. It is also proposed to infill an existing gap in the wall that is used for informal access to the garden from the existing student accommodation buildings.

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

- Principle;
- Design, Appearance and Impacts on Heritage Assets;
- Flood Risk;
- Sports Facilities;
- Trees and Landscaping;
- Ecology;
- Effect on Nearby Properties; and
- Traffic Impacts.

#### Principle

8. Policy CS29 of the Core Strategy states that planning permission will be granted for new academic floorspace on existing University of Oxford sites. This includes its individual colleges. An increased density of development on existing sites where it respects the special character and setting of Oxford's historic core is therefore supported as a means of sustainably developing Oxford's key employment sectors. Such an approach is also supported by policy CS27 of the Core Strategy.

9. Policy CS25 of the Core Strategy states, inter alia, that planning permission will only be granted for additional academic/administrative accommodation for the University of Oxford (including colleges) where it is demonstrated that the number of full-time students at that University will not exceed 3000 living outside university provided accommodation. Whilst figures currently show that the number of students living outside University provided accommodation is close to the 3000 policy threshold, the lecture theatre proposed is intended to cater for existing students at Worcester College and officers are satisfied that it will not lead to any material increase in students attending the University. Consequently, officers find that, in principle, the proposals are acceptable subject to compliance with other relevant planning policy requirements.

10. In relation to the management of the historic environment the relevant legislative provisions are set out in the Planning (Listed Buildings and Conservation areas) Act 1990. Sections 16, 66 and 72 are relevant requiring local authorities to have special regard to the desirability to preserve and enhance listed buildings, conservation areas and their settings. A key message in the NPPF is that the historic environment is a finite and irreplaceable resource and the conservation of heritage assets should

be a high priority. Development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm. The NPPF encourages local planning authorities to look for opportunities to better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably.

11. The proposals have been subject to extensive pre-application discussions with officers and others. The site was one of a number of options considered within the college grounds to provide this new facility and officers' advice was that this site provided opportunities to enhance the special interest of the designated heritage assets and to provide a focus and sense of place for the existing (modern) student accommodation and facilities in this part of the college.

### Design and Appearance

12. Policies CP1 and CP8 of the Local Plan require new development proposals to enhance and reinforce local character by responding successfully to the scale, form, layout, appearance and design detailing of surrounding development. Policy CP8 of the Local Plan makes it clear that this does not necessarily mean replicating existing development providing that which is proposed respects important existing features of local distinctiveness. Policy HE7 of the Local Plan further adds that the special character and appearance of the conservation area should be preserved with policy HE3 stating that planning permission will only be granted for development that respects the character of the surrounding of listed building and have due regard for their setting. Furthermore, policy HE8 of the Local Plan states that planning permission will not be granted for any development that will adversely affect the visual, historical or horticultural character of an historic park or garden or its setting.

13. The building is a raised single storey structure. The design approach proposes a modern pavilion, intended to complement the setting adjacent to the cricket pitch. It includes steps up to a raised platform where it faces the garden to allow slightly elevated views over the area. The pavilion-like structure then steps up to a contemporary amphitheatre with clerestory windows set within a series of stone fins that allow natural light in to the body of the building. The pavilion is proposed to be covered with a sedum roof to allow it to read as more of a natural progression of the garden as well as to provide ecological interest. The external walls of the building are all proposed to be constructed using natural dressed limestone taking reference from the existing historic buildings on the site.

14. The building is predominantly single storey scale, with the 'amphitheatre' punctuating the roof scape, to ensure it has an appropriate relationship to its wider setting and including its visibility in longer views from other parts of the registered garden as well as the Grade I listed main blocks. The quadrant plan form of the lecture theatre and the placement of the fins create a fan-like shape. The plan form and the tall fins seek to shape the building and create interest to the elevations in response to its setting within a historic landscape. The whole has a permeable appearance that helps this integrate with the surrounding verdant landscape. Indeed its height is such that it will not be materially visible from outside the site including from either the wider Central or Jericho Conservation Areas.

15. Officers support the design approach to create a building with the form of a contemporary pavilion and using high quality materials to create an interesting but appropriate addition to the College grounds that should complement rather than detract from the setting and views of surrounding listed buildings and registered garden. Change is a part of the history and interest of the site and as highlighted in the NPPF there will be opportunities for further changes to add to the history and interest of a place, if issues of context, siting and design are properly considered. Any harm that might result from this development, when assessed against the wider sustainably benefits of providing additional teaching accommodation in an important economic sector for the City on an existing city centre site, is considered to be justified. Consequently officers are satisfied that the proposals accord with the requirements of policies CP1, CP6, CP8, HE3 and HE7 of the Local Plan as well as policy CS18 of the Core Strategy and the NPPF, which seek high quality design in appropriate locations.

16. A curtilage listed wall is situated between the tennis court and the Earl Building and forms a boundary between this existing building and the wider landscape. It is constructed of uncoursed stone. It is mostly straight in plan but bends towards the east where it straightens out again and abuts modern walls. Historic maps show it dates back to the 19<sup>th</sup> century. The condition of this wall is variable as it has suffered from being re-pointed in places with cement-rich pointing and has a large gap where a pedestrian access has been introduced. The proposals include infilling of the gap. The removal of the eastern section of the wall is to enable the proposed lake extension and pedestrian access around it. The loss of this part of the wall is not considered to materially harm the significance of the wall as a whole and the infilling of the existing gap. The creation of the lake extension and new pedestrian routes would, in officers' opinion, add interest to the significance of the heritage assets.

#### Flood Risk

17. Policy CS11 of the Core Strategy states that the suitability of development proposed in flood zones other than the functional floodplain will be assessed against Government guidance. It further states that development will not be permitted where it will lead to increased flood risk elsewhere or where the occupants will not be safe from flooding.

18. The proposed building will be located within an area that the Environment Agency has designated as flood zone 2. This has a risk of fluvial flooding between 1 in 100 years and 1 in 1000 years. The NPPF defines educational facilities such as that proposed as being "more vulnerable" to flooding and seeks to ensure that attempts are made to try to site such development in areas of lowest available flood risk (i.e. flood zone 1). The NPPF requires the Council to conduct a sequential test to appraise whether other suitable sites are available that are at lower risk of flooding.

19. However, having worked closely with the College it is clear to officers that the site proposed is the most appropriate location in terms of its impact on the historic environment, particularly the Grade II\* garden as well as important views from Worcester Street of the Grade I listed main building as well as views through to a champion Catalpa tree located between the Nuffield Building and main block. Consequently, whilst other parts of the College grounds are at lower risk of flooding, officers are satisfied that the development proposed cannot be located elsewhere on



the College grounds without causing unnecessary and undue harm to highly valuable heritage assets such that the sequential test has been passed.

20. It is also necessary for new buildings, particularly those in flood zones 2 and 3, to be designed and engineered in such a way that they are safe for their use and so that they do not increase the risk of flooding locally or elsewhere. In this case the building has been designed to have floor levels above the highest point of modelled flooding (taking into account climate change) over the next 100 years. This will allow safe passage out to the east of the College grounds which it is in a lower flood risk zone. Furthermore, the building has been designed to be raised effectively on stilts to allow for a void beneath the building so that there is no loss of flood storage capacity with flood water entering a series of openings 1m wide in the event of substantial flood. In addition, all new hard-surfacing is proposed to be constructed to Sustainable Drainage System (SuDS) standards so that surface water run-off will not increase. The lake is also proposed to be extended so that it touches up to the new building which will also provide some additional flood water storage capacity.

21. For these reasons, officers are satisfied that the proposals will not increase the risk of flooding and that the development is appropriately designed and sited. This conclusion is supported by the Environment Agency subject to two conditions relating to the construction and maintenance of the building as well as details of a buffer zone around the lake. These conditions have been recommended by officers to be imposed on any planning permission.

#### Sports Facilities

22. Policy SR2 of the Local Plan states that planning permission will not be granted where development results in the loss of open-air sports facilities where there is a need for the facility to be retained in its current location. The proposals involve development on an existing hard surfaced tennis court. However, a replacement tennis court is proposed to be provided in the north-west of the College grounds adjacent to other grass tennis courts to compensate for the loss. The replacement court will not result in the loss of any area of significance within the Grade II\* garden and, to ensure there is not a temporary loss of sports facilities, a condition is recommended to be imposed requiring it to be provided prior to the commencement of work on the new building. Consequently, officers find the proposals to accord with the requirements of policy SR2 of the Local Plan and, accordingly, raise no objection to the proposals in this respect.

#### Trees and Landscape Impacts

23. In determining planning applications the Council has a statutory duty to take into account, as a material consideration, implications for existing trees, and/or new planting opportunities. This duty is enshrined within Oxford Local Plan Policies CP1, CP11, NE15 and NE16. In reference to the sustainability test of the NPPF, any significant adverse arboricultural impacts associated with a proposal would need to be balanced against, and outweighed by, other relevant policies and wider social benefits in order to be justified.

24. There are no Tree Preservation Orders applying to the site however the location is within the Central Conservation Area. The grounds of the college are designated as Grade II\* on the list for Registered Parks and Gardens. The setting of a listed park

and garden or building is often an essential part of their character, for example when a landscaped parkland, garden or grounds have been laid out to complement the design or function of a building.

25. The main College gardens were laid out in the early 19th century as picturesque pleasure grounds consisting of three formal sections of open lawn each area with its own perimeter path, all connected by the central landscaped lake. The views from the paths and cricket ground across the garden and lake towards the Provost's Lodgings within the Grade I listed main building are particularly important and are the most relevant to the potential implications of the proposed scheme.

26. The site is in the north east corner of the College grounds in close proximity to a dense boundary fringe of mixed deciduous and evergreen trees and shrubs. This boundary vegetation performs a vital function by providing a green backcloth to the northern boundary of the historic park, and separating and enclosing it from the Jericho Conservation Area to the north with its distinct urban and intimate character. The largest tree in the vicinity is a London Plane that is set forward from the boundary tree line and is a feature in its own right. To the south east of the tennis court a separate belt of vegetation frames the cricket ground and the park's path, and which also obscures the Sainsbury Building beyond. A tall early mature giant redwood tree stands at the northern end of the group and is prominent from views west down Worcester Place over the roof of the gate house. Functionality aside, the quality of the adjacent trees in the group bordering the lake is generally fairly moderate or poor, except for a false acacia.

27. A major facet of the proposals is an extension to the Worcester College Lake. This addition extends and terminates at the southern elevation of the 'Studio' element in the proposed building. The water feature's design successfully addresses the juxtaposition of the formal geometry of the adjacent Sainsbury Building and proposed building with the picturesque informality of the historic park by employing a soft curve-linear design for the western bank and a more formal and geometric, straight hard edge to the eastern bank. A narrow pedestrian bridge creates a route through from the Worcester Place entrance into the park. The layout of the main lake body is serpentine (informal) and the soft curved line of the eastern bank achieves a harmonious segue to the more formal extension.

28. The implications of the proposed design are that most of the existing trees in the group south east of the tennis court will be lost to the line of the lake extension including the redwood tree. This will open up a view between the cricket ground and the Sainsbury Building; proposed thinning out of dense shrubs further along the path which bounds the bank of the lake will restore views across to the Provost's Lodge (as represented in the historic engraving by Ince). The loss of the trees in the group will be adequately mitigated by indicative proposals for replacement tree planting involving selections that will enhance the picturesque characteristics of the historic 18th Century Park landscape. The high quality false acacia in the group can be retained as is proposed; this tree is an appropriate vernacular tree of the picturesque period and will help to 'anchor' the new landscape proposals. The loss of the Redwood is considered acceptable given that it will not significantly adversely affect public amenity or the special character of the registered garden. The isolated position of the tree within the landscape means that it is not a cohesive or unifying element to

the landscape, and does not relate to the existing or proposed architectural setting. It would be out of scale with adjacent proposed replacement planting. Redwood was introduced in the latter half of the 18th century and is arguably too late an introduction to be considered vernacular to the landscape aims to enhance the early 18th century picturesque landscape style of the historic park. The impact of its loss to external public views will be limited in extent to the one receptor of a long distance view from along Worcester Place.

29. Consequently, officers are satisfied that the proposals accord with the requirements of policies CP1, CP11, NE15, NE16 and HE8 of the Local Plan in that, subject to conditions, the development will not significantly adversely affect public amenity and will meet the statutory and planning policy aims to preserve the special historic character of the Grade II\* listed garden. Conditions are recommended requiring detailed landscaping plans, tree protection measures, construction method statements and details of underground services to be submitted and agreed prior to commencement of development.

### Ecology

30. Policy CS12 of the Core Strategy states that development will not be permitted where it results in a net loss of sites and species of ecological value. The submitted ecological report and associated surveys make it clear that no protected species will be likely to be affected by the proposals including tree removals subject to a number of measures being undertaken in accordance with the recommendations in the report. This includes:

- Vegetation clearance taking place outside the nesting bird period. If this is not possible a nesting bird check by a suitably qualified ecologist will be conducted before any vegetation clearance takes place. Works will not proceed if nesting birds are present;
- Details of a sensitive lighting scheme must be supplied prior to commencement of development to ensure it does not include excessive light spillage onto boundary trees that are likely to provide a corridor for bat movements as well as for foraging;
- Bat and bird roosting tubes must be provided in accordance with locations shown in the report. Bat tubes must be positioned on the South East aspect and bird tubes on the North West of the building.

31. A condition is recommended to be imposed requiring the biodiversity measures set out in the report to be carried out including the provision of bird and bats tubes. Officers are therefore satisfied that, subject to this condition, no harm will occur to species of ecological importance in accordance with the requirements of policy CS12 of the Core Strategy and policy NE22 of the Local Plan.

### Effect on Nearby Properties

32. Policies CP1 and CP10 of the Local Plan require proposed development to adequately safeguard the use and amenity enjoyed by other surrounding properties. The proposed building is sited such that it is not directly adjacent to the rear garden of any existing dwelling. Furthermore, the building is not of any significant height and the roof form of the amphitheatre element is such that it slopes away from the site's northern boundary with properties on Richmond Road. It should also be noted that the building is sited at least 9m away from the boundary with the rear of properties on

Richmond Road. Consequently officers are firmly of the view that the building will not give rise to significant loss of outlook, light or privacy for occupiers or users of any nearby building including dwellings or the adjacent Synagogue. Given the distances involved, any properties on Worcester Place should not be physically affected by the proposals and sufficient distance exists to the existing Earl Building (which provides student accommodation) to prevent any significant loss of light or outlook for students residing in it. Given their very limited scale, nature and distance from site boundaries the re-location of the tennis court and garden storage huts should not have any impact, material or otherwise, on enjoyment of nearby properties.

33. The neighbouring Synagogue has made a representation on the application. Some concern has been raised about the proximity of the plant room to the boundary with the back of the building on Richmond Road and potential for noise disturbance. The Council's Environmental Health team has not raised concerns about the potential noise impacts of the development however, in order to be prudent, a condition is recommended to be imposed requiring details of a noise mitigation scheme to be agreed in writing prior to commencement of development and for it then to be carried out as agreed. Significant existing boundary vegetation, which will remain unchanged as part of the proposals, should also alleviate some noise impact as well as screen the majority of the visual presence of the building.

