

# Agenda

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## West Area Planning Committee

Date: **Tuesday 24 June 2014**

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Time: **6.30 pm**

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Place: **The Old Library, Town Hall**

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For any further information please contact:

**Mathew Metcalfe, Democratic and Electoral Services Officer**

Telephone: 01865 252214

Email: [mmetcalfe@oxford.gov.uk](mailto:mmetcalfe@oxford.gov.uk)

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# West Area Planning Committee

## Membership

### Chair

### Vice-Chair

<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 Bob Price</b>	Hinksey Park;
<b>Councillor John Tanner</b>	Littlemore;
<b>Councillor Oscar Van Nooijen</b>	Hinksey Park;
<b>Councillor Andrew Gant</b>	Summertown;
<b>Councillor Michael Gotch</b>	Wolvercote;
<b>Councillor Elise Benjamin</b>	Iffley Fields;

**The quorum for this Committee is 5 members.**

### **HOW TO OBTAIN AGENDA**

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# AGENDA

## Pages

**1 ELECTION OF CHAIR FOR THE COUNCIL YEAR 2014/15**

Election of Chair for the Council Year 2014/15

**2 ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2014/15**

Election of Vice-Chair for the Council Year 2014/15

**3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

**4 DECLARATIONS OF INTEREST**

**5 32 LITTLE CLARENDON STREET AND 126 AND 127 WALTON STREET - 14/00450/FUL**

17 - 30

The Head of City Development has submitted a report which details a planning application for a change of use from Use Class A1 (Shops) to Use Class A3 (Restaurants and cafes).

**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) Hours of use
- (4) Removal of PD rights to change from A3 to A2
- (5) Details of extraction equipment required
- (6) Details of refuse storage and its management required

**6 3-9 ELSFIELD WAY AND LAND AT REAR OF 478 AND 480 BANBURY ROAD- 14/00429/FUL**

31 - 50

The Head of City Development has submitted a report which details a planning application for the demolition of existing houses at 3 to 9 Elsfeld Way. Erection of 4 x 1-bed and 18 x 2-bed flats to frontage with 6 x 4-bed houses to rear. Provision of 40 car parking spaces, amenity space together with bin and cycle stores. New vehicular access and slip roads from Elsfeld Way (A40). (Amended plans) (Amended description)

**Officer recommendation:** That the Committee REFUSE the planning application for the following reasons:

- (1) The development proposed would result in a significant intensification of a substandard vehicular access onto a high speed dual carriageway that would result in a substantial increase in difficult and

dangerous manoeuvres into and out of the site to the detriment of the safety of users of the highway and the free flow of the highway network, contrary to the requirements of policy CP1 of the Oxford Local Plan 2001-2016 as well as guidance set out in the National Planning Policy Framework.

- (2) The proposals would involve alterations to the public highway to include vehicular entry and exit slipways to the site. These alterations would adversely affect the future operation and deliverability of a fully committed and funded scheme by the Local Highway Authority to carry out major alterations to the Cutteslowe Roundabout to improve traffic flows and congestion on the A40. Consequently the proposals would have unacceptable impacts on wider traffic generation and vehicular movements through the city contrary to the requirements of policy CP1 of the Oxford Local Plan 2001-2016 as well as guidance set out in the National Planning Policy Framework.
- (3) The development fails to provide on-site provision of affordable housing without robust justification for a number of assumptions, costs and land values included within the submitted viability appraisal justifying this approach, and as such the proposals fail to make the necessary contribution towards affordable housing in the City to the detriment of the mix and balance of the local community contrary to the requirements of policy HP3 of the Sites and Housing Plan 2011-2026 as well as policy CS24 of the Oxford Core Strategy 2026 and guidance contained within the National Planning Policy Framework.
- (4) The development fails to provide an adequate mix of dwellings on the site to meet the identified future housing needs of the community of Oxford contrary to the requirements of policy CS23 of the Oxford Core Strategy 2026 and guidance set out in the National Planning Policy Framework.
- (5) The proposed development represents a significant and unacceptable overdevelopment of the site which fails to respect the layout, density, greenery and open space provision that characterises its suburban residential context. As a result the proposals fail to accord with the requirements of policies CP1, CP6, CP8, CP9, CP10 and CP11 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026.
- (6) The outdoor amenity spaces proposed to serve the proposed dwellings are considered to be unacceptable in quality and quantity to the detriment of the quality of living of future occupiers of the dwellings contrary to the requirements of policy CP10 of the Oxford Local Plan 2001-2016 as well as policies HP13 and HP14 of the Sites and Housing Plan 2011-2026.
- (7) Having regard to its close proximity to the road in combination with its significant overall mass, height and bulk, the building proposed at the front of the site would be obtrusively large and prominent within the streetscene and therefore out of character with its more spacious suburban setting evident in the relationship between the majority of existing surrounding buildings and the road frontage. As a consequence the development would fail to successfully integrate

within its context which would be exacerbated by its highly prominent location, contrary to the requirements of policies CP1 and CP8 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy HP9 of the Sites and Housing Plan 2011-2026.

- (8) The development involves the creation of a new access road outside a controlled parking zone. As a result of the lack of unallocated parking spaces to serve future residents and their visitors, the site would be likely to be subject to significant internal parking congestion adversely affecting vehicle manoeuvring within the site as well as the amenity enjoyed by future occupiers of the dwellings. Parking congestion within the site would also be likely to give rise to pressure for overspill parking. As a consequence the proposals fail to accord with the requirements of policy CP1 of the Oxford Local Plan 2001-2016 as well as policy HP16 of the Sites and Housing Plan 2011-2026.
- (9) The development proposes the loss of a substantial number of existing trees on the site. The excessively close proximity of the proposed front building to the site frontage prevents meaningful compensatory soft landscaping and precludes the planting of trees without creating a poor spatial relationship with the south elevation of the building. As a result the development fails to adequately mitigate lost trees and soft landscape features on the site and does not provide an appropriate balance between the natural and built environment to the detriment of the character and appearance of the area and the streetscene, contrary to the requirements of policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016.
- (10) The development proposes dwellings within close proximity of the A40 with the result that future occupiers of the development would experience significant noise disturbance and, in the absence of any form of noise assessment, the local planning authority cannot conclude that the living conditions of future occupiers would be of an acceptable standard. Consequently the proposals fail to accord with the requirements of policies CP1 and CP21 of the Oxford Local Plan 2001-2016 in this respect.

## **7 COVERED MARKET, HIGH STREET, OXFORD - 14/01212/CT3 AND 14/011213/CT3**

51 - 58

The Head of City Development has submitted a report which details planning applications as follows:

- (a) Application 14/01212/CT3 – Removal of flat roofs and erection of roofs with roof lights. Replacement of plastic cladding with grilles, new pentice roof at Avenue 2 and other works.
- (b) Application 14/01213/CT3 – Listed Building Consent for removal of flat roofs and erection of roofs with roof lights. Replacement of plastic cladding with grilles, new pentice roof at Avenue 2 and other works.

### **Officer recommendation:**

(a) That application 14/01212/CT3 be APPROVED subject to the following conditions:

- (1) Development begun within time limit
- (2) Develop in accordance with approved plans
- (3) Samples in Conservation Area
- (4) Archaeology: Implementation of programme

(b) That application 14/01213/CT3 has no objections to it subject to the following conditions:

- (1) Commencement of works/LB/CAC consent
- (2) LB consent – works as approved only
- (3) 7 days' notice LPA
- (4) LB notice of completion
- (5) Further works – fabric of LB – fire regulations
- (6) Repair of damage after works
- (7) Materials - samples

**8 PUBLIC CONVENIENCES - SPEEDWELL STREET, OXFORD - 14/00763/CT3**

59 - 64

The Head of City Development has submitted a report which details a planning application for the erection of a single storey front extension and insertion of timber doors to side elevation.

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

- (1) Development begun within time limit
- (2) Develop in accordance with approved plans
- (3) Materials as approved, brickwork to match the existing, metal sheet faced timber doors painted Oxford Blue, BDC3965/07

**9 ST. ANDREW'S CHURCH, LINTON ROAD, OXFORD - 14/00953/VAR**

65 - 72

The Head of City Development has submitted a report which details a planning application for the variation of condition 2 (Develop in accordance with approved plans) of planning permission 13/02966/VAR (Variation of condition 2 (Develop in accordance with approved plans) of planning permission 12/00565/FUL (Proposed single and two storey side extension) to allow increase the size of a kitchen and insertion of two louvres to form basement. (Retrospective)

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

- 1 Development begun within time limit
- 2 In accordance with approved plans
- 3 Materials
- 4 Landscape plan required
- 5 Landscape carry out after completion

- 6 Landscape underground services - tree roots
- 7 Tree Protection Plan (TPP) 1
- 8 Construction Travel Plan
- 9 SUDS
- 10 Glazing on southern elevation
- 11 Cycle Parking facilities
- 12 Details of buggy store
- 13 Sustainability design/construction
- 14 Boundary details before commencement
- 15 Details photovoltaics
- 16 Architectural recording
- 17 Mortar
- 18 Stability of heritage fabric
- 19 Details of bin store
- 20 Details of cooking scheme etc.
- 21 Noise restriction

**10 46 HYTHE BRIDGE STREET - 14/00651/FUL**

73 - 84

The Head of City Development has submitted a report which details a planning application for the conversion of existing building to form 6x1 bedroom flats (Use Class C3)

**Officer recommendation:** That the Committee REFUSE the planning application for the following reasons:

- (1) The flats proposed fail to provide an acceptable internal living environment in that they do not meet the Lifetime Homes standard and no evidence has been adduced to justify a departure from that standard. The scheme therefore fails to meet the requirements of Policy HP2 of the adopted Sites and Housing Plan 2011-2026;
- (2) The scheme fails to provide flats 2 and 3 with adequate daylight, outlook and privacy due to their orientation, position within the block and the proximity of cycle parking. The scheme therefore fails to meet the requirements of Policies HP12 and HP14 of the adopted Sites and Housing Plan 2011-2016;
- (3) The location and design of the bin store will detract from the external appearance of the building, the street scene and the conservation area. Moreover it will not provide safe, discrete or convenient refuse storage for residents of the development and will interfere with the functioning of the local area. The proposal therefore fails to comply with Policy HP13 of the adopted Sites and Housing Plan 2011-2016;
- (4) By failing to provide an Energy Statement with the application, the proposal fails to demonstrate how the scheme will assist in moving towards a low carbon future. The scheme therefore fails to meet the requirements of Policy CS9 of the adopted Core Strategy 2026 and Policy HP11 of the adopted Sites and Housing Plan 2011-2026;
- (5) A contribution towards affordable housing elsewhere in Oxford is not proposed as part of the application, nor has a financial viability study been submitted to demonstrate why this policy should be set aside in this case contrary to Policy CS24 of the adopted Core Strategy 2026

or Policy HP4 of the adopted Sites and Housing Plan 2011-2026.

**11 40 MARSTON STREET, OXFORD - 14/01054/FUL**

85 - 92

The Head of City Development has submitted a report which details a planning application for the erection of 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
- (3) Materials matching

**12 5 CANNING CRESCENT - 14/00209/FUL AND 14/00215/FUL**

93 - 102

The Head of City Development has submitted a report which details a planning application for Erection of a two storey extension to the rear elevations Ref: PD2)

**Officer recommendation:**

(a) That application 14/00209/FUL be REFUSED for the following reasons:

(1) By reason of its size, scale and bulk, the extensions proposed would form an incongruous and disproportionate development that would unacceptably erode the form and detailing of the existing house and therefore be harmful to the suburban character of the surrounding development and adversely affect views from Weirs Mill Stream footbridge and Weirs Mill Stream contrary to policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan and CS18 of the Core Strategy.

(2) Having regard to the scale and significant massing of the proposed buildings as extended, as well as the amount of fenestration at the first floor level, the proposed development would have a visually intrusive appearance when experienced from rear gardens of 3 and 7 Canning Crescent which would significantly reduce the actual and perceived privacy that occupiers of neighbouring properties currently enjoy. Consequently the proposals fail to adequately safeguard established residential amenity contrary to the requirements of policies CP1 and CP10 of the Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

(b) That application 14/00215/FUL be REFUSED for the following reasons:

(1) By reason of its size, scale and bulk, the extensions proposed would form an incongruous and disproportionate development that would unacceptably erode the form and detailing of the existing house and therefore be harmful to the suburban



character of the surrounding development and adversely affect views from Weirs Mill Stream footbridge and Weirs Mill Stream, contrary to policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan and CS18 of the Core Strategy.

- (2) Having regard to the scale and significant massing of the proposed buildings as extended, as well as the amount of fenestration at the first floor level, the proposed development would have a visually intrusive appearance when experienced from rear gardens of 3 and 7 Canning Crescent which would significantly reduce the actual and perceived privacy that occupiers of neighbouring properties currently enjoy. Consequently the proposals fail to adequately safeguard established residential amenity contrary to the requirements of policies CP1 and CP10 of the Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

**13 9 FYFIELD ROAD - 14/00910/FUL**

103 - 112

The Head of City Development has submitted a report which details a planning application for the erection of single storey extension to rear elevation, with basement below and 2 no. lightwells. Erection of four storey extension to side elevation including insertion of new dormer window to side roof slope and 1 no. velux window. Provision of new cast iron railings to site frontage.

**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) Sample Panel
- (4) Obscure glass
- (5) Railings – Further details
- (6) Tree Protection Plan (TPP)2
- (7) Landscaping
- (8) Arch – Implementation of programme prehistoric remains

**14 66 CARDIGAN STREET, OXFORD - 14/00961/FUL**

113 - 120

The Head of City Development has submitted a report which details a planning application for the erection of 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
- 3 Materials as specified
- 4 Ground resurfacing - SUDS compliant
- 5 Flooding: floor levels

<b>15</b>	<b>48 PLANTATION ROAD, OXFORD - 14/01235/FUL</b>	121 - 130
	<p>The Head of City Development has submitted a report which details a planning application for the demolition of Existing garage. Erection of part-single, part-two storey extension to side elevation and two storey extension to rear elevation. Extension to existing basement.</p> <p><b>Officer recommendation:</b> That the Committee APPROVE the planning application subject to the following conditions:</p> <ol style="list-style-type: none"><li>(1) Development begun within time limit</li><li>(2) Develop in accordance with approved plans</li><li>(3) Samples in Conservation Area Walton Manor</li><li>(4) Amenity no additional windows to side</li><li>(5) Archaeology – implementation of programme</li><li>(6) Landscaping</li><li>(7) Tree Protection Plan</li></ol>	
<b>16</b>	<b>PLANNING APPEALS</b>	131 - 142
	<p>To receive information on planning appeals received and determined during April and May 2014.</p> <p>The Committee is asked to note this information.</p>	
<b>17</b>	<b>MINUTES</b>	143 - 148
	<p>Minutes of the meeting held on 7<sup>th</sup> May 2014</p>	
<b>18</b>	<b>FORTHCOMING APPLICATIONS</b>	
	<p>The following items are listed for information. They are not for discussion at this meeting.</p> <ul style="list-style-type: none"><li>• 16 Crick Road, Oxford – 14/00962/FUL – Extensions</li><li>• Elsfeld Way, Oxford – 13/03454/CT3 – Residential</li><li>• Former Builders Yard, Collins Street, Oxford – 14/01273/OUT – Employment and residential</li><li>• Former Filling Station, Abingdon Road, Oxford – 13/02638/FUL – Residential</li><li>• Former Paper Mill, Mill Street, Wolvercote, Oxford – 13/01861/OUT – Residential</li><li>• Becket Street – 14/01160/FUL – Temporary car park</li><li>• 125 Harefiels – 14/01255/CEU – Lawful Development Certificate</li><li>• 12-15 Bath Street – 14/01272/FUL - Extensions</li></ul>	
<b>19</b>	<b>DATE OF NEXT MEETING</b>	
	<p>The Committee will meet on the following dates:</p>	

## 2014

Tuesday 22<sup>nd</sup> July (Wednesday 23<sup>rd</sup> July if necessary)  
Tuesday 12<sup>th</sup> August (Thursday 14<sup>th</sup> August if necessary)  
Tuesday 9<sup>th</sup> September (Thursday 11<sup>th</sup> September if necessary)  
Wednesday 8<sup>th</sup> October (Thursday 9<sup>th</sup> October if necessary)  
Wednesday 12<sup>th</sup> November (Thursday 13<sup>th</sup> November if necessary)  
Wednesday 10<sup>th</sup> December (Thursday 11<sup>th</sup> December if necessary)

## 2015

Tuesday 13<sup>th</sup> January (Thursday 15<sup>th</sup> January if necessary)  
Tuesday 10<sup>th</sup> February (Thursday 12<sup>th</sup> February if necessary)  
Tuesday 10<sup>th</sup> March (Thursday 19<sup>th</sup> March if necessary)  
Tuesday 14<sup>th</sup> April (Thursday 16<sup>th</sup> April if necessary)  
Tuesday 12<sup>th</sup> May (Thursday 14<sup>th</sup> May 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.

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;
  - (d) 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;
  - (e) 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 Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

#### **4. Preparation of Planning Policy documents – Public Meetings**

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

#### **5. Public requests to speak**

Members of the public wishing to speak must notify the Chair or the Democratic Services Officer before the beginning of the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

#### **6. Written statements from the public**

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated up to 24 hours before the start of the meeting.

Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.

#### **7. Exhibiting model and displays at the meeting**

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

#### 8. Recording meetings

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.

#### 9. Meeting Etiquette

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.

10. 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**

24<sup>th</sup> June 2014

**Application Number:** 14/00450/FUL

**Decision Due by:** 17th April 2014

**Proposal:** Change of use from Use Class A1 (Shops) to Use Class A3 (Restaurants and cafes).

**Site Address:** 32 Little Clarendon Street And 126 And 127 Walton Street –  
**Appendix 1 of Report to May WAPC**

**Ward:** North Ward

**Agent:** Kemp & Kemp

**Applicant:** Shirehall Properties LTD

Application called in by Councillors Cook, Pressel, Fry and Clarkson to allow Members to be given the opportunity to consider the impacts of the proposed development on the vitality of the area.

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**Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed change of use will not, either individually or cumulatively, have a detrimental effect on the vitality or character of the Little Clarendon Street area or the wider Jericho Conservation Area. Furthermore, the proposals are also not considered to be likely to give rise to material harm to the amenity enjoyed by occupiers of nearby buildings including the student accommodation above. Consequently the proposals are considered to, on balance, accord with the requirements of all relevant policies of the development plan.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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 Hours of use

- 4 Removal of PD right to change from A3 to A2
- 5 Details of extraction equipment required
- 6 Details of refuse storage and its management required

### Background

1. This application was previously considered at the May WAPC and the original report to the May WAPC is appended to this covering report as it includes the main assessment of the proposals. The application was deferred by Committee due to concerns expressed by Members as to whether officers had correctly identified the planning policy designation covering the site. In particular, concern was expressed as to whether the application site lay within an area designated as the “Little Clarendon Street area” in the Local Plan as officers’ described in their report. A plan indicating the extent of the Little Clarendon Street area is attached as Appendix 1 for reference and shows that it relates not only to Little Clarendon Street itself but also additional parts of Walton Street and Woodstock Road. The application site can be seen located primarily within the Walton Street element of this designated area and it is therefore against the requirements of policy RC6 of the Local Plan that the principle of the proposed change of use should be considered. Officers are therefore satisfied that the previous report to the WAPC was accurate.

2. The application premises, whilst unoccupied, are currently within A1 use class (retail). Policy RC6 of the Local Plan states that planning permission for changes of use away from Class A1 uses will only be granted where the resultant level of A1 premises in the area does not fall below 65% of the total number of ground floor units.

3. As can be seen from the report to the May WAPC the change of use proposed would not result in the level of ground floor premises in A1 use in the designated area falling below 65% of the total number of units. These figures are based on the Council’s latest retail surveys carried out in February 2014. For this reason officers again conclude that the principle of the proposed change of use is acceptable when considered against relevant development plan policy requirements. The proposals also continue to be considered acceptable in all other respects too as detailed in the original report to the May WAPC. Consequently officers recommend approval of the application subject to the conditions listed above. This includes an additional condition (when compared against the May WAPC recommendation) to incorporate the requirement for prior agreement of refuse storage facilities and its management in the interests of the streetscene.

**Contact Officer:** Matthew Parry

**Extension:** 2160

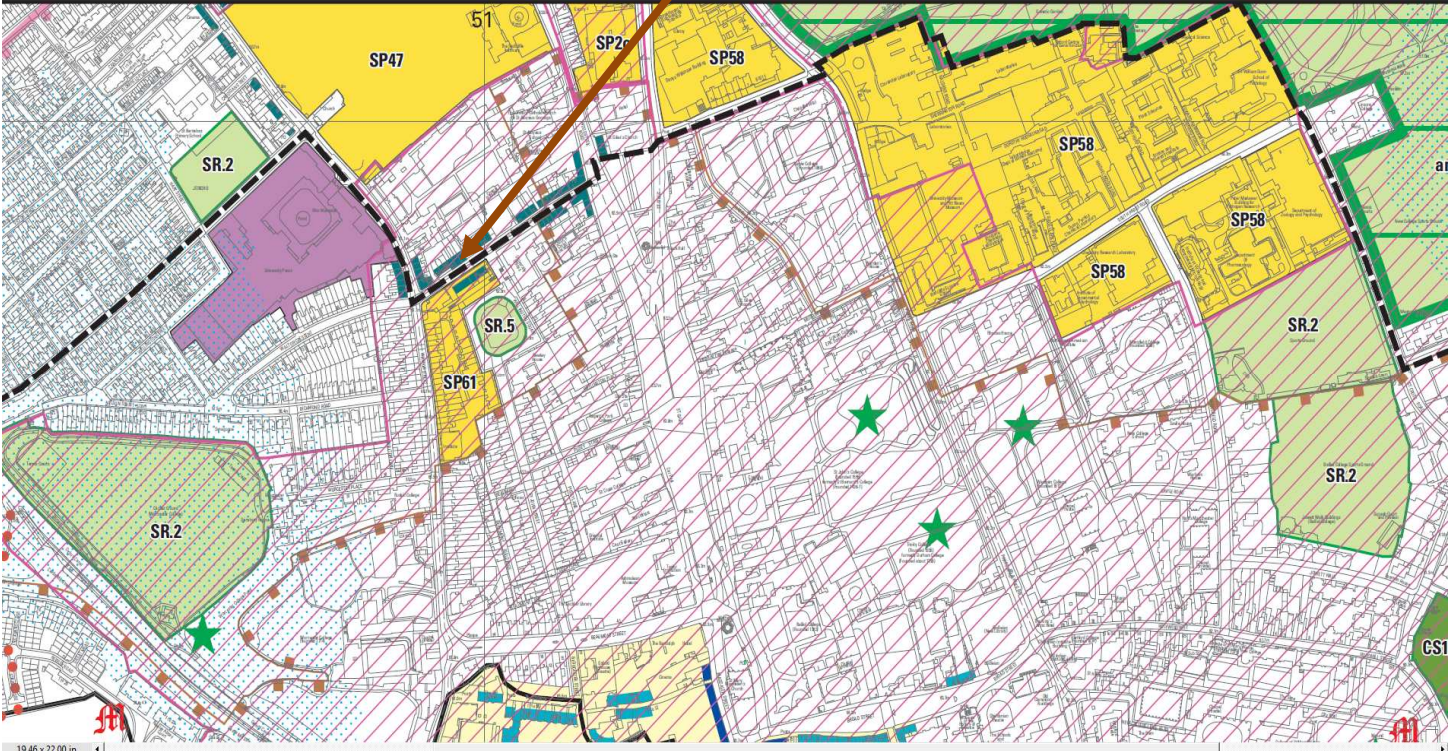
**Date:** 12<sup>th</sup> June 2014



APPENDIX 1 – EXCERPT FROM LOCAL PLAN POLICIES MAP



Application Site



## APPENDIX 2 – REPORT TO MAY 2014 WEST AREA PLANNING COMMITTEE

WEST AREA PLANNING COMMITTEE

7th May 2014

**Application Number:** 14/00450/FUL

**Decision Due by:** 17th April 2014

**Proposal:** Change of use from Use Class A1 (Shops) to Use Class A3 (Restaurants and cafes).

**Site Address:** 32 Little Clarendon Street And 126 And 127 Walton Street –  
**Appendix 1**

**Ward:** North Ward

**Agent:** Kemp & Kemp

**Applicant:** Shirehall Properties LTD

Application called in by Councillors Cook, Pressel, Fry and Clarkson to allow Members to be given the opportunity to consider the impacts of the proposed development on the vitality of the area.

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### **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed change of use will not, either individually or cumulatively, have a detrimental effect on the vitality or character of the Little Clarendon Street area or the wider Jericho Conservation Area. Furthermore, the proposals are also not considered to be likely to give rise to material harm to the amenity enjoyed by occupiers of nearby buildings including the student accommodation above. Consequently the proposals are considered to, on balance, accord with the requirements of all relevant policies of the development plan.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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 Hours of use
- 4 Removal of PD right to change from A3 to A2
- 5 Details of extraction equipment required

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

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

**CP1** - Development Proposals  
**HE7** - Conservation Areas  
**CP19** - Nuisance  
**CP21** - Noise  
**RC6** - Street Specific Controls  
**RC12** – Food and Drink Outlets

### **Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance  
This application is in or affecting the Central Conservation Area.

### **Relevant Site History:**

- 09/02484/FUL - Retention and refurbishment of front range to 123-125 Walton Street along with erection of 3-storey rear extension plus basement. Erection of 3-storey building including basement and part roof storey to replace 126-127 Walton Street and 32-32a Little Clarendon Street. Provision of 36 Student rooms and shared facilities across the upper floors. Provision of 3 new shop fronts to 123-125 Walton Street and provision of replacement retail units on ground floor to 126-127 Walton Street and 32-32a Little Clarendon Street. Refused 15th February 2010.
- 09/02485/CAC - Demolition of 126-127 Walton Street and 32-32a Little Clarendon Street. Part Demolition to the rear of 123-125 Walton Street. Refused 15th February 2010.
- 10/01475/FUL - Retention and refurbishment of frontage to 123 to 125 and 127 Walton Street. Erection of new structure to rear to provide in total 6 retail units at basement and ground floor levels and 35 student study rooms on first, second and third floor. Permitted 17th September 2010.
- 10/01478/CAC - Demolition of 126 Walton Street and 32/32a Little Clarendon Street. Permitted 17th September 2010.
- 11/007111/FUL - Retention of front part of 123-125 and 127 Walton Street. Erection of new structure. Demolition of 126 Walton Street and 32-32A Little

Clarendon Street and their replacement with new 3 and 4 storey building. Provision of 6 retail units on ground and basement floors with student accommodation (41 Study rooms) on upper floors. (Amended Plans). Permitted 23rd August 2011.

- 11/00713/CAC - Demolition of 126 Walton Street and 32/32a Little Clarendon Street. Permitted 30th August 2011.
- 12/00861/VAR - Variation of condition 15 attached to planning permission 11/00711/FUL to enable the student accommodation to be used outside term-time by cultural and academic visitors and for conference and summer school delegates.. Permitted 31st May 2012.
- 11/00711/NMA - Application for a non-material amendment to planning permission 11/00771/FUL involving alterations to the courtyard, bin/bike store and car parking layout. Permitted 9th May 2012.
- 11/00711/NMA2 - Application for non-material amended involving alterations to the roofing materials. Permitted 9th May 2012.
- 11/00711/NMA4 - 30/01/2013 Non material amendment to planning permission
- 11/00711/FUL to amend the shop front elevation and fitting of air conditioning units to roof. Refused 15th March 2013.
- 13/00846/VAR - Variation of condition 2 (development in accordance with the approved plans) of planning permission 11/00711/FUL in order to allow the conversion of the three approved ground floor retail units within 123-125 Walton Street into one single retail unit, alterations to the ground floor Walton Street frontage and provision of air-conditioning units on the roof, post commencement of development. Permitted 4th June 2013.
- 13/01885/VAR - Variation of condition 28 of planning permission 11/00711/FUL (Provision of 6 retail units on ground and basement floors with student accommodation on upper floors) to allow delivery's to take place between 8am-12pm (midday) on Saturdays and Sundays. (Amended description). Permitted 8th October 2013.

### **Representations Received:**

Five third party objections have been received raising the following concerns:

- There are already too many restaurants and bars in the immediate area which is detrimental to the character of the street and wider conservation area which was historically typified by mainly small independent shops;
- It is clear that from the marketing evidence submitted with the application that there has been interest from a number of retailers and more work should instead be done to improve the attractiveness of the units to interested retailers;
- There is already severe parking pressure within Jericho and some additional parking requirements would be expected from a new café/restaurant;
- The issue of food waste, kitchen venting and other related concerns are not

- fully addressed;
- There is doubt expressed about whether the marketing efforts by the developer were genuine;
  - The high rents demanded for these premises are not realistic. In applying for a change of use, the developer appears to suggest that it is entitled to protection from current trading conditions;
  - The area has a substantial number of the very best eating and drinking establishments in Oxford. What it now needs is interesting and high quality retail businesses which would return the area, and especially Little Clarendon Street, to its retail destination status of several years ago. That won't be achieved by reducing the number of retail premises or by setting rents so high that interesting and creative small businesses can't afford them;
  - The owners are claiming in their marketing evidence that there has been no serious interest in this unit from retailers. This is not true. Bike Zone has viewed this property and is interested in renting this unit for retail use (cycle shop) but feel that the price being asked is not realistic bearing in mind the peculiar layout. If the rent is reduced to allow for that they would still like to take it on;
  - The proposals would adversely affect the amenity of the Lincoln College students living above it as a result of noise, cooking odours and waste collection.

St John Street Area Residents Association - The original consent was for 6 individual retail units to replace 6 individual units lost in the demolition of the previous buildings. Three units have already been amalgamated to form the Co-op store. The application fails to address the planning significance of this latest further amalgamation and we would strongly object to the loss of small scale units and the creation of a further large unit. This would change forever the scale and feel of all retail or other units in the whole of Walton Street. If approved, six units would have become two and this amalgamation would also put the rents of such larger units beyond the reach of small local businesses

The Local Plan in paragraph 12.3.6 requires a “specific street controlled policy for Little Clarendon Street to maintain its special retail character and vibrance”. Policy RC.6 requires that in Little Clarendon Street the proportion of A1 uses should not fall below 65% of units. Inspection today shows that there are, excluding the subject premises, 27 existing units in Little Clarendon Street of which only 11 (just 40%) are traditional A1 retail shops; the remaining 16 are other uses, comprising 3 A2 offices and the rest (13 – 50%) serve food and refreshments for consumption on the premises. Little Clarendon Street therefore already falls woefully short of the required minimum A1 retail.

The applicant's marketing proposed a combined rent of the three units in excess of £100,000. There is no comparable evidence, no breakdown by zones, and no information about other terms such as length of lease, rent free or inducements which lead to such a headline rent.

Walton Crescent Residents Association – Object. The proposals would result in a breach of the A1 retail threshold set out in policy RC6 b) of the Local Plan in that the street already falls below the required 65% of units in retail use. This proposal if approved will further exacerbate and condone this unacceptable situation. The

establishment of a restaurant, with its extended hours of operation, will also result in an adverse environment for the residential areas of Walton Street and Walton Crescent.

**Statutory Consultees:**

No comments received.

**Officers' Assessment:**

Application Site and Locality

1. The application site consists of a ground floor premises in a recently reconstructed four storey building on the corner between Little Clarendon Street and Walton Street which is on the boundary between the Central and Jericho Conservation Areas. The unit was part of a larger redevelopment of the site following the grant of planning permission in 2011 for a part three part four storey building featuring six small retail units on the ground floor with student accommodation on the floors above.

2. The 2011 planning permission was subsequently amended on a number of occasions providing consent for minor alterations to the appearance of the new building as well as the amalgamation of three of the six approved ground floor retail units into one larger unit that is now occupied by the Co-operative.

3. The three other units approved have, to date, not been built out as three separate retail premises internally and currently exist as one larger unoccupied unit with entrances on both Little Clarendon Street and Walton Street.

Description of Proposed Development

4. The application seeks consent for the conversion of this existing unoccupied retail unit into a restaurant or café within use class A3. No external alterations are proposed to the building to facilitate this proposed change of use.

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

- Impact on the Vitality of the Little Clarendon Street Area;
- Effect on Occupiers/Users of Neighbouring Properties;
- Parking.

Impact on the Vitality of the Little Clarendon Street Area

6. Little Clarendon Street and parts of its immediate adjoining roads (short sections of Walton Street and Woodstock Road) are covered by a street specific planning policy control over uses of buildings at ground floor level as set out in policy RC6 of the Local Plan. This policy recognises the mixed-use nature of the area, which contains a balance of smaller specialist shops as well as restaurants which together contribute towards its distinctive character and vibrance. Such a mix of retail premises and café/restaurants contributes positively towards the special character of the Jericho area.

7. Policy RC6 of the Local Plan states that planning permission will only be granted for changes of use away from retail (Class A1) within the Little Clarendon Street area

where the level of retail units (Class A1) does not fall below 65% of the total number of ground floor units.

8. Based on the Council's latest survey of the Little Clarendon Street area which was carried out in January 2014, 67.35% of the ground floor units are currently in A1 retail use. Taking the proposed change of use into account the area would fall to 65.3%. The proposal therefore fully complies with the requirements of policy RC6. It should be noted however that the Council's survey considered the premises as one unit rather than the three units approved. If the development had been built out as approved and then all three units were proposed to be changed to an A3 use, the proportion of retail units within the Little Clarendon Street area would fall below the 65% threshold set out in policy RC6.

9. In the wider context the application falls to be assessed having regard to the Government's current position on town centres and its general support for taking a more flexible approach when assessing proposals in relation to the economic benefits of development where this can support and encourage growth in the local economy. It is implicit within Government guidance set out in the NPPF, together with a number of recent changes to permitted development legislation (which allows greater movement between some use classes without the requirement for planning permission) that the Government is seeking to encourage a greater occupation and re-use of existing commercial premises for new uses in the interests of economic growth and to ensure more efficient recycling of brownfield land and sites.

10. With this wider context in mind, officers are of the view that the level of retail units remaining within the Little Clarendon Street area would be sufficient to conclude that the proposals would not significantly harm the vitality and character of the area by virtue of only a small reduction in retail premises. In reaching this conclusion, officers have also afforded weight to the benefits to the Jericho and Central Conservation Areas of having an active use in this prominent corner location which generally supports the mixed shop/café/restaurant character of the area rather than, as at present, the premises remaining unoccupied and detracting from the vitality and appearance of the area.

11. Furthermore, evidence of a significant marketing campaign has been submitted by the applicant. This marketing began prior to the substantial completion of the development and has therefore been undertaken over a period of a year. The evidence submitted has shown that few potentially viable retail occupiers were forthcoming and none were prepared to meet the rates required to sustain the unit as a viable competitive concern. Officers are of the view that the unit was marketed at rates and conditions consistent with that expected for the. The lack of interest from retailers willing to offer a competitive rate gives weight to the need to support a more flexible and beneficial use of the building as expressed in Government guidance given that, as set out above, such a proposed change would not be contrary to the overall requirements of policy RC6 of the Local Plan.

12. Concern has been raised by third parties about the amalgamation of the three approved small retail units into one larger unit which follows the same approach taken at the neighbouring Co-operative store. At present the three small units have not been created on site as per the approved plans though internal subdivision could take place at short notice at any time. Overall, this is disappointing as it will result in the originally approved six retail units being reduced to two larger units which are

less capable of providing the local independent shops that were hoped for and which are historically characteristic of Little Clarendon Street and the Jericho Conservation Area. However, it is important to note that the amalgamation of different planning units that fall within the same use class does not constitute development as defined within The Town and Country Planning Act 1990 as it would not result in a material change of use. Therefore, such an amalgamation could be carried out at any time following the laying out of the three separate approved units without consent being required from the Council. This should, in officers' opinion, be afforded very significant weight. Furthermore, even without taking account of this amalgamation, the proposals would still not result in a level of retail units within the designated Little Clarendon Street area that would fall materially below the threshold set out in policy RC6.

13. Under existing permitted development legislation, consent is not required from the Council for a change of use from an A3 use (as proposed) back to a shop (A1) or a financial or professional services use (e.g. bank, building society, estate agency) within A2 use class. No concern is of course raised at the prospect of a potential future change of use back to a shop but its later potential to be converted into A2 use could prove harmful to the mix, vitality and character of the Conservation Area. Such a potential change of use should be the subject of further assessment and, consequently, a condition is recommended to be imposed removing this permitted development right.

14. Consequently, officers are of the view that the proposals will not materially harm the vitality of the immediate area and would in fact enhance the appearance and activity of the wider Jericho area.

#### Effect on Occupiers/Users of Neighbouring Properties

15. Little Clarendon Street and Walton Street feature a variety of pubs, bars and restaurants in addition to its shops. Evenings, particularly at weekends, can therefore be busy and vibrant. The majority of the existing establishments close before or at midnight. The creation of a restaurant or café in this location is consequently considered to be entirely in keeping with the existing mixed character of the area and its night time economy. Noise disturbance is not expected to be any greater than that stemming from a number of similar existing surrounding uses though, to be prudent, a condition is recommended limiting the operating hours to 11:30pm Monday – Saturday and 10:30pm on Sunday.

16. There is existing student accommodation on the floors above the proposed restaurant/café which is operated by Lincoln College. The noise disturbance from the restaurant use below is not likely to be significant given the nature of the use and its limited operating hours, nor therefore to prejudice the occupation of the accommodation..

17. A restaurant use would be expected to be accompanied by extraction equipment to disperse cooking fumes. No details are provided on such matters though a condition can be imposed accordingly, requiring full details to be approved subsequently. In this regard Environment Development colleagues have not raised concerns regarding the proposals.

18. Consequently officers are satisfied that the proposals will not give rise to



significant harm to existing levels of amenity enjoyed by nearby occupiers in accordance with the requirements of policies CP1, CP10, CP19 and RC12 of the Local Plan.

### Parking

19. The application site is located within city centre with good access by public transport; with public car parking available at St. Giles; and within walking distance of a significant local population. The immediate location is subject to parking controls. Consequently, officers are satisfied that the proposals will not result in additional parking pressure within the immediate locality. The Highway Authority has not raised objection to the proposals.

### Conclusion.

20. The proposed change of use will not have a materially adverse effect on the character and vitality of the designated Little Clarendon Street area or the wider Jericho Conservation Area. The proposals are also not considered to give rise to unacceptable harm to the amenity enjoyed by occupiers of existing neighbouring properties or give rise to parking issues. Consequently the proposals are considered to accord with all relevant policies of the development plan and Members are recommended to approve the application subject to the imposition of the conditions listed.

## **Human Rights Act 1998**

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

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

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

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

## **Background Papers:**

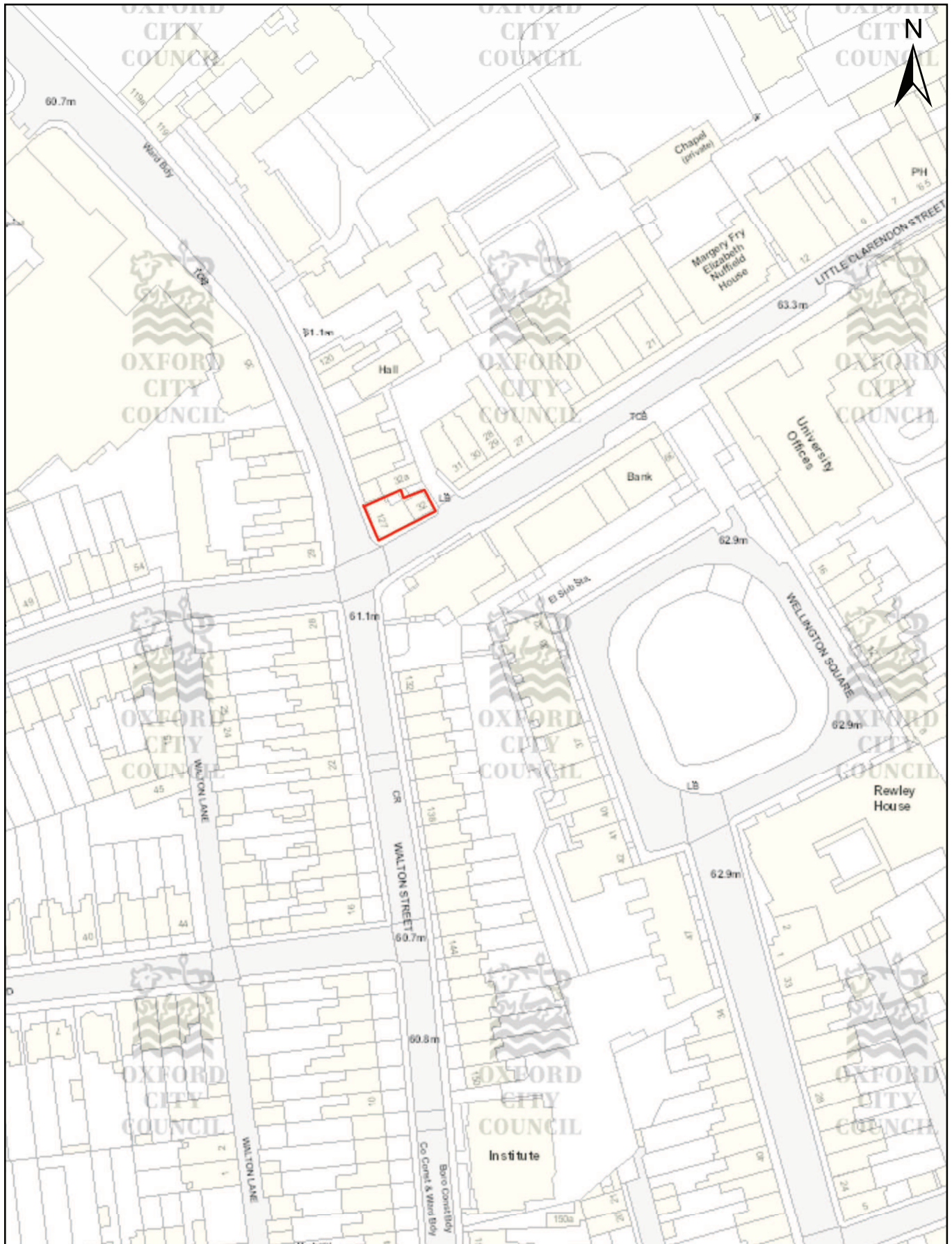
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10/01475/FUL  
10/01478/CAC  
11/00711/FUL  
11/00713/CAC  
12/00861/VAR  
11/00711/NMA  
11/00711/NMA2  
11/00711/NMA4  
13/00846/VAR  
13/01885/VAR  
14/00450/FUL

**Contact Officer:** Matthew Parry

**Extension:** 2160

**Date:** 28th April 2014

# Appendix 1



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14/00450/FUL

Scale (printed to A4): 1:1,250

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Date: 08/04/2014

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## WEST AREA PLANNING COMMITTEE

24<sup>th</sup> June 2014

**Application Number:** 14/00429/FUL

**Decision Due by:** 10th June 2014

**Proposal:** Demolition of existing houses at 3 to 9 Elsfield Way. Erection of 4 x 1-bed and 18 x 2-bed flats to frontage with 6 x 4-bed houses to rear. Provision of 40 car parking spaces, amenity space together with bin and cycle stores. New vehicular access and slip roads from Elsfield Way (A40). (Amended plans) (Amended description)

**Site Address:** 3-9 Elsfield Way And Land Rear Of 478 And 480 Banbury Road – **Appendix 1**

**Ward:** Wolvercote Ward

**Agent:** N/A

**Applicant:** Mr Nathan Craker, Shanly Homes

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### Recommendation:

APPLICATION BE REFUSED

### Reasons for Refusal

- 1 The development proposed would result in a significant intensification of a substandard vehicular access onto a high speed dual carriageway that would result in a substantial increase in difficult and dangerous manoeuvres into and out of the site to the detriment of the safety of users of the highway and the free flow of the highway network, contrary to the requirements of policy CP1 of the Oxford Local Plan 2001-2016 as well as guidance set out in the National Planning Policy Framework.
- 2 The proposals would involve alterations to the public highway to include vehicular entry and exit slipways to the site. These alterations would adversely affect the future operation and deliverability of a fully committed and funded scheme by the Local Highway Authority to carry out major alterations to the Cutteslowe Roundabout to improve traffic flows and congestion on the A40. Consequently the proposals would have unacceptable impacts on wider traffic generation and vehicular movements through the city contrary to the requirements of policy CP1 of the Oxford Local Plan 2001-2016 as well as guidance set out in the National Planning Policy Framework.

- 3 The development fails to provide on-site provision of affordable housing without robust justification for a number of assumptions, costs and land values included within the submitted viability appraisal justifying this approach, and as such the proposals fail to make the necessary contribution towards affordable housing in the City to the detriment of the mix and balance of the local community contrary to the requirements of policy HP3 of the Sites and Housing Plan 2011-2026 as well as policy CS24 of the Oxford Core Strategy 2026 and guidance contained within the National Planning Policy Framework.
- 4 The development fails to provide an adequate mix of dwellings on the site to meet the identified future housing needs of the community of Oxford contrary to the requirements of policy CS23 of the Oxford Core Strategy 2026 and guidance set out in the National Planning Policy Framework.
- 5 The proposed development represents a significant and unacceptable overdevelopment of the site which fails to respect the layout, density, greenery and open space provision that characterises its suburban residential context. As a result the proposals fail to accord with the requirements of policies CP1, CP6, CP8, CP9, CP10 and CP11 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026.
- 6 The outdoor amenity spaces proposed to serve the proposed dwellings are considered to be unacceptable in quality and quantity to the detriment of the quality of living of future occupiers of the dwellings contrary to the requirements of policy CP10 of the Oxford Local Plan 2001-2016 as well as policies HP13 and HP14 of the Sites and Housing Plan 2011-2026.
- 7 Having regard to its close proximity to the road in combination with its significant overall mass, height and bulk, the building proposed at the front of the site would be obtrusively large and prominent within the streetscene and therefore out of character with its more spacious suburban setting evident in the relationship between the majority of existing surrounding buildings and the road frontage. As a consequence the development would fail to successfully integrate within its context which would be exacerbated by its highly prominent location, contrary to the requirements of policies CP1 and CP8 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy HP9 of the Sites and Housing Plan 2011-2026.
- 8 The development involves the creation of a new access road outside a controlled parking zone. As a result of the lack of unallocated parking spaces to serve future residents and their visitors, the site would be likely to be subject to significant internal parking congestion adversely affecting vehicle manoeuvring within the site as well as the amenity enjoyed by future occupiers of the dwellings. Parking congestion within the site would also be likely to give rise to pressure for overspill parking. As a consequence the proposals fail to accord with the requirements of policy CP1 of the Oxford Local Plan 2001-2016 as well as policy HP16 of the Sites and Housing Plan 2011-2026.

- 9 The development proposes the loss of a substantial number of existing trees on the site. The excessively close proximity of the proposed front building to the site frontage prevents meaningful compensatory soft landscaping and precludes the planting of trees without creating a poor spatial relationship with the south elevation of the building. As a result the development fails to adequately mitigate lost trees and soft landscape features on the site and does not provide an appropriate balance between the natural and built environment to the detriment of the character and appearance of the area and the streetscene, contrary to the requirements of policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016.
- 10 The development proposes dwellings within close proximity of the A40 with the result that future occupiers of the development would experience significant noise disturbance and, in the absence of any form of noise assessment, the local planning authority cannot conclude that the living conditions of future occupiers would be of an acceptable standard. Consequently the proposals fail to accord with the requirements of policies CP1 and CP21 of the Oxford Local Plan 2001-2016 in this respect.

#### **Legal Agreement:**

No draft legal agreement has been completed to secure the £71, 384 off-site financial contribution towards affordable housing offered by the applicant. In the event that Committee finds the proposals acceptable, despite officers' recommendation to refuse consent, the issuing of the decision should be deferred to officers to allow the satisfactory completion of the necessary legal agreement. In addition, a legal agreement should be also completed securing a financial contribution towards the off-site provision of public art.

The development, if approved, would also be liable for a Community Infrastructure Levy (CIL) charge of £197,800 payable prior to its commencement.

#### **Principal Relevant 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
- CP18** - Natural Resource Impact Analysis
- CP21** - Noise
- NE15** - Loss of Trees and Hedgerows
- NE21** - Species Protection

##### Core Strategy

**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy  
**CS18\_** - Urban design, town character, historic environment  
**CS12\_** - Biodiversity  
**CS17\_** - Infrastructure and developer contributions  
**CS23\_** - Mix of housing  
**CS24\_** - Affordable housing

#### Sites and Housing Plan

**HP2\_** - Accessible and Adaptable Homes  
**HP3\_** - Affordable Homes from Large Housing Sites  
**HP9\_** - Design, Character and Context  
**HP10\_** - Developing on residential gardens  
**HP11\_** - Low Carbon Homes  
**HP12\_** - Indoor Space  
**HP13\_** - Outdoor Space  
**HP14\_** - Privacy and Daylight  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

#### Other Relevant Development Plan Documents

Affordable Housing and Planning Obligations SPD  
Balance of Dwellings SPD  
Parking Standards, Transport Assessments and Travel Plans SPD

#### **National Planning Guidance:**

National Planning Policy Framework  
Planning Practice Guidance

#### **Public Consultation:**

##### Statutory Consultees:

Environmental Development – No objection subject to a condition setting out requirements in the event of finding unexpected contamination on the site.

Environment Agency – No objection.

County Council Drainage Officers – No objection. The development should be drained using SUDS methods including the use of porous paving for the roads and parking areas. Soakage tests should be undertaken to determine the size of the SUDS required.

Thames Valley Police – No objection.

Natural England – No objection.

Local Highway Authority (Oxfordshire County Council) – Object. The development would result in a significant intensification of an access from the A40 with inadequate



vision splays available for safe entry and exit from the site. Furthermore, the proposals would involve the creation of slip roads leading to and from the site within close proximity to the Cutteslowe roundabout which would prejudice the layout and therefore the operation of a committed and funded infrastructure project available through funding under the City Deal and scheduled to begin shortly.

The level of off-street parking provided within the site is also too low to accord with the local planning authority's standards set out in its Sites and Housing Plan. This is likely to lead to parking stress within the site and ultimately the potential for parking in the slip roads further endangering highway safety.

#### Third Parties:

Four third party representations have been received and the comments raised are summarised as follows:

- The proposals represent a dense development on the site with high buildings proposed close to the boundary with the rear of houses on Harefields;
- The dwellings would have poor connectivity to the surrounding area with no routes through the adjacent Elsfeld Hall site making it awkward for future residents to walk/cycle in the surrounding area;
- The access proposed would be difficult and dangerous with cars turning into the site being a hazard to vehicles accelerating off the Cutteslowe roundabout;
- The loss of a substantial number of mature trees is proposed;
- There is no affordable housing and the amount offered as an off-site contribution is a "pitiful inducement" which the Council should reject;
- The development proposes the creation of an elitist gated community;
- The proposed buildings are in keeping with the area though the loss of trees is regrettable;
- The security of neighbouring gardens that back-on to the proposed houses could be adversely affected.

#### Wolvercote Residents' Association:

- Anyone exiting the proposed development by car would do so into the path of traffic just as it begins to accelerate away from the roundabout, while vehicles entering the site would be braking on the A40 just as the traffic behind them is accelerating. This is a dangerous scenario and one that is significantly worse than the present situation.
- All those familiar with the area know that it is virtually impossible to pull out safely onto the A40 at this point. Given the 40 car parking spaces proposed, it is reasonable to infer that the development would lead to thousands of extra vehicle movements per year at this very dangerous part of the road.
- The development is totally against the interests of present and future inhabitants of the area as well as wider users of the A40.