34. The Synagogue has also made reference to a bridge for a fire escape that the College has agreed to provide as part of the scheme. Whilst this is welcome, such provision is not required to make the scheme acceptable in planning terms and is not directly related to the impact of the development. Consequently, no condition should be imposed in this respect but the College is encouraged to provide it as agreed.

35. In conclusion, officers are therefore satisfied that the proposals will adequately safeguard neighbouring amenity in accordance with the requirements of policies CP1, CP10 and CP19 of the Local Plan.

#### Traffic Impacts

36. The development proposed is not anticipated to result in any additional car traffic once operational as it would predominantly be used by existing students and staff of the College. Occasional conferences could be held within the building however these would be expected to arrive by public transport as is the case with other facilities within the city centre.

37. There is the potential for construction traffic associated with the building works to park inappropriately on surrounding roads to the detriment of neighbouring living conditions. Consequently officers are recommending a condition requiring a construction traffic management plan to be submitted and agreed prior to the commencement of development. This should ensure that the proposals do not significantly adversely affect the use of surrounding roads in accordance with the requirements of policy CP1 of the Local Plan.

#### **Conclusion:**

The proposals are considered to preserve the special architectural and historical significance of surrounding designated heritage assets without resulting in any increased in flood risk or material harm to the amenity enjoyed by occupiers of

nearby buildings. The proposals will also not result in harm to local biodiversity and will also adequately mitigate the loss of existing trees within the registered garden. Consequently, subject to the conditions suggested at the beginning of this report, the proposals are considered to accord with all relevant development plan policies and officers therefore recommend that Members resolve to approve the applications.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching recommendations to grant planning permission and listed building consent, 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 proposals on the need to reduce crime and disorder as part of the determination of these applications, 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:**

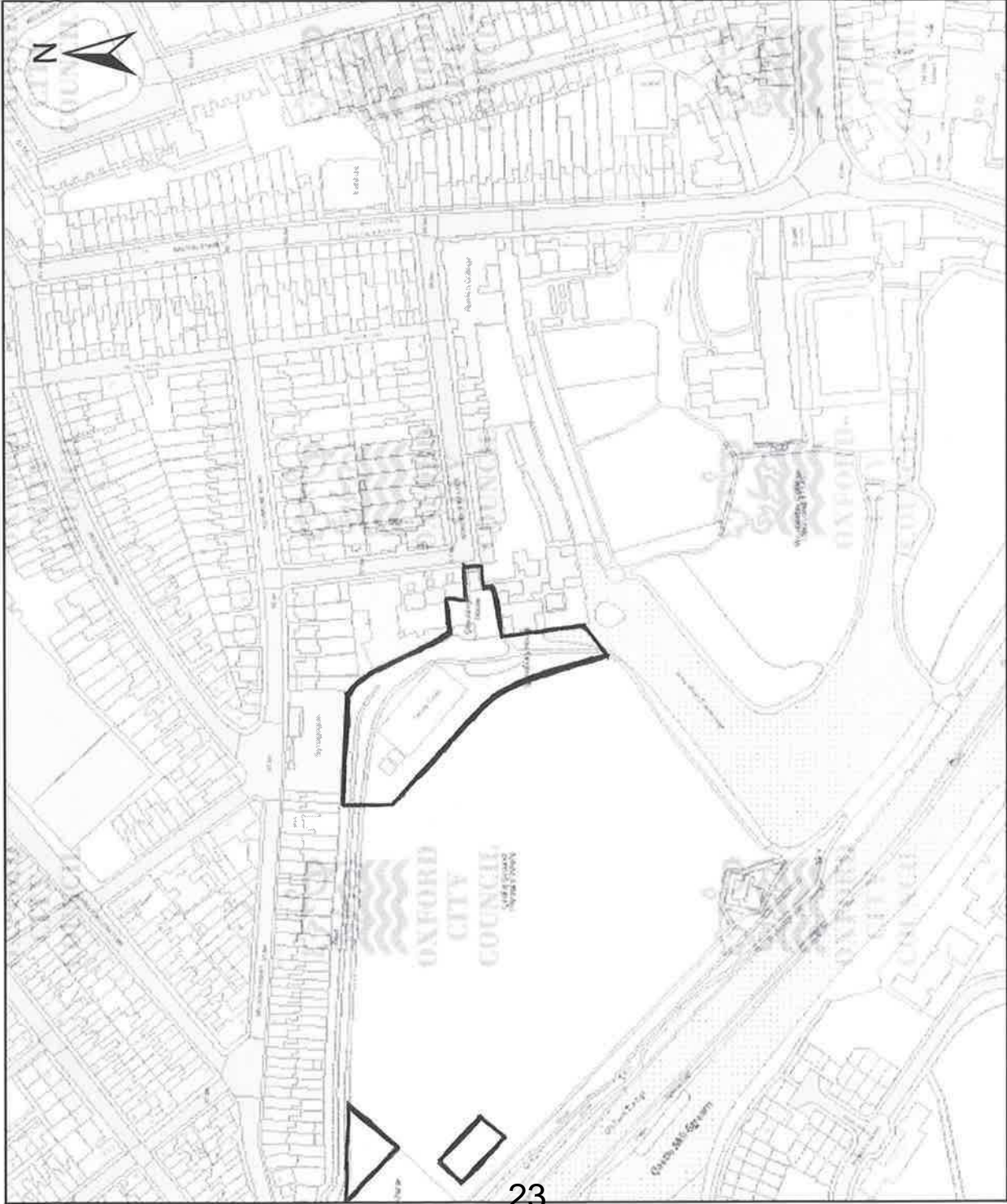
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14/00393/LBC

**Contact Officers:** Matthew Parry & Katharine Owen

**Extensions:** 2160 and 2148

**Date:** 30th March 2014

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Date: 27/03/2014

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**West Area Planning Committee**

8<sup>th</sup> April 2014

**Application Number:** 14/00163/VAR

**Decision Due by:** 22nd April 2014

**Proposal:** Variation of condition 8 (Student accommodation) of planning permission 12/02560/VAR (Variation of condition 7 (occupation by full time students) of planning permission 09/02518/OUT to allow occupation of the development by students in full time education on courses of an academic year or more) to allow occupation of the development including vacation periods.

**Site Address:** Former Travis Perkins Site, Chapel Street, **Appendix 1.**

**Ward:** St Clement's

**Agent:** JPPC

**Applicant:** A2 Dominion Homes Ltd

The planning application falls within Officers' delegated authority to determine but has been de delegated by Councillor Jones supported by Councillors Fooks, Campbell and Royce for consideration at committee due to the numbers of students involved and ongoing problems of noise and disturbance by students in the area during term time.

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**Recommendation:** Approve, subject to conditions.

## **Reasons for Approval**

- 1 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.
- 2 The development provides purpose built student accommodation in accordance with outline and reserved matters planning applications previously permitted. As a consequence of the development heavy goods vehicles associated with the previous use of the site as a builders yard have been removed and financial contributions received to mitigate potential impacts of the development. Extending the use during vacation periods is in line with Local Plan policy and makes efficient use of the accommodation which might otherwise be unoccupied.
- 3 Officers have given careful consideration to the single comment received in

response to public consultation, and are mindful of the concerns raised in respect of the potential impact of the development in terms of noise, parking pressures etc, and that the activities associated with the student accommodation would extend into the summer period if planning permission were granted. These concerns can be addressed by conditions already imposed on the development. No comments on the planning application have been received from statutory agencies.

### **Conditions**

1. Time limits.
2. Maximum floorspace & student rooms.
3. Boundary treatment: student accommodation.
4. Boundary treatment: B1 offices.
5. Obscure glazing.
6. Student accommodation – vocational use.
7. Exclusion from CPZ.
8. Tenancy agreement.
9. Emergency access
10. Car parking spaces
11. Car and cycle spaces.
12. Landscape management.
13. Noise attenuation.

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP5 - Mixed-Use Developments
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP21 - Noise
- CP22 - Contaminated Land
- TR1 - Transport Assessment
- TR12 - Private Non-Residential Parking
- TR14 - Servicing Arrangements
- NE21 - Species Protection
- NE23 - Habitat Creation in New Developments
- HE10 - View Cones of Oxford
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- TA5 - Tourist Accommodation - Dual Use

#### Core Strategy

- CS2 - Previously developed and greenfield land

CS9 - Energy and natural resources  
CS10 - Waste and recycling  
CS12 - Biodiversity  
CS13 - Supporting access to new development  
CS17 - Infrastructure and developer contributions  
CS18 - Urban design, town character, historic environment  
CS25 - Student accommodation

#### Sites and Housing Plan

MP1 - Model Policy  
SP56 - Travis Perkins, Chapel Street  
HP5 - Location of Student Accommodation  
HP6 - Affordable Housing from Student Accommodation  
HP15 - Residential cycle parking

#### Other Planning Documents

- National Planning Policy Guidance (NPPF).
- National Planning Practice Guidance (NPPG)

#### **Public Consultation**

##### Statutory Consultees.

None received.

##### Individual Comments:

One comment only received. Main points:

- Impact on neighbours' amenities.
- Increased traffic.
- Parking issues.
- Increased litter, noise etc.
- No summer relief from students.

#### **Officers Assessment:**

#### **Summary of Planning History**

1. The site was formally occupied as a builders yard, for many years known as Tuckwells Yard. Subsequently it was occupied by Travis Perkins also as a builders yard who in recent times have relocated to a site at Sandy Lane. Part of the site was developed in the early 1980s for residential purposes accessed off East Avenue at what is now Ablett Close.
2. In 2004 planning permission was sought to redevelop the remainder of the site with outline planning permission being granted in 2005 for 57 x 2 bed flats and 2044 sq m of business floorspace under reference 04/02259/OUT. At that time the outgoing 1997 Local Plan was still in force which did not allocate the site for redevelopment, though the successor Local Plan intended to identify the site as a key employment site under policy EC2. In the event the Plan was adopted in November 2005 as the 2005 Local Plan though by this time the outline permission had been granted.

3. In 2009 a further outline application was submitted under 09/02518/OUT which was similar to the previous one but substituting student accommodation for the residential element. Although no occupier was identified for the business floorspace, the intended occupier for the student accommodation was St. Hilda's College who intended to relocate its graduate students from a number of college owned houses (along Iffley Road in particular) to this site. As part of that process it had committed to return those properties to the open market so that they could be made potentially available for family housing. This would be secured by a S.106 agreement, which would also secure financial contributions to cycling facilities, library services, indoor sports facilities and public realm improvements. The S.106 would also secure exclusion for students at the site from eligibility for residents' parking permits:

Student Accommodation:

- Contribution of £12,000 to County Council for footway / public realm improvements.
- Contribution of £138 per student study room to County Council for cycling improvements in the locality.
- Contribution of £63 per student study room to County Council for library services.
- Contribution of £60 per student study room to City Council for indoor sports facilities.
- Contribution of £1000 to County Council's costs of excluding site from eligibility for residents parking permits in the CPZ in operation.

Office Accommodation:

- Contribution of £12,000 to County Council for footway / public realm improvements.

4. The outline permission was followed up by a reserved matters application for the student accommodation only part of the development under reference 11/01712/RES, again with St. Hilda's as the intended occupier. The S.106 commitments followed accordingly. Although St. Hilda's had been the intended occupiers at both outline and reserved matters stages, the planning permissions were not personal to the college, and subsequent to the grant of permission to 11/01712/RES the college withdrew its interest in the development. As a consequence a revised reserved matters application was submitted as 12/01388/FUL which remained essentially as the previous one but without some of the features which the college had sought, such as the central buildings accommodating fitness and meeting rooms etc. These were replaced by a central landscaped area. Again the reserved matters application related to the student part of the site only, with the S.106 requirements following.
5. In May of last year a variation to the outline planning permission was granted under reference 12/002560/VAR which permitted occupation of the development by students other than those of the University or Oxford Brookes University. This arose as the original outline permission had limited occupation to those institutions only, in line with Local Plan policy HS14 in force at the time outline permission had been granted. Subsequently however that policy was superseded by policy CS25 of the Core Strategy which widened the possible occupation to students of other institutions providing

they were on full time courses of at least a year.

6. No reserved matters application was submitted for the business part of the site fronting Chapel Street, and that part of the permission cannot now be implemented. The site remains allocated under policy SP56 of the Sites and Housing Plan however for a mix of residential and employment uses.

### **Current Position**

7. The development has only recently been completed on site and now bears the name “Wavy Line”. Currently students of Oxford Brookes University occupy the northern block of accommodation, and students of King’s College the southern block. King’s College is an independent group of 3 colleges with establishments also in London and Bournemouth. It is registered with the Dept. for Education as an independent school for pupils aged 15 to 19. Its 3 establishments have a typical total enrolment of between 350 and 400 students. In Oxford 50% of the college’s students are enrolled on GCSE A level and foundation courses at the St. Joseph’s Campus in Temple Cowley in preparation for higher education studies. These are provided with accommodation at Wavy Line. The other 50% are enrolled on intensive English Language programmes at the college’s St. Michael’s Street and New Inn Hall Street premises. Those students are accommodated with host families.
8. Since the first occupation of the Wavy Line development last year, Environmental Development colleagues advise that no complaints have been received about its operation.

### **Variation of Planning Permission**

9. The current application seeks to allow the accommodation to be occupied separately during vacation periods by students of summer schools, conference delegates etc in line with policy TA5 of the Oxford Local Plan, which refers to the dual use of accommodation. TA5 reads as follows:  
*“Planning permission will only be granted for the dual use of established visitor accommodation by students if this will not lead to a substantial loss of visitor accommodation.*  
***Planning permission will be granted for dual use of student accommodation for short - stay visitors and conferences during vacations, provided that the planning application includes a package of sustainable transport measures that would be secured by planning conditions or a planning obligation. Where appropriate, the City council may only allow a temporary change of use.”*** (My emphasis).
10. The supporting text to the policy reads:  
*“Dual use of student accommodation during vacation periods for tourist - related uses such as conferences and language schools makes the best use of existing resources. However the City Council will need to ensure that the adverse impact of additional parking on amenity of surrounding properties is properly controlled.”*

11. Vacation use in this fashion is common, indeed almost standard, practice for most developments of student accommodation in Oxford but was not sought at the time of the original outline planning application being granted permission as St. Hilda's College as the intended occupier had intended to place its graduate students here who would require accommodation for the whole year.
12. Condition 8 to planning permission 12/02560/VAR which it is now ought to be varied currently reads:  
*"The student accommodation hereby permitted shall only be occupied by students in full time education on courses of an academic year or more. Management of the development shall be as agreed in compliance with condition 8 of planning permission 09/02518/OUT, namely in the form of a resident caretaker supplemented by 24 hour student warden cover, and a staffed office open from 9.00 am to 5.00 pm Monday to Friday. The telephone number of the student warden service and of A2 Dominion's Customer Service Centre will be displayed at the entrance to the development at all times. These requirements shall in in place upon first occupation of the development and retained at all times thereafter unless otherwise agreed in writing beforehand by the local planning authority.  
Reason: In order to maintain the availability of appropriate student accommodation and controls on its management in the interests of amenity, in accordance with policy CS25 of the adopted Oxford Core Strategy 2026."*
13. In order to accommodate vocational use as now sought the wording of the condition would be required to be amended by the addition of the following after the first sentence:  
*"Outside of term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates"*
14. Although the types of summer school would doubtless vary over the coming years in the event of planning permission being granted for the current variation, the immediate intention is that two groups of students would be attending summer schools and be accommodated at Wavy line, namely the Oxford Summer Academy and Oxford Science Studies Summer School. Both are operated by Oxford International College based at London Place in St. Clements. Attached as **Appendix 2** to this report are details of the two programmes.
15. Whilst the planning application represents a variation to previous permissions granted at this site, it remains a fresh permission in its own right. Where conditions previously imposed have now been satisfied or which are no longer relevant, (eg implementation of agreed landscaping, arrangements during construction) then they have been excluded from the list of conditions suggested above. Where however there is an ongoing requirement (eg landscape management, management of students) they are repeated, but with the amended in the case of condition 8 of permission 12/02560/VAR, as indicated above. As the financial contributions arising from the student accommodation have also now been paid in full, then no further legal

agreement or Community Infrastructure Levy is required.