#### Pre-application Consultation

The applicant did not carry out any pre-application consultation with planning officers or other statutory consultees. Nor was significant consultation carried out with local residents or residents.

## **Officers' Assessment:**

### Application Site and Locality

1. The application site consists of four existing detached houses and their long rear gardens, together with parts of the rear gardens of Nos. 478 and 480 Banbury Road. The existing houses on Elsfeld Way are all similar in form and scale, being relatively large attractive family houses of traditional style though not of unusual architectural design. They benefit from particularly long rectilinear verdant rear gardens with generous spacing between buildings which ensures the site contributes towards the suburban character of the area. The four Elsfeld Way houses are each accessed directly from the A40 trunk road across an existing footpath and cycle way that runs along the site frontage.

2. The existing houses of 478 and 480 Banbury Road also have similar large rear gardens though orientated at right angles to the Elsfeld Way plots with their gardens running behind that of 3 Elsfeld Way and access taken off Banbury road north of the Cutteslowe roundabout. Part of the rear gardens of these houses is included within the application site to facilitate the development proposed.

3. To the west of the site lies the residential properties of Banbury Road including the recently constructed flatted development at 476a Banbury Road adjacent to the Cutteslowe roundabout. To the north lies the residential properties of Harefields and Riddell Place and to the east lies the City Council owned Elsfeld Hall site currently used to provide car parking to serve the adjacent Oxford Psychology Partnership commercial premises.

4. The application site can be seen in its context on the site location plan attached as Appendix 1.

### Description of Proposed Development

5. The application seeks consent for the demolition of the four existing houses on Elsfeld Way and the redevelopment of these plots, including the rear gardens of Nos. 478 and 480 Banbury Road, to provide 22 one and two bedroom flats in a three storey building fronting Elsfeld Way. In addition, to the rear 3 pairs of semi-detached four bedroom houses are proposed with undercroft access through the flatted building. 40 car parking spaces are also proposed together with bin and cycle storage facilities.

6. The development also includes the creation of a single vehicular access from Elsfeld way / A40 following the provision of dedicated acceleration and deceleration lanes within part of the existing highway verge. This access replaces the four existing separate driveways to the four existing houses here.

### Principal Determining Issues:

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

- Principle;
- Design, Layout and Appearance;
- Traffic and Highway Safety;
- Affordable Housing;
- Mix of Dwellings;

- Quality of Accommodation;
- Impact on Neighbouring Properties;
- Car Parking;
- Trees and Landscaping;
- Ecology;
- Energy Efficiency;
- Noise; and
- Public Art.

### Principle

8. Policy CS2 of the Core Strategy and policy CP6 of the Local Plan reflect Government guidance in the NPPF in that they seek to encourage greater efficiency in the use of previously developed land where this is sustainably located and appropriate to its context. The site consists of four existing houses though the majority of its area is comprised of private residential gardens which represent greenfield land. Policy HP10 of the SHP relates solely to residential development on such garden land and states that planning permission will be granted for new dwellings provided that the proposals respond to the character and appearance of the area (including the experience from public and private views); that the size of plot to be developed is of an appropriate size and shape to accommodate the proposal; and that any loss of biodiversity value would be mitigated.

9. Consequently, officers are of the view that the principle of some form of new residential development is acceptable on the site provided that it respects its context and accords with all other relevant development plan policy requirements and appropriate access arrangements could be created.

### Design, Layout and Appearance

10. Policies CP1 and CP8 of the Local Plan require new development to form an appropriate visual relationship with the surrounding area in terms of its scale, form, massing, layout and design detailing. Policy CS18 of the Core Strategy also requires development to respond positively to the townscape whilst policy HP9 of the SHP is specific to residential development and requires new development to respond to the overall character of the area including its built and natural features. It is against this development plan policy context that the proposals should be considered in this respect. The requirements of all of the aforementioned policies are consistent with guidance set out in the NPPF which places great emphasis on the importance of good design and states that development which fails to take the opportunities available to improve the character and quality of an area should be refused.

11. The buildings proposed are, in terms of their general form, appearance and design detailing, fairly generic though the predominant architectural style of buildings in the surrounding area is one of more traditional early to mid-twentieth century detached housing with 1930's era detailing. The pairs of semi-detached houses to the rear are of regular 2 1/2 storey scale featuring a combination of traditional pitched and hipped roofs along with traditional fenestration patterns, bay and dormer windows. As a result, the general scale and form of the houses themselves is considered to be appropriate to the site's context including those houses on Banbury Road and the residential roads to the north. The materials too are in keeping with that found locally being a combination of red and terracotta brickwork under clay tiled

roofs.

12. The flatted development proposed to the front however is a larger building that spans the majority of the width of the site frontage. Again it takes on a relatively traditional hipped roof form to its main range though features front and rear half-timber gables, two storey bay elements, modest flat roof dormer windows, brick arch detailing and combinations of red brick and cream rendered external walls which add visual interest. The building though has a significant mass and overall bulk including when viewed from its side elevations which demonstrates substantial rearward projection of a large roof range. The building would also be set significantly closer to the site frontage than that of the existing houses and officers have substantial concerns that the close proximity of this large building range so close to the A40 and its adjacent footway would result in it imposing itself on the streetscene rather than the respecting the more spacious suburban character evident in the locality. Whilst the recently approved flatted development on the adjacent site is similarly close to the road, this is perceived differently within the streetscene given that is a smaller overall building and located on the corner with the Cutteslowe roundabout and at 45 degrees to neighbouring properties where it has more of a dynamic visual reference. Officers therefore conclude that the flatted building within this current application would be of a scale and siting such that it would unacceptably dominate the site to the detriment of the streetscene and surrounding character.

13. To exacerbate matters, (and as referred to later in this report), the close proximity of the building to the roadside leaves very little space to the frontage of the site to successfully soften the appearance of the building or attempt to respond to the more verdant qualities of the existing site and locality.

14. Taking the proposals as a whole, officers are of the view that they amount to a very significant level of built development on the site given its suburban setting. Indeed the density of dwellings proposed on the site amounts to 70 per hectare which is similar to that expected in city centre locations. The combined extent of the buildings together with the parking and circulation routes creates a development of significant density that leaves little meaningful space within the site for planting and amenity space such that it would have a harsh, barren and indeed rather built-up appearance more akin to that found in an urban area in comparison to the suburban location in which the site lies. The rear gardens to the existing houses are relatively tranquil, green spaces with a number of mature trees though none of particular individual public amenity value. The scale of development proposed would completely preclude any ability to respond to this character given that the balance between the built and natural environment on the site is not appropriate to its setting and thus fails to respect the contribution the existing site makes to the character of the surrounding area. Policies HP9 and HP10 of the SHP in particular references the importance of respecting the built and natural site context, including views from both the public and private realms. Ultimately therefore, the layout proposed together with the overall scale of physical development would result in a poor quality residential environment within the site that also fails to respond positively to the overall suburban character of the immediate area.

15. In addition to officers' concerns about the layout and siting of the flatted building to the front as well as the overall scale of development on the site, officers are also

unconvinced about the backland layout of the six semi-detached houses proposed. This pattern of development is unusual and is not consistent with the grain of development in the immediate area but, more importantly, it would create a private segregated community of residents with a site layout that would not lend itself to successful integration with the layout of the existing pattern of development. The use of an undercroft access with backland parking area results not only in an imposing and rather inactive site frontage but would also leave future occupiers poorly connected with the surrounding area with only a single access/egress point onto a high capacity dual carriageway. Such an insular layout would not engender a successful relationship between the new development and that surrounding it and this further exacerbates officer concerns about the overall design of the scheme.

16. In conclusion therefore, officers find that the proposals represent a significant overdevelopment of the site with the result that it does not respect its suburban context. The scale, bulk and proximity of the proposed flatted building to the road would also be unduly obtrusive within the streetscene and consequently significantly harmful to the character and appearance of the area. The layout of the development on the site is also inconsistent with the established pattern of development in the locality being more akin to that found in a higher density urban area and one which is poorly integrated with its surroundings. As a consequence the proposals are found to be unacceptable in this respect and contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Local Plan, policy CS18 of the Core Strategy and policies HP9 and HP10 of the SHP.

#### Traffic and Highway Safety

17. Policy CP1 of the Local Plan states that planning permission will only be granted for development which, inter alia, is acceptable in respect of access, parking, highway safety and traffic generation. Guidance in the NPPF supports these policy requirements and states that decisions should take account of whether “*safe and suitable access to the site can be achieved for all people*”.

18. The four existing houses on Elsfield Way each have their own driveway accessed from the A40 a short distance east of the Cutteslowe roundabout. As these houses are relatively large family houses, they would be expected to be served by perhaps 2-3 cars each in this location. Access and egress from these houses whose presence would have pre dated the construction of the A40 as a northern by pass to Oxford is particularly difficult given that there is a steady stream of fast moving traffic accelerating off the roundabout. They also possess only poor vision splays leaving it hazardous both for residents entering and leaving their homes but also for through traffic. Braking cars and slow speed exit onto the dual carriageway also creates an impediment to efficient traffic movements.

19. The development proposes the closure of three of these existing driveways and the enlargement of the other to allow access to the new dwellings. In all, 28 dwellings are proposed which would lead to a very significant intensification of access from and onto the A40. Officers concur with the views of the Highway Authority as well as the Wolvercote Residents' Association in that traffic entering this section of the A40 is accelerating after coming off the roundabout up to dual carriageway speed. The consequence of further cars accessing the site would be to significantly increase the number of braking vehicles shortly after exit from the roundabout which would

present highway safety risks for all motorists as well as cause impediment to the flow of traffic on this trunk road. To compound matters, the vision splay available back to the traffic coming off the roundabout is substandard given the anticipated vehicle speeds and would further present risks for drivers exiting the site as well as passing traffic. Consequently, whilst these hazards already exist to a certain degree, the proposals would significantly intensify this harm to highway safety and for this reason they are found to be wholly unacceptable and contrary to the requirements of policy CP1 of the Local Plan as well as NPPF guidance.

20. The County Council has also planned a comprehensive restructure of the Cutteslowe roundabout and its junctions as part of funding received through "City Deal". This would involve the creation of a "hamburger" style roundabout together with the creation of additional lanes leading up to and away from the roundabout on the A40 which would encompass part of the existing highway verge. This infrastructure project is committed and funded with construction due to begin early in 2015. The proposed creation of acceleration and deceleration lanes (slip roads) on the highway verge to serve the development so close to the roundabout would have a detrimental effect on the operation of this planned infrastructure project and jeopardise the effectiveness of it as a means of improving traffic through flow. Furthermore, the vision splays available for egress from the site would be reduced with the consequence that the safety of vehicles leaving the site as well as passing traffic would be additionally prejudiced adding additional weight to officers' concerns about the impact on overall highway safety.

21. Consequently officers are of the view that the intensification of access to and from the A40 at this point is wholly unacceptable given that it would represent a significant risk to highway safety as well as adversely affect the functioning of the highway and effectiveness of planned major highway improvements contrary to the requirements of policy CP1 of the Local Plan and Government planning guidance.

#### Affordable Housing

22. Policy HP3 of the SHP requires all residential developments of 10 or more dwellings to provide at least 50% of dwellings on site as affordable homes. Only where it can be robustly justified on financial viability grounds can a lower proportion be considered working through a cascade approach leading down to an off-site contribution towards affordable housing elsewhere in the city.

23. The application is accompanied by a viability appraisal which concludes that approximately £71,000 can be contributed towards affordable housing on site and that no additional provision could be made without the development being financial unviable. Officers however have serious concerns about the robustness of this viability appraisal.

24. Whilst officers do not fundamentally disagree with the methodology used to calculate land values, many of the figures provided are not justified through evidence as required by policy HP3 and its supporting document the Affordable Housing and Planning Obligations SPD. In particular, there is no significant evidence provided for the existing use values of the houses on the site or justification for the land values attributed to the garden land of Nos. 478 and 480 Banbury Road. Indeed it is not clear whether the location adjacent to the busy A40 and difficult access to the homes

has been taken into account in reaching these valuations. In addition, officers have concerns about the projected gross development value provided for the new dwellings given that these have also not been adequately justified. The limited justification provided consists of purportedly comparable flat sales in the area. However this data is limited in its scope and the majority of transactions referred to are over a year old. Officers would at least expect adjustments to these values to reflect strong residential price growth in the last year, and, in the case of resale properties, an uplift to reflect the 'new-build premium' that is widely accepted. Also there is no data provided for houses comparable to the four houses proposed on the site.

25. Officers have further concerns relating to the high agent's fees and marketing costs, the unjustified finance costs and technical fees used in the viability appraisal. There are also concerns about the assumed build costs given that they are significantly higher than for a typical development of this type when compared to the data published in February 2014 by the Building Costs Information Service (BCIS). The build cost assumption must therefore be considered as lacking robustness, as this differential has not been explained and therefore not adequately justified.

26. Consequently officers are not convinced that it is not financially viable to deliver a greater contribution towards affordable housing and, as a result, the proposals fail to make the necessary contribution towards achieving mixed and balanced communities in accordance with the requirements of policy HP3 of the SHP, policy CS24 of the Core Strategy as well as guidance set out in the NPPF.

#### Mix of Dwellings

27. Policy CS23 of the Core Strategy requires new residential development to provide a mix of dwellings to meet the projected future household need both within each site and across Oxford as a whole. This policy is supported by the Balance of Dwellings (BoDs) SPD which sets out ranges for dwelling sizes within developments depending on the size of the proposals. These development plan policy requirements are consistent with guidance set out in the NPPF which states that "*local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*" and that local planning authorities should "*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*".

28. The BoDs SPD categorises the site as being strategic in size (over 25 dwellings) and states that the site should provide a minimum of 25% of the dwellings as three bedroom units with a maximum of only 25% of dwellings as two bedroom units. The proposals however provide close to 70% of the units as two bedroom with no three bedroom dwellings (those in identified greatest need) at all. The scheme also underprovides on the number of one bedroom units when considered against the BoDs SPD criteria. For this reason officers conclude that the scheme fails to adequately respond to the identified future demographic and housing market needs of the city and thus fails to comply with the requirements of policy CS23 of the Core Strategy as well as Government guidance set out in the NPPF.

#### Quality of Accommodation

29. Policies HP12 and HP13 of the SHP require all new dwellings to provide a reasonable quality of internal and external living environment for future occupiers.

Policy HP12 relates to internal standards and requires all dwellings to be of at least a specified minimum floorspace (39 sq m for small flats and 75 sq m for family units) with a good usable layout. It also states that all habitable rooms should have reasonable access to natural light, ventilation and outlook. Having assessed the internal quality of each of the dwellings officers are satisfied that each is of a size and layout that is suitable for their intended occupiers such that they should provide reasonable quality internal living conditions. In this respect the proposals are considered to accord with the requirements of policy HP12 of the SHP.

30. Policy HP2 of the SHP goes further however and requires all new dwellings to meet Lifetime Homes standard. It also requires a minimum of 5% of dwellings on site to be suitable for wheelchair users. Having reviewed each of the dwellings officers are satisfied that they accord with the vast majority of the standards set out in Lifetime Homes in terms of entrance and corridor widths, parking space dimensions, wheelchair turning areas, bathroom and kitchen sizes etc. Two of the family houses to the rear are shown to be wheelchair accessible units which meets the minimum proportion required under policy HP2 for a development of this size. Whilst the parking spaces shown to the front of these houses are not appropriate for wheelchair user at present they could be easily adapted to make them wider which still accords with the accessible homes criteria set out within the policy. Consequently, in this respect, officers have no concerns about the development proposed.

31. In terms of outdoor amenity space, policy HP13 of the SHP sets out minimum requirements to serve new dwellings. All one and two bedroom flats should be served either by a private balcony (of at least 1.5m x 3m) or should benefit from a private or shared outdoor space that is of a reasonable quality. The majority of the flats in the building to the front of the site are not served by a balcony and so would require access to outdoor space around the building which should be easily accessible and of a reasonable quality so that there is a genuine likelihood of it being used and enjoyed by future residents. Officers however are not satisfied by the space proposed for this purpose which is heavily overlooked and disturbed by surrounding parking and the houses to the rear. It would also be divided up by paths to allow access to communal refuse and cycle storage. In short, it would not be a space attractive to use for future occupiers of the flats and so officers cannot conclude that this level of provision is adequate to accord with the policy requirements.

32. Policy HP13 of the SHP also states that family houses should be served by private outdoor space that is proportionate to the size and type of the dwelling taking account of the site's context, the layout of other residential properties in the area and the quality of the space proposed. The houses proposed are generously sized four bedroom family dwellings that would be served by relatively small rear gardens that are not comparable in size and layout to that generally found within this suburban area. Indeed the gardens would also experience significant levels of overlooking from the other proposed houses and, to compound their small size, would be north facing and thus not benefiting from significant levels of sunlight. In addition, houses shown at plot nos. 24 and 25 would have rear gardens with buildings almost abutting them to the north leaving them with a relatively poor outlook. As discussed previously, the general overdevelopment of the site has left car parking dominating the centre of the site so that there is no space left over for any front gardens to



compensate for the substandard rear gardens which would also have helped soften the appearance of the houses within the site to break up the mass of buildings and hardsurfacing.

33. Policies HP13 and HP15 of the SHP also require satisfactory provision of refuse and cycle storage within new residential development where it should be easily accessible, secure and covered. The level of dedicated cycle storage has been increased to provide 44 spaces for the 22 flats proposed. This accords with the requirements of policy HP15. The family houses to the rear either have attached garages which could be used for cycle storage or have side access to their rear gardens where cycle stores could be provided by condition. Consequently officers have no concerns about the level of cycle storage proposed. Similar, dedicated bin storage facilities are shown to serve the flats which meets the standards expected under policy HP13 of the SHP. The family houses would require separate bin storage facilities and, whilst not shown in the proposed plans, there is space to provide this and could be secured by condition. No objection is therefore raised in this respect.

34. Overall however officers are not satisfied that the level of outdoor amenity space proposed to be provided to serve the dwellings is of sufficient size or quality to accord with the requirements of policy HP13 of the SHP to the detriment of the quality of living of future occupiers. Officers recommend refusal on this ground accordingly.

#### Impact on Neighbouring Properties

35. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard established residential amenity. Policy HP14 of the SHP reflects these requirements and states that all new residential development must preserve reasonable outlook, light and privacy for existing dwellings.

36. The flatted building to the front is large but has been designed such that it does not project significantly past the rear walls of the existing adjacent flatted development to the west. In addition, the building also moves further away from the western site boundary as it projects rearward. Consequently officers are not concerned about the potential impact of this aspect of the development on the daylight/sunlight enjoyed either by the adjacent flats themselves or their communal outdoor space. In addition, west facing windows in the side of the proposed building would not allow a material increase in overlooking of the neighbouring outdoor space serving the adjacent flats given that they are not located past the extent of the existing rear wall of the adjacent building. Nevertheless, the flatted building proposed is significant in size and bulk and, whilst it would not project substantially along the outdoor space serving the adjacent flats, it would nonetheless have a relatively imposing presence within the wider residential environment and to this extent it would cause some harm to the current enjoyment of this neighbouring amenity space. However, officers have not concluded that this impact is so significant to merit refusal of the application on this ground.

37. To the east of the site lies an informal car park currently being used for parking in connection with the nearby commercial premises of Oxford Psychology Partnership. Consequently officers have no concerns about the current impact of the proposed development on the land to the east. This site is however also subject to an

application for residential development and will come before a future meeting of committee. To the north and north-west of the site lies the backs of residential properties. The nearby houses on Banbury Road would be separated from the development by rear gardens of significant length such that the new houses proposed to the rear would not unduly overbear or overshadow these dwellings or their gardens. In addition, no side facing windows to habitable rooms are proposed at upper floor level in plot no. 23 so officers are not concerned about the impact on the actual or perceived privacy enjoyed by occupiers of these neighbouring dwellings on Banbury Road. In addition, the loss of part of the rear gardens of Nos. 478 and 480 does not raise concerns given that substantial amenity space would still remain to serve these houses.

38. The rears of existing dwellings on Riddell Place and Harefields also face onto the site though none have windows facing south close to the site boundary that would be affected. In addition, the dwellings on Riddell Place do not have meaningful areas of garden to the rear that could be affected by the development either with respect to overlooking, overshadowing or outlook. Those houses on Harefields are separated by larger rear gardens and so would not be close enough to the new houses to be materially adversely affected.

39. Some concern has been raised by a third party about the potential for noise disturbance to rear gardens of houses on Banbury Road and the reduced security of these properties. Officers however are of the view that, whilst there will be some vehicle noise and a greater level of activity, this would not be to the extent that it could be reasonably concluded that the development would be unacceptable in this respect when considered against the requirements of development plan policies. Consequently, officers are satisfied that the proposals would adequately safeguard neighbouring residential amenity in accordance with the requirements of policies CP1 and CP10 of the Local Plan as well as policy HP14 of the SHP.

#### Car Parking

40. Policy HP16 of the SHP sets out car parking requirements in new residential development. The development proposed involves the creation of a new access road and would not be subject to control within a CPZ. As such, Appendix 8 to the SHP makes it clear that maximum car parking standards should be met including a significant level of unallocated parking.

41. The development proposes 28 dwellings with a total of 40 parking spaces. This falls notably below the standards set out accompanying policy HP16 of the SHP particularly with respect to unallocated parking. A lack of parking spaces would leave the site being likely to be particularly congested with visitors and even some residents likely to be forced to park indiscriminately on verges or elsewhere including, potentially, within the slip lanes leading into the site. This would not only provide poor living conditions for future occupiers due to unpleasant congestion within the site but also potentially give rise to significant highway safety concerns stemming from parking outside the site providing obstacles to entering and leaving traffic as well as reduced vision splays on this busy road. All of these concerns are also reflected in the LHA's consultation response. Consequently officers find that the proposals provide an inadequate level of car parking contrary to the requirements of policy HP16 of the SHP as well as policy CP1 of the Local Plan.

### Trees and Landscaping

42. Policies CP11 and NE15 of the Local Plan are relevant in this respect. Policy CP11 requires, inter alia, that landscape design relates to the function and character of the spaces and surrounding buildings. It also adds that existing trees, shrubs, hedges and water features of significant landscape value are incorporated alongside new planting. Policy NE15 states that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features where this would have a significant adverse impact upon public amenity or ecological interest. It also adds that soft landscaping, including tree planting, should be undertaken whenever appropriate and that landscaping schemes should take account of local landscape character.

43. The existing rear gardens of the houses are verdant and contain a number of trees that give the site a pleasant, green and relatively quiet character that belies its location so close to the busy A40. However none of the trees or other soft landscape features within the site are, individually, of particular amenity value or merit. Consequently, no objection is raised in principle to the loss of the trees subject to a satisfactory landscape plan to mitigate the cumulative loss of a significant number of trees on the site.

44. A detailed landscape plan to mitigate the losses has not been provided and it is evident that adequate mitigation would not be achievable. As already set out, the proposals represent a significant overdevelopment of the site leaving little meaningful space for effective tree planting either to the front of the site (as a result of the main building's close proximity to the road frontage) or to the rear which would leave a rather barren residential environment.. For this reason officers have concluded that the development fails to appropriately mitigate the loss of existing soft landscape features and would not be capable of delivering a landscape scheme that responds to the local character. In this respect the proposals are considered to fail to accord with the requirements of policies CP11 and NE15 of the Local Plan.

### Ecology

45. Policy CS12 of the Core Strategy requires development to take all available opportunities to enhance biodiversity. It also states that where development would result in harm to protected wildlife which cannot be mitigated, then it should be refused.

46. A number of ecological surveys have been carried out which have not identified the site as a habitat for any protected species. However, the development has the potential to provide a number of enhancement measures including the use of bird and bat tubes. As indicated above however opportunities for tree planting is limited, thus reducing the potential for habitats for nesting birdlife. Nevertheless some enhancement may be possible and officers have therefore concluded that in itself there are insufficient grounds to refuse planning permission on ecology and biodiversity grounds.

### Energy Efficiency

47. Policy HP11 of the SHP requires residential developments proposing greater

than 10 dwellings on a site to achieve at least 20% of its energy requirements from on-site renewable energy generation or utilise significant low carbon technology. The development proposes the use of flue-gas and waste-water heat recovery systems in all dwellings as well as the installation of solar hot water heating panels to the roofs of the flatted building. Together with a number of improved insulation measures the development would provide 21% of its energy needs on-site through renewable means which complies with the requirements of policy HP11. Furthermore, the development is also accompanied by a Natural Resource Impact Analysis (NRIA) with the development scoring an acceptable 7/11 to comply with the requirements of policy CP18 of the Local Plan.

### Noise

48. Policy CP21 of the Local Plan states that proposals for noise sensitive developments should have regard to existing sources of noise including from roads, railways and other forms of transport. The new flats are proposed to be sited very close to the A40 and would experience large volumes of passing traffic (both during the day and night time) accelerating up to dual carriageway speed having exited the Cutteslowe roundabout. As a consequence there is the potential for noise disturbance for future occupiers of the flats, particularly those that have the majority of their habitable rooms and windows facing onto the road.

49. No noise assessment has been submitted analysing the potential for disturbance to the flats and setting out, if necessary, appropriate mitigation measures. In the absence of any form of noise assessment being carried out, officers cannot conclude that the development would provide an acceptable standard of living for future occupiers in this regard. Consequently, and in this respect, the proposals are found to be contrary to the requirements of policy CP21 of the Local Plan.

### Public Art

50. Policy CP14 of the Local Plan requires developments of the size proposed to make provision towards public art. This should ideally be on site and secured by an appropriate planning condition or legal agreement. However, given the nature, location and layout of the proposed development, public art on the application site might not contribute significantly towards public amenity. Consequently, if committee was minded to resolve to grant planning permission for the proposals, officers would recommend that a financial contribution via a legal agreement be required instead. This would allow the City Council (working with the County Council) to provide the artwork in a more prominent and accessible public location, for example, as part of redevelopments to the public realm at the Cutteslowe roundabout.

### **Conclusion.**

51. As set out in this report, the proposals are found to be wholly unacceptable and contrary to a significant number of development plan policy requirements such that they do not represent sustainable development. For this reason Committee is recommended to refuse the application for the reasons set out at the beginning of this report. Notwithstanding officers' recommendation, if Committee resolves to grant planning permission, officers would recommend that the issuing of the decision notice be deferred to officers to allow the completion of legal agreements and the imposition of appropriate conditions.

### **Human Rights Act 1998**

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

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

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

**Background Papers:** 14/00429/FUL

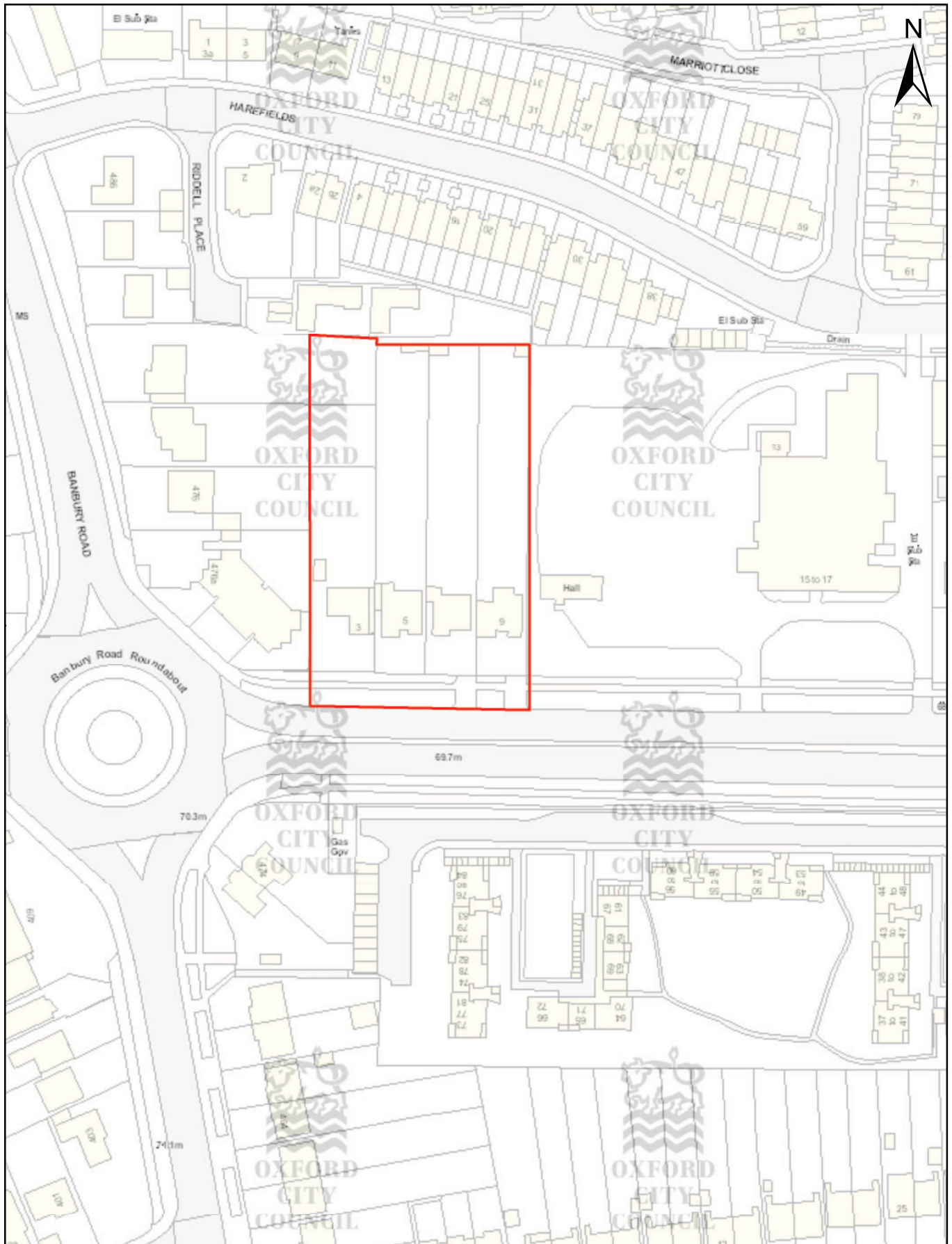
**Contact Officer:** Matthew Parry

**Extension:** 2160

**Date:** 12th June 2014

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# Appendix 1



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14/00429/FUL

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Date: 11/06/2014

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**West Area Planning Committee**

24th June 2014

**Application Numbers:** 14/01212/CT3 &  
14/01213/CT3

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

**Proposal:** 14/01212/CT3: Removal of flat roofs and erection of roofs with roof lights. Replacement of plastic cladding with grilles, new pentice roof at Avenue 2 and other works.

**Proposal:** 14/01213/CT3: Listed Building Consent for removal of flat roofs and erection of roofs with roof lights. Replacement of plastic cladding with grilles, new pentice roof at Avenue 2 and other works.

**Agent:** Mr Andrew Coles

**Applicant:** Oxford City Council

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**Recommendations:**

(i) 14/1212/CT3: Grant Planning permission

(ii) 14/1213/CT3: Raise no objection

For the following reasons:

- 1 The City Council has given considerable weight and importance to the desirability of preserving or enhancing the designated heritage asset. 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 The Council 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 and including conditions below:

14/1212/CT3:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Archaeology: Implementation of programme

#### 14/1213/CT3:

- 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 Further works - fabric of LB - fire regulations
- 6 Repair of damage after works
- 7 Materials - samples

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

##### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

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

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

**HE2** - Archaeology

**HE3** - Listed Buildings and Their Setting

**HE5** - Fire Safety in Listed Buildings

**HE7** - Conservation Areas

#### **Core Strategy**

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

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

- National Planning Policy Framework
- Planning Policy Guidance
- The application site falls within the Central Conservation Area.
- The development affects a Grade II Listed Building.

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

13/03226/CT3: Alterations involving removal of panels and replacement with glazing at units 131-141, Avenue 4. Approved

13/02533/CT3: Listed Building Consent for removal of panels and replacement with glazing at units 131-141, Avenue 4. Approved

#### **Representations Received:**

Public consultation period ends on 24<sup>th</sup> June. At the time of writing no comments have been received. Any comments received will be reported verbally to Committee.

#### **Statutory Consultees:**

English Heritage Commission: No comments have been received at the time of writing.

#### **Sustainability:**

Helps continued use of Listed Building in its original use and provides roof lights that would increase natural light, thus reducing the need for artificial lighting.

### **Determining Issues:**

- Impact on the Listed Building and Conservation Area;
- Impact on potential archaeology.

### **Site Description and Background:**

1. The Covered Market was originally built from 1772-4 to designs of John Gwynn, who designed Magdalen Bridge. The market was a fresh produce market, to replace market stalls previously set in the street, to make conditions more hygienic. The market was opened in 1774 and was a success from the start. The new market building was partially funded by the sale of premises fronting the High Street, which were built to designs by John Gwynn. The stone buildings facing the High Street form a grand classical elevation. Most of the market was rebuilt and enlarged in 1834-40 by Thomas Wyatt the younger and later in the 19thC, additional roofs and avenues were built. In the 1880s and 1890s, extensive reconstruction was undertaken.
2. In the second half of the 19thC, the open areas were roofed over, a new avenue built and Gwynn's market was demolished. 11 – 12 High Street were purchased in 1875 and a new avenue was built in 1881 to designs by Frederick Codd and Mr Gardiner. The roofs of the avenues were reconstructed from 1884 onwards, to designs by E G Bruton and the southern section of avenue 3 was reconstructed in 1894. Since then the market building has remained mostly unaltered.
3. Whereas the High Street buildings are faced with ashlar to the front and rear, the market itself is constructed of timber and cast iron framework supporting the high roof structure.
4. The Covered Market has architectural interest for its lofty arcades of several phases of building and its shop fronts that are characteristic of the market's function. It has historic interest as evidence of the evolution of the contemporary sensibilities towards public health and helps understanding of the commercial development of Oxford.
5. The approach to avenue 2 is by a corridor that passes underneath the High Street building, which has shops to the ground floor. The lighting level is rather low. The area subject to the proposal is a transitional one between the High St and market buildings, having a modern slatted timber ceilinged roof with a polycarbonate roof light; there is an un-roofed gap, between that roof and the market building. There is vertical corrugated plastic sheeting over the timber archway leading to the market, which obscures part of the heritage asset and is unsightly.
6. Avenue 3 is similar to avenue 2 and has a low mono-pitch slated roof with slatted ceiling and polycarbonate roof light to the main market. A lean-to roof obscures the arch-headed opening to the market building itself and above this is a historic pentice roof with modern corrugated sheet cladding.
7. There are security and hygiene concerns arising from un-roofed areas. The modern roofs and plastic sheeting are now in need of replacement and detract

from the significance and attractiveness of the heritage assets.

**Proposed Development:**

8. These comprise the following works. To avenue 2, the existing roof would be replaced with a new, larger flat roof structure with a central hipped glass roof light with perimeter gutter; reinstatement of a mono-pitched slated roof, with toughened glass to the void. The plastic sheeting would be replaced with a grille to the arch-headed opening. The pentice roof would be reinstated, using the one at avenue 3 as the model. There is carpentry evidence that avenue 2 resembled avenue 3 and that a pentice roof was previously present at avenue 2. The new pentice roof would be of timber with curved bracing beams, joists and match-boarding to underside.

9. To avenue 3, the existing roof would be replaced with a new, larger flat roof with central hipped glass roof light and perimeter gutter. Toughened glass would cover the void and a grille would be fixed to the arch-headed opening. The pentice roof would be re-covered with slate. The lighting would be soft fill lighting around the perimeters.

10. There are various services including down pipes, foul drainage runs, guttering and electrical containments which would have to be investigated and incorporated if necessary. Redundant services, cables and pipework, left there over the years, would be removed.

**Officer's Assessment:**

11. The proposals would result in an improvement with the removal of unsightly modern ceilings, plastic corrugated sheets and other interventions that detract from the attractiveness of the heritage assets. The proposed modern roof design has been designed to maximise the use of natural light and is considered to be a modern intervention that reads differently from the heritage assets.

12. The heritage fabric would be enhanced and the spaces rationalised. The historic pentice roof would be reinstated to avenue 3, based on evidence. The utilitarian structures would be replaced with more attractive structures of higher quality materials including historically correct slate. The areas concerned are not visible from the High Street as they are set back several metres.

13. The removal of redundant services and unsightly clutter would result in an improvement. The down lights would be removed and replaced with LED fittings that would require less frequent change.

14. Security would be improved. Hygiene would be improved as pigeons would no longer be able to enter.

15. Regarding archaeology, the site is of interest because of the potential for Late Saxon, medieval and post-medieval activity in this location. The site lies within the extent of the Late Saxon burh and medieval tenements associated with Pury Hall and University College. Investigations in 2009 during emergency repairs to a sewer in Market Street opposite the application site revealed in-situ street

surfaces of likely medieval date (UAD Event No 1759). The Heritage Statement states that opening up works may be necessary during detailed design to establish structural capability, drainage routes or other service runs in the vicinity. As there may be an archaeological implication, an archaeology condition is recommended.

### **Impact on the Listed Building and Conservation Area:**

16. Local planning authorities have a duty to have special regard to the preservation or enhancement of designated heritage assets, (e.g. listed buildings, conservation areas and archaeology). In the NPPF the government has reaffirmed its commitment to the historic environment and its heritage assets which should be conserved and enjoyed for the quality of life they bring to this and future generations. It states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification', measured in terms of the public benefits to be delivered through the proposal.

17. 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.

18. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that respects 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 CP8 and CP10 suggest that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.

19. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.

### **Conclusion:**

20. It is considered that the proposal would accord with the special character, setting and features of special architectural or historic interest of the listed building and the special character and appearance of the conservation area, in accordance with the policies of the development plan and with national policy.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation 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**

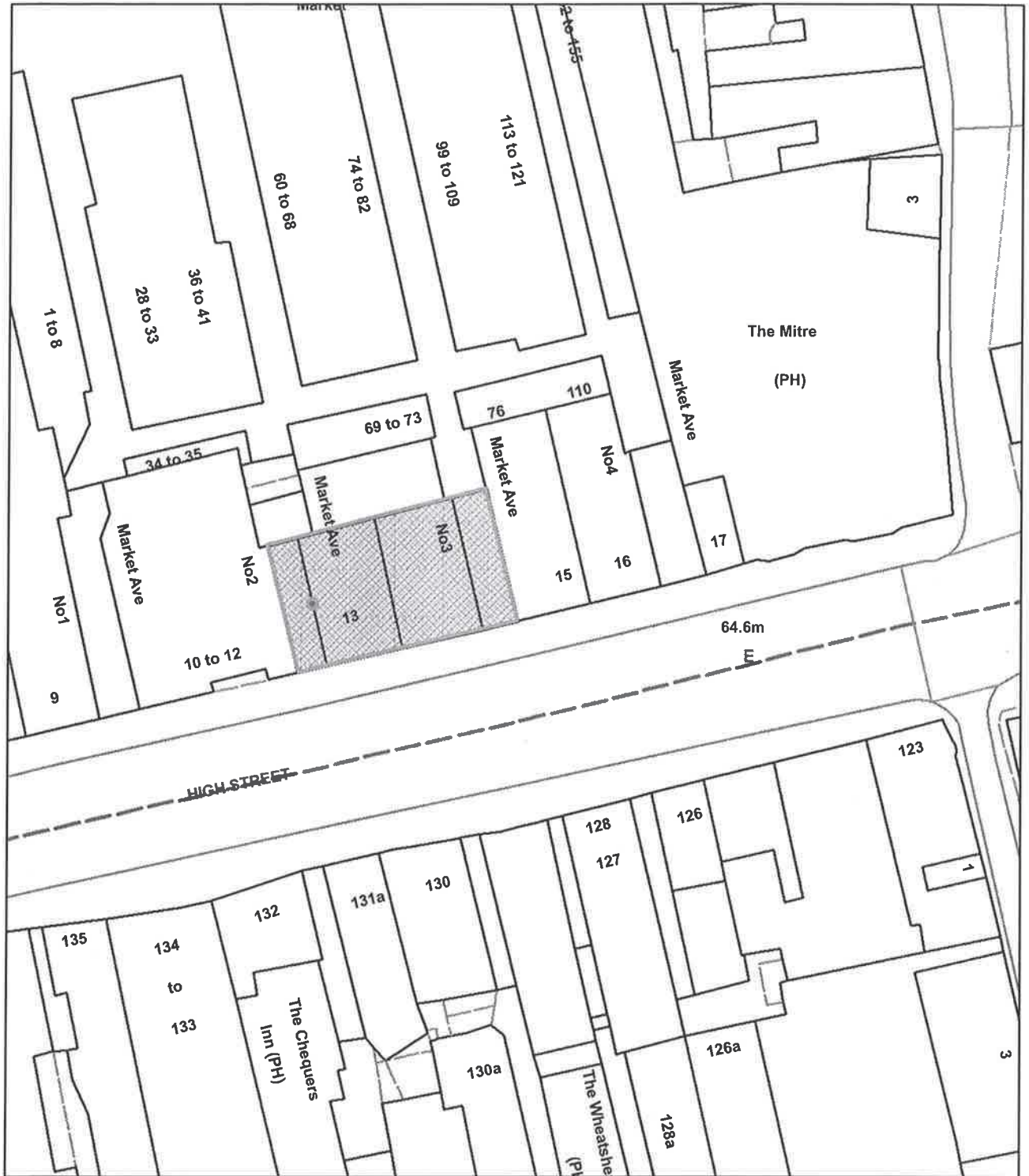
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the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

**Background Papers:** 14/01212/CT3 & 14/01213/LBC;  
PPS5 Practice Guide;  
Heritage Assessment of Covered Market, June 2013, Oxford City Council.

**Contact Officers:** Felicity Byrne & Katharine Owen  
**Extension:** 2159  
**Date:** 13th June 2014

# Appendix 1

## Avenues 2 & 3 Covered Market



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Oxford City Council

City Development

Scale: 1:454 (printed to A4)





**West Area Planning Committee**

24th June 2014

**Application Number:** 14/00763/CT3

**Decision Due by:** 14th May 2014

**Proposal:** Erection of a single storey front extension and insertion of timber doors to side elevation.

**Site Address:** Public Conveniences, Speedwell Street, **Appendix 1.**

**Ward:** Carfax Ward

**Agent:** N/A

**Applicant:** Oxford City Council

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed alterations to the Public Convenience building are considered to be acceptable in terms of the impact on the street scene and the character and appearance of the Central Conservation Area. The proposal therefore complies with the policies of the Oxford Local Plan 2001-2016, and the Core Strategy.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as approved, brickwork to match the existing,, metal sheet faced timber doors painted Oxford Blue, BDC3965/07,

## **Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**  
**CP1 - Development Proposals**

**CP6** - Efficient Use of Land & Density  
**CP10** - Siting Development to Meet Functional Needs  
**HE7** - Conservation Areas

**Core Strategy**

**CS18**\_ - Urban design, town character, historic environment  
**CS19** –Community Safety

**Other Material Considerations:**

- National Planning Policy Framework
- Application site lies within the Central Conservation Area.

**Relevant Site History:**

83/00471/GFH - Erection of public conveniences. DMD 1st September 1983.  
86/00897/NFH - Information dispenser. PER 23rd October 1986.

**Representations Received:**

None

**Statutory Consultees:**

None

**Determining Issue:**

Impact on the Character and Appearance of the Conservation Area

**Officers Assessment:**

The Site and Proposal

1. The application is seeking permission to reconfigure the existing facilities within the public conveniences building in Speedwell Street. The building is situated at the rear of the Crown Court Building, opposite Oxfordshire County Council Offices, on the corner with Cromwell Street, opposite to the Telephone Exchange building.
2. The application is seeking to reconfigure the building to create a store/service area with new toilet cubicles and a other and Baby facility. The external alterations proposed are to infill the existing canopy, brick up doors on the side elevations and inset a new door on the Cromwell Street elevation. It is proposed to use bricks to match the existing, and timber doors with metal sheets, painted Oxford Blue.

Impact on the Character and Appearance of the Conservation Area

3. Policy HE7 of the Oxford Local Plan states that development will only be permitted which preserves or enhances the character and

appearance of the conservation area or their setting. Policy CS18 of the Core Strategy required development to respond appropriately to the site and its surroundings.

4. The proposed alterations to the building will all take place within the footprint of the existing building. The proposed reconfiguration of the doorways and incorporation of the canopy into the building will have a minimal impact on the street scene. The building itself is set back from the pavement by a grassed area. Overall therefore the proposal is of modest extent which is assessed as neutral in its impact on the conservation area, and would not harm its character or appearance as this part of Speedwell Street is characterised by public buildings of post war design of little architectural or historic merit. The proposals therefore comply with policies HE7 and CS18.

### Crime Prevention

5. Policy CS19 of the Core Strategy expects development to reduce the opportunity for crime and the fear of crime. The proposed reconfiguration of the building will enable toilet cubicles to be directly accessed from the street. This means that there will be no communal facilities inside the building, which can be intimidating for individual who are on their own to use. The proposed alterations will therefore reduce the opportunity for crime and the fear of crime, in accordance with policy CS19.

**Conclusion:** Approve

### **Human Rights Act 1998**

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

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

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

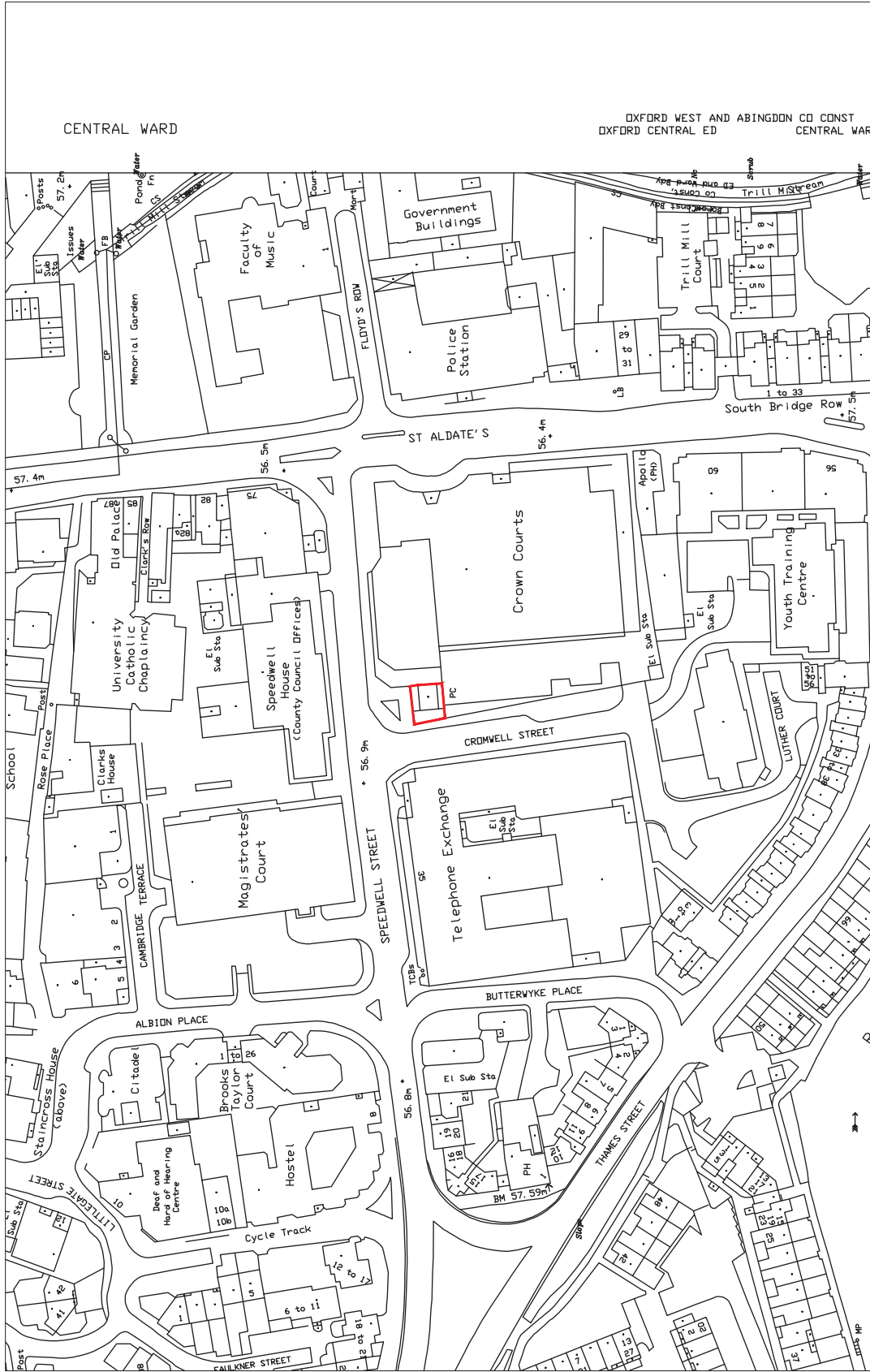
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve officers consider that the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

**Background Papers:**

**Contact Officer:** Sian Cutts

**Extension:**

**Date:** 13th June 2014



CENTRAL WARD

OXFORD WEST AND ABINGDON CO CONST  
OXFORD CENTRAL ED CENTRAL WAR

REV	DISCRIPTION	DATE	DRAWN BY
	DRAWING NUMBER/SHEET NUMBER <b>BDC3965/08</b>		
	SCALE 1/1250 @ A3		
	DRAWING STATUS .....		
	FILE PATH M:\Build\Environment\Process\BDC Files\Project Files\Current		
	PROJECT TITLE Speedwell Street Public Toilets, Oxford OX1 1ST		
	DRAWING TITLE		
	DRAWN BY S J V		
	CHECKED BY		
	APPROVED BY		
	DATE		
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**West Area Planning Committee**

- 24<sup>th</sup> June 2014

**Application Number:** 14/00953/VAR

**Decision Due by:** 30th May 2014

**Proposal:** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 13/02966/VAR (Variation of condition 2 (Develop in accordance with approved plans) of planning permission 12/00565/FUL (Proposed single and two storey side extension) to allow increase the size of a kitchen and insertion of two louvres to form basement. (Retrospective)

**Site Address:** St. Andrews Church Linton Road, **Appendix 1.**

**Ward:** St Margarets Ward

**Agent:** Mr Charles Darby

**Applicant:** Mr Alistair Booth

Called-in by former Councillor Jim Campbell because the basement had already been excavated causing disruption to local residents from the construction work.

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**Recommendation:** West Area Planning Committee is recommended to approve the application for the following reasons and subject to and including conditions listed below.

Reasons:

- 1 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area and 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 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.

Conditions:

- 1 Development begun within time limit

- 2 In accordance with approved plans
- 3 Materials
- 4 Landscape plan required
- 5 Landscape carry out after completion
- 6 Landscape underground services - tree roots
- 7 Tree Protection Plan (TPP) 1
- 8 Construction Travel Plan
- 9 SUDS
- 10 Glazing on southern elevation
- 11 Cycle Parking facilities
- 12 Details of buggy store
- 13 Sustainability design/construction
- 14 Boundary details before commencement
- 15 Details photovoltaics
- 16 Architectural recording
- 17 Mortar
- 18 Stability of heritage fabric
- 19 Details of bin store
- 20 Details of cooking scheme etc.
- 21 Noise restriction

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

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

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

#### **Core Strategy**

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

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

1. National Planning Policy Framework (NPPF).
2. This application site falls within the North Oxford Victorian Suburb Conservation Area.