## **Conclusion**

16. The planning application seeks the modification of condition no. 7 of outline permission 09/02518/OUT and condition no. 8 of permission 12/02560/VAR in order to bring it into line with permissions granted for other developments of student accommodation, as supported by policy TA5 of the Local Plan. In all other respects the intention is to implement the development in accordance with outline permission 09/02518/OUT as varied and reserved matters permission 12/01388/RES and the conditions imposed on them.
17. The application can be supported accordingly, subject to the imposition of the conditions listed at the head 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 grant planning permission subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** Applications 04/02259/OUT, 09/02518/OUT, 11/01712/RES, 12/01388/RES, 12/02560/VAR & 14/0163/VAR.

**Contact Officer:** Murray Hancock

**Extension:** 2153

**Date:** 27th March 2014

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APPENDIX 1



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- 14/00163/VAR
- TRAVIS PERKINS, CHAPEL STREET



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1. Kings College occupy the South Block with a student age range of 17 to 51 years.
2. OBU currently occupies the North Block with a student age range of 18 to 22 years.
3. A2 D is currently negotiating a long lease of the North Block with Oxford International College and it will operate in the same way as Kings College.
4. The management regime has been approved in respect of the site.
5. The proposed lettings during vacation periods would vary but the current intention is as follows:

1. **The Oxford Summer Academy** (<http://www.theoxfordsummeracademy.com/>)

The programme currently takes place at St Edmund Hall, Oxford.  
The age range is notionally 16+, but it attracts students up to 20+

The kind of courses on offer gives a good flavour of the maturity of the students:

(<http://www.theoxfordsummeracademy.com/m1724/majors-minors-and-electives>)

MAJOR OPTIONS	MINOR OPTIONS	ELECTIVES
Oxbridge Preparation	Oxbridge Preparation	Tennis
Leadership & Management	Leadership & Management	Leadership & Management
Maths and Science	Maths and Science	Improvisation Comedy
Maths – Probability and Statistics	Maths – Geometry and Trigonometry	Extreme Science: Practicals beyond the Classroom
Maths – Advanced Algebra	Maths – Algebra	Public Speaking and Debate
Maths – Calculus	Maths – Advanced Calculus	Photography
Introduction to Particle Physics		Creative Writing
Introduction to Medical Biology		
Advanced Biology for Medicine		
Inorganic Chemistry		
Literature and Drama	Literature and Drama	
Themes in Drama through the Ages	The Wonderful World of Short Stories	
Shakespeare: Poems, Performances and Prose	Aspects of Irish Literature	
Perspectives on Poetry		
Social Sciences	Social Sciences	
Psychology - Inside the Human	Sociology – Crime and Deviance	

Mind		
Law - An Introduction to Legal Concepts	Economic Curiosities	
Macroeconomic Issues	British & American Politics - A Comparative Study	
Global Crises, Smart Solutions	New Economics for a Low Carbon Future	
<b>Humanities</b>	<b>Humanities</b>	
History – World Wars I & II	History – The Tudors	
Modern International Relations	Classical Mythology	
Philosophy: Revolutions – What Were they Thinking?	Philosophy – What is a Good Life?	
Critical Thinking - The Art of Reasoning	Critical Thinking - The Art of Reasoning	
<b>Languages</b>	<b>Languages</b>	
French Language and Culture - Intermediate	French Language and Culture - Beginners	
German – Beginners	German – Intermediate	
Spanish – Beginners	Spanish - Intermediate	
Latin – Beginners		
Ancient Greek - Beginners		

## 2. Oxford Science Studies Summer School (<http://www.oxss.co.uk/>)

This programme has been running since 1997. In recent years it has been based at St Edward's School, and St Peter's College, Oxford. It is predominantly an A-level programme for 17/18 year olds. 75% are British students, the remainder being students studying British A-level at international schools around the world.

The Schools can provide references from St Edmund Hall, St Peter's College and St Edward's School, as to the maturity and behaviour of the students.

6. As referred to in the application submission, the management regime would remain in place throughout the year, i.e. it would also serve the vacation uses as well as term-time occupants. In relation to Oxford Science Studies Summer School, the School has a dedicated Residential Manager for the summer camps, who manages a team of residential wardens. It has confirmed that it would allocate 2 to 6 residential wardens for the whole of North Block, depending on the internal layout. It would also employ a night watchman who would patrol the premises until the early hours. The School has 17 years' experience running residential programmes, sometimes for over 200 pupils. It can provide references from St Edmund Hall, St Peter's College, and St Edward's School if required.
7. Kings College would have an additional night warden.

**West Area Planning Committee**

8<sup>th</sup> April 2014

**Application Number:** 13/01344/VAR

**Decision Due by:** 9th April 2014

**Proposal:** Variation of condition 17 (Hours of use) of planning permission 13/01344/CT3 (Erection of pavilion and clubroom) to allow for the extension of opening hours.

**Site Address:** Grandpont Nature Park, White House Road (**site plan: appendix 1**)

**Ward:** Hinksey Park

**Agent:** N/A

**Applicant:** Mr Philip Jones

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## **Recommendation:**

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

- 1 The proposed variation of opening hours would enable the most efficient use of the pavilion and its ability to encourage participation in sports throughout the year. The evening hours would not have a material impact upon neighbouring residential properties in terms of increased noise, disturbance, and anti-social behaviour and any such impact could be successfully mitigated through the management plan required by condition 4 of 13/01344/CT3. The variation would therefore accord with the aims and objectives of Policies CP1, CP19, and CP21 of the Oxford Local Plan 2001-2016, and Policy CS19 of the Oxford Core Strategy.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

**Conditions:**

To include the conditions imposed on planning permission 13/01344/CT3

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Sports Pavilion Management Plan
- 5 Details of Secure By Design Principles
- 6 Details of Cycle and Refuse Storage
- 7 Construction Traffic Management Plan
- 8 Landscape plan required
- 9 Tree Protection Plan (TPP) 1
- 10 Arboricultural Method Statement (AMS) 1
- 11 Landscape hard surface design - tree roots
- 12 Landscape underground services - tree roots
- 13 Flood Risk Assessment recommendations carried out
- 14 Details of Sustainable Design Principles
- 15 Ecological Appraisal recommendations carried out
- 16 Sustainable Urban Drainage Scheme
- 17 Hours of use - Monday to Sunday 09.00 – 21.30 hours
- 18 Contaminated Land Risk Assessment
- 19 Contamination - Verification Report
- 20 Contamination- unsuspected contamination

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

CP1 - Development Proposals

CP10 - Siting Development to Meet Functional Needs

CP19 - Nuisance

CP21 - Noise

**Core Strategy**

CS13\_ - Supporting access to new development

CS19\_ - Community safety

CS21\_ - Green spaces, leisure and sport

**Other Material Considerations:**

National Planning Policy Framework

National Planning Practice Guidance

**Relevant Site History:**

13/01344/CT3 - Erection of pavilion and clubroom: Approved

**Public Consultation**Statutory Consultees

None

### Third Parties

4, 6, 11 Buckingham Street; 2, 4, 9, 15, 28, 36 Chilswell Road; 13 Cobden Crescent; 34, 39 Hodges Court; 3 Edith Road; 19, 22, 28, 24 118, 136, 152, 186, 194, 220, 244, 252, 228 Marlborough Road; 12 Osney Mill, Mill Street; 8, 31, 34, 37 Newtown Road; 6, 16, 18 Salter Close; 16, 18, 22, 24, 35, 48 Western Road; 4, 10, 11, 13, 17, 18, 21, 25, 28, 31, 41, 45a, 45b, 52, 55, Whitehouse Road; 25 Pegasus Grange, Whitehouse Road; Hogacre Common Eco Park, Whitehouse Road

### Comments Received

Comments can be summarised as follows

- The pavilion was to provide the football club with facilities that they do not currently have. This was strongly supported, but the provision of a social club for hire is not.
- The hiring out of the venue until 11pm (10pm Sunday) will lead to an increase in noise, disturbance and the disruption of local residents sleep. The closure at 6pm is adequate for the original use
- The proposal amounts to a change of use
- This is a quiet residential area and should not be turned into a place for the night time entertainment
- The field is used by the local community for a variety of uses and by increasing the hours of the pavilion it is effectively a takeover of a public space by the football club. If the venue is to be hired out to 3rd parties, then the club will not have control over who attends the events.
- There are many vulnerable and elderly residents housed opposite the recreation ground will be affected, and the change will also present a safety risk for our children
- How could a late night licence, which would lead to loud music, excessive drinking, fighting, littering, vomiting and all other negatives which are associated with football and alcohol, benefit the neighbourhood?
- Reassurances have been given that the intention is only for club meetings and 'occasional' social functions. There is nothing in the current plan that would enforce this minimal usage. Even if this is the intention of the current managers of the football club, once approval for extended opening hours has been granted there is nothing to stop more frequent and disruptive use in the future.
- There would be parking problems created from the extended hours. It is already difficult for residents who have paid for a parking space to find a space after 6pm
- There is a potential for the noise and disturbance to have an adverse impact upon the peace and tranquillity of the nature reserve to the detriment of local wildlife
- The properties bordering Dean's Ham meadow can at times already cause light pollution in an area that is meant to be nature reserve. The proposal is likely to increase the incidents of excessive light and change the character of the area which for people and animals is one where there are extended periods of quiet.
- When consulting on the development of Hogacre Common Eco Park, the developers were met with overwhelming support, with the only real concern by local residents being that we should refrain from late night activities that carry the possibility of disturbing our neighbours. It was requested that loud music and parties late at night were avoided. Despite the physical separation from its nearest neighbours, the developers respected our neighbours' wishes. As custodian of a natural resource, it would be disappointing if the opportunity for

users of Hogacre Common Eco Park to enjoy the peace and tranquillity of the site were impaired by our neighbours.

- The South Oxford Community Centre, SOAP, Hogacre and St Matthew's Church currently provide spaces for community events, which we believe is important to their survival. Is it sensible to add another venue providing similar facilities? The White House pub (which historically has struggled to generate custom) could provide perfectly adequate facilities for post-match events and meetings etc.
- The proposal will introduce potential 'competition' with already existing, long established community organisations/resources in the area, already offering such a facility, that exist to provide this and require such use/income to remain viable.
- The football club wishes to generate some income by hiring out the clubhouse to generate extra revenue. Given that the new amenity will in general be a significant benefit to a large part of the local community in Grandpont and New Hinksey, the balance between benefit and disadvantages is difficult to judge.
- If extending hours (although not always to 11pm) served the local Grandpont community then this may be acceptable with local residents able to book to use the space in evenings and weekends for various activities. However there seems to be no provision for this and it feels like it will be turned into an evening party venue. Is there a way with the application to have limited extended hours and limit the use to more of a community centre for local residents?
- The pavilion should not have been allowed in the first place. But given that we have it, we might as well get some use out of it. Grandpont could do with a community facility where local people can get together for sports and social activities. Therefore I support extending the opening hours.
- Support this application. During British summer time the Rec is used for football training until 7 pm. Closing the facility at 6 pm will mean the clubhouse can't be used for training which would, quite obviously, partly defeat the point of having it.

## **Officers Assessment**

### **Background to Proposals**

1. The site is located on the western side of White House Road, and is bordered by the residential properties to the east, Grandpont Nursery School to the south, and the railway line to the west (**site plan: appendix 1**)
2. The site comprises the Grandpont Recreation Ground which is within Grandpont Nature Park. The recreation ground currently has hard-standing for basketball, fixed 5-a-side goals, a full sized football pitch with fixed goals (Autumn / Winter months) and a cricket pitch (Summer months). There are further cricket and football pitches on the opposite side of the railway line.
3. In August 2013 planning permission was granted for the erection of a new single storey-storey sports pavilion with clubroom for the recreation ground under reference number 13/01344/CT3. The pavilion included two 16 person changing rooms with WC's and showers; two official changing rooms with WC and shower; accessible WC; male & female WCs; external store; kitchen with server; plant room, and a community room with store. The permission has been implemented.



4. In granting planning permission, the West Area Planning Committee attached the following condition which restricted the hours of use to those stated within the application form.

*The sports pavilion hereby permitted shall only be used between the following hours (Monday to Sunday 09.00 - 18.00 hours) unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In the interests of residential amenity of the surrounding properties in accordance with Policies CP10, CP19, and CP21 of the Oxford Local Plan 2001-2016.*

5. The applicant has subsequently identified that the hours of operation they originally sought would restrict evening use of the pavilion (including the club room) limiting its basic purpose to provide facilities for sports participation on the recreation ground as well as for any other potential community uses. The current proposal is seeking to vary the condition to enable the hours of operation to 9am to 11pm (Monday – Saturday) and 9am to 10pm (Sundays).
6. The proposed variation would not alter the use of the pavilion (including the club room) from that specified within the original application. Officers consider that the principle determining issues in this case would be the impact of varying the hours of operation of the pavilion.

#### **Variation of the opening hours**

7. The sports pavilion has been provided as part of the Oxford City Councils Pavilion Modernisation Project which is improving pavilions in their existing parks and providing central bases and facilities for sports clubs within the city. The purpose of the new pavilion was to establish a facility for Hinksey Park Football Club to enable the club to expand and develop within the local community. In addition to the modern changing facilities the proposed layout also included a ‘community club room’ which the application made clear would provide social facilities for players, officials, and spectators involved with the club and also be made available for other community uses such as mother and toddler sessions, children’s parties at weekends, exercise groups, adult learning, and occasional social events.
8. In determining the initial application for the sports pavilion, officers had regard to the potential impact of the development upon the surrounding area in terms of loss of light, privacy and also noise intrusion. It was considered that the pavilion would not create any additional adverse impacts upon the surrounding residential properties. However conditions were imposed in order to mitigate any possible impact from noise intrusion, one of which required a management plan for the pavilion to be submitted before it was brought into use and to set the hours of use to those stated in the application form.
9. The current proposal is only seeking to vary the hours of use of the pavilion to enable the facility to be used in the evenings. There is no intention for extended hours to facilitate the buildings use for purposes other than those specified in the

original application. There are no proposals to form a social club or private hire venue with late night entertainment licence, or for late night parties and alcohol sales to occur on site. The Council Leisure and Parks Team have advised that this will be stipulated in the lease agreement with the football club. It is intended that the use of the pavilion (including the clubroom) would also be enforced through the management plan secured by condition on the original permission 13/01344/CT3. The management plan has yet to be formally agreed although the applicant has indicated that the following points will be included within the plan.