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

- 85/00305/FUL: Extension to west elevation. Refused and allowed on appeal.
- 85/00758/FUL: Extension to west elevation. Revised scheme. Refused.
- 06/02548/FUL: Erection of temporary community building for 2 year period. Approved
- 09/00499/FUL: Continued siting of temporary building for further 18 months. Approved
- 10/02650/FUL: Continued retention of temporary building until December 2013. Approved.
- 12/00565/FUL - Proposed single and two storey side extension. Approved.



- 2nd May 2012.
- 12/00566/CAC - Removal of existing temporary building and partial demolition of existing office lean-to and rear porch. Approved. 2nd May 2012.
- 13/02966/VAR - Variation of condition 2 (Develop in accordance with approved plans) of planning permission 12/00565/FUL (Proposed single and two storey side extension) to allow increase the size of a kitchen and insertion of two louvres. Approved 18<sup>th</sup> December 2013 and development commenced.

### **Representations Received:**

Object:

- There is not enough information to assess depth of basement, impact on soil, stability, drainage;
- To the way in which the correct procedures have not been followed (multiple variation applications)
- Other changes are proposed e.g. positioning of WCs, the size and layout of the kitchen and an expanded and raised area of decking outside.

*Note:*

*Some comments received do not relate to this application but to noise and disturbance resulting from the construction of the approved development and to issues arising from conditions compliance (e.g. overlooking). Similarly issues raised regarding notification of previous applications. These are being or have been dealt with by Officers directly with the Applicant, Agent and construction company (Beard).*

### **Statutory Consultees:**

**None**

### **Officers Assessment:**

### **Background and Proposed Development:**

1. Planning permission for the extension to the Church was originally granted in May 2012 (12/00565/FUL refers). A variation application was subsequently submitted and approved in December 2013 to increase the size of the extension by 1.2m, relocate the bin store and insert 2 new louvres in the southern elevation as a result of a re-design of the new kitchen (13/02966/VAR refers).
2. This current application for a basement has come about due to concerns raised by a neighbour during the construction process. The applicant believed that permission had been given to put in a new basement, as it was shown dotted on the proposed ground floor plans and elevations. However, the basement was not stated in the description of proposed development and no basement floor plans were submitted. This application is therefore submitted to regularise the position.
3. The principle of the development has already been approved, as has the overall character and appearance of the extension under the previous planning approvals referred to above. Indeed the construction is progressing at a pace; the steel structure is in place and the first floor put in. It is therefore

only necessary to consider the material change proposed, i.e. the addition of a basement.

4. Officers consider the main issues to be:
  - Design and Impact on the Conservation Area
  - Residential Amenities

#### **Design and Impact on the Conservation Area:**

5. The new basement has already been excavated and the steel structure erected above it. The basement sits wholly within the approved footprint, to a depth of 3m below internal finished ground floor level and amounting to 29m<sup>2</sup> in area, sitting directly underneath the crèche in the eastern end of the new extension. It will be used for storage. The existing curved steps around the Vestry down to the existing basement (beneath the Vestry) have been extended so that they lead down and underneath the steps and flat paved area outside the ground floor entrance doors. The soil level is being lowered around the extension at this point by approximately 1m, as already approved under the original approval 12/00565/FUL and subsequent variation 13/02966/VAR.
6. It is noted that these entrance doors have been brought forward by approximately 35cm and the flat paved area outside enlarged slightly and main steps down extended by two steps. These alterations were also approved under the previous approved 13/02966/VAR.
7. It is considered that the basement would not be visible and changes to the design would not have any harmful impact on the character and appearance of the existing Church, approved extension or the conservation area in accordance with Policies CP1, CP8, CP9, CP10 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy and the NPPF.

#### **Residential Amenities:**

8. The basement, being wholly within the approved footprint, does not have any material impact on neighbouring residential properties in terms of visual impact, overbearing nature, loss of light or nuisance. It is 3m to the boundary and would not affect the boundary wall.
9. Again it should be noted that lowering of ground levels and tree removals around the extension at this point, are approved under 12/00565/FUL and subsequent variation 13/02966/VAR.
10. The basement is therefore in accordance with Policy CP1 and CP10 of the Oxford Local Plan.

#### **Other:**

11. In respect of archaeology, trial trenching was done as part of the previous

approval(s). Nothing of significance was found. No objection has therefore been raised in respect of archaeology.

**Conclusion:**

12. Whilst the basement has already been implemented, Officers consider that there is no harm to the Conservation Area or adjoining residential amenities and therefore approval of planning permission is recommended.

**Human Rights Act 1998**

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

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

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

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

**Background Papers:** 14/00953/VAR

**Contact Officer:** Felicity Byrne

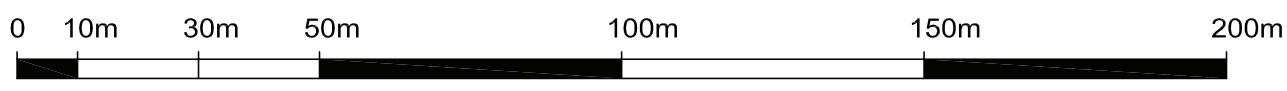
**Extension:** 2159

**Date:** 10th June 2014

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SCALE

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PROJECT TITLE  
**St Andrews Church**  
DRAWING TITLE  
**Site Location Plan**  
SCALE DATE DRAWN/CHKD  
1:1250 Feb 12 PC/PC

DRAWING No.  
0419-P-1000  
Rev.  
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**WEST AREA PLANNING COMMITTEE**

24th June 2014

**Application Number:** 14/00651/FUL

**Decision Due by:** 2nd May 2014

**Proposal:** Conversion of existing building to form 6 x 1 bedroom flats (Use Class C3).

**Site Address:** 46 Hythe Bridge Street **Appendix 1**

**Ward:** Jericho And Osney Ward

**Agent:** Neil Warner

**Applicant:** RHHS Repository Ltd

---

## **Recommendation:**

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The flats proposed fail to provide an acceptable internal living environment in that they do not meet the Lifetime Homes standard and no evidence has been adduced to justify a departure from that standard. The scheme therefore fails to meet the requirements of Policy HP2 of the adopted Sites and Housing Plan 2011-2026.
- 2 The scheme fails to provide flats 2 and 3 with adequate daylight, outlook and privacy due to their orientation, position within the block, and the proximity of cycle parking. The scheme therefore fails to meet the requirements of Policies HP12 and HP14 of the adopted Sites and Housing Plan 2011-2026.
- 3 The location and design of the bin store will detract from the external appearance of the building, the street scene and the conservation area. Moreover it will not provide safe, discrete or convenient refuse storage for residents of the development and will interfere with the functioning of the local area. The proposal therefore fails to comply with Policy HP13 of the adopted Sites and Housing Plan 2011-2026.
- 4 By failing to provide an Energy Statement with the application, the proposal fails to demonstrate how the scheme will assist in moving towards a low carbon future. The scheme therefore fails to meet the requirements of Policy CS9 of the adopted Core Strategy 2026, and Policy HP11 of the adopted Sites and Housing Plan 2011-2026.
- 5 A contribution towards affordable housing elsewhere in Oxford is not proposed as part of the application, nor has a financial viability study been

submitted to demonstrate why this policy should be set aside in this case contrary to Policy CS24 of the adopted Core Strategy 2026 or Policy HP4 of the adopted Sites and Housing Plan 2011-2026.

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

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

**CP1** - Development Proposals  
**CP6** - Efficient Use of Land & Density  
**CP8** - Design Development to Relate to its Context  
**CP10** - Siting Development to Meet Functional Needs  
**TR13** - Controlled Parking Zones  
**HE7** - Conservation Areas

#### **Core Strategy**

**CS9\_** - Energy and natural resources  
**CS10\_** - Waste and recycling  
**CS11\_** - Flooding  
**CS18\_** - Urban design, town character, historic environment  
**CS22\_** - Level of housing growth  
**CS23\_** - Mix of housing  
**CS24\_** - Affordable housing  
**HP14\_** - Privacy and Daylight

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

**HP2\_** - Accessible and Adaptable Homes  
**HP4\_** - Affordable Homes from Small Housing Sites  
**HP9\_** - Design, Character and Context  
**HP11\_** - Low Carbon Homes  
**HP12\_** - Indoor Space  
**HP13\_** - Outdoor Space  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

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

National Planning Policy Framework  
This application is in or affecting the Central Conservation Area.

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

00/00125/NFH - Retention of multiple-occupation: 11 study bedrooms with shared facilities (Amended plans). PERMITTED 3rd November 2003.

09/01931/FUL - Erection of 4 storey building to form 9 x 1 bedroom flats.. REFUSED 22nd October 2009.



09/01932/CAC - Application for conservation area consent for demolition of the existing buildings.. REFUSED 22nd October 2009.

10/01783/FUL - Conversion and extension of existing building (involving demolition of extension and outbuilding) to provide 7 x 1-bedroom flats, cycle parking, bin store and amenity space to serve 2-bedroom flat (amended plan).. PERMITTED 17th November 2010.

10/01784/CAC - Demolition of outbuilding.. PERMITTED 17th November 2010.

12/03214/FUL - Change of use from HMO (Sui Generis) to use for purposes falling within Use Class C1 or as a hostel (Sui Generis).. PERMITTED 12th February 2013.

13/00606/CAC - Demolition of outbuilding.. PERMITTED 3rd May 2013.

13/01835/CPU - Application to certify whether planning permission 10/01783/FUL has been lawfully implemented.. PERMITTED 6th September 2013.

### **Representations Received:**

43 Hythe Bridge Street - Effect on existing community facilities, traffic and on-street parking. Insufficient parking spaces available on this street and this scheme will add to that pressure.

### **Statutory Consultees:**

Highways Authority – no objection subject to exclusion from the CPZ

### **Issues:**

Principle  
Balance of dwellings  
Internal and external residential amenities  
Design  
Impact on neighbouring properties  
Flooding  
Highways  
Affordable Housing and the fallback position

### **Officers Assessment:**

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

1. The application site is located at the junction of Hythe Bridge Street and Upper Fisher Row on the north-west side of the bridge near the termination of the Oxford Canal where a weir drains to the Castle Mill Stream. The principal building currently occupying the application site is a three storey, red brick building which has stone detailing and a slate roof. It marks the end of a terrace of four, virtually identical town houses. The building is partly boarded

up but has, until recently, been used as an HMO providing 11 bed sitting rooms. There is also a coach house building that is considerably smaller and fronts onto Upper Fisher Row.

2. The site lies within the Central City and University Conservation Area but is outside the boundary of the West End Area Action Plan.

### **Proposal**

3. RHHS Repository Ltd has applied to convert 46 Hythe Bridge Street into 6 self-contained 1-bed flats.
4. Secure but not covered cycle parking for 6 cycles is proposed within the building courtyard. Communal waste disposal units are provided in a store located within the outer wall of the building, with doors facing out and opening out onto the pavement fronting Fisher Row. No on-site parking is proposed.

### **Principle of the Development**

5. The National Planning Policy Framework (NPPF) aims to boost the supply of market and affordable housing, encourages the re-use of previously developed land for development. It specifically points to the need to bring into residential use appropriate empty housing and buildings.
6. Policies CS2 and CS22 of the adopted Oxford Core Strategy 2026, conform to NPPF guidance in recognising the high level of need for market and affordable housing in Oxford and the role of previously developed land in meeting those needs. The conversion of this building into self-contained residential units accords with those policies and is acceptable in principle.

### **Balance of Dwellings**

7. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected range of future household needs. The Balance of Dwellings Supplementary Planning Document (BODS) sets out the appropriate housing mix for each Neighbourhood Area within the City. The application site is located within the City Centre wherein higher densities are acceptable and there is no prescribed mix for schemes of 1 - 9 dwellings. The scheme therefore meets the requirements of BODS.

### **Internal Residential Amenity**

8. The NPPF requires that local authorities seek a good standard of amenity for all existing and future occupants of land and buildings.
9. The SHP contains a number of policies to achieve this. Policy HP2 of the SHP requires that all new dwellings meet the Lifetime Homes standard and, on sites of 4 or more dwellings, that at least 5% are either fully wheelchair-accessible or easily adaptable for wheelchair use (in this case 1 dwelling

would be expected to be wheelchair adaptable). Policy HP12 of the SHP requires that any new dwelling should provide adequate internal living space (more than 39m<sup>2</sup> for 1-bed flats) and good quality internal living conditions.

10. None of the units appear to meet the Lifetime Homes standard, and none is specified as being wheel chair accessible or easily adaptable. Whilst the supporting text to Policy HP2 recognises the need to take into account genuine practical considerations, no information has been supplied in the application to justify why the requirement is not met.
11. 5 of the 6 flats exceed 39m<sup>2</sup> in floor area, and Flat 4 extends to 39m<sup>2</sup>. In terms of floor area therefore the scheme meets policy requirements.
12. In terms of acceptable internal residential amenity however, Flat 3 falls short of the standard expected in the SHP even though it extends to 47m<sup>2</sup>. The main living area is at ground floor lit only by 5 small high level windows facing north into the small courtyard. These windows have very limited outlook, if any at all. Communal cycle parking for all the flats is proposed hard up against that wall significantly reducing the amenity of the windows and the privacy of the flat. The kitchen and bathroom to this flat are at lower ground floor level with no natural light or ventilation available to them because they are surrounded and enclosed by the upper storeys. The window to the living/kitchen area to Flat 2 also faces into the courtyard and the cycle parking is located hard up against the window thereby destroying its outlook and privacy. Flats 1, 4, 5 and 6 appear to provide accommodation with a reasonable degree of natural light and internal residential amenity.
13. The application is therefore recommended for refusal in part on the basis of shortcomings in the internal residential amenities of the dwellings: the lack of justification for non-compliance with the Lifetime Homes Standard contrary to Policy HP2 of the SHP; and the unacceptable level of internal residential amenity of Flats 2 and 3 contrary to Policy HP12 of the SHP.

### **External Residential Amenities**

14. Policy HP13 of the SHP requires that all new dwellings have direct and convenient access to an area of private open space of acceptable amenity. Covered, secure cycle (Policy HP15) and bin stores are required in addition to a private garden area.
15. The scheme provides no private external amenity space. The only communal open space would be the courtyard area which is largely taken up by cycle parking.
16. The site lies within the city centre with easy access to all of its facilities. The proposed flats are one bedroom units which would not be suitable for families with children. Given the constraints of the site therefore, and the desire to renovate the building and improve its appearance in the street, officers consider that the provision of small flats without private amenity space at a city centre site can be accepted in this case.

## **Design and Appearance**

17. The NPPF requires that local authorities seek high quality design in all new developments. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan together with Policy CS18 of the Core Strategy and Policy HP9 of the Sites and Housing Plan require that development proposals incorporate high standards of design and respect local character. Policy HP13 of the adopted Sites and Housing Plan requires the provision of safe, discrete and conveniently accessible storage for refuse and recycling.
18. The development involves minimal interference with the existing building fabric and in general terms does not harm the character or quality of the area.
19. The incorporation of bin stores to the north-east wall however requires the creation of a new 3.5m wide opening in that wall and the incorporation of doors opening onto the street over the footway. Such doors would be unacceptable to the local highway authority which has requested roller shutters instead. The location and functioning of this bin store (needing access from the street) and the use of roller shutters would however be harmful to the external appearance of the building and detract from the character of the street scene and conservation area. The store would detract from the way the area functions and would not be safe, discrete and conveniently accessible for residents. Whilst there may be other arrangements possible in a revised proposal, as currently submitted the application fails to comply with Policy CS18 of the adopted Core Strategy 2026 and Policies HP9 and HP13 of the adopted Sites and Housing Plan 2011-2026.

## **Impact on adjacent properties**

20. Policy HP14 seeks to preserve the residential amenities of properties adjoining new development. Given that the proposal is for conversion only of the existing building, and no windows are proposed which would affect neighbours, there will be no change to the impact on adjacent properties.

## **Flooding**

21. Policy CS11 of the adopted Core Strategy states that planning permission will not normally be given for development within the functional flood zone.
22. The site lies within a functional flood zone and so a Flood Risk Assessment dated 5<sup>th</sup> March 2014 has been submitted with the application. This concludes that:
  - a. the floodwater flow and flood storage capability of the area will be improved by the removal of a solid wall and gate and installation of a new metal gate and fencing along the lower east side of the site;
  - b. the removal from the site of an existing half-basement level residential unit means that the number of people at risk from flooding is reduced;

- c. in time of extreme flood it will be possible to install a raised walkway to nearby higher ground in Upper Fisher Row;
  - d. each of the ground floor flats has first floor bedrooms which can act as a refuge in times of serious flood; and,
  - e. sustainable drainage techniques are proposed which will improve infiltration and attenuation and lessen runoff from the site.
23. The scheme therefore provides some mitigation against the effects of flooding and goes some way to improving general conditions. As such there are no grounds to oppose the development on grounds of flood risk.

### **Highway Matters**

24. Although a neighbour has objected to this scheme on the grounds of lack of parking and traffic impact, the Local Highway Authority has raised no objection subject to the exclusion of the dwellings from eligibility for residential and visitor parking permits. This approach is supported.
25. Given that the scheme is a change from housing in multiple occupation to self-contained flats; its very central location; and that this is an historic building which it is desirable to retain, the reduced level of cycle parking is also considered to be acceptable (6 are proposed where 12 would be required under Policy HP15 of the Sites and Housing Plan).

### **Sustainability**

26. The NPPF gives a definition of sustainable development part of which is the environmental role which development plays in using natural resources prudently, minimising waste and pollution, adapting to climate change and moving to a low carbon economy. A core planning principle of the NPPF is to support the transition to a low carbon future. The Council's Core Strategy Policy CS9, Sites and Housing Plan Policy HP11, and Local Plan Policies CP17 and CP18 reflect the requirements of the NPPF in this regard. Specifically, Policy HP 11 of the Sites and Housing Plan requires that an energy statement is submitted to accompany each planning application.
27. The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal would constitute a sustainable form of development that would make more efficient use of an existing residential site. Re-use of an existing building is inherently a sustainable approach.
28. Nevertheless an energy statement has not been submitted, and no justification provided for not doing so. The absence of wither must therefore represent justification to withhold planning permission.

### **Affordable Housing and the Fallback Position**

29. Policy CS24 of the Core Strategy and Policy HP4 of the Sites and Housing Plan (SHP) recognise that the provision of affordable homes is a key priority

for the Council and set out the particular requirements for contributions to affordable housing in relation to development proposals. Policy HP4 stipulates that development sites with a capacity for 4 to 9 dwellings must provide a financial contribution towards delivering affordable housing elsewhere in Oxford based on 15% of the total sale value of the development, unless it can be demonstrated robustly that such a contribution would make the development unviable.

30. An affordable housing contribution is not offered as part of this application nor is a viability appraisal submitted to justify why such an offer is not made. The applicant instead refers back to the still 'live' 2010 approval for 7 units on this site in connection with which an affordable housing contribution was not sought. The applicant asserts that the current proposal is preferable in terms of residential amenity, impact on neighbours, and lesser interference with the historic fabric of the building. It is argued that in these circumstances, and given that it is desirable to retain this building for its contribution to the historic character of the area, it would not be reasonable for the Council to require an affordable housing contribution in relation to the current scheme.
31. The current application has to be determined in line with current adopted policy however, and an affordable housing contribution in line with Policy HP4 is therefore required. The reasons for rejecting the applicants' arguments that such a requirement would be unreasonable in relation to the 'fall-back' scheme are as follows.
32. The SHP (adopted February 2013) and Policy HP4 were not in existence at the time of the previous approval in 2010: their requirements as to affordable housing contributions and the higher standards of internal and external residential amenity now sought were not part of the consideration and determination of the extant scheme.
33. The only improvement to residential amenity in the current scheme over the approved scheme is in terms of the floor space of the units. The extant scheme proposed 1 large unit and 6 small units: too small if judged against the now adopted SHP but acceptable in terms of policy current at the time. The units in the extant scheme were however all adequately lit by windows fronting onto Hythe Bridge Street and Upper Fisher Row unlike the current proposal which has serious shortcomings in terms of light, outlook and privacy to the windows to flats 2 and 3. In the view of officers therefore there is insufficient overall improvement to the quality of the development in terms of residential amenity when compared to the fall-back scheme to justify setting aside Policy HP4. Indeed the current application has shortcomings in terms of residential amenity which form part of the recommended reasons for refusal.
34. The current application is neutral in its neighbour impacts when compared to the previous one which demolished some existing built elements and built further away from neighbouring properties therefore improving the open aspect and amenity of their small north facing rear gardens. In contrast the current proposal retains all the existing buildings and the impacts on neighbours are unchanged.

35. It is a positive consideration that the current application requires less interference with the existing historic fabric (but the location and functioning of the bin store is unacceptable). If in requiring less interference with the historic fabric however a scheme is created of lesser residential amenity and with no improvement to neighbour impact, then that consideration too is insufficient to justify setting aside HP4. The fall-back scheme was judged to be acceptable in terms of its impact on the historic fabric.
36. A viability appraisal has not been submitted to justify why an affordable housing contribution is not being offered.
37. Refusal of this scheme judged against current adopted policy will not frustrate the retention and economic use of this building as there is an extant permission which has 'started' and can continue to be implemented. No evidence has been submitted to demonstrate that it cannot be implemented.
38. In conclusion, the current application is not regarded as either acceptable or sufficiently superior to the extant 'fall-back' scheme to justify setting aside Policy HP4 of the SHP; and the application is therefore recommended for refusal in part on the basis of the lack of an affordable housing contribution contrary to Policy HP4 of the SHP.

## **Conclusion**

39. The application site has remained unoccupied and boarded up for several years despite the presence of an extant planning permission. Officers would wish to see the property brought back into active residential use, but find that they cannot support these latest proposals which display a poor standard of accommodation and fail to meet policy requirements or justify a departure from them. Officers therefore feel constrained to recommend refusal of planning permission.

### **Human Rights Act 1998**

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

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

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

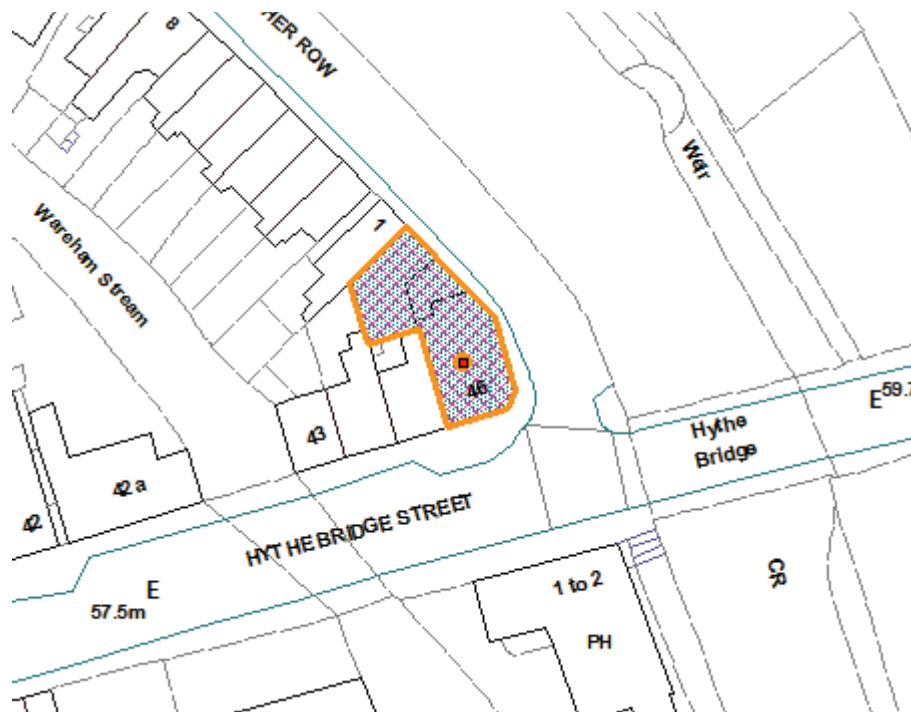
## **Background Papers: 14/00651/FUL**

**Contact Officer:** Fiona Bartholomew  
**Extension:** 2774  
**Date:** 10th June 2014



# Appendix 1

14/00651/FUL - 46 Hythe Bridge Street



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Ordnance Survey 100019348



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**WEST AREA PLANNING COMMITTEE**

24th June 2014

**Application Number:** 14/01054/FUL

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

**Proposal:** Erection of a part single, part two storey rear extension

**Site Address:** 40 Marston Street, **Appendix 1**

**Ward:** St Marys Ward

**Agent:** Mr Marc Chenery

**Applicant:** Mr M Arshad

**Application Called in:** Called in by Councillor Van Nooijen

For the Following Reasons:- To address issues of overdevelopment, inappropriate development and likely usage of the premises.

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extensions are considered to be of an appropriate design and in keeping with surrounding properties. The proposed extension has been assessed in accordance with the policies of the Oxford Local Plan 2001-2016, the Core Strategy and the Sites and Housing Plan and will not have a detrimental impact on neighbouring properties in terms of overshadowing, loss of daylight and loss of privacy.
- 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 Materials - matching

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

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

**CP1** - Development Proposals

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

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

**HS19** - Privacy & Amenity

#### **Core Strategy**

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

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

**MP1** - Model Policy

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

**HP14\_** - Privacy and Daylight

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

National Planning Policy Framework

Planning Policy Guidance

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

66/17767/A\_H - Alterations to form bathroom.. PDV 12th July 1966.

94/01769/NF - Two storey rear extension. REF 9th March 1995.

95/00289/P - Single storey rear extension. PRQ 13th March 1995.

98/01235/NF – Demolition of part of existing unauthorised 1st floor extension and retention of remainder in modified form.. DIS 9th October 1998.

#### **Representations Received:**

Objections have been received from 41 Marston Street:

A first floor window on the rear will directly overlook my garden, there are no other extensions with windows like that in the area; the window should be on the side elevation.

There will be no privacy for my mother and I.

A previous extension was built similar to this 18-20 years ago had to be pulled down and it damaged my property.

Disruption during building works will go on for months, and vehicles will park outside my house despite yellow lines blocking ability to get motorbike from the front garden.

Plans show a lot of changes for the end result which doesn't seem much different except for a shower room with no natural light or air.

#### **Statutory Consultees:**

Highways Authority; No Objection

#### **Determining Issues:**

- Overshadowing
- Privacy

- Design
- Amount of development
- Use of the Property

### **Officers Assessment:**

#### Site

1. The application site is a mid-terrace house with an existing single storey and first floor extension. The house is in use as a House in Multiple Occupation.

#### Proposal

2. The application is seeking planning permission for a single storey extension extending across the width of the house, which is an additional 2 metres and to the depth of the existing extension, which is 8.3 metres. The first floor extension is proposed to be built above the existing ground floor extension and is proposed to be an additional depth of 3.3 metres and a width of 2.4 metres. The roof will match the existing mono-pitch roof. A window is proposed to the first floor bedroom on the rear elevation. A ground floor bedroom window, and kitchen window and door are proposed on the ground floor.

#### Overshadowing

3. The proposed first floor extension is similar in design to an extension which was refused retrospective planning permission in 1995, ref 94/01769/NF. The extension was subsequently partially removed following enforcement action. The previous extension was considered to have an unacceptable impact on 39 Marston Street, due to the adverse effect on the outlook from and light available to the adjoining residential property, i.e. 39 Marston Street. Subsequent enforcement action ensured the partial demolition of the extension.
4. The previous decision of the Planning Inspectorate is material to this application. However there has now been a change in circumstances as a single storey ground floor extension has now been constructed at 39 Marston Street (Planning Application 13/00901/FUL). This alters the relationship between the two properties, as the previous extension was considered to have a detrimental impact on a ground floor window at that property. The relationship has now changed as the recently constructed extension now results in windows in different positions.
5. Policy HP14 of the Sites and Housing Plan, and Policy HS19 of the Oxford Local Plan state that planning permission will not be granted for any development that has an overbearing effect on existing homes. The 45 degree guidelines as set out in Appendix 7 will be used. The calculation shows that no ground floor windows are affected by the proposal. There is a first floor window which would be affected by the proposed first floor extension. The calculation has been undertaken to see how this window will be affected. The proposed extension

contravenes the 45 degree angle, however when a measurement is taken from the midpoint of the cill and rising at an angle of 25 degree, the extension does not contravene this line. The proposed extension meets the guidelines set out in the Appendix to the Sites and Housing Plan, and officers have concluded that any impact on the neighbouring property is insufficient to justify refusal of planning permission.

### Privacy

6. Policy HP14 of the Sites and Housing Plan and policy HS19 of the Oxford Local Plan requires development to provide reasonable levels of privacy. The proposed extension incorporates a bedroom window on the rear elevation which will directly face a commercial building to the rear. There would be some indirect views of the adjacent gardens at 39 and 41 Marston Road. However this type of relationship is usual in terraced streets and it is not considered to cause a detrimental impact on the privacy of the adjacent gardens, and therefore complies with the Policy HP14.

### Design

7. Policies CP1 of the Oxford Local Plan, Policy HP9 of the Sites and Housing Plan require development to be in keeping with the overall character of the area and to be of a good design. The proposed extension is to be constructed of materials to match the existing house. The proposed design reflects the roof lines and building lines of the adjacent properties. It is therefore a form of development which is in keeping with the design of a terraced street. It therefore complies with these policies.

### Amount of Development

8. Policy CP6 of the Oxford Local Plan requires development to make the best use of a site and that the built form and site layout must suit the site's capability. The proposed extension increases the footprint of the building by 12.4 square metres, as it infills the gap between the existing outrigger, and the adjacent extension. The resulting garden area would be 40 square metres. Whilst this represents a small garden area, this is the same as the garden area which serves 39 Marston Street With others nearby of a similar size. This garden area is therefore considered to be appropriate.

### Use of the Property

9. The property is let out as a House in Multiple Occupation (HMO); the extended house would be able to accommodate five people. The property was in use as a HMO prior to 24<sup>th</sup> February 2012, when the Article 4 Direction controlling HMOs became effective.
10. The Amenities and Facilities for Houses in Multiple Occupation Good

Practice for Landlords set out guidelines for standards of accommodation for HMOs. The property is undergoing a separate re-licensing application. However the room sizes and number of bathrooms appear to be in compliance with is guidance, subject to separate approval from the Environmental Department. The use of the property will not change as a result of the proposed extension, and will improve the standard of accommodation which is available.

**Conclusion:** Approval

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 14/01054/FUL

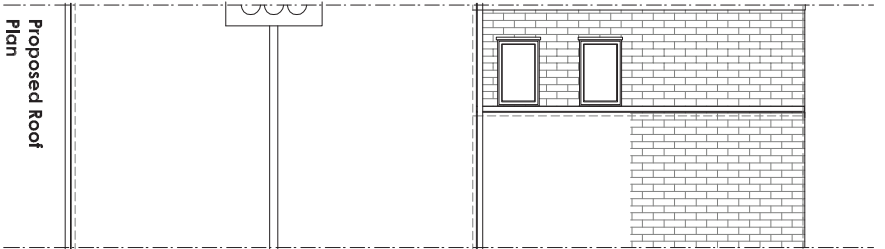
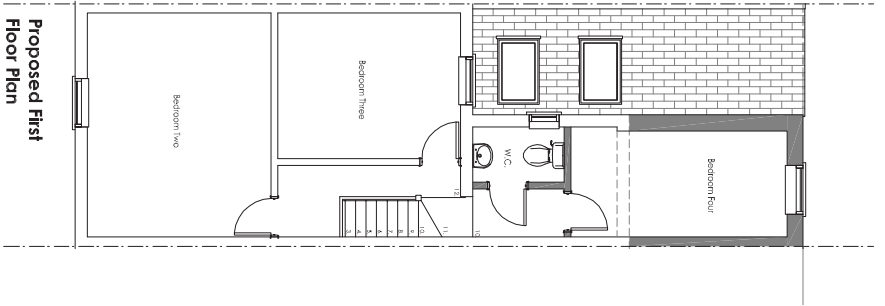
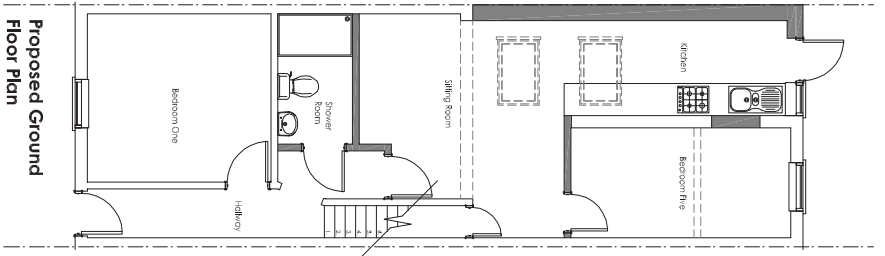
**Contact Officer:** Sian Cutts

**Extension:**

**Date:** 12th June 2014

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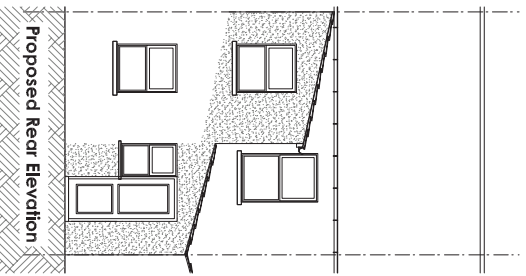
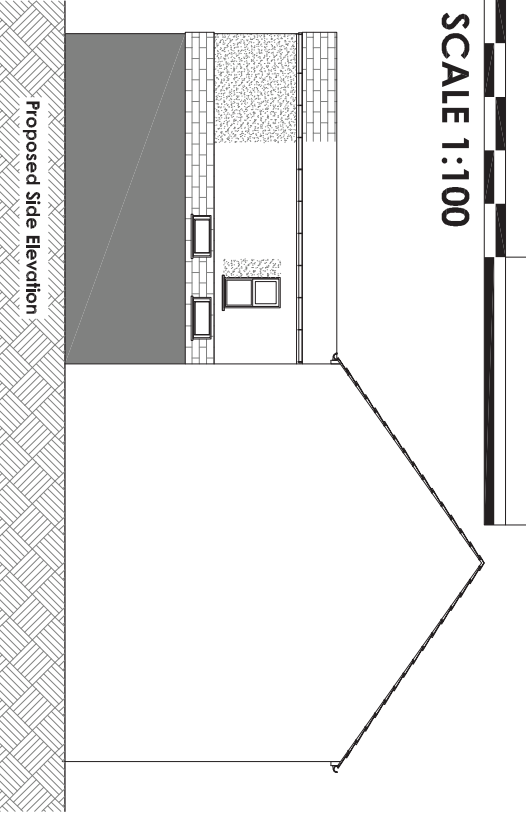
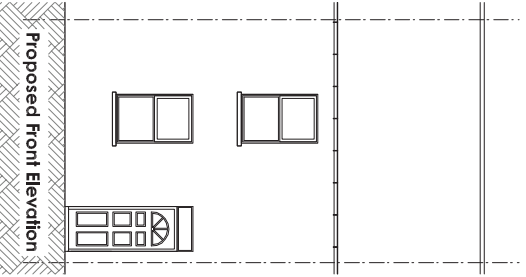




Proposed Site Map  
Scale 1:1250

0 25 50 75 100m  
SCALE 1:1250

0 5 10  
SCALE 1:100



10/18

- The applicant is responsible for checking planning conditions and notices.
- Any reference to an address and/or plot number, shown on the site plan, is for reference only and does not constitute a guarantee of accuracy.
- It is the applicant's responsibility to ensure that the site is correctly identified.
- The site is shown on the map for reference only and does not constitute a guarantee of accuracy.
- The site is shown on the map for reference only and does not constitute a guarantee of accuracy.

**DISCLAIMER**  
The information contained in this document is for general information only and does not constitute a guarantee of accuracy. The applicant is responsible for checking the accuracy of the information contained in this document. The applicant is also responsible for ensuring that the information contained in this document is up to date and accurate. The applicant is also responsible for ensuring that the information contained in this document is up to date and accurate.

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14-014/F/001	
project title:	
40 Marston Street, Oxford, Oxon, OX4 1JU	

Demarcation Design  
40 Marston Street, Oxford,  
Oxon, OX4 1JU

14-014/F/001

Demarcation Design

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**West Area Planning Committee**

24<sup>th</sup> June 2014

**Application Number: 14/00209/FUL**

**Decision Due by:** 24th March 2014

**Proposal:** Erection of a two storey extension to the rear elevations  
(Ref: PD2)

**Site Address:** 5 Canning Crescent (Appendix 1)

**Ward:** Hinksey Park

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**Application Number: 14/00215/FUL**

**Decision Due by:** 24th March 2014

**Proposal:** Two storey extension to rear and side elevations (Ref: PD3)

**Site Address:** 5 Canning Crescent (Appendix 1)

**Ward:** Hinksey Park

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**Agent:** Mr Toby Smith

**Applicant:** Mr Manuel Berdoy

**Application Called in –** This application is brought to committee by officers following concern raised by a local ward councillor.

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## **Recommendation:**

APPLICATION 14/00209/FUL TO BE REFUSED

For the Following Reason:-

- 1 By reason of its size, scale and bulk, the extensions proposed would form an incongruous and disproportionate development that would unacceptably erode the form and detailing of the existing house and therefore be harmful to the suburban character of the surrounding development and adversely affect views from Weirs Mill Stream footbridge and Weirs Mill Stream contrary to policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan and CS18 of the Core Strategy.
- 2 Having regard to the scale and significant massing of the proposed buildings as extended, as well as the amount of fenestration at the first floor level, the proposed development would have a visually intrusive appearance when experienced from rear gardens of 3 and 7 Canning Crescent which would

significantly reduce the actual and perceived privacy that occupiers of neighbouring properties currently enjoy. Consequently the proposals fail to adequately safeguard established residential amenity contrary to the requirements of policies CP1 and CP10 of the Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

## APPLICATION 14/00215/FUL TO BE REFUSED

For the Following Reason:-

- 1 By reason of its size, scale and bulk, the extensions proposed would form an incongruous and disproportionate development that would unacceptably erode the form and detailing of the existing house and therefore be harmful to the suburban character of the surrounding development and adversely affect views from Weirs Mill Stream footbridge and Weirs Mill Stream, contrary to policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan and CS18 of the Core Strategy.
- 2 Having regard to the scale and significant massing of the proposed buildings as extended, as well as the amount of fenestration at the first floor level, the proposed development would have a visually intrusive appearance when experienced from rear gardens of 3 and 7 Canning Crescent which would significantly reduce the actual and perceived privacy that occupiers of neighbouring properties currently enjoy. Consequently the proposals fail to adequately safeguard established residential amenity contrary to the requirements of policies CP1 and CP10 of the Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

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

#### Oxford Local Plan 2001-2016

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

#### Core Strategy

CS11 - Flooding  
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 (NPPF)

**Relevant Site History:**

None.

**Representations Received:**

1 Letter of objection for both applications: -

The owner of 3 Canning Crescent wishes to object to both planning applications submitted.

- Both applications are an overdevelopment of the existing property and, if agreed, would set a dangerous precedent for future applications in the surrounding area.
- Both applications would significantly alter the symmetry of the street especially in regard to the symmetry of the roof lines. This would become the only property with an East to West roof ridge and would be totally out of keeping with the other properties in the area.
- Both developments would significantly encroach into the flood plain. Both applications propose raising the floor levels of both of the existing property and of the proposed extensions. Only two weeks ago, many properties in this area came within millimetres of disastrous flooding and to agree these applications without a comprehensive flood impact assessment on the surrounding area would be incomprehensible.
- Both applications would severely reduce sunlight that my property currently enjoys. The proposal to raise an East to West roof ridge would throw my property into considerable shade and effectively deny me my right to light.
- The application to extend to the side is of particular concern to us at no.3. The proposed side extension could only be constructed and maintained by accessing my property. Access to construct or maintain this extension would be denied.

**Statutory and Internal Consultees:**

Thames Water Utilities Limited – Informatives should be added about the public sewers and surface water drainage.

Environment Agency Thames Region - Applicants should follow the advice and submit a completed Flood Risk Assessment (FRA) form as part of their planning application submission.

**Determining issues:**

- Design and appearance
- Impact upon neighbouring properties
- Flooding

**Officers Assessment:**

Application Site and Locality

1. The application site relates to a modest three bedroom end of terrace house set at one end of a 1930s era four-house terrace block. The house is built of red brick and finished with red clay hanging tiles at first floor. It overlooks Weirs Mill Stream and directly abuts the Hinksey Stream of the

River Thames. The application house and the others within the terrace are visible within the public realm, from the public footpath along the Weirs Mill Stream. This footpath is well trafficked by pedestrians as it allows access through to a nearby field used by dog walkers and allows people using it as a short cut to the Iffley Lock and tow path.

2. Canning Crescent has a uniformed appearance through its consistent arrangement of two-storey terraced rows of four houses and two-storey semi-detached houses, all of a similar appearance and design. Whilst there have been some modest piecemeal developments in the form of extensions to some of the properties within the street, it still retains a modest appearance and uniformed character.

### The Proposal

3. Pre-application advice was sought by the applicant for a two storey side and rear extension, very similar or of the same design as the current application. The advice given by a number of Officers at this stage was that the proposal would be considered unfavourably, failing to meet our design policies as it did not relate well to the original building or the predominant, original character of the surrounding development.
4. There are two planning applications which this report will cover. 14/00209/FUL is for the erection of a two storey rear extension and for the purpose of clarification, shall be known as PD2 as the architect refers to this on the plans. 14/00215/FUL differs slightly in design and appearance and is for the extension of a two storey side and rear extension and shall be known as PD3.
5. An uncompleted single storey rear extension has already been erected to the rear of the property without planning permission, in anticipation that planning permission would be granted.

### Design and Appearance

6. Policies CP1 and CP8 of the Local Plan as well as policies CS18 of the Core Strategy and HP9 of the Sites and Housing Plan (SHP) require development proposals to create an appropriate visual relationship with the existing building and surrounding area in terms of form, grain, scale, materials and design detailing. Policy CP8 then goes on to state that building design is specific to the site and its context and should respect local characteristics. Policy CP8 also adds that on sites of high public visibility, development should enhance the style and perception of the area particularly by retaining features which are important to the character of the local area.
7. The design of development is a well-founded material planning consideration irrespective of the location of the site and the above development plan policies have been adopted to provide the Council with the framework by which this important planning issue can be assessed.

Committee should therefore have regard to these policy requirements in their determination of the application, which reflected in Government guidance in the National Planning Policy Framework (NPPF) which states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Government guidance also adds that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

8. The application property has a modest design and with its pleasant tile hung detailing, is reflective of the style of many properties within this part of Oxford. The terrace in which it sits still appears predominantly as it was originally constructed without significant alteration or extension affecting the front façade. Two out of the four houses still have the original window details. This ensures that together, the terraced row makes a positive contribution to the area. Officers therefore consider it important that, where planning control allows, alterations and/or extensions to the terrace reflect its most important characteristics as required by policy CP8 of the Local Plan, so as not to detract from the positive design features that are already present.
9. Proposal PD3 would introduce a two-storey side extension that would project 960mm to the side at the ground floor level and 1.4m at first floor level measured to the projecting en-suite oriel window that would protrude past the side elevation. It would also have a flat roof that would sit higher than the existing eaves of the house. The side extension would infill part of the gap between no.3 and no.5 Canning Crescent which presently offers views of the trees in the distance. The gap is rather large in comparison to some of the other gaps in the street and therefore the side extension would be very visible from the street. It would also introduce circular roof lights (two) on the front roof slope, one on the side roof slope and four on the flat roof of the side extension. It is considered that the two-storey side extension introduces a flat roof form and takes on an unusual and rather contrived appearance when viewed from Canning Crescent and this does not appropriately respond to the character of the existing house, despite being built in matching materials. For these reasons, officers consider the proposals to continue to fail to meet the high quality expected of development on such a prominent site in accordance with the specific requirements of policy CP8 of the Local Plan.
10. The side extension would then wrap around the rear to form part of the rear elevation of the two-storey rear extension. The rear extension would be wider than the width of the house as it would wrap around the side. The rear extension would introduce a large gable rear elevation that almost completely erodes the hipped roof at the rear. The gable end elevation is further emphasised by the chunky white rendered border detail and large fenestration at first floor level.
11. In terms of appearance from the rear, both PD2 and PD3 are very similar in appearance and design, the only difference being that PD2 does not include

the side wrap around extension part of PD3. PD2 would also have a traditional pitched roof that would have a pitched ridge line whereas PD3 would have a curved roof ridge. There is only one other small difference from the rear, although it is not clear if this is an error in the drawings or an intentional design, and this is that middle section of the clay hung wall-tiles continues across to meet the top of the side elevation of no.7's single storey rear extension. On PD3 the middle section stops short the boundary by 0.25m.

12. Nevertheless both extensions, when viewed from the rear, are of a height, scale and mass that dominate the rear elevation and are of such mass that is considered to overwhelm the existing house as well as adjacent houses such that it will be visually obtrusive within the rear private views of Canning Crescent, Weirs Lane and the public views from the footpath over the Weirs Stream. This will harm the simple character of the area. Due to the height and rearward projection, the two-storey extensions beyond the original rear wall of the dwelling will add to the perceived scale and mass and would only serve to make the building more prominent and imposing in stark contrast to the more traditional form and scale of immediately surrounding houses which give the area a pleasant suburban rhythm and character. Within the terrace row of the four houses, there are no other two-storey rear extensions and thus there is strong sense of the hipped roof and uniformity of the rear when seen from the footpath. This is not to say that no two-storey extension should be allowed, but rather any such extension should respect the character and appearance of the existing property and surrounding area, which in this case it does not.
13. The loss of the definition of the eaves by the rearward project of the rear extension and gable elevation is considered to be considerably harmful to the character of the existing dwelling with the almost total loss of the hipped roof.
14. In addition neither extension as proposed would relate well to the adjacent houses. Whilst PD2 has a lesser impact than PD3 without the side extension element, both extensions when viewed from the rear and side are considered to be alien in design, bulky in appearance and considered to be a visually incongruous development and out of keeping with the character of the area.
15. Lastly, the adjacent property at no.7 Canning Crescent displays an extension which could also be considered to be inappropriate in its design with a detrimental impact upon the character and appearance of the existing house and of the surrounding area. However that extension was constructed under "Permitted Development" rights without the need of a planning application. Its presence should not therefore be seen as justification to permit the current applications which in the Officers' opinion do not respect the character and built form of the area.

#### Impact upon Neighbouring Properties

16. Policy HP14 of the SHP requires developments to adequately safeguard



neighbouring residential amenity with respect to outlook, privacy and light. Policies CP1 and CP10 of the Local Plan reflect these requirements.

17. Whilst significant in size, bulk and overall mass, the extension would come into line with the extension at no.7 Canning Crescent on the ground floor. At the first floor however, the rear extensions of both PD2 and PD3 would project beyond the existing rear elevation by 3.5m and 3.6m, if you include the roof overhang. The nearest window at first floor level at no.7 is a bathroom window and whilst the extension breaches the 45 degree line from this window it is not considered to be a habitable room and therefore would not be a reason to oppose the proposed.
18. Concern has been raised regarding the impact upon No. 3 Canning Crescent, in respect of the potential impact of the development on the amount of light received there. In terms of the 45 degree line from side facing windows of no.3, the side extension of PD3 complies with the 45 degree line from no.3's bathroom window and stair window at first floor level. It would however breach the 45 degree test from the side facing door. It is presumed that this door leads to the kitchen or utility room. For the purpose of the application, it is assumed that the door leads to the kitchen which has rear facing windows. A line drawn from the cill of the rear facing kitchen windows at 45 degrees is not breached by the proposed extensions. Therefore, the proposed extensions are considered not to cause a loss of the light to warrant a refusal of permission on these grounds.
19. Due to no.5 being located to the south of no.3, it is considered that there would be some increase in overshadowing to the side and rear elevation and rear garden of no.3 Canning Crescent. However, it is considered that due to size of the rear gardens this would not be detrimental to the residential amenity of the occupiers of no.3.
20. Whilst there is already a degree of mutual overlooking from first floor windows of neighbouring houses the very large expanse of glazing that is to be introduced at first level at the application site would be significant increasing greatly the overlooking which already exists from first floor rear windows. Occupiers of no. 3 and no.7 Canning Crescent are likely to feel imposed upon when using their rear gardens, to the detriment of their privacy. This relationship is considered to be inappropriate and a by-product of the excessive fenestration at first floor level. Consequently, and for this reason, the proposals are found to significantly harm neighbouring living conditions contrary to the requirements of development plan policy CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

### Flooding

21. The application site lies within an area of low lying land which is susceptible to flooding. The proposal was submitted with a Flood Risk Assessment (FRA). Officers are satisfied with the mitigation flooding measures and should planning permission be granted, the development would be carried out in accordance with the FRA.

### Other matters:

22. The applications both propose to improve the energy efficiency and sustainability of the property by re-using existing materials and the installation of solar thermal panels on the roof extension. However, it is considered that gains in energy efficiency do not outweigh the harm as a result of the scale, mass and design of the proposed extensions upon the character and appearance of the existing building and the surrounding area.

### **Conclusion:**

In coming to the conclusion that both applications should be refused, Officers have had regard to the other extensions in the area and the merits of the design expressed by the applications, but this has not lead officers to change their conclusion, particularly given the specific elements of the extensions proposed and its prominent public rear views. Finally, this conclusion has not differed from the consistent advice previously given to the applicants by a number of Officers at pre – application stage and during the consideration of both applications.

Therefore, officers find the proposals to be in conflict with policy CS18 of the Oxford Core Strategy 2026 which seeks to ensure development demonstrates high quality urban design through responding appropriately to the site and surroundings. Similarly, it also conflicts with policies CP1 and CP8 of the Local Plan and policy HP9 of the Sites and Housing Plan which require development to show a high standard of design that respects the character and appearance of the area and is therefore, recommended to be refused.