- The Football Club will manage the bookings for the facility in collaboration with the Oxford City Council's parks department who will retain full management of the adjacent football pitches.
- A management committee will be formed by the club in order to assist in the management of the pavilion. The committee membership will be made up by representatives of the football club, ward councillors, Oxford City Council Officers, South Oxford Community Association, Thames Valley Police, the local schools and local residents.
- The community room will only be made available for events through a booking system and these bookings will be confirmed following consultation with the management committee. The committee will act in the interest of the club and local community to ensure that any events will be managed responsibly and be respectful of the local community
- There will be no alcohol consumption allows at the site unless agreed through a temporary entertainment licence in the name of Hinksey Park FC.

10. The applicant has also confirmed that the management plan should also include a caveat that no live or amplified music be played after 9.30pm. Similarly they have also indicated that they would be prepared to accept opening hours which have the pavilion closing at 9.30pm (Monday – Sunday) to be out by 10pm rather than the 10pm (Mon-Sat) and 11pm (Sunday) finish proposed.

11. Having reviewed the application officers would support the variation to the opening hours for the following reasons. Firstly it is regrettable that the hours of operation originally specified within the application were not fit for purpose as it was clear that a degree of evening usage would be required, if only, for sports clubs to use the facilities throughout summer months and for the clubroom to be used for meetings associated with the club throughout the year. In that regard the early evening closing time (6pm) is inadequate and would certainly undermine the use of the pavilion and its ability to encourage participation in sports throughout the year. Therefore there is a clear operational need for the pavilion to open beyond the currently allowed time.

12. The recreation ground lies on the outskirts of a residential suburb, with properties located on the eastern side of Whitehouse Road. Therefore the potential for noise intrusion arising from the evening use needs to be examined. The Oxford Local Plan has general policies that relate to environmental impacts arising from development. Policy CP19 states that permission will not be granted for proposals that cause unacceptable nuisance, and where such a nuisance is controllable planning conditions will be imposed. In addition Policy CP21 also states that

permission will be refused for proposals that cause unacceptable noise, with conditions also used to minimise any adverse impact from noise.

13. The pavilion would be located some 65m away from the nearest residential property in Whitehouse Road and is separated from these properties by the mature screening to the recreation ground and the public highway. The community room has been sited to the western side of the building and so is further away from residential properties. The clubroom is only 70.6m<sup>2</sup> and has a small kitchen leading from the space. In determining the existing permission, officers concluded that the proposal would not create any additional noise impacts that would have a particularly adverse impact upon the surrounding residential properties given the location of the pavilion, and range of uses proposed within the building. Furthermore any such impact would be controllable by conditions in accordance with the above mentioned policies. This would still be the case, even with the opening hours varied to enable an evening use.
14. Secondly the principle of the clubroom being used by the wider community was accepted in the original application, and the Oxford Core Strategy encourages these types of facilities being made available to the wider community irrespective of whether there are other similar type facilities within the area. It is clear from the original application that there is no intention to hire out the venue for uses that would have a harmful impact upon the surrounding area and this is unchanged by this application. The management plan secured by condition on the original permission will ensure that this is the case, and the information provided by the applicant with respect to their draft management plan provides comfort in this regard. This states that social events will be on an occasional basis and would be subject to a temporary events licence, which would need to be issued by the licensing authority. Officers welcome the applicant's intention to close at 9.30pm as this would be a more appropriate time and alleviate concerns raised by third parties raised during the consultation process..
15. Officers consider that varying the hours of operation to enable a 9.30pm finish on a daily basis would not have a significant impact upon neighbouring residential properties in terms of increased noise and disturbance in accordance with the aims and objectives of Policies CP1, CP19, and CP21 of the Oxford Local Plan 2001-2016.

### **Highway Matters**

16. The existing recreation ground is in a sustainable location within the Transport Central Area which is highly accessible in terms of walking, cycling and public transport. The county council car park to the north of the recreation ground currently provides parking for the recreation ground with limited hours parking available on street in Whitehouse Road. The site has no vehicular access other than for maintenance vehicles and emergency vehicles.
17. The Transport Statement approved as part of the planning permission recognised that the only potential change in traffic conditions would be through the use of the club room, and this would generally be associated with evening and weekend use of the room. The Local Highways Authority raised no objection to the proposal in

terms of traffic generation or highway safety and concluded that the club room is small and its use would not generate significant amounts of traffic and is likely to primarily serve the local community who are within walking distance. The variation of condition would not alter the situation beyond that which was already considered as part of the application.

### **Other matters**

18. In terms of impact upon biodiversity, an ecological appraisal was approved as part of the application. Natural England has raised no objection to the proposal as it is unlikely to affect any statutorily protected sites or landscapes or any European Protected Species. The variation of condition would not alter the situation beyond that which was already considered as part of the application, as the amendment to the opening hours would not introduce any uses that would have an impact.

### **Conclusion:**

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

### Human Rights Act 1998

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

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

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

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

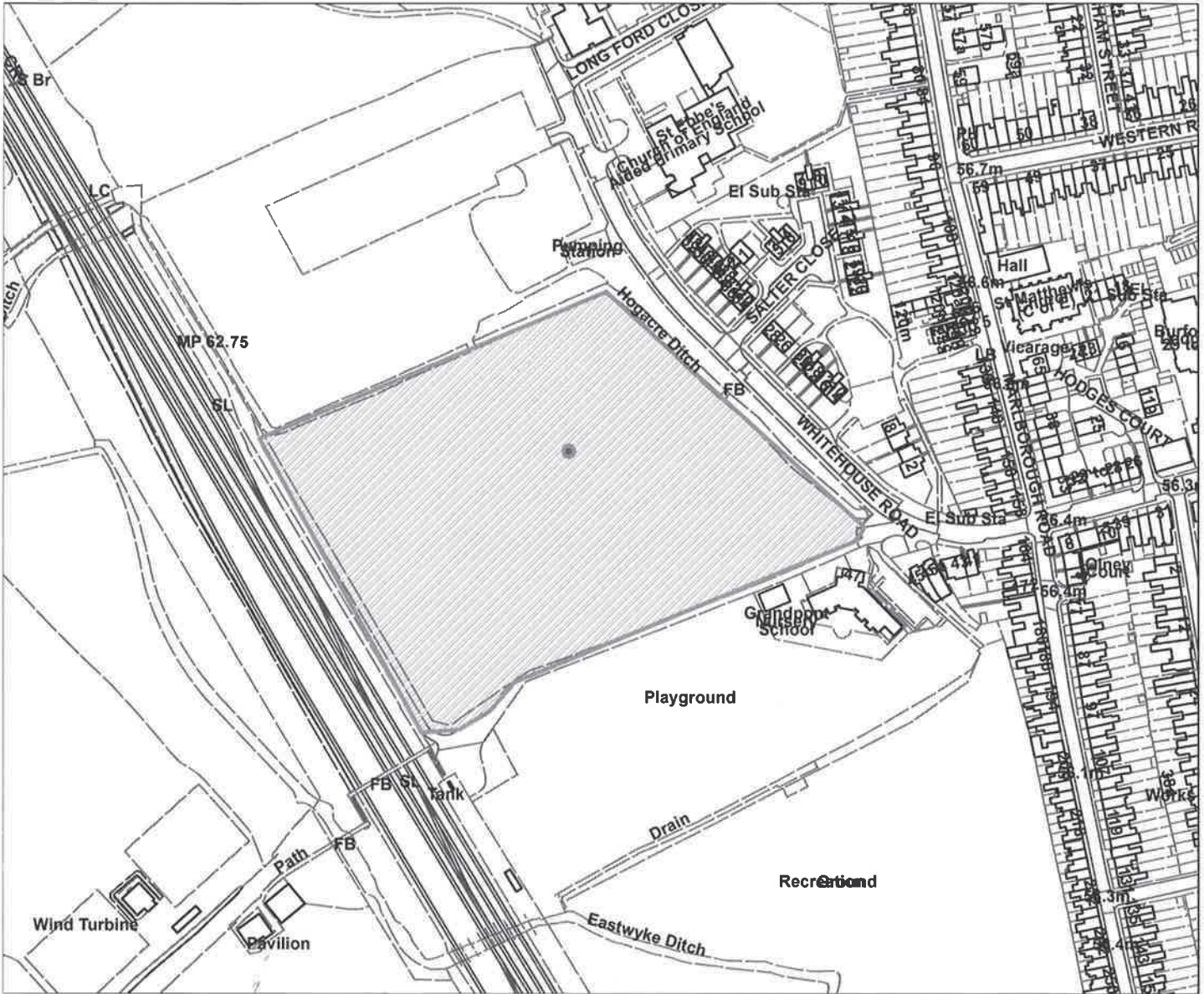
**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 24th March 2014

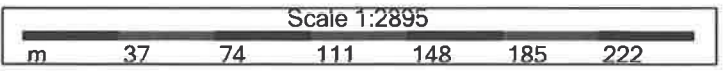
# Appendix 1

## Grandpont Nature Park (13/01344/VAR)



**Legend**

1:2894



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<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	26 March 2014
<b>SLA Number</b>	100019348

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West Area Planning Committee

8th April 2014

**Application Number:** 14/00144/FUL

**Decision Due by:** 18th March 2014

**Proposal:** Erection of single and two storey extension to side and rear elevations (Amended plans).

**Site Address:** 24 Charlbury Road, Appendix 1.

**Ward:** St Margaret's

**Agent:** Mr Sam Cook

**Applicant:** Sam Cook

**Application Called in –** by Councillors – Campbell, Wilkinson, Royce and Goddard  
for the following reasons - application is un-neighbourly to the two adjoining properties (22 and 26), and will be out of keeping with this part of the Conservation Area.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extensions to the dwelling house are considered to form an appropriate visual relationship with the dwelling and its surroundings. It would not be visually harmful to the Conservation Area in which it lies. The overall scale and massing of the proposed extensions do not adversely affect the privacy, light and outlook of the adjoining properties in accordance with policies CP1, CP6, CP8, CP10 and HE7 of the Adopted Oxford Local Plan 2001-2016 and CS18 of the Oxford Core Strategy 2026 and MP1, HP9 and HP14 of the Sites and Housing Plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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 Samples in Conservation Area: North Oxford Victorian Suburb,
- 4 Tree Protection Plan (TPP) 1
- 5 Front paving
- 6 Arboricultural Method Statement (AMS) 1

### **Main Planning Policies:**

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

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- HE7 - Conservation Areas
- CP10 - Siting Development to Meet Functional Needs
- NE16 - Protected Trees

#### **Core Strategy**

- CS18 - Urban design, town character, historic environment

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

- HP9 - Design, Character and Context
- HP14 - Privacy and Daylight
- MP1 - Model Policy

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

- National Planning Policy Framework
- Application is within the North Oxford Victorian Suburb Conservation Area.

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

None.

### **Public Consultation**

#### **Statutory Consultees:**

None.

#### **Third Party Comments Received:**

25 letters of objection in total from the following addresses:

4, 15, 16A, 18A, 20, 22, 26, 27, 28 & 31 Charlbury Road; 8, 14, 24 & 26 Northmoor Road; 10 and 13 Belbroughton Road; 96 and 112 Banbury Road; 19 Linton Road, The Victorian Group of Oxfordshire Architectural and Historical Society (VGOAHS), 9 Bardwell Road (Linton Road Neighbourhood Association) and the Oxford Civic Society.

The following comments were raised:

- Overdevelopment
- Will set a precedent for inappropriate dense development in future



- Extensions are out of character with the area
- Overlook the annex of 28 Charlbury Road and the garden will lose privacy
- Excessive size and height
- Shame if all rear extensions at Charlbury Road resemble those at no.18 Charlbury Road
- New Garage will restrict light to 22 Charlbury Road
- Dominate views from 24 Northmoor Road and rear elevation would encroach closer to 24 Northmoor Road
- Loss of privacy to 24 Northmoor Road
- Direct impact on 22 Charlbury Road, loss of light and amenity to kitchen/dining room due to height, length and position of sloping garage roof
- Unsympathetic to immediate neighbours
- Loss of light to no.26 Charlbury Road Kitchen/family room.
- Impact on North Oxford Victorian Suburb Conservation area, building to boundary wall will result in loss of gap
- Misleading plan with misleading boundary heights between 22 and 24 Charlbury Road
- Inaccurate sunlight/daylight assessment.

#### **Determining Issues:**

- Design
- Impact upon the conservation area
- Residential amenity

#### **Officers Assessment:**

##### Site description

1. The site lies on the west side of Charlbury Road and within the North Oxford Victorian Suburb Conservation Area. The area was developed by St. John's College in the early 1900's and generally comprises individual, detached properties set in spacious grounds. More recent developments to the east comprise smaller, detached dwellings in more modest plots.
2. The existing dwelling was thought to be built around 1912 in a modest, Edwardian style but with decorative overtones. It sits in a spacious plot that is set back from the road. There is an existing, modest garage to the south side close to the boundary with number 22 which is to be demolished along with the single storey rear projection, replaced by a new garage and a two storey extension in the same locations. The existing rear veranda would be replaced by a new single storey garden room linking the two extensions.
3. The proposed extensions would be erected using red bricks and stone surrounds to match the existing dwelling together with red single camber clay tiles to match the existing roof tiles. It would have a traditional appearance as viewed from Charlbury Road. The side elevation of the proposed two-storey extension is designed to be a continuation of the Edwardian style in appearance with matching materials but would also

have a lower roof height together with additional two velux sun tunnels in the original part of the roof that would face north.

## Design

4. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for developments that show a high standard of design, that respect the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area.
5. Policy CP8 of the Oxford Local Plan states that the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
6. Policy CS18 of the Oxford Core Strategy emphasises the importance of good urban design and its contribution towards an attractive public realm.
7. The proposals have been the subject of pre-application discussions and no objection was raised in terms of design by officers at that stage. It is considered that the most important elevation in terms of the public realm is the front elevation where the main alteration to the front view of the existing building would be the new garage with new hipped roof. This is considered to be acceptable. The less important, side elevations and rear elevation is still traditional in appearance and form although it would be lower in height as regards the host dwelling and would therefore appear subservient.
8. The rear garden is approximately 26m in length and 17m wide. The two storey rear extension would extend a further 1.7m into the rear garden at ground floor level. Therefore the rear garden would remain a sufficient size for a dwelling of this size and would retain a sense of spaciousness. There would not be a substantial loss rear garden as suggested by some of the objection letters.
9. Officers take the view that the proposal would form an acceptable visual relationship with the existing dwelling. The rear extension has been designed to respect the character and appearance of the existing building with the use of traditional forms that mirror the existing gable form at the rear. The most contemporary part of the design is the powder coated aluminium sliding double doors on the ground floor, all other windows will be timber framed. A condition shall be imposed to ensure that proposed materials are of a high quality and match those of the existing dwelling.