### **Human Rights Act 1998**

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

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

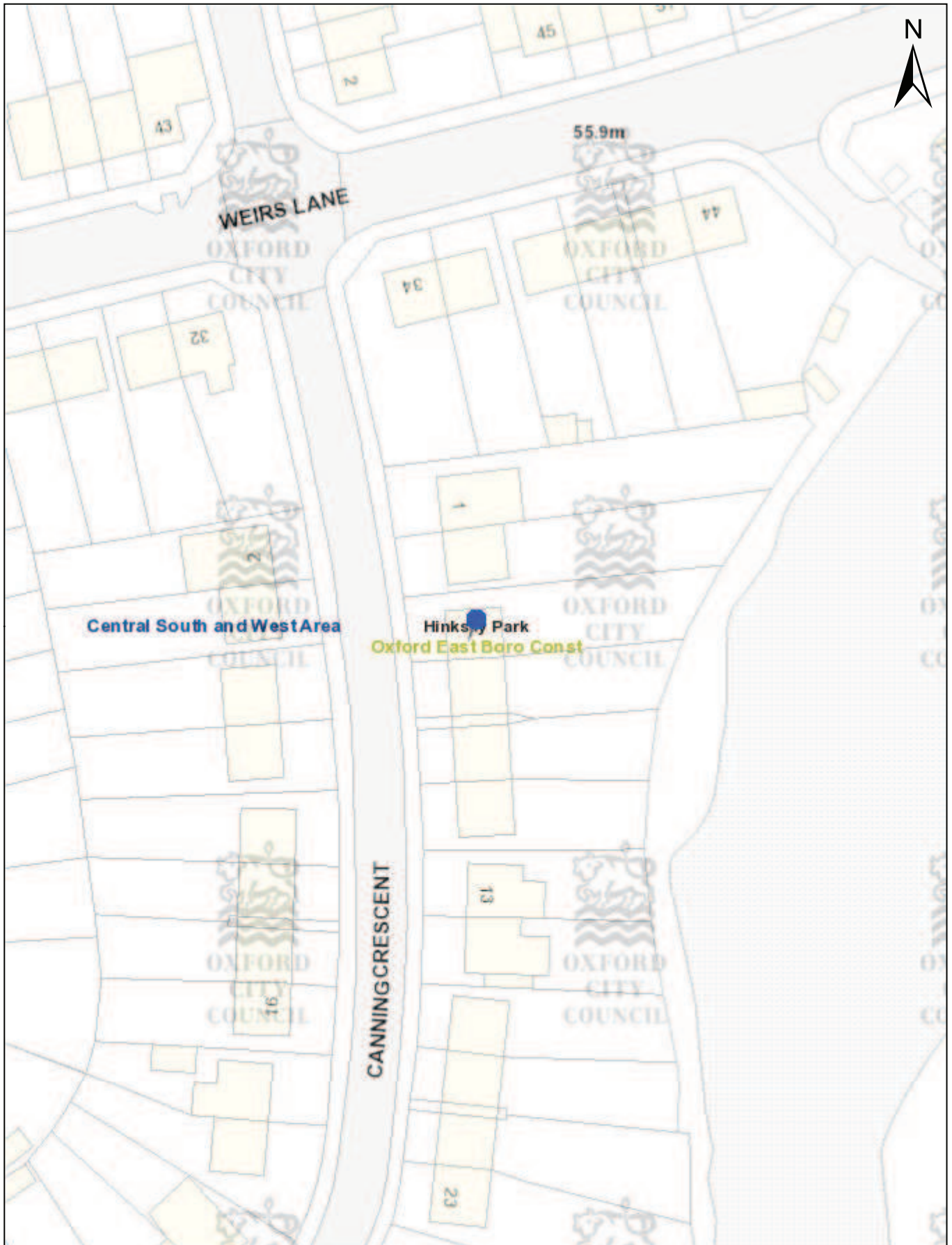
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse permission for both applications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

**Background Papers: 14/00209/FUL & 14/00215/FUL**

**Contact Officer:** Davina Sarac

**Date:** 24th April 2014

# 5 Canning Crescent Appendix 1



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Date: 12/06/2014

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**West Area Planning Committee**

24<sup>th</sup> June 2014

Application Number: 14/00910/FUL

Decision Due by: 26th May 2014

Proposal: Erection of single storey extension to rear elevation, with basement below and 2 no. lightwells. Erection of four storey extension to side elevation including insertion of new dormer window to side roof slope and 1 no. velux window. Provision of new cast iron railings to site frontage.

Site Address: 9 Fyfield Road, Appendix 1

Ward: North Ward

**Agent:** Douglas Riach

**Applicant:** Mr & Mrs C Semler-West

**Application Called in –** by Councillors – Upton, Fry, Presell and Price for the following reasons – Overdevelopment, this extension is much wider than others nearby, filling in the gap between these already substantial houses in this Victorian Garden Suburb and causing concern to many Norham Manor residents.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extensions are considered to be of a form, scale and appearance that, on balance, preserve the special character and appearance of the North Oxford Victorian Suburb Conservation Area without causing significant harm to the amenity enjoyed by occupiers of neighbouring properties. Consequently the proposals accord with policies CP1, CP8, CP9, CP10, HE7 and HS19 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP14 of the Sites and Housing Plan Submission document.
- 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 Sample panel
- 4 Obscure glass
- 5 Railings - further details
- 6 Tree Protection Plan (TPP) 2
- 7 Landscaping
- 8 Arch - Implementation of programme prehistoric remains,

### **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
- CP10 - Siting Development to Meet Functional Needs
- HE7 - Conservation Areas

#### **Core Strategy:**

- CS18 - Urban design, town character, historic environment
- CS11 - Flooding
- NE16 - Protected Trees

#### **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:**

62/12726/A\_H - Extension to kitchen. PDV 23rd October 1962.

### **Public consultation**

#### **Statutory Consultees:**

None.

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

Oxford Architectural and Historic Society Victorian Group, Oxford Civic Society, 13 Crick Road, 11 and 29 Norham Road, 4, 10, 11, 12 Benson Place and Benson Place residents Association, the following comments are summarised below: -

- Infilling of the gap between the house will irreversibly change the character and appearance of the conservation area for the worse
- Side extension should be reduced in width
- The side extension should not be any wider than the extensions at no.8 and no.10
- Side extension is double the width of the other 3 side extensions on Numbers 8, 10 and 11. This spoils the symmetry of the building.
- It is also a pity not to replicate the dormer windows in the extensions as shown in no. 8 and no. 10.
- If houses like these are not big enough for modern families, then they should look elsewhere.
- There is a substantial loss of amenity for the residents of 8-13 Benson Place, and for the Norham Manor conservation area in general. In particular, adjoining residents in Benson Place will be further overlooked, and there will be a loss of light due to the reduction in the space between the house on Fyfield Road.

#### **Determining Issues:**

- Impact on the conservation area
- Impact on neighbouring amenity
- Trees
- Archaeology

#### **Officers' Assessment:**

##### Site Description

1. The application site relates to one of a pair of semi-detached late Victorian era three storey town houses (with loft accommodation) set within the North Oxford Victorian Suburb Conservation Area. The house has previously been extended to the side behind the porch at single storey level. The property is constructed of yellow Oxford stock brick under a slate roof and lies on the eastern side of Fyfield Road. Fyfield Road is accessed off the Banbury Road to the north of University Parks. The area is predominantly residential with a mix of privately owned houses and student accommodation, including adjacent properties 8 and 10 Fyfield Road which are both occupied as student accommodation.

##### The Proposal

2. The application seeks consent for the erection of a single storey rear extension with a basement below and two light wells, plus a four storey side extension including the insertion of a new dormer window to the side roof. Boundary walls with cast iron railings are proposed along the Fyfield Road street frontage.

##### Impact on the Conservation Area

3. The Conservation Area and immediate surroundings are characterised by large Victorian era houses in a suburban setting with relatively generous

gaps between buildings allowing views through to rear gardens as well as green tree-lined streets. No.'s 11 & 10 and 9 & 8 form a set of pairs within the street and are the only four houses in the street that are of the same architectural style. The existing pair of houses has been altered, the application property with a small lean to extension at the side and the adjoining semi with a full height side extension set back considerably from the front of the building. The houses still read as a pair though their symmetry has been somewhat diminished by the extension to no.8.

4. This is also true of the pair No.10 and No.11, where No.11 was granted permission for a full height side extension that is wider than No.10's side extension. Again however, the buildings still read as a pair through their strong architectural front elevations and detailing.
5. All the previous extensions at Nos. 11, 10 and 8 are considered to represent sympathetic additions to the buildings which discreetly complement the character of the houses. Similarly the current application would improve on the existing imbalance as no. 8 is the only property of the four not to have a full height side extension.
6. Gaps between buildings are an important contributing feature towards the special character and appearance of the Conservation Area. A side extension which matches the height of the existing house will close some of the apparent gap between the application property and No.10 Fyfield Road, in particular when viewed from oblique angles. However, views through to the green rear gardens and their associated trees would still be present via a retained 4.8m wide gap, thus preserving the green suburban character of the area. On balance therefore, and given that the extension is similar in width to that approved at No.11, the proposal is not considered to cause harm to the character and appearance of the Conservation Area to justify its refusal. Rather whilst there is some closure of the existing gap the extension would give the pair a more symmetrical appearance within the street whilst preserving views between buildings.
7. The rear single storey extension is 5.9m in length but would not extend beyond the proposed side extension. Whilst it would possess a large flat roof it has been modified since originally submitted by a small step back of 0.6m and step down in height of 0.5m to break up the width and bulk of the extension. In relation to other rear extensions in this part of North Oxford it is of a similar size, scale and form and would not be visible from the public realm of the Conservation Area. Painted timber windows and doors are proposed throughout.
8. The renewed front boundary wall with cast iron railing 'trellis' pattern over an existing low brick wall is appropriate to the Conservation Area and consistent with the historic precedents of the area. However, a condition is recommended requiring additional details of the proposed boundary treatment prior to its construction in order that the fixings and gate openings are appropriate for the conservation area.



## Impact on Neighbouring Amenity

9. Development proposals are required to adequately safeguard the amenity of neighbouring occupiers to accord with policies CP1, CP10 of the Oxford Local Plan and policy HP14 of the Sites and Housing Plan.
10. The two main properties that could be affected by the proposed extensions would be No.8 and No.10 Fyfield Road, both occupied as student accommodation.
11. In terms of lighting conditions, the single storey rear extension as originally submitted breached both the 45 and 25 degree guidelines from no. 8's rear nearest room. This appears to be a student study room, lit by two windows. Amended plans were received to address concerns with a section of pitched roof introduced behind the parapet which reduced the height of the extension at eaves level along the boundary from 4.1m to 2.3m, with the roof slope away to reach 4.0m in height. This reduction in roof height adjacent to the boundary means that whilst the extension would still breach the 45 degree line, it now complies with the 25 degree line and is therefore considered to comply with the Council's guidance in Appendix 7. Moreover the properties face east and would therefore continue to receive good quality lighting conditions, especially during the morning. Overall therefore Officers consider that the proposed rear extension would not result in a significant loss of light to the rear room of No.8 Fyfield Road to warrant refusal.
12. The impact of the rear extension in terms of the outlook from No.8 Fyfield Road has also been reduced due to the reduction in height of the extension along the boundary. This minimises the effect on the outlook from No.8. Whilst the view of the parapet would be visible this would be 5.9m from the affected rear window, it is not therefore considered to be detrimental to the outlook from that rear window, and for that reason the rear extension is not considered to be of an overbearing nature justifying refusal of planning permission. No objection to the proposals have been received from occupants of the property.
13. In terms of the relationship to no. 10, a sufficient gap is considered to be retained between the properties such that the outlook from the lower floors is not significantly harmed in comparison with the existing situation. It is recognised that there are first and second floor windows that are proposed to look towards the No. 10. These serve a bathroom and dressing room at first floor level; playroom at second floor; and study at third floor. Whilst two of the facing windows within no. 10 are obscure glazed, to prevent overlooking, condition is recommended to be imposed requiring the new side facing windows at first and second floor within the application property to be obscure glazed to their lower panes, and removing future permitted development rights for new windows.
14. The dormer window to the proposed study at third storey level is, given its

orientation immediately towards No. 10, unlikely to afford significant views of No. 10.

15. The rear extension is considered to not materially affect the light or outlook enjoyed by occupiers of No.10 Fyfield Road. An existing boundary wall with fence above prevents overlooking at ground floor level from any side windows.
16. Concerns have been raised by a number of Benson Road residents with regards to the proposed extension creating overlooking to the Benson Road properties and that the proposal would also block light to the rear of the Benson Road properties. However given the distance between the side extension and the rear of the properties along Benson Road (approximately 40m) officers consider that there would no adverse impact upon the properties of Benson Road in terms of loss of light, outlook and overbearing nature.

### Trees

17. The front garden is currently overgrown and untidy. As part of this proposal the application will seek to tidy up both the front and rear gardens by removing some of the undistinguished trees including a European Elder and Summer Lilac shrub both to be removed in the front garden. There will also be some removal of trees in the rear garden, though the mature apple tree and two holly trees at the front would be retained. Whilst the development requires construction activity within the root protection zones of these trees, the tree protection measures shown and as detailed in the submitted arboricultural report would ensure that, if put in place, the trees would not be harmed. However, it is important that any new underground services and hard standing avoid damaging roots of the retained trees and details are recommended to be required by planning condition in this regard. A condition is suggested requiring new planting, in particular to the frontage of the property.

### Archaeology

18. In archaeology findings Fyfield Road lies in a poorly understood part of the terrace located between known find clusters of monuments and the field systems of reordered in University Parks. It is considered that as the proposed works are of a small scale that in line with the advice in National Planning Policy Framework that a condition is recommended that an archaeological investigation should be undertaken to ensure that the development does not damage any elements of the historic environment.

### **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 would 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.

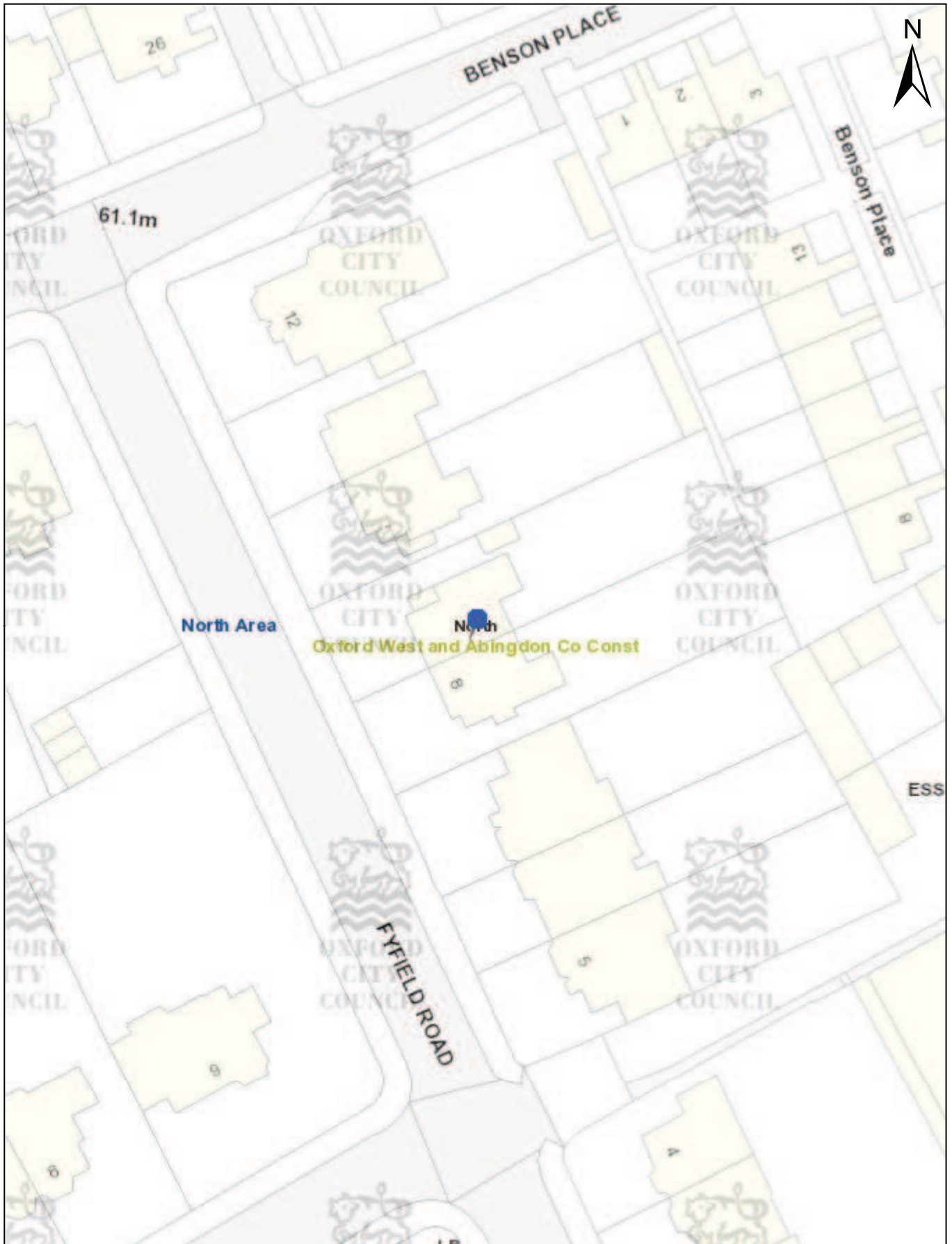
**Background Papers: 14/00910/FUL**

**Contact Officer:** Davina Sarac

**Date:** 28th May 2014

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# 9 Fyfield Road



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**West Area Planning Committee**

-24th June 2014

**Application Number:** 14/00961/FUL

**Decision Due by:** 4th June 2014

**Proposal:** Erection of a part single, part two storey rear extension.

**Site Address:** 66 Cardigan Street, **Appendix 1.**

**Ward:** Jericho And Osney Ward

**Agent:** Mr Simon Beattie

**Applicant:** Mrs Tasmin Woods

**Application called in:**

By Councillor: Cllr Pressel

For the following reasons:

Overbearing effect on the neighbours.

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**Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would not have a harmful impact on the character and appearance of the street scene and would not cause harm to the living conditions of neighbouring properties. An objection has been received from a neighbouring property but does not amount to a reason for refusal. The proposals therefore accords with policies CP1, CP6 and CP8 of the Oxford Local Plan, MP1, HP9 and HP14 of the Sites and Housing Plan and CS18 and CS11 of the Core Strategy
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Ground resurfacing - SUDS compliant
- 5 Flooding: floor levels

6 Flood proofing

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

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

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

**Core Strategy**

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

**CS11** - Flooding

**Sites and Housing Plan**

**MP1** - Model Policy

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

**HP14**\_ - Privacy and Daylight

**Other Material Considerations:**

National Planning Policy Framework

The application site falls within the Jericho Conservation Area.

**Relevant Site History:**

63/03691/A\_H - Extension to form bathroom.. PDV 9th July 1963.

**Representations Received:**

65 Cardigan Street – objects: ‘The proposal is considered to be unacceptable, in that the sheer length, height and mass would introduce an oppressive and tunnel like feature, leaving no view to the right hand side of our property. This would result in the need for permanent use of electric lighting through-out the downstairs of our home. The two storey extension proposed will appear overbearing and over dominate our property, cutting out the natural light source and creating an oppressive and enclosed environment for our family. This will also effect the second floor habitable bedrooms to the rear of our property.

The single storey ground-floor planning proposal for the lean-to roof will further increase to the loss of light because of the angle of which it has been designed. This proposal appears to fail to take into account the relevant local outlook policy standards.’

**Statutory Consultees:**

No comments received.

**Issues:**

- Design
- Impact on residential amenity



## **Officers Assessment:**

### Site Description and Location:

1. The application site consists of a two-storey terraced property, within the Jericho conservation area. Situated on the north side of Cardigan Street, with a north facing rear garden.

### Proposal:

2. The applicant is seeking permission to erect a part single storey part two storey rear extension, to raise the roof of the existing single storey rear extension, and to reinstate the front sash windows and front door and first floor rear window.

### Design:

3. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and policies CP1 and CP8 of the Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design; which respects the character and appearance of an area and uses materials appropriate to the site and surrounding.
4. The monopitched roof proposed for the existing single storey extension to the rear will replace the existing flat roof. The height to the eaves remains the same at 2.2 metres, the pitch of the roof will be 3.5 metres at its highest; the roof slope reflects that of the existing two-storey element of the dwelling. Velux windows will be introduced to the new roof to maximise light into a space which will form part of the dining/living room area.
5. The single and two storey element of the extension would extend out from the original rear wall of 66 Cardigan Street; along the boundary of 65 Cardigan Street. The rear wall of the neighbouring property at 65 Cardigan projects 1 metre further out than that of the existing rear wall of No.66. The ground floor would be extended by 3 metres; 2 metres beyond the neighbouring property at No 66. The first floor would be extended by 2.1 metres, 1.1 metres beyond the neighbouring property.
6. The additional floorspace on the first floor allows for the relocation of the downstairs bathroom to the first floor, releasing space on the ground floor for an improved kitchen/dining and living space. The extension does not allow for additional bedrooms, the property continuing to benefit from four bedrooms. The remaining garden space to the rear of the property is considered to be appropriate.
7. The materials proposed for the walls would match those of the existing building, with the roof of the new extension finished in slate as existing. The replacement roof for the existing rear extension would also be of slate which represents an improvement on the asbestos roofing at present. The windows and doors would be painted timber, also an improvement on the existing upvc.
8. The proposed development to the rear of the property is considered to be

a subservient addition to the existing dwelling house, which is in keeping with the surrounding houses and area. The development would not be visible from the street scene so would not have any detrimental impact on the character or appearance of the wider area. The changes to the windows and door to the front elevation are considered to be an improvement to the current upvc, and would be more appropriate within a conservation area.

#### Impact on Residential Amenity:

9. The principle properties that will be affected by the development are No. 65 and 67 Cardigan Street.
10. HP14 of the Sites and Housing plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes.

#### *Loss of Privacy and Overlooking*

11. The rear extension features one upstairs window, one patio door and one window on the ground floor all facing onto the rear garden there are no side windows proposed. Due to the location of the openings in the extension it is not considered that the extension would give rise to unacceptable levels of overlooking or loss of privacy.

#### *Outlook and Overbearing Impact*

12. The neighbouring property at No. 67 Cardigan Street is not considered to be negatively impacted upon by the proposed development due to its own layout and the location of the proposed extension.
13. The neighbouring property at No.65 Cardigan Street adjoins the application site and as such is potentially impacted upon by the development. Residents at this property have raised objections to the plans indicating that the development would be overbearing and would create a tunnelling effect. These concerns have been noted and have been considered whilst assessing the planning application.
14. The extension as proposed would extend beyond the neighbouring property on the first floor by 1.1 metres. This scale of extension is assessed as being acceptable in terms of the outlook from the neighbouring property.
15. The proposed extension on the ground floor would extend by 2 metres beyond the rear wall of the neighbouring property, with a height of 2.2 metres to the eaves with a sloping pitch roof increasing in height where it connects with the original house. There is an existing fence which is approximately 1.7 metres in height which obscures much of the view from the windows at 65 Cardigan Street. Beyond the proposed extension is the existing bathroom which projects a further 4.5 metres into the rear garden beyond that which is proposed. It is considered that once taking into account the boundary

treatment and existing rear structure, and the fact that the applicant site is set back from that of the neighbours, the additional height of the extension against the boundary would not be considered to be unduly overbearing or would significantly make worse the current situation. Indeed a 2m wall could be built along the common boundary without the need for planning permission

#### *Loss of Light*

16. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring properties. This policy also refers to the 45/25 degree code of practice, detailed in Appendix 7 of the Sites and Housing Plan.
17. In respect of no. 67 Cardigan Street, the windows at this property are unaffected by the development proposed, due to the location of the extension and its own built form.
18. At no. 65 Cardigan Street, two windows have been assessed in response to the proposed development, a window on the first floor and patio doors on the ground floor. The first floor rear extension which projects 1.1 metres beyond the rear wall of No.65 and has been designed so as to not breach the 25/45 degree code. The proposed ground floor extension has been assessed with regards to the patio doors and glazing on the ground floor at no.65. The extension as proposed marginally breaches the 45 degree code. However it is just in line with the 25 degree line. It is therefore considered that the proposed extension would not have an unacceptable impact on the light afforded to the neighbouring properties such as to warrant refusal of planning permission.

#### Other Matters:

##### *Flooding*

19. The application site lies within low lying land. Guidance from the Environment Agency (EA) on extensions recommends applicants complete a table where the footprint does not exceed 250m<sup>2</sup>. The proposed extension is modest in terms of its and the applicant has indicated that flood levels within the proposed development would be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate.

**Conclusion:** Approve

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

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

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

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

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

**Background Papers:** 14/00961/FUL

**Contact Officer:** Kerrie Gaughan

**Extension:** 2799

**Date:** 10th June 2014

# Appendix 1



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14/00961/FUL

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0 10 20 30 40  
Metres

Date: 13/06/2014

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**West Area Planning Committee**

24th June 2014

**Application Number:** 14/01235/FUL

**Decision Due by:** 1st July 2014

**Proposal:** Demolition of Existing garage. Erection of part-single, part-two storey extension to side elevation and two storey extension to rear elevation. Extension to existing basement.

**Site Address:** 48 Plantation Road (Appendix 1)

**Ward:** North Ward

**Agent:** Mr Douglas Riach

**Applicant:** Mrs Phillipa Hoyer-Millar

**Application Called in –** by Councillors - Cllrs Upton, Fry, Pressel and Price for the following reasons – The application is causing a great deal of concern - a major work happening in a narrow street . It may constitute over-development

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extensions are considered to be of a form, scale and appearance that preserve the special character and appearance of the Walton Manor Conservation Area without causing harm to the amenity enjoyed by occupiers of neighbouring properties. Consequently the proposal accords with policies CP1, CP8, CP9, CP10, HE7 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP14 of the Sites and Housing Plan Submission document.
- 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 Walton Manor,
- 4 Amenity no additional windows side,
- 5 Archaeology - Implementation of programme
- 6 Landscaping
- 7 Tree Protection Plan

### **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
- CP10 - Siting Development to Meet Functional Needs
- HE7 - Conservation Areas
- NE16 - Protected Trees

#### **Core Strategy:**

- CS18 - Urban design, town character, historic environment
- CS11 - Flooding

#### **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:**

69/21489/A\_H - Internal alterations to kitchen to form lavatory and cloakroom. Permitted development 6th May 1969.

76/00669/AH\_H - Extension to living room and erection of veranda and new windows. Approved 11th October 1976.

11/01197/PDC – Permitted development check - Regarding the installation of three security cameras. Permission not required. 12th May 2011.

11/01566/PDC – Permitted development check - External redecoration. Permission not required 22nd June 2011.

### **Public consultation**

#### **Statutory Consultees:**

None.



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

Oxford Architectural and Historic Society Victorian Group, 46, 50 and 91 Plantation Road, 89 Woodstock Road, comments summarised below:-

- Rear extension would take away light and space and drastically reduce the quality of life of life for neighbouring properties
- Removing the trees and vegetation to make way for parking spaces would be out of keeping with the current leafy character of the street
- The proposed extensions would result in a huge increase in the size of the house, more than doubling the current building. This would set a precedent in Plantation Road to extend to more than twice the original size.
- Number 48 is already one of the larger houses in the street, an increase in size would destroy the human scale and fail to preserve or enhance the special character of the area.
- There is no mention on the application of the archaeological interest of the sites proximity to the Neolithic enclosure, as discovered in the site excavation of the Radcliffe Infirmary. Excavation to increase the size of the basement area will require safeguarding its historical importance as part of the second gravel terrace complex.
- This country lane spirit will be destroyed by months of large vehicles and drilling, especially when excavating the basement.
- Object to the proposal to greatly enlarge this house in all directions. This would completely throw out its proportions, and would be an unsuitable treatment for a house in the Conservation Area. It would be the opposite of an enhancement
- The plans for 48 seem to me to be out of proportion to other buildings in the street. Also parking is very limited and too many cars parked on very small spaces along the street are unsightly and an obstruction

### **Determining issues:**

- Impact on the conservation area
- Impact on neighbouring amenity
- Trees
- Archaeology
- Parking

### **Officers Assessment:**

#### Site Description

1. 48 Plantation Road is a detached timber clad dwelling located on the southern side of the street, within the Walton Manor Conservation Area. The property has a large rear garden and is one of the larger buildings within the street.
2. Plantation Road is a narrow road, bounded by residential properties and is one-way in a westerly direction, from its junction with Woodstock Road. The property was extended in the 1970s with an extension to the living room and a creation of the veranda at the rear. The original building was

timber clad without the need for planning permission in 2011. There is a detached garage, plus parking space on the driveway. The frontage is currently open with some chain posts immediately in front of the property.

### The Proposal

3. The application seeks permission for the erection of a part single, part two-storey single storey extension to the side elevation and a two-storey rear elevation. It also includes an extension to the existing basement.
4. The description had previously included the wording “raising the height of roof and chimney” and many of the objections refer to raising the height of the roof. However, this was an error and has been removed from the description as the proposal does not involve raising the height of the roof or chimney. It arose as in pre application discussions it was proposed to raise the height of the roof. Following officer’s advice however this element of the proposal was omitted, keeping the roof height as existing.

### Impact upon the Conservation Area.

5. Walton Manor Conservation Area lies south of the North Oxford Victorian Suburb and north of Jericho and the Radcliffe Infirmary. The area considered here as Walton Manor is that to the south of Leckford Road that had assumed its street layout by 1850. The houses and plots are generally small and the area has a human scale, with an intricate pattern of narrow streets, retaining slopes that mark the former presence of gravel pits. The earlier houses date from the 1820s onwards and are built in terraces generally designed in the late Georgian vernacular manner, with divided sash windows and stucco or diaper brick front. The area is characterised generally by having it its own personal character and scale with a tight townscape.
6. Plantation Road has a singular character even within the Walton Manor conservation area. It has a very artisan urban-village feel that is enhanced by English cottage style gardens. The gaps between houses that reveal gardens and trees are an important feature.
7. Pre-application advice was sought by the applicant for two storey extensions to both side elevations, a two-storey rear extension, raising the roof height and an extension to the existing basement. The advice given by Officers at this stage was that an application along these lines would be unlikely to be considered unfavourably, failing to relate well to the original building and being potentially harmful to the character and appearance of the conservation area. The application as submitted has been revised accordingly following the pre-application advice.
8. The proposed two storey side extension as now proposed would be set well back from the street, and set down from the ridge height of the existing building. The single storey side extension would also be set well back and would have a lean-to roof. Officers consider that the side extensions being set back would help the front elevation of the building to maintain its quirky

characteristic presence within the street. Both side extensions would be constructed in matching materials with fenestration detail would match that of the existing building.

9. At the rear the existing veranda would be removed and the two storey rear extension would extend 3.4m from the existing kitchen elevation and 5.0m from the existing living room elevation which is currently set back from the kitchen elevation. It would take the form of two gable end sections with a recessed middle section. The fenestration at the rear would be more modern in appearance with larger windows and French doors. The rear elevation of the single storey side extension would be largely glazed.
10. The existing basement would be almost doubled in size. However, the basement extension would have no impact upon the character and appearance of the conservation area.
11. There have been a number of objections to the size of the extension and the infilling of the gaps to nos. 46 and 50 Plantation Road. 48 Plantation Road sits in unusually wide plot for the street. The size of the plot is also deep and can easily accommodate the proposal without feeling cramped. It is considered that although the gaps would be reduced between no. 48 and nos. 46 and 50 Plantation Road, there would be sufficient space left to retain a sense of space between the buildings and to allow views through to greenery and to glimpses of the rear of properties in St. Bernard's Road.
12. It is considered that the proposed extensions have responded well to the concerns raised by Officers at the pre-application stage, and now constitute an appropriate visual relationship with the existing dwelling. It would be constructed in matching materials and would appear as a sympathetic addition to the building. Officers consider that the proposal would not therefore harm the character and appearance of the conservation area.
13. Overall therefore the scale of the development is considered to be appropriate, and would retain space around the building. Indeed the extensions would not be visible in longer views from Plantation Road as they would be set well back. They would only come into view close to the building, and would appear as subservient additions.

#### Impact on Neighbouring Amenity

14. Development proposals are required to adequately safeguard the amenity of neighbouring occupiers to accord with policies CP1, CP10 of the Oxford Local Plan and policy HP14 of the Sites and Housing Plan.
15. The two main properties that could be affected by the proposed extensions would be no.46 and no.50 Plantation Road.
16. In terms of No.46, the two storey side extension is set back 3.9m from the boundary and would not cause a loss of light to the side windows of no.46 which are windows to non-habitable rooms, the hall and stairs. The two-

storey rear extension complies with the 45 degree guidance in that it does not breach the 45 degree line from No.46's side kitchen window or rear dining room. The rear of both nos. 46 and 48 are south facing and enjoy good levels of light. It is concluded therefore that the proposal would not cause any significant loss of light to rooms within no. 46, nor would the proposed facing extension be overbearing in terms of the outlook from the neighbouring property.

17. There are no side windows proposed and therefore, no opportunities for overlooking, in this regard privacy for no.46 is maintained.
18. With regard to No.50, the single storey side extension would be set 2.6m away from the common boundary by 2.5m. The proposal complies with the 45 degree guidance from no.50's rear nearest room which has full glazed doors. In this regard the proposal would not cause any significant loss of light to the rear ground floor room of no.50 Plantation Road.
19. Similarly, given the distance between the two storey rear extension and no.50, officers consider that there would be no loss of light, effect on outlook or be of an overbearing nature or overlooking issues.

### Trees

20. The proposal would involve the loss of 3 trees along the eastern boundary of the site along the side of the house and in the rear garden. These are a crab tree, holly tree and hawthorn shown as T3, T4 and T5 on the plan submitted by Sylva Consultancy.
21. The proposal will have only a very modest adverse impact by partially obscuring the glimpsed view of the garden and removing an attractive flowering crab apple from view from the street. There are a couple of other trees to be removed in the rear but these are two laburnums and a plum tree and are of lesser importance in terms of the visual amenity of the conservation area.
22. The most important trees on the application site are those closest to Plantation Road and these are shown to be retained. These are the ornamental hawthorn and the Yew shown as T1 and T2 on the plan, which are shown to be retained, including an attractive Magnolia (T9) which would continue to provide value to conservation area. On balance officers consider that loss of the three trees is acceptable. A condition is recommended requiring a tree protection plan in order that the retained trees are not threatened.

### Archaeology

23. This application is of interest because it lies within an area of the Summertown Radley 2nd gravel terrace which is known to encompass an extensive landscape of Middle Neolithic to Early Bronze Age funerary

monuments and subsequent landscape of dispersed Iron Age and Roman rural settlements with associated field systems and burials. A number of burials and finds of Roman and Post-medieval date have previously been recorded within a 100 radius of the site.

24. The proposed works to the basement are of a small scale and in line with the advice in National Planning Policy Framework a condition is recommended that an archaeological investigation should be undertaken to ensure that the development does not damage any elements of the historic environment.

#### Parking

25. The submitted drawings show the existing garage removed but 3 car parking spaces reprovided to serve this large house. Officers consider that the parking provision of a property of this size is adequate.

#### **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.

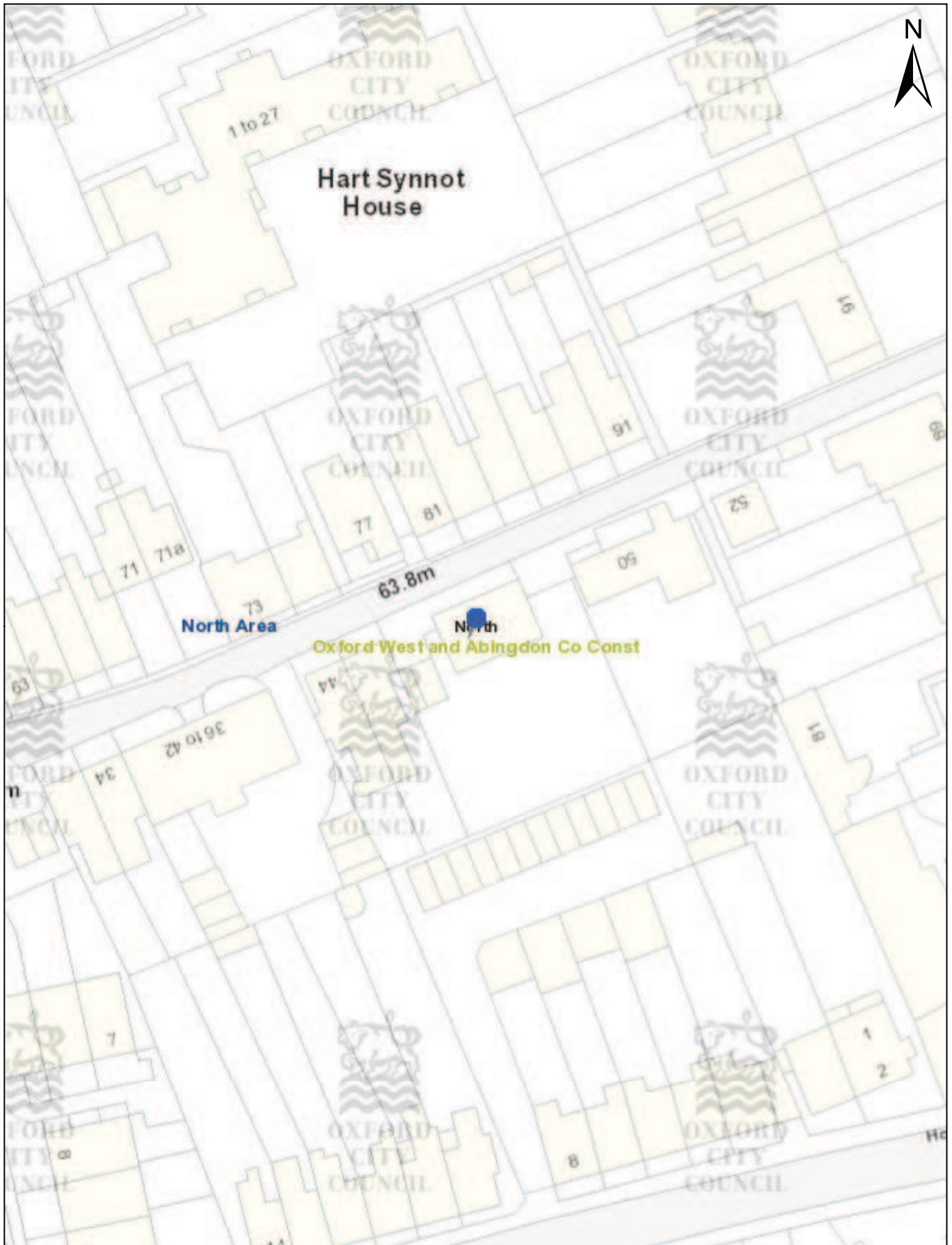
#### **Section 17 of the Crime and Disorder Act 1998**

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

**Background Papers: 14/01235/FUL**

**Contact Officer:** Davina Sarac

**Date:** 11th June 2014



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Date: 12/06/2014

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## Monthly Planning Appeals Performance Update – April 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 30 April 2014, while Table B does the same for the current business plan year, ie. 1 April 2014 to 30 April 2014.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	15	27.8	4 (44.4%)	11 (24.4%)
Dismissed	39	72.2	5 (55.6%)	34 (75.6%)
Total BV204 appeals	54	100.0	9 (100%)	45 (100%)

**Table A. BV204 Rolling annual performance  
(1 May 2013 to 30 April 2014)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	1	33.3	0 (0.0%)	1 (50.0%)
Dismissed	2	66.6	1 (100%)	1 (50.0%)
Total BV204 appeals	3	100	1 (100%)	2 (100%)

**Table B. BV204: Current business plan year performance  
(1 April 2014 to 30 April 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>Performance</b>
Allowed	19	28.4%
Dismissed	48	71.6%
All appeals decided	67	100%
Withdrawn	4	

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 May 2013 to 30 April 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 April 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 April 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 1/04/2014 And 30/04/2014

**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
13/03096/VAR	14/00008/NONDET			AWD	03/04/2014	RHIFF	57 Dashwood Road Oxford Oxfordshire OX4 4SH	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.
13/01205/FUL	13/00067/REFUSE	DEL	REF	DIS	11/04/2014	BARTSD	23 Bernwood Road Oxford Oxfordshire OX3 9LG	Erection of 2 x 2 bed dwelling houses (class C3). Provision of cycle parking, bin storage and amenity space.
13/00881/CAC	13/00053/REFUSE	DELCOM	REF	DIS	16/04/2014	HEAD	29 Old High Street Oxford Oxfordshire OX3 9HP	Partial demolition of existing house, boundary wall and complete demolition of existing garages and outbuildings.
13/00880/FUL	13/00052/REFUSE	DELCOM	REF	DIS	16/04/2014	HEAD	29 Old High Street Oxford Oxfordshire OX3 9HP	Partial demolition of existing house and demolition of existing garages and outbuildings. Erection of two storey side and rear extension. Provision of new access, car parking and turning area. Rebuilding of stone boundary wall fronting Old High Street.
13/00317/CPU	13/00034/REFUSE	DEL	REF	DIS	16/04/2014	HEAD	29 Old High Street Oxford Oxfordshire OX3 9HP	Application to certify that proposed conversion and extension of existing house to form 2x2 bed flats (Class C3) and erection of 3 new buildings to form 2x2 bed and 1x1 bed dwellings (Class C3) is lawful development.

13/02591/FUL	14/00011/REFUSE	DEL	REF	ALC	16/04/2014	LYEVAL	315 Hollow Way Oxford Oxfordshire OX3 7JE	Erection of two storey rear extension. (Amended Plans)
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**Total decided: 6**

## Enforcement Appeals Decided Between 1/04/2014 And 30/04/2014

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
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Total Decided: 0

## Table E

### Appeals Received Between 1/04/2014 And 30/04/2014

**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
13/02745/FUL	14/00023/REFUSE	DELCOM	PER	W	7 Middle Way Oxford Oxfordshire OX2 7LH	SUMMT	Demolition of lock up garage and erection of 2 storeys, 2-bed dwellinghouse (Use Class C3). Erection of garden office to rear and provision of private amenity space and bins store. (amended plans)
13/03211/FUL	14/00019/REFUSE	DEL	REF	W	1 Dodgson Road Oxford Oxfordshire OX4 3QS	COWLE	Erection of a single storey side extension.
13/03212/FUL	14/00020/REFUSE	DEL	REF	W	Store Adjacent 79 St Leonard's Road Oxford Oxfordshire	HEAD	Demolition of garage/store building. Erection of 1 x 3-bed dwellinghouse (Use Class C3).
14/00147/FUL	14/00022/REFUSE	DEL	REF	W	35 Sunderland Avenue Oxford Oxfordshire OX2 8DT	WOLVE	Demolition of existing detached dwelling and garage. Erection of 1 x 3 bedroom house (Use Class C3) and 2 x 2-bedroom flats (Use Class C3). Provision of private amenity space, bin and cycle stores.

**Total Received: 4**

## Monthly Planning Appeals Performance Update – May 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 May 2014, while Table B does the same for the current business plan year, ie. 1 April 2014 to 31 May 2014.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	18	34.0	7 (63.6%)	11 (26.2 %)
Dismissed	35	66.0	4 (36.4%)	31 (73.8%)
Total BV204 appeals	53	100.0	11 (100%)	42 (100%)

**Table A. BV204 Rolling annual performance  
(1 June 2013 to 31 May 2014)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	4	66.7	3 (75.0%)	1 (50.0%)
Dismissed	2	33.3	1 (25.0%)	1 (50.0%)
Total BV204 appeals	6	100	4 (100%)	2 (100%)

**Table B. BV204: Current business plan year performance  
(1 April 2014 to 31 May 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>Performance</b>
Allowed	22	33.3%
Dismissed	44	67.7%
All appeals decided	66	100%
Withdrawn	4	

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 June 2013 to 31 May 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 April 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 April 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 1/5/14 And 31/5/14

**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
12/03121/EXT	13/00066/REFUSE	COMM	PER	ALW	01/05/2014	IFFLDS	190 Iffley Road Oxford Oxfordshire OX4 1SD	Application to extend time limit for implementation of planning permission 09/01036/FUL (Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear).
12/03122/EXT	13/00069/REFUSE	COMM	PER	ALW	01/05/2014	IFFLDS	190 Iffley Road Oxford Oxfordshire OX4 1SD	Application to extend time limit for implementation of conservation area consent 09/01035/CAC (Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building).
13/00302/FUL	14/00007/NONDET	COMM	REF	AWD	09/05/2014	BBLEYS	Oxford Stadium Sandy Lane Oxford Oxfordshire OX4 6LJ	Demolition of existing structures. Erection of 220 x residential units (37 x 1 bed flats, 43 x 2 bed flats, 24 x 2 bed houses, 90 x 3 bed houses, 26 x 4 bed houses) (use class C3 - single family dwellings), new site accesses, parking, landscaping, public open space and ancillary works.
12/03279/FUL	13/00072/REFUSE	COMM	REF	ALW	13/05/2014	HINKPK	UK Bathroom Warehouse Abingdon Road Oxford Oxfordshire OX1 4XJ	Demolition of existing building on site. Erection of 83 bedroom hotel on 3 floors accessed from Abingdon Road. Provision of 45 car parking spaces and bin and cycle storage (Amended and additional plans)(Amended Plan)

**Total Decided: 4**

# Enforcement Appeals Decided Between 1/05/2014 And 31/05/2014

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
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Total Decided: 0

# Table E

## Appeals Received Between 1/5/14 And 31/5/14

**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
13/02419/FUL	14/00027/REFUSE	DELCOM	REF	W	28 Abberbury Road Oxford Oxfordshire OX4 4ES	RHIF	Erection of 1 x 3-bedroom detached dwellinghouse (Use Class C3) to rear of existing house.

**Total Received: 1**

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## WEST AREA PLANNING COMMITTEE

**Wednesday 7 May 2014**

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

**OFFICERS PRESENT:** Matthew Parry (City Development), Clare Golden (City Development), Huw Jones (Oxfordshire County Council), John Patey (Oxfordshire County Council), Michael Morgan (Law and Governance) and Sarah Claridge (Committee and Member Services Officer)

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

Apologies for absence were received from Councillor Canning (substitute Councillor Curran), Councillor Clack (substitute Councillor Paule) and Councillor Benjamin.

### **132. DECLARATIONS OF INTEREST**

Councillor Cook declared an interest in Item 3 - 110-120 Botley Road: 14/00067/FUL as the application is close to his house.

### **133. 110 - 120 BOTLEY ROAD: 14/00067/FUL**

Councillor Cook left the room for this item.

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish the existing retail store and redevelop the site with replacement retail store, together with 148 car parking spaces, remodelled access arrangements, cycle parking, landscaping and boundary treatment.

The Planning Officer outlined a further objection from Doric Properties who had requested the application be deferred. Officers do not feel the reasons suggested warrant deferral and recommend that the Committee determine the application.

In accordance with the criteria for public speaking, the Committee noted that Lois Muddiman and Councillor Susanna Pressel spoke against the application and Adam Pyrke (Colliers International (Planning Consultant) and James Armstrong (Waitrose) spoke in favour of it.

The following issues were discussed:

- The Highways Authority (HA) does not consider banning right turning vehicles necessary as there is a right turning lane available on Botley Road.
- There is a central reservation in the middle of Botley Road for pedestrians to cross safely but the nearest pelican pedestrian crossing is further away. The Committee felt that in the interest of safety a pedestrian crossing should be

built adjacent to the development (condition 37). This will require the approval of the HA.

- The Committee cannot condition that goods are delivered in smaller lorries (as part of condition 29) as it is unenforceable, however an informative is possible.
- The cycle lane along Botley Road will be improved with the intention being that cyclists have right of way.
- The development already includes more cycle parking than the Council's policy requires.
- An open mesh fence is suggested to protect the vegetation and stream along the boundary, the committee would like officers to re-consider the type of fence.
- The Committee cannot force a speed limit in a private carpark.
- The noise and fumes from the air conditioning unit are covered under condition 19.

The Committee resolved to APPROVE the planning application subject to the following conditions and informative:

#### Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Archaeology - evaluation
- 5 Method statement for demolition
- 6 Landscape plan required
- 7 Landscaping to be carried out by completion
- 8 Landscape hard surface design - tree roots
- 9 Landscape underground services - tree roots
- 10 Tree Protection Plan (TPP) 1
- 11 Arboricultural Method Statement (AMS) 1
- 12 Flood mitigation measures
- 13 Maintenance of Bulstake Stream banks
- 14 Access to Bulstake Stream
- 15 Further Site Contamination Assessment required
- 16 Remediation Strategy
- 17 Unexpected contamination
- 18 Scheme to dispose of surface water
- 19 Noise limit of plant
- 20 SuDS compliant hardsurfacing
- 21 Construction Environmental Management Plan required
- 22 Construction Traffic Management Plan required
- 23 Sustainability measures to be incorporated as set out in Energy Statement
- 24 Boundary treatments details to be agreed.
- 25 Works to highway/verge outside ownership required prior to occupation
- 26 Cycle parking required
- 27 Parking laid out prior to occupation
- 28 Hours of opening
- 29 Delivery and servicing plan required
- 30 External Lighting only as agreed
- 31 Ecological recommendations to be carried out as set out in Ecological Survey
- 32 Travel Plan required

- 33 No retail use of storage/office/warehouse elements
- 34 Removal of A1 PD rights and no additional mezzanine floors
- 35 Landscape management plan required
- 36 Public Art
- 37 No occupation for retail purposes until pedestrian crossing across Botley Road is built in the immediate vicinity of the frontage of the development.

Informative

That the applicant considers as part of the delivery plan, using smaller lorries to transport goods from the warehouse to the store.

**134. 32 LITTLE CLARENDON STREET & 126 - 127 WALTON STREET:  
14/00450/FUL**

Councillor Cook returned to the Committee meeting.

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application for a change of use from Use Class A1 (Shops) to Use Class A3 (Restaurants and cafes).

In accordance with the criteria for public speaking, the Committee noted that Cllr Tony Brett, Cllr Susanna Pressel, Margaret Booth (St John Street Area Residents Association) and David Robinson spoke against the application and Huw Mellor (agent) and Paul Clerehugh (applicant) spoke in favour of it.

The Committee resolved to DEFER the planning application as more information is needed to confirm the boundaries of the Little Clarendon Street Area and the Walton Street Area as outlined in the Local Plan, and to confirm which Street Area the development lies.

**135. 3 - 5 MIDDLE WAY:14/00582/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect a first floor extension to offices with undercroft parking.

In accordance with the criteria for public speaking, the Committee noted that David Jefferies spoke against the application.

The committee discussed the Highway Authority's concern around car parking spaces and concluded that 8 were too many and that they would like to reduce the number available on the site.

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 Samples
- 4 Office use (B1 use class) only
- 5 Removal of office permitted development rights

- 6 Further details of balconette required prior to commencement of development
- 7 Submission and agreement of a parking plan prior to development being commenced.

Councillors Gotch and Price left the room.

### **136. 15C CROSS STREET: 14/00047/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect a part single, part two storey rear extension.

In accordance with the criteria for public speaking, the Committee noted that Peter Morgan spoke in favour of it.

The Committee resolved to APPROVE the planning application subject to the following conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 4 Materials - matching
- 5 Amenity - no additional windows
- 6 Sustainable drainage
- 7 No further buildings

### **137. 17 BURGESS MEAD: 14/00594/TPO**

The Head of City Development submitted a report (previously circulated now appended) which detailed a tree preservation order at 17 Burgess Mead.

In accordance with the criteria for public speaking, the Committee noted that Dr Tony Buley and Mr Pugh spoke against the tree preservation order.

The Committee resolved to CONFIRM the Oxford City Council – Burgess Mead (No.1) TPO, 2014 with a modification changing the wording in the order Schedule; at paragraph 2(2), line four: "...Regulations 2011." should read "...Regulations 2012.;

The Committee resolved to GRANT consent for the weeping willow tree, T.1, to be felled on condition that a new tree of an appropriate species, such as crab apple or silver birch, is planted within the rear garden of 17 Burgess Mead before the end of December 2014. If the new tree dies or fails to become established for any reason within 5 years of planting it must be replaced to the satisfaction of the Local Planning Authority.

### **138. PLANNING APPEALS**

The Committee resolved to NOTE the report on planning appeals received and determined during March 2014.



### **139. MINUTES**

The Committee resolved to APPROVE the minutes of the meeting held on 8 April 2014 as a true and accurate record.

### **140. FORTHCOMING APPLICATIONS**

The Committee resolved to NOTE the list of forthcoming applications.

### **141. DATE OF NEXT MEETING**

The Committee noted that the next meeting would be held on Tuesday 24 June 2014.

**The meeting started at 6.30 pm and ended at 9.00 pm**

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