10. Concerns have been raised from local residents with regard to the massing of the extension being out of keeping and setting a precedent for future similar developments. The new extension would alter the character of the building at the rear and at the front with the alterations to the garage. However, these alterations are not considered to harm the character and appearance of the existing house or surrounding area. The main extension would be located at the rear of the property and would not be highly visible from the public realm. Whilst there would be some views from Charlbury Road of the side elevation of the two storey rear extension between no.24 and no.26 from the street, these would not be prominent. In this regard, it is considered that the proposed extension would preserve the special character and appearance of the conservation area as viewed from public vantage points and therefore comply with HE7 of the OLP.

#### Impact in the Conservation Area

11. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development in conservation areas which preserves and enhances the special character and appearance of the conservation area and its setting.

12. The character of this part of the conservation area is one of large detached dwellings in substantial plots with generous gaps between buildings. The proposed new garage extension would bring the building closer to the boundary of no.22 Charlbury Road to the south side by enclosing the existing 0.7m gap between the existing garage and the boundary wall of no. 22. However, this infill of the gap and increase in height of the garage roof are not considered to be significant in closing the gap between the buildings to the visual detriment of the street scene. The eaves of the new garage would remain low at 2.1m with a hipped roof that slopes away from the common boundary. No 22 is set some 1.5m from that common boundary. Officers, are therefore satisfied that sufficient gap remains above the garage and on the northern side of no. 22 to maintain the important gap characteristic of the conservation area, and to continue to allow glimpses of the greenery in the rear.

13. Furthermore it was suggested that the two storey rear extension would erode the openness between numbers 24 and 26 Charlbury Road on the north side. Here the proposed extension would retain the openness between numbers 24 and 26 as the extension would be located at the rear and there would be no infill of the side gap on this northern side. There is also a substantial distance (6 metres) between no. 24 and 26 Charlbury to retain this sense of openness between the two buildings. Overall therefore, it is considered that the proposal would preserve the character and appearance of the conservation area.

#### Impact on Neighbours

14. Policies HP.14 of the SHPDPD and CP.10 of the OLP require the appropriate siting of new development to protect the privacy of the

proposed or existing neighbouring, residential properties. Proposals are assessed in terms of potential for overlooking into habitable rooms or private open space.

15. In this instance, officers take the view that the only properties potentially affected by the proposal are again numbers 22 & 26 Charlbury Road which are adjacent to the application site. Concern has been raised from 24 Northmoor Road that the proposal would encroach towards the rear garden of no.24 and create overlooking. However given the distance involved (some 25 metres) and the fact that policy HP14 states that the generally a distance of 20 metres from directly facing windows of habitable rooms is acceptable in privacy terms, it is considered that there would be no adverse impact to the occupiers of 24 Northmoor Road in respect of loss of privacy, overlooking or sense of enclosure.
16. In terms of no. 26 Charlbury Road there is a current 6 metre gap between the side elevations of the application site and the neighbouring building. No. 26 Charlbury Road has a garage building that is located along the boundary of no.24 and is set well back from the road. Just behind this garage, the two-storey rear extension would be visible. The extension would add additional mass along the boundary at this point however and would be visible from rear ground floor rooms from 26. It is concluded that due to the location of rear elevation of no.26 Charlbury Road, the proposed extension would not be considered to be of an overbearing nature.
17. The main view from no.26's study room would be towards the rear of the garden which faces westwards. Whilst the extension would create some additional shadowing mainly upon the garage of no.26 and to the part of the patio area of the garden, it is considered that this additional shadowing would not be detrimental to residential amenity of the occupiers of no.26 due to the size of the garden. The main views from the kitchen/dining room are to the south with full length doors looking towards the garage of no.26 and then beyond on the side elevation of no.24. The extension would affect the outlook from this room, by taking up some of the visible sky that can be seen above the garage. However, it is considered that it is not sufficient to warrant refusal of planning permission as there would still be sky visible and the kitchen/dining room is set well back from the boundary. It is acknowledged that there is a large sycamore tree located in the garden of no. 26 which contributes to overshadowing of the garden already. However, it is considered that there would still be plenty of visible sky and there would not therefore be any significant or adverse loss of outlook or loss of light
18. Due to the distance and location of no.26's Charlbury Road rear windows, the proposed two-storey rear extension complies with the 45 degree guidance as detailed in appendix 7 of the SHP. Thus whilst there would be some impact to no.26 Charlbury Road in terms of outlook it would not be sufficient to warrant refusal of planning permission.

19. No. 22 mirrors 24 to some degree with a single storey rear projection that is the kitchen/dining room. The rooms are unusual as there are no windows facing the rear garden, the main source of light coming from the side facing windows in the south and north elevations. The most important window would be the south facing one which allows maximum sunlight and daylight into the relatively dark rooms. The two north facing windows also provide light, but not as much as the south facing window due to its orientation. The new garage will be longer than the existing garage and would have a hipped roof instead of a flat roof. The guidance in Appendix 7 of the SHP uses line drawn up in 45 degrees from the midpoint of side facing windows. In this case, the line of 45 degrees in the vertical plane complies with the guidance. It is concluded that the new garage would have little impact upon the residential amenity currently in terms of loss of light, outlook or overbearing nature. The eaves of the garage are low at 2.1m and would just be visible above the existing boundary wall.
20. The proposed two storey extension would have additional windows in the west elevation; however, these windows would not give rise to any additional overlooking into the rear gardens of no.22 and 26 that do not already exist from current first floor windows.

#### Other matters

21. The plans show a new paved driveway to the front, a condition is recommended that would require further details to be submitted in order to allow for further consideration of the impact upon the conservation area.
22. The proposed railings detailed in the application form and design statement will be subject to a separate planning application and do not form part of this proposal although they are referred to despite being mentioned.

#### **Conclusion:**

The extensions have been carefully designed and in officers' view would not lead to any unreasonable impacts on the adjacent properties or on the character and appearance of the Conservation Area. The proposal conforms to the Council's standards and the presumption should be in favour of the grant of permission. Whilst the comments from neighbours have been carefully considered, they do not raise issues which should lead to sustainable harm being caused, or to justify the application being refused Planning permission.

#### Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

**Background Papers: 14/00144/FUL**

**Contact Officer:** Davina Sarac

**Date:** 26th March 2014

# Appendix 1 14/00144/FUL 24 Charlbury Road



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Date: 27/03/2014



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**WEST AREA PLANNING COMMITTEE**

**8<sup>th</sup> April 2014**

**Order Name:** Oxford City Council –Folly Bridge (No.1) Tree Preservation Order, 2013

**Decision Due by:** 30<sup>th</sup> April 2014

**Site Address:** Land to the south of 5 Folly Bridge, Oxford, Oxfordshire

**Ward:** Hinksey Park

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**Recommendation:**

To confirm the Oxford City Council – Folly Bridge (No.1) Tree Preservation Order, 2013 with a modification changing the wording in the order Schedule; at paragraph 2(2), line four: "...Regulations 2011." should read "...Regulations 2012.

**Background:**

The Oxford City Council – Folly Bridge (No.1) Tree Preservation Order, 2013 was made on 30<sup>th</sup> October 2013. It protects two crack willow trees, identified as T.1 and T.2 on the plan (Appendix 1) standing on small triangles of land north and south of the Thames towpath, to the west of Folly Bridge on the Abingdon Road. The Tree Preservation Order (TPO) was made in response to a Section 211 Notice [Intent to carry out works to trees in a conservation area] to remove both trees (Ref.13/02520/CAT. The Notice was given by Jenks Ltd, tree surgeons acting as agents for Mr Levinson of 5 Folly Bridge.

The TPO was served on parties with an interest in the land. The order currently has provisional status and it must be confirmed to become permanent. If the order is not confirmed before the end of six months, in this instance that being the 30<sup>th</sup> of April 2014, the order will no longer take effect and the proposal to remove the two trees may take place. The objection that has been made to the order must be considered in reaching a decision on whether the order should be confirmed or not. A typographical error in the Model Order of the TPO Schedule reads "...Regulations 2011." it should read "...Regulations 2012. This can be corrected by a modification to the wording of the TPO at confirmation.

**Reasons for making order:**

To protect in the interest of public amenity, trees that are at risk of removal, and which make a valuable contribution to public views in the local vicinity along Folly Bridge, Abingdon Road and the Thames tow path and to the character and appearance of the central conservation area in the local vicinity.

**Relevant Site History:**

02/02134/CAT – Description: 'Prune 2 no. willow trees and two smaller trees in the Central Conservation Area at 6 Folly Bridge' (pollard southern tree or reduce crown by 50%, formatively prune northern tree and reduce branches toward Caudwell Castle);

Decision- 'Raise no objection'; Comment: Work appears to have not been carried out. 13/00436/INV–Alleged unauthorised clearing of land works to trees in CA; Decision: Case closed; Comment: No breach of planning found.

13/02520/CAT- Description:'Fell 2No Crack Willow trees in the Central conservation area'. Decision- 'Raise objection'; Comment: Tree Preservation Order made on 30<sup>th</sup> October 2013.

14/00873/TPO - Mr. Levinson submitted a TPO application (26/03/2014) - to fell (T2),the southern willow (and plant a replacement tree). The application will be redundant if the order is not confirmed.

### **Representations Received:**

In relation to the Sec. 211 Notice of intention to remove the trees,2 written objections from members of the public were received from Simon Millar and Adrien Shun-Sin.

One objection to the Tree Preservation Order has been made by Mr. Levinson of 5 Folly Bridge.

### **Officers Assessment:**

#### **Site:**

1. The site is a small triangle of land to the south of 5 Folly Bridge and adjacent to Folly Bridge and the Abingdon Road to the east. The site is bisected by a short section of Thames towpath, with a foot bridge at its western end. The site is within the Central (University and City) Conservation Area. Adjacent to the site, Folly Bridge and the tollhouse are listed grade II and Grandpont Causeway is a Scheduled Ancient Monument.

#### **Trees and their amenity:**

2. The TPO covers two willow trees located on either side of the Thames towpath on the land adjacent to Folly Bridge. The trees almost certainly arose naturally,crack willow being a common native species of the lowland river systems. The trees are cautiously estimated to be around 50 years old; they have not previously been pollarded, coppiced or crown reduced.
3. The trees' have a heavy ivy covering, which made a full visual assessment of their structural condition challenging; however a close inspection revealed no significant defects, other than some deadwood in the canopies, which is considered to be a result of a past period of crown retrenchment, from which the trees are now recovering strongly.
4. The amenity value of the trees is associated with their prominence in the street scene; they also act as a visual signpost and 'gateway' to the river and Thames towpath; in this respect they make a positive contribution to the conservation area, and local public visual amenity. During the summer in particular the trees' light green canopies provide an attractive juxtaposition to the bridge and nearby buildings.
5. Due to the trees proximity to a busy main road and pedestrian routes, and given the species propensity for branch and stem failures in maturity, regular pollarding or

crown reduction crown management is soon likely to be required at regular intervals. Crown reduction or pollarding would change their existing natural form, and arguably, reduce the aesthetic appeal of the trees; the counter perspective is that pollard willows are a widely recognised sight along the Thames, and a feature with long historic and cultural significance.

**Expediency:**

6. The expediency in making the order is directly related to the Section 211 Notice [Intent to carry out works to trees in a conservation area] to remove both trees (Ref. 13/02520/CAT. The trees will be at continued risk of being felled if the TPO is not confirmed.
7. Subsequent to the making of the provisional order, some communications have exchanged between officers and Mr. Levinson; this included a dialogue over the form of tree management (pruning) which officers would be able to support. No agreement was reached.

**Objection Comments:**

8. Mr. Levinson of 5 Folly Bridge has written in objection to the Tree Preservation Order. His letter is reproduced at Appendix 2; the main objections and supplementary comments are summarised as bullet points below, and the issues are discussed in more detail in the following section;
  - Professional advice sought by Mr. Levinson concluded that the trees were dying and only have a useful life expectancy of 5-10 years.
  - The crown reduction pruning or pollarding [which the Council states is appropriate management] would negate any positive contribution of the trees to the character and appearance of the conservation area and to public visual amenity.
  - The Council has prevented [management] work (by making the order).
  - The Council has not taken into account Mr. Levinson's offer to plant replacement trees.
9. Mr. Levinson also asserts a number of further points that are not considered to be directly material to the decision before the Committee, i.e. whether or not to confirm the order; however for completeness, these are summarised below;
  - An initial internal e-mail (subject to an Freedom of Information request) suggested that Mr. Levinson was the owner of both pieces of land, i.e. north and south of the towpath when in fact Mr. Levinson only claims ownership of the southern piece of land.
  - The Council has not been consistent to its approach to determining conservation area tree work notifications and the making of related TPOs; he cites previous cases affecting other nearby land where the Council raised no objection to proposed tree removals and did not make TPOs.

**Officer's response to Objection:**

10. Officers disagree with the contention that the willows are dying and only have a useful life expectancy of 5-10 years. Officers advise that the dead wood present in the canopies is a result of a period of crown retrenchment, from which the trees are now recovering strongly. This opinion is based on observational experience of the regenerative growth characteristics of crack willow generally; and from direct observations of the recent improvements in the condition of the trees over a period of several years.
11. Officers also disagree that the crown-reduction pruning or pollarding would negate the positive contribution of the trees to the character and appearance of the conservation area and to public visual amenity. Crown-reduction pruning or pollarding would indeed change the trees' existing natural forms; however whether this detracts from their aesthetic appeal is a matter of individual subjective opinion. Pollard willows are a widely recognised iconic artifacts of flood plains; they are a semi-natural features with biological diversity value, and they have historic and cultural significance in these areas.
12. Contrary to Mr Levinson's assertion, the Council has not prevented [management] work by making the TPO. Whilst the order has prevented the present proposal to remove of the two trees, this is not intended to prevent appropriate management of the trees. The planning history shows that the Council supported a proposal (made under Sec.211) in 2002, to pollard one of the trees and crown reduce the other; no objection was made because the Council accepted that any short term harm to visual amenity was balanced by the justifications of public safety and sustainable management.
13. The Council has taken into account Mr Levinson's offer to plant replacement trees. However, officers advise that the existing trees already make a positive contribution to visual amenity and to the character and appearance of the conservation area; and that these benefits will be adversely impacted by the removal of the trees. In addition, the existing trees can be safely and sustainably managed as either pollards (cyclically cutting back of re-growth to 3m high parent stumps) or by periodic crown-reduction pruning (branches trimmed back by a specified amount to viable growth points, so as to decrease crown volume by 20-30%).
14. The Council can only secure replacement tree planting by making a condition on a consent granted under a TPO application; however, replacement planting conditions can only be legally enforced against the owner of the land where the TPO is in effect; there is no apparent proof of legal ownership of either part of the land, so Mr. Levinson's offer of replanting may not be enforceable by such a condition.

**Ownership/ Control Issues:**

15. Ownership of the land where the trees stand is uncertain. No ownership has been demonstrated to the Council; and inquiries with Corporate Assets, the County Council and the Land Registry yielded no information. However, a decision on whether to confirm the TPO is not contingent upon resolution of this issue; the order does not transfer ownership or duty of care responsibilities, nor affect statutory

matters under the Highways Act. The County Council as Highway Authority has responsibility to ensure the safety of the public highway and has powers to carry out necessary works to trees adjacent to the highway to maintain its safety.

16. The TPO simply creates a planning control, which requires that anyone wishing to carry out any works to the trees must obtain the written consent of the Council as Local Planning Authority. Essentially the TPO enables the Council to prevent the removal of the trees, or other works that would be harmful to public amenity and the character and appearance of the conservation area without there being good reason. Each TPO application is judged on its individual merits, taking into account the impact of the proposal balanced against reasons provided in justification of the proposed works. A similar approach is taken in determining the Council's responses to Sec. 211 Notices. In fulfilling its statutory functions, the Council follows relevant Government guidance, currently contained within *Planning Practice Guidance- Tree Preservation Orders and trees in conservation areas*. Applications under the TPO are free and can be made at any time. Refused applications, or conditions imposed which the applicant considers to be adverse can be appealed to the Planning Inspectorate.

#### **Conclusion:**

Taking into account the objections that have been received to the order, officers recommend that the Oxford City Council – Folly Bridge (No.1) Tree Preservation Order, 2013 should be confirmed, with a modification changing the wording in the order Schedule; at paragraph 2(2), line four: "...Regulations 2011." to be amended to read "...Regulations 2012".

#### **Human Rights Act 1998**

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

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

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

#### **Background Papers:**

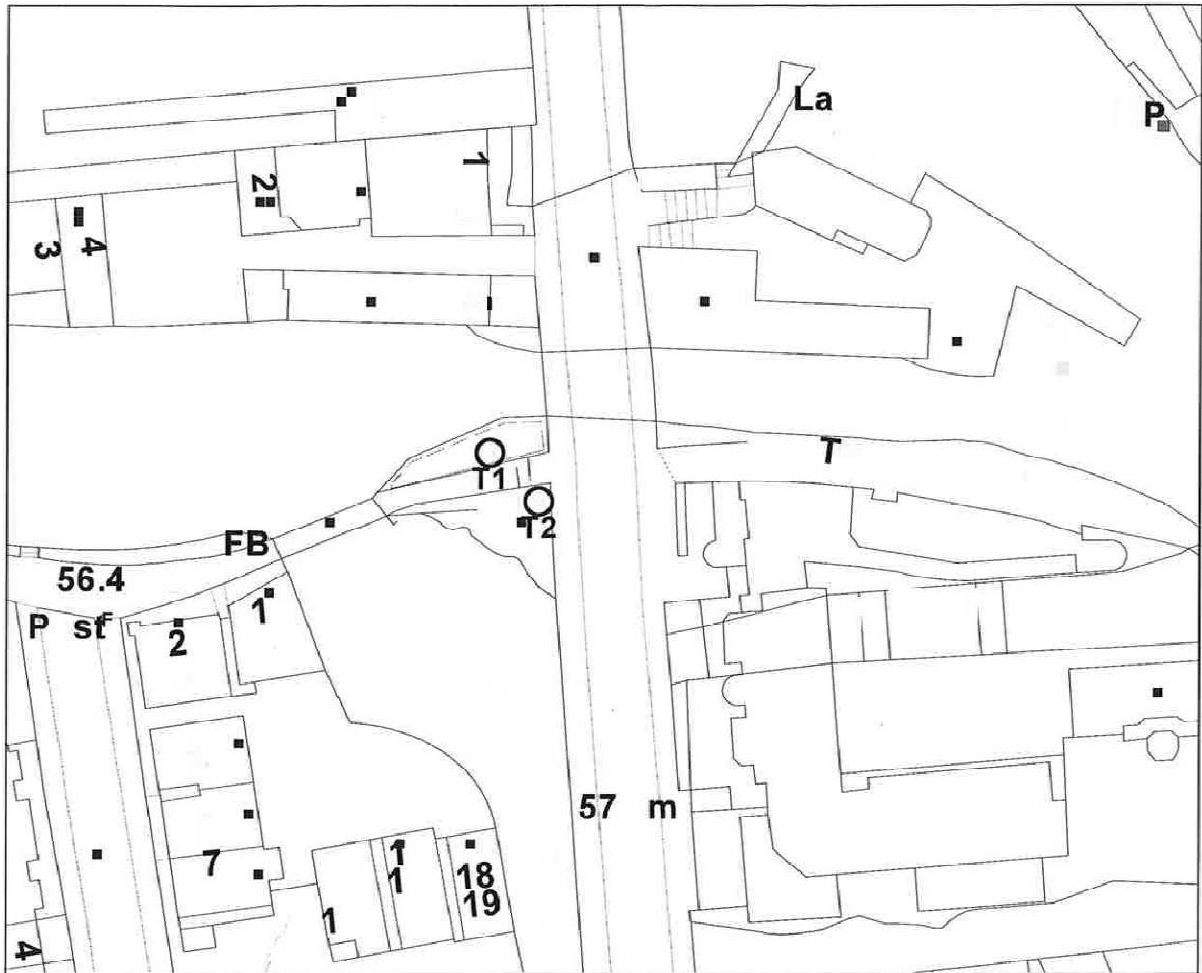
Oxford City Council – Folly Bridge (No.1) Tree Preservation Order, 2013

**Contact Officer:** Chris Leyland

**Extension:** 2149

**Date:** 8th April 2014

APPENDIX 1



Oxford City Council – Folly Bridge (No.1) Tree Preservation Order, 2013- Map

## COMMITTEE REPORT

## APPENDIX 2

Mr N Worrleddge (Lead officer  
Planning Dept  
City Development  
Oxford City Council  
St. Aldates Chambers  
109 St Aldates Oxford OX1 1 DS

5 Folly Bridge  
oxford OX1 4LB  
E; orde@orde.info  
25 November 2013

Dear Sir,

RE TPO no 1 and 2 at Folly Bridge

May I object to the making of a TPO and correct some factual errors in the report of the LPA officer Mr Leyland.

### **Re Both TPO's: General remarks**

The order is based, as I read it, on "protection in the interests of the public of a) public amenity b) valuable contribution to public views and c) character and appearance of a local vicinity.

The LPA's report acknowledges that the crack willow is not suitable for the area and will need substantial pollarding which will dramatically alter the appearance and character of the tree. It cannot be definition be as it stands then something that contributes to public amenity, or public views, or enhance character and appearance of a local vicinity.

The LPA's and or the report fails to deal with the suggestion of alternative tree planting that was proposed and does not contradict the PSULE of 5-10 years or that the tree is in decline but says the tree is not dying.

It seems given the type of the tree and the reasons for making a TPO that the report is self-contradictory - if it is sincere about visual impact and the criteria as mentioned in para 1 above, as the pollarding will significantly alter this. The report as it stands does not sustain the implementation of a TPO on these trees at all but in effect recommends a consideration of new and more appropriate trees and or landscaping.

Notwithstanding the recommendations of the report that with the TPO being issued should be permission to pollard the trees - this was not done.

There is thus based on the criteria for TPO and the LPA's officer's report no sound basis for a TPO.

### **Re TPO 1 - north of the towpath**

The report is incorrect to claim that this tree is the legal responsibility of myself. I neither own or occupy the land. I am a neighbour concerned about the damage the tree will do to my property and or the life of the public use of the towpath or the river. The advice I have is that in fact the LPA is the de facto owner of the tree and land and thus needs to attend to it.

## COMMITTEE REPORT

This seems a suitable position given the report ie that the LPO can practise what it preaches and maintain and pollard the tree giving itself permission to do so, and to do so at the earliest possible convenience. Clearly it will then be in a better position to assess once having done that what is the correct tree to have there and it will be able to hoist its own petard to the issues of "protection in the interests of the public of a) public amenity b) valuable contribution to public views and c) character and appearance of a local vicinity

Re TPO 2 - at no 6 Folly Bridge. Ie south of the towpath.  
For the above reasons already given above I believe this TPO makes no sense at all - and the tree should be replaced with a more suitable one. If any damage occurs I believe it is the council's responsibility as it has prevented any work being done and all I can do is object and or appeal in due course.

### **Other matters:**

The LPA appears to have an inconsistent policy of the Issue of TPO's and public amenity having not granted any for the trees on the north side of folly bridge island between nos 2 and 3 Folly Bridge, and does not seem to have taken into account the planning inspector's decision on trees on no 4 Folly Bridge. It also made no TPO's and did not attempt to preserve any trees in the developments of Hereford College on the Abingdon Road opposite and or on the Salter Bros flats.

The LPA seems to have ignored the expert report of Jenks and or not contradicted it and what appears strange is that this report was not on file, nor in fact has this author been given full and proper access to the correspondence and issues of the determination of the TPO.

If the LPA wishes to protect in the interests of the public it would take swift action to prevent any damage to property or person and - it has not done so. And given that pollarding would dramatically alter the visual impact as stated by the LPA tree officer there is no a) public amenity b) valuable contribution to public views and c) character and appearance of a local vicinity to protect. It is a perverse in the legal sense decision flying in the face of facts. What would be much better is suitable new planting.

We hope therefore the TPO will not be maintained.

Yours sincerely

O Levinson

Yours sincerely

Orde Levinson



## WEST AREA PLANNING COMMITTEE

8<sup>th</sup> April 2014

**Application Number:** 13/03252/FUL

**Decision Due by:** 31st January 2014

**Proposal:** Change of use from dwelling house (Use Class C3) to HMO (Use Class C4) (Retrospective)

**Site Address:** 12 Alma Place Oxford Oxfordshire OX4 1JW  
(Appendix 1)

**Ward:** St Clement's

**Agent:** SasHtec

**Applicant:** Miss Beatrix Longworth

**Application Called in** – by Councillors Clack, Coulter, Price and Tanner  
for the following reasons - proliferation of HMOs in the area.

---

### **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The development will not result in an overconcentration of Houses in Multiple Occupation in the local area, is not unacceptable in terms of private outside space or pressure on on-street parking in the area and provides acceptable facilities and parking for future occupiers. Concerns over the storage of bins and cycles can be addressed by condition and the proposals therefore comply with Policies CP1, CP10, CP13, TR3 and TR4 of the adopted Oxford Local Plan 2001 – 2016 and Policies HP7, HP15 and HP16 of the Sites and Housing Plan.
- 2 Officers have considered carefully all comments on these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the comments do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Develop in accordance with approved plans
- 2 Bin and cycle storage

**Main Local Plan Policies:  
Oxford Local Plan 2001-2016 (OLP)**

CP1 - Development Proposals  
CP6 - Efficient Use of Land & Density  
CP10 - Siting Development to Meet Functional Needs

**Core Strategy**

CS23\_ - Mix of housing

**Sites and Housing Plan (SHP)**

MP1 - Model Policy  
HP7- Houses in Multiple Occupation  
HP12 - Indoor Space  
HP13 - Outdoor Space  
HP15 - Residential cycle parking  
HP16- Residential car parking

**Other Material Considerations:**

National Planning Policy Framework

**Relevant Site History:**

63/13621/A\_H - Extension and alterations to kitchen. PDV 28th June 1963.

**Representations Received:**

6 Alma Place: No objection, but makes comments relating to parking pressures and the storage of waste and recycling bins.

**Statutory and Internal Consultees:**

Local Highway Authority: No objection subject to conditions excluding the property from the CPZ and to provide parking for at least four cycles.

**Issues:**

HMO density  
Facilities  
Garden size  
Parking

## **Officers Assessment:**

### Site description and proposal

1. 12 Alma Place is an end terrace house. It appears that work has been carried out in the last two decades under Permitted Development rights to move the main door from the front of the house to the side, via Alma Lane. The small rear garden can also accessed be via this lane.
2. Permission is sought for a retrospective change of use from a single dwelling house (Use Class C4) to a small (Use Class C4) House in Multiple Occupation (HMO).

### HMO density

3. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area. The Sites and Housing Plan states that the Council will use its planning responsibilities to prevent any further over-concentration of HMOs in areas where there are already significant numbers. Policy HP7 of the Sites and Housing Plan states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%.
4. There are around 37 buildings within 100m street length of 12 Alma Place. Of these, licensing records indicate that 2 of these have, or have applied for an HMO license. The actual number may be higher, due to some HMOs not being licensed, but the figures indicate that around 5% of buildings in the relevant area are HMOs, well below the 20% concentration defined in Policy HP7. The surrounding area does not therefore show a significant concentration of HMOs, the current proposal will not materially harm the overall mix of housing in the local area and the application complies with Policy CS23 of the Core Strategy and Policy HP7 of the Sites and Housing Plan.

### Facilities

5. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities. Policies TR4 of the OLP and HP15 of the SHP require the provision of adequate cycle parking.
6. The application demonstrates rooms of adequate size and an adequate level of shower-rooms, WCs and kitchen facilities. The provision of the bin storage in the front garden is considered acceptable and there is a lockable gated access to the rear where bicycles can be stored, however the application does

not demonstrate how the required storage for bins and cycles is to be provided. It is considered that this can be addressed by the imposition of a condition to ensure the compliance with Policy TR4 of the OLP and Policies HP7 and HP15 of the SHP.

### Garden size

7. 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.
8. The proposed development would not result in the loss of any private amenity space to the rear of the property, although if a condition is imposed requiring covered and secure cycle parking this would impact the area available. In any event, the garden size is limited and is considered sub-standard provision for a house of this size. However, the garden space would be sub-standard whether the house is used as a single dwelling or as an HMO. Officers have had regard to the reduced chance of the inhabitants including children in an HMO, and of a generally lower level of garden use in a shared house. On balance, the limited provision of private amenity space is no more unacceptable for an HMO than for a family dwelling and the proposal accords with Policies CP1, and CP10 of the OLP and HP13 of the SHP.

### Parking and access

9. 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. Appendix 8 of the SHP makes it clear that C4 HMOs will be subject to the same standards as houses and flats.
10. The house currently has no off street car parking and is entitled to two permits in the East Oxford Controlled Parking Zone (CPZ). Whilst use as an HMO may result in a higher number of adult occupants than as a family house, the pressure on on-street parking will not materially increase as the occupants will still be limited to two permits. The suggestion of the Local Highway Authority that the house be removed from the CPZ is therefore considered unreasonable and unnecessary as the development will not result in a material increase in pressure on on-street parking and the proposal complies with Policies CP1 and CP10, of the OLP and HP16 of the SHP.

## Other matters

11. The proposed change to an HMO is not considered to have a material effect on the special character of the adjacent St Clements and Iffley Road Conservation Area.

### **Conclusion:**

12. The development will not result in an overconcentration of Houses in Multiple Occupation in the local area, is not unacceptable in terms of private outside space or pressure on on-street parking in the area and provides acceptable facilities and parking for future occupiers. Concerns over the storage of bins and cycles can be addressed by condition and the proposals therefore comply with Policies CP1, CP10, CP13, TR3 and TR4 of the adopted Oxford Local Plan 2001 – 2016 and Policies HP7, 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 permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

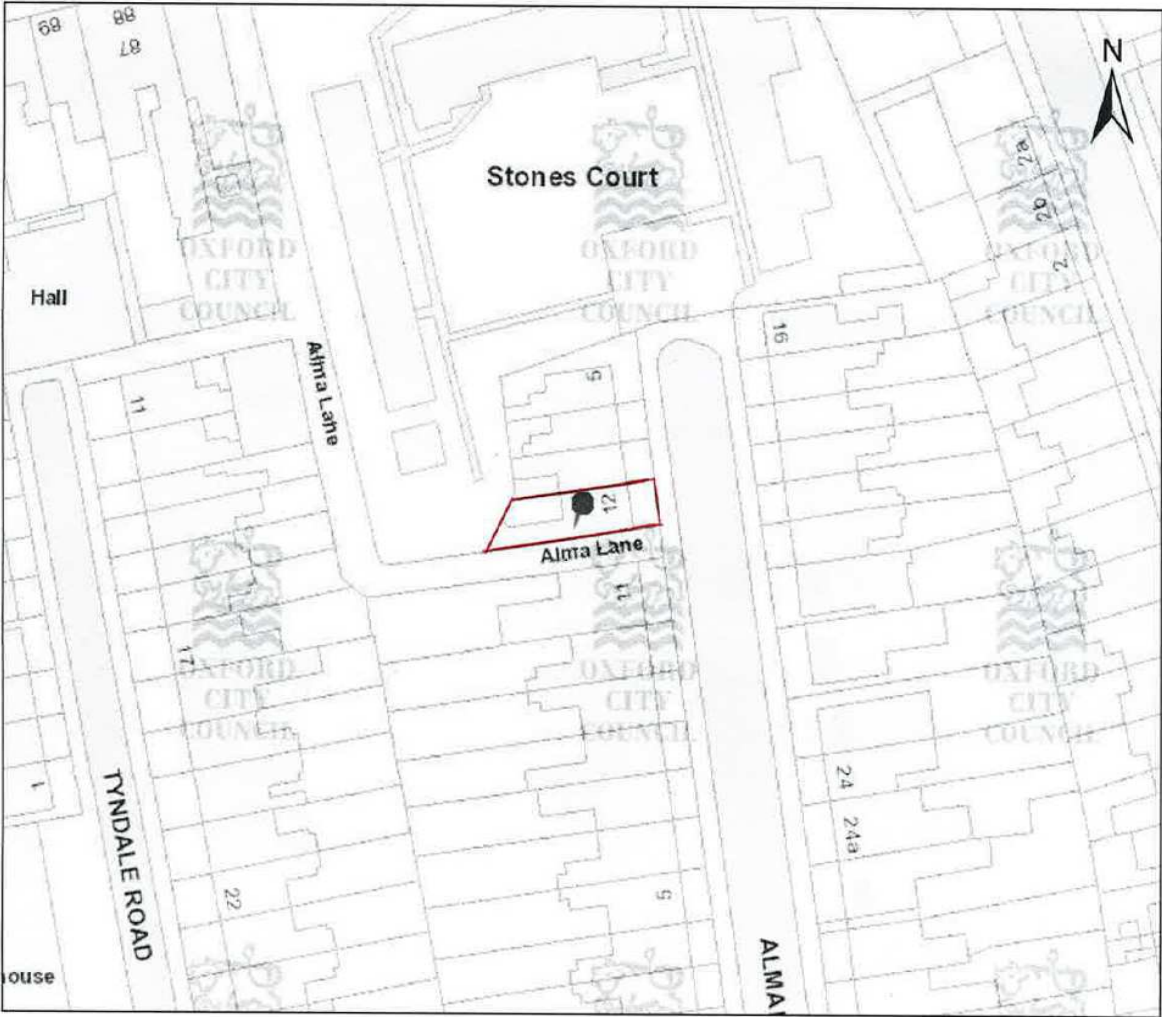
### **Background Papers: 13/03252/FUL**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 26th March 2014

Appendix 1 – 12 Alma Place



**WEST AREA PLANNING COMMITTEE**

8<sup>th</sup> April 2014

**Application Number:** 14/00047/FUL

**Decision Due by:** 11th March 2014

**Proposal:** Erection of a part single, part two storey rear extension.  
(Amended plans)

**Site Address:** 15C Cross Street Oxford Oxfordshire OX4 1DA  
(Appendix 1)

**Ward:** St Clement's

**Agent:** PGM Planning

**Applicant:** Mr Nigel Johnson

Application called in by Councillors Clack, Fry, Baxter and Lygo due to public concerns about the proposals and possible overdevelopment.

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is considered to form an acceptable visual relationship with the existing building and local area, will not have a significant effect on the current and future occupants of adjacent properties and retains an acceptable level of garden space for the extended house. Concerns over flooding and overlooking can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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
- 4 Materials - matching
- 5 Amenity - no additional windows
- 6 Sustainable drainage
- 7 No further buildings

**Main Local Plan Policies:  
Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs

**Core Strategy**

- CS11\_** - Flooding
- CS18\_** - Urban design, town character, historic environment

**Sites and Housing Plan (SHP)**

- MP1** - Model Policy
- HP9\_** - Design, Character and Context
- HP13\_** - Outdoor Space
- HP14\_** - Privacy and Daylight

**Other Material Considerations:**

National Planning Policy Framework

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

**Relevant Site History:**

91/00753/NF - Demolition of existing single storey rear addition and erection of part single part two storey rear extension. PER 9th September 1991.

**Representations Received:**

16 Cross Street: Objection – Loss of light, garden size

**Statutory and Internal Consultees:**

Thames Water: No objection but refers to legal responsibilities



**Issues:**

Visual appearance  
Effect on adjacent occupiers  
Garden size  
Flooding

**Officers Assessment:**Site description and proposal

1. 15C Cross Street is an end of terrace house on an unusually small plot. A part single, part two storey extension has been erected to the rear.
2. Permission is sought to double the size of the first floor extension and add a relatively modest single storey element to increase the size of the kitchen. The current proposals have been amended from those originally proposed to remove a ground floor side extension and reduce the size of the ground floor rear element.

Visual appearance

3. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
4. The first floor element of the proposals reflects an existing element on the site and other extensions in the wider area, whilst the single storey element is a modest and visually appropriate addition to the existing ground floor element. Due to the position of the extensions behind the house and existing planting, the development will not be highly visible from the public domain and when viewed from the rear of surrounding properties will relate sympathetically to the existing house and surrounding area. Overall, and subject to a condition of planning permission to control the appearance of materials used in the build, the proposal is a visually appropriate form of development 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

5. 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.
6. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.

7. The proposal complies with the 45-degree guidance. Although the boundary of the properties is staggered, meaning that the ground floor parts of number 16 are closer to the development than they first appear, the adjacent ground floor window at number 16 serves a non-habitable room, whilst the side facing kitchen window is already affected by an extension at number 16, meaning that any increase in overbearing or overshadowing to the ground floor will be modest and not of an unacceptable level. The first floor window at number 16 will remain a reasonable distance from the first floor extension and will not experience an unacceptable increase in overbearing or overshadowing and due to the orientation of the properties there will not be a material loss of direct sunlight to adjacent properties. Overall, the proposal will not have an unacceptable effect on adjacent occupiers, and subject to a condition to prevent an unacceptable increase in overlooking by the formation of any new side facing windows, complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

### Garden size

8. 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. 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. Although this policy relates primarily to new dwellings, it is a useful benchmark to ensure that existing gardens are not unacceptably eroded through the construction of new extensions and outbuildings.
9. The proposed development would result in the loss of 1.2 metres of private amenity space to the rear of the property. However an area of rear garden of a size in excess of the original building footprint will be retained, which is considered sufficient to serve the extended house and subject to a condition removing Permitted Development rights under the GPDO to construct further extensions or other buildings in the garden, the application complies to Policies CP1 and CP10 of the OLP and HP13 of the SHP.

### Flooding

10. 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.
11. The development will add to the level of non-porous surfaces on the site, resulting in an increased level of rain water run-off 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:**

12. The development is considered to form an acceptable visual relationship with the existing building and local area, will not have a significant effect on the current and future occupants of adjacent properties and retains an acceptable level of garden space for the extended house. Concerns over flooding and overlooking can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9, HP13 and HP14 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.

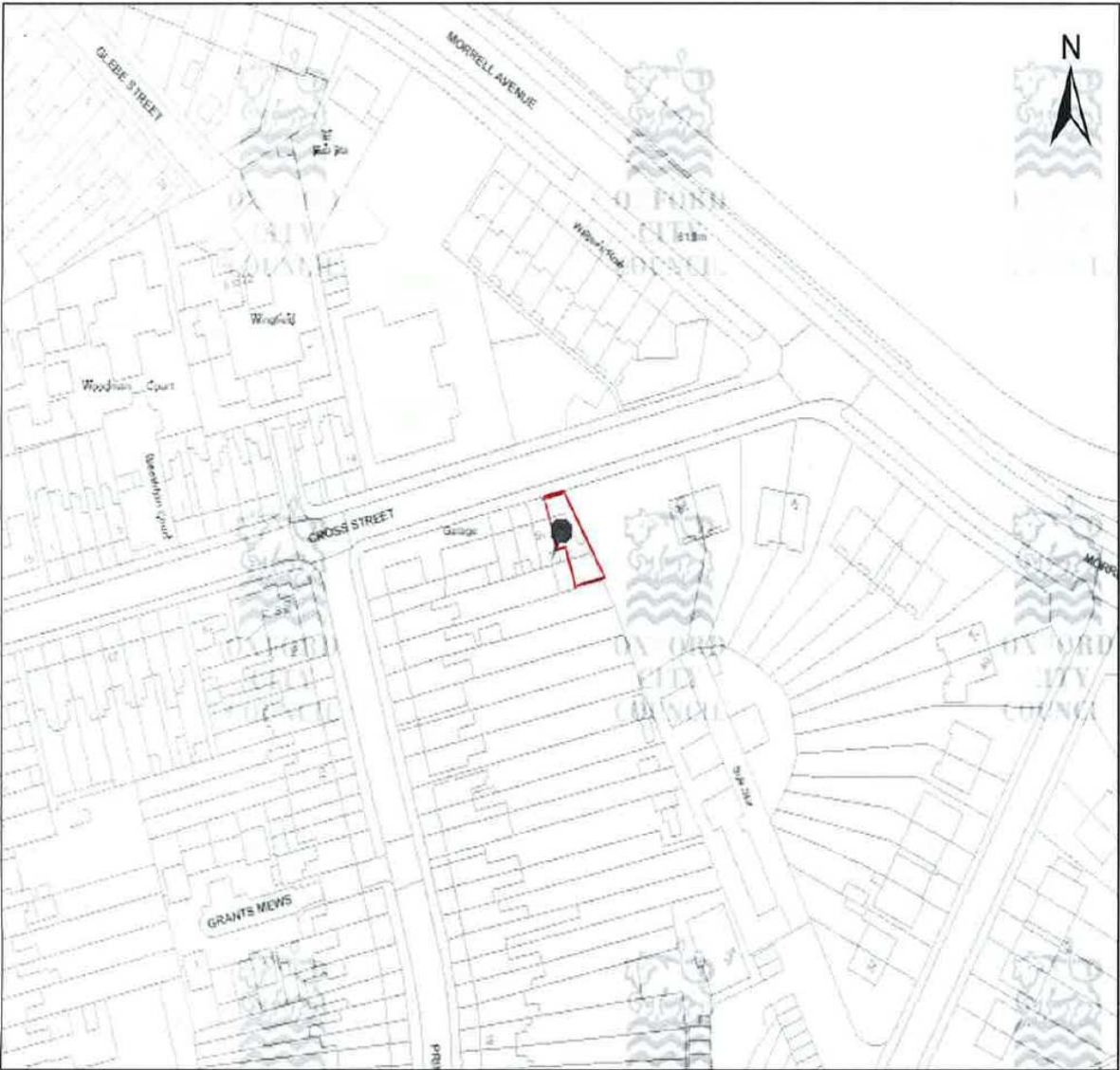
## **Background Papers: 14/00047/FUL**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 26th March 2014

**Appendix 1: 15C Cross Street**



## Monthly Planning Appeals Performance Update – February 2014

Contact: Head of Service City Development: Michael Crofton-Briggs

Tel 01865 252360

1. The purpose of this report is two-fold:
  - i. To provide an update on the Council's planning appeal performance; and
  - ii. To list those appeal cases that were decided and also those received during the specified month.

### Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 31 December 2014, while Table B does the same for the current business plan year, ie. 1 April 2013 to 28 February 2014.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	3	27%	0	3 (20%)
Dismissed	8	73%	1 (100%)	7 (70%)
Total BV204 appeals	11	100%	1 (100%)	10 (100%)

**Table A. BV204 Rolling annual performance  
(1 January 2014 to 28 February 2014)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	12	24%	3 (38%)	9 (21%)
Dismissed	39	76%	5 (62%)	34 (79%)
Total BV204 appeals	51	100%	8 (100%)	43 (100%)

**Table B. BV204: Current business plan year performance  
(1 April 2013 to 28 February 2014)**

## All Appeal Types

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.

<b>Table C</b>	<b>Appeals</b>	<b>Percentage performance</b>
Allowed	5	38%
Dismissed	8	62%
All appeals decided	13	100%
Withdrawn	0	0

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 January 2014 to 28 February 2014**

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during February 2014.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during February 2014. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.

# Table D

## Appeals Decided Between 1/02/2014 And 28/02/2014

**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	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
12/03282/PA11	13/00015/PRIOR	DELCOM	PER	ALW	04/02/2014	HINKPK	Hinksey Lake Footbridge Lake Street Oxford Oxfordshire	Application seeking prior approval for development comprising demolition of existing and erection of replacement footbridge under Part 11 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. (Amended plans) (PLEASE NOTE THIS IS NOT A PLANNING APPLICATION BUT A NOTIFICATION SUBMITTED BY NETWORK RAIL FOR PRIOR APPROVAL BY OXFORD CITY COUNCIL)
13/01096/FUL	13/00062/REFUSE	COMM	REF	DIS	11/02/2014	COWLYM	Sports Field William Morris Close Oxford Oxfordshire OX4 2SF	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, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description)
13/02303/FUL	13/00074/REFUSE	DEL	REF	DIS	17/02/2014	STMARY	9 Green Street Oxford Oxfordshire OX4 1YB	Demolition of existing buildings and erection of 3 x 4-bedroom dwellings (Use Class C3) with associated car parking, cycle parking and bin storage.
13/02220/FUL	13/00071/REFUSE	DEL	REF	DIS	27/02/2014	COWLYM	154 Oxford Road Cowley Oxford Oxfordshire OX4 2EB	Installation of storage container on roof.

**Total Decided: 4**

## Enforcement Appeals Decided Between 2/02/2014 And 28/02/2014

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

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
13//0017/0/ENF	13/00044/ENFORC	DIS	17/02/2014	32 Old Marston Road Oxfordshire	MARST	Erection of single storey outbuilding without permission
13//0025/3/ENF	13/00063/ENFORC	ASP	26/02/2014	22 Wilkins Road	LYEVAL	Erection of single storey outbuilding without permission

**Total Decided: 2**



# Table E

## Appeals Received Between 1/02/2014 And 28/02/2014

**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
13/01376/FUL	14/00012/REFUSE	COMM	REF	I	Avis Rent A Car Ltd 1 Abbey Road Oxford Oxfordshire OX2 0AD	JEROSN	Demolition of existing buildings. Erection of 9 x 3 storey, 4 bed dwelling houses (Use class C3)
13/02578/FUL	14/00010/REFUSE	DEL	REF	H	53 Church Cowley Road Oxford Oxfordshire OX4 3JR	COWLE	Extension of existing drop kerb. Conversion of front garden into parking area. (Additional Information)
13/02591/FUL	14/00011/REFUSE	DEL	REF	H	315 Hollow Way Oxford Oxfordshire OX3 7JE	LYEVAL	Erection of two storey rear extension. (Amended Plans)
13/03090/TPO	14/00009/REFUSE		REF		Grove House Club Grove Street Oxford Oxfordshire	SUMMT	2No. yew trees located at the extreme western end of the site, adjacent to a brick wall, excavate roots using "tree friendly" methods including air spade and hand digging under professional arboricultural supervision a trench to a maximum of 0.5 metre depth across the site. The work will also explore the extent of rooting between the trench and the trees themselves as explained in the attached method statement. Identified as T1 and T2 on the OCC - Grove Street (No. 1) Tree Preservation Order 2010.
13/03096/VAR	14/00008/NONDET			W	57 Dashwood Road Oxford Oxfordshire OX4 4SH	RHIFF	Variation of condition 2 (Develop in accordance with approved plans) of planning permission 03/02433/FUL (Alterations and extensions to existing dwellinghouse and conversion to two dwellinghouses. Erection of a pair of semi-detached houses on land adjacent to 57 Dashwood Road and erection of two storey building at rear to be used as 2 flats with cycle-and bin storage) to allow minor changes to the position of the rear extension and to new ....post commencement of development.

**Total Received: 5**

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## WEST AREA PLANNING COMMITTEE

**Tuesday 11 March 2014**

**COUNCILLORS PRESENT:** Councillors Van Nooijen (Chair), Benjamin, Canning, Clack, Cook, Jones, Price, Tanner and Goddard.

**OFFICERS PRESENT:** Murray Hancock (City Development), Nick Worledge (City Development), Michael Crofton-Briggs (Head of City Development), Martin Kraftl (Oxfordshire County Council), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

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

Apologies for absence were received from Councillor Gotch (substitute Councillor Goddard).

### **102. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **103. WESTGATE CENTRE: 13/02557/OUT**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish the southern part of Westgate Centre, 1-14 Abbey Place and multi-storey car park, retention of library, refurbishment of remainder of the existing Westgate Centre and construction of a retail-led mixed use development together providing A1 (retail), A2 (finance and professional services) and/or A3 (restaurants and cafes) and/or A4 (public house, etc.) and/or A5 (hot food takeaways) uses, C3 (residential) use and D2 (amenity and leisure) uses, public toilets, associated car and cycle parking, shop-mobility facility, servicing and access arrangements together with alterations to the public highway.

The Chief Principal Planner explained that control over the Westgate development would be exercised by planning conditions, legal agreement and by a series of "Development Principles", "Parameter Plans" and "Public Realm Principles". They would be fixed within the outline planning permission and would form a framework within which a detailed proposal would emerge at the reserved matters stage.

Other issues raised were:

- The development is unusual as no extra car parking is being included, instead the transport strategy would rely on the current Park and Ride structure, extensive bus and railway networks and encouraging cycling and pedestrians.
- New Government guidance in the Planning Practice Guidance issued last week had been considered and have not given rise to the need to amend the officers' recommendation to committee.

- The proposal represents a “departure” from the Development Plan and has therefore to be referred to the Secretary of State who can choose to “call in” the application for his own determination.

The Heritage and Specialist Services Team Leader outlined the potential impact the development would have on the city’s skyline. The development is not in a conservation area though it would have an impact on the spires and domes of the city’s skyline and the setting of conservation areas and listed buildings. The statutory duty of the council is to give considerable weight to the protection and enhancement of designated heritage assets was explained and that in any development affecting designated heritage assets, the Committee must be satisfied that any harm is outweighed by the public benefits that would follow from the development.

In accordance with the criteria for public speaking, the Committee noted that Debbie Dance (Oxford Preservation Trust), Luke Gander (Saint Ebbes New Development Residents’ Association) and Peter Thompson (Oxford Civic Society) spoke against the application and Cecilia Fry (Cyclox), Sara Fuge and John Grinnell (Westgate Oxford Alliance) and Andrew Mills (John Lewis Partnership) spoke in favour of it.

The speakers against the application raised a number of concerns including the following:

- Detrimental impact of the development on the city skyline especially as viewed from St George’s Tower
- Increased risk of ground water flooding on Saint Ebbes’ residents
- Increased noise and emissions from buses
- Connectivity and design of development with the rest of the city especially from the Southern end.
- Need to improve pedestrian and cycling access from the railway station to the new development
- Integration of development into fabric of city
- Too many uncertainties in transport strategy.

The speakers in favour of the application raised a number of points including the following:

- Development would provide needed employment for local people
- Vibrant new shopping centre,
- Contribute to growing economy
- Improve cycle routes in and around city. Is there a possibility to have segregated lanes for cycling?

Officers responded to questions raised by members of the committee, including the following:

- The provision of bus services was subject to commercial considerations by the local bus companies.
- The possibility of an off – site freight distribution centre was being investigated with other stakeholders locally, and such a system would require the participation of others to be effective. As the project was at an early stage it was too soon to guarantee that such a system would come to fruition.
- In response to public consultation the Environment Agency (EA) had commented that the potential for ground water flooding due to the development is not great, but that on the precautionary principle had suggested a planning condition requiring monitoring of ground water levels.

- Also in response to public consultation, Thames Water (TW) had not objected to the development and suggested a condition be imposed requiring a drainage strategy. Officers would continue to liaise with TW throughout the development.
- On the matter of Active Frontages officers explained that the proposed development principles would ensure that this would be positively addressed by the Block Architects.
- Granting outline planning permission subject to conditions and S.106 agreement did not fetter the committee's discretion to refuse planning permission at the reserved matters stage if the development was not of the appropriate quality which this site deserved.

The Committee resolved to:

- i. support the application subject to the conditions and legal obligations listed below, but to notify the Secretary of State for Communities and Local Government accordingly under the requirements of Section 77 of the Town and Country Planning Act 1990, and the Town and Country Planning (Consultation) (England) Direction 2009; and
- ii. upon the planning application not being recovered by the Secretary of State for his own determination, to delegate to officers the issuing of the Notice of Outline Planning Permission subject to conditions and completion of an accompanying legal agreement.

Subject to the following planning conditions and legal obligations:

### **Planning Conditions**

1. Time limits for commencement.
2. Approved drawings and documents, including Development Principles, Parameter Plans and Public Realm Principles.
3. Reserved matters applications.
4. Materials.
5. Landscaping / public realm.
6. Tree protection.
7. Tree pits.
8. Landscape implementation.
9. Landscape management plan.
10. No subdivision of department store.
11. Maximum amount of non - retail floorspace.
12. Shop front guide.
13. Wayfinding / pedestrian signage within application site
14. Lifetime homes standards for residential.
15. Temporary car and coach parking available on commencement.
16. Public car parking (minimum no. of spaces).
17. Public car park management plan.
18. Development to meet SBD and Park Mark standard for accreditation.
19. CCTV to be integrated with city centre system.
20. Licence for construction under highway before occupation.
21. Provision of cycle parking before occupation.
22. Provision of cycle hub
23. Servicing and delivery arrangements and timings.
24. Provision of public transport facilities.

25. Learning and Skills Strategy.
26. Provision of taxi drop off / pick up on occupation.
27. Highways: Travel Plans.
28. Demolition and construction management plan.
29. Construction Environmental Management Plan.
30. Construction Travel Plan.
31. Real time information within centre.
32. Sustainability and Energy Strategy.
33. Development in accordance with flood risk assessment.
34. Residential development above flood levels.
35. Details of operation of flood mitigation measures.
36. Sustainable drainage principles (SUDs).
37. Maintenance access to Castle Mill Stream.
38. Lighting scheme to Castle Mill Stream corridor.
39. Details of Trill Mill Stream diversion.
40. Groundwater monitoring.
41. Groundwater dewatering.
42. Foul drainage strategy.
43. Ground contamination and remediation.
44. Unidentified contamination.
45. Waste management strategy.
46. Piling details.
47. Petrol / oil interceptors.
48. Cooking smells and odours.
49. Mechanical plant.
50. Employment and Skills Strategy.
51. Procurement of contracts.
52. Archaeology.
53. Relocation of Roger Bacon plaque.
54. Photographic record.
55. Repeat ecological survey.
56. Habitat enhancement and creation.
57. Public art strategy.

### **Legal Obligations:**

#### S.106 Obligations

1. Provision of affordable housing off - site in accordance with formula at Appendix 2 to the Sites and Housing Plan, (ie 15% of sales value of residential units), subject to viability.
2. Permissive pedestrian rights to 18 and 24 hour thoroughfares and squares.
3. Provision of bus shelters and passenger waiting facilities within development site.
4. Provision of real time bus information for new stops within development site.
5. Air quality monitoring: £49,500.
6. Tennyson Lodge and Paradise Square mitigation: Circa £70,000, subject to negotiation.
7. Contribution towards freight consolidation feasibility study: £10,000.
8. Link to West End Combined Heat and Power (CHP) system (if it proceeds).
9. Temporary pedestrian route and signage to city centre during construction period.

#### **104. OXPENS CAR AND COACH PARK, OXPENS ROAD: 13/02558/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish existing buildings, reconfiguration and expansion of existing car/coach park to provide additional surface level car parking, and construction of a single deck car park, new temporary buildings to accommodate replacement public toilets, office and workshop associated with car/coach park management, and relocated shop-mobility facility, associated servicing and access arrangements together with alterations to the public highway, lighting and landscaping for a temporary period (4 years from completion of development).

The Committee resolved to SUPPORT the proposals in principle but defer the planning application and delegate to officers the issuing of the notice of planning permission, to be simultaneous with that for planning application 13/02557/OUT for the refurbishment and extension of the Westgate Centre, subject to the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Temporary period of 4 years
4. Phasing of enabling applications and reinstatement of facilities
5. Installation of Surface Level Deck
6. Park Mark Award Measures
7. Lighting / CCTV Scheme
8. Parking Management Plan
9. Details of Ice Rink Servicing
10. Construction Traffic Management Plan
11. Retention of pedestrian links to city centre
12. Details of all signage / markings for car park
13. Surface Water Drainage Scheme
14. Construction Environmental Management Plan
15. Landscape and Ecological Management Plan (including timeframe for completion of landscaping)
16. Contaminated Land Risk Assessment
17. Unsuspected contamination
18. Provision of tourist information

#### **105. REDBRIDGE PARK AND RIDE, ABINGDON ROAD: 13/02563/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to reconfigure part of existing Redbridge Park and Ride Site to accommodate for a temporary period (4 years from completion of development) coach and HGV parking, and associated fencing.

The Committee resolved to SUPPORT the proposal in principle but defer the planning application and delegate to officers the issuing of the notice of planning permission, to be simultaneous with that for planning application 13/02557/OUT for the refurbishment and extension of the Westgate Centre, subject to the following planning conditions:

1. Development begun within time limit

2. Develop in accordance with approved plans
3. Temporary period of 4 years
4. Phasing of enabling applications and reinstatement of facilities
5. Park Mark Award Measures
6. Lighting / CCTV Scheme
7. Parking Management Plan – to include visitor coach management, car park management, and priority arrangements for overflow car / coach parking
8. Surface Water Drainage Scheme
9. Construction Environmental Management Plan
10. Landscape and Ecological Management Plan
11. Construction Traffic Management Plan
12. Details of all signage / markings
13. Alterations to the public highway
14. Land Contamination
15. Gas monitoring
16. Tourist information points at car park.

#### **106. DATE OF NEXT MEETING**

The Committee NOTED that the next meeting would be held on Tuesday 18 March 2014.

**The meeting started at 6.30 pm and ended at 9.05 pm**



# WEST AREA PLANNING COMMITTEE

**Tuesday 18 March 2014**

**COUNCILLORS PRESENT:** Councillors Van Nooijen (Chair), Canning, Price, Tanner, Goddard, Kennedy and Williams.

**OFFICERS PRESENT:** Murray Hancock (City Development), Michael Crofton-Briggs (Head of City Development), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

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

Apologies for absence were received from Councillor Benjamin (substitute Councillor Williams), Councillor Cook (substitute Councillor Kennedy), Councillor Gotch (substitute Councillor Goddard), Cllr Clack and Cllr Jones.

## **108. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **109. SUMMER FIELD SCHOOL, MAYFIELD ROAD: 13/03393/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect a two storey pavilion to provide additional changing facilities and a multi-function room incorporating a balcony with terraced area at first floor level.

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 Archaeology – evaluation - prehistoric and Anglo-Saxon.

## **110. 9 PLOUGH LANE: 14/00181/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect a two storey building to provide 1 x 3-bed dwelling and 2 x 2-bed flats. Provision of car parking, bin and cycle storage and private amenity space.

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 Remove Permitted Development
- 4 Materials
- 5 Landscape plan required
- 6 Landscape carried out after completion
- 7 Boundaries
- 8 Visibility splay
- 9 Cycles
- 10 Refuse storage
- 11 Sustainability
- 12 Parking area
- 13 Additional windows
- 14 Obscure glazing

#### **111. 5 FARNDON ROAD: 13/03355/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect a single storey side extension and extensions at basement level.

In accordance with the criteria for public speaking, the Committee noted that Sos Eltis and Mark Haddon (on behalf of neighbours) spoke against the application and Craig Buskinshaw (applicant), James Roach (architect) and Henry Venners (agent) spoke in favour of it.

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

The proposal does not accord with policy HE7 of the Oxford Local Plan 2001-2016, as the 'saw tooth' side extension's roof line and materials do not bear any relationship to the architectural style of the surrounding area - whilst the loss of the trees on the site would have a detrimental effect on the whole area. With these considerations in mind, the proposal does not preserve or enhance the special character or appearance of the North Oxford Conservation Area.

The form, layout and density of the scheme are over bearing and do not respond appropriately to the local townscape. The proposal therefore does not meet the requirements set by policies CP1, CS18 or HP9 of the Oxford Local Plan 2001-2016, Core Strategy and Sites and Housing Plan respectively.

#### **112. PLANNING SERVICES IMPROVEMENT PLAN**

The Head of City Development submitted a report (previously circulated now appended) on the Planning Services Improvement Plan which flowed from the Roger Dudman Way Review.

At the Council meeting on 3 February 2014, a question presented to Council by a member of the public was referred to the West Area Planning Committee for consideration. The questions asked that Council review the methods it uses to consult the public on planning applications. Officers felt it was appropriate that this question be added as an action in the planning services improvement plan.

The Committee resolved to NOTE the report and requested that a standing report on progress made on the action plan (including the additional action) be reported to both Area Committees every 3 month.

#### **113. PLANNING APPEALS**

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

#### **114. MINUTES**

The Committee resolved to APPROVE the minutes of the meeting held on 11 February 2013 as a true and accurate record.

#### **115. FORTHCOMING APPLICATIONS**

The Committee resolved to NOTE the list of forthcoming applications.

#### **116. DATE OF NEXT MEETING**

The Committee noted that the next meeting would be held on Tuesday 8 April 2014.

**The meeting started at 6.30 pm and ended at 7.35 pm**

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