

# Agenda

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## East Area Planning Committee

Date: **Wednesday 4 November 2015**

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Time: **6.00 pm**

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Place: **Council Chamber, Town Hall**

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For any further information please contact:

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# East Area Planning Committee

## Membership

<b>Chair</b>	Councillor Roy Darke	Headington Hill and Northway;
<b>Vice-Chair</b>	Councillor Van Coulter	Barton and Sandhills;
	Councillor Mohammed Altaf-Khan	Headington;
	Councillor Farida Anwar	Headington Hill and Northway;
	Councillor Ruthi Brandt	Carfax;
	Councillor Mary Clarkson	Marston;
	Councillor David Henwood	Cowley;
	Councillor Sian Taylor	Northfield Brook;
	Councillor Ruth Wilkinson	Headington;

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

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# AGENDA

Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

3 **CANTERBURY HOUSE, RIVERA HOUSE AND ADAMS HOUSE,  
COWLEY ROAD: 15/02542/OUT**

13 - 42

**Site Address:** Canterbury House, Rivera House and Adams House and Vacant Plot on Street Frontage, Cowley Road, Oxford, OX4 2FQ.

**Proposal:** Change of use of Canterbury House, Adams House (Block B) and Rivera House (Block C) from Class B1 Business Use to 36 student study rooms with ancillary facilities. Outline application (seeking access, layout and scale) for 3 storey building (Block A) to provide 24 student study rooms with ancillary facilities.

**Officer recommendation:** to refuse the application for the following reasons:

1. The proposed development would result in the loss of employment land in the absence of robust justification to the detriment of the economic vitality of the city and the important balance between employment and housing as a means of achieving sustainable development. Consequently the proposals fail to accord with the requirements of policy CS28 of the Oxford Core Strategy 2026 as well as the National Planning Policy Framework.
2. The proposals would result in a height and scale of development that would, because of its scale and proximity to Canterbury House, cause harm to the streetscene and the character of the area and would cause substantial harm to the setting of the adjacent non-designated heritage asset of Canterbury House that is not outweighed by any public benefit contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19 and CS22 of the Oxford Core Strategy 2026 as well as policies HP9 of the Sites and Housing Plan 2011-2026
3. Having regard to the amount of student accommodation proposed together with existing student accommodation and on the adjacent site as well as the proximity of family dwellings, the proposed development would be likely to cumulatively give rise to a level of noise and disturbance that would cause significant harm to the amenity enjoyed by occupiers of nearby dwellings and have a significant impact on the mix and balance of the local community to the detriment of the character of the local area and successful community cohesion. Consequently in this respect the proposals are found to be contrary to the requirements of Policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016 as well as Policy HP5 of the Sites and Housing Plan 2011-2026.
4. The proposals would represent an overdevelopment of the site, as indicated by the poor level of outdoor amenity space and highly constrained parking and servicing arrangements within the site. The likely result would be an inadequate quality of living accommodation for future

occupiers and overflow car parking in the surrounding roads, to the detriment of the safe and free flow of traffic and the amenities of existing neighbours of the site, contrary to policies CP1, CP6, CP8, CP9 and CP10 and TR3 of the Oxford Local Plan 2001-2016, policies CS18, and CS25 of the Oxford Core Strategy 2026 as well as policies HP5, HP9, HP15 and HP16 of the Sites and Housing Plan 2011-2026.

**4 SITE OF FORMER FRIAR PUBLIC HOUSE, 2 OLD MARSTON ROAD: 15/02543/FUL**

43 - 56

**Site Address:** Site of former Friar Public House, 2 Old Marston Road Oxford

**Proposal:** Erection of 3-storey building to provide student accommodation of 30 number ensuite rooms with kitchen/diner to each floor and communal hall; and provision of covered bin store, bicycle parking and communal garden; and erection of laundry building.

**Officer recommendation:** to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below and delegate to officers the issuing of the notice of permission, subject to conditions, on its completion:

**Conditions:**

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials to be approved.
4. Landscaping Scheme.
5. Boundary Treatments.
6. Arboricultural Method Statement (AMS) 1.
7. Tree Protection Measures.
8. Renewable Energy Generation.
9. Laundry Room.
10. Cycle Parking.
11. Bin store.
12. Construction Traffic Management Plan.
13. Agreement - no cars.
14. Student use.
15. Variation of Local Traffic Order.
16. Drop off arrangements.
17. Day to day management.
18. Student travel packs.
19. Signage.
20. Lighting.
21. Surface water management.
22. Biodiversity enhancement measures.

**Legal Agreement:** an off-site affordable housing contribution in accordance with Policy HP6.

**5 ASHLAR HOUSE ADJ 2 GLANVILLE ROAD: 15/00955/FUL**

57 - 72

**Site Address:** Ashlar House, adjacent 2 Glanville Road, Oxford

**Proposal:** Demolition of existing builder's yard; erection of 3 x 3 bed dwellinghouse (Use Class C3) and 3 x4 bed dwellinghouse (Use Class C3); and provision of private amenity space, car parking, cycling and bins storage.

**Officer recommendation:** to grant planning permission for this development, subject to the conditions and a S106 Legal Agreement in the terms outlined below, and delegate to officers the completion of that legal agreement and the issuing of the notice of permission subject to conditions.

**Conditions:**

1. Development begun within time limit.
2. Development in accordance with approved plans.
3. Samples of materials.
4. Landscape plan required.
5. Landscape carry out after completion.
6. Boundary details - development commencement.
7. Sight lines.
8. Details of cycle parking, waste & recycling storage areas.
9. Suspected contamination - risk assess, Phase 2 and Phase 3 assessment required.
10. Bat & Bird Boxes integrated into building.
11. Surface drainage scheme.

**Legal agreement:** to secure affordable housing contributions for the delivery of off-site affordable housing provision.

**6 LAND TO REAR OF 17 BETWEEN TOWNS ROAD: 15/02245/OUT**

73 - 88

**Site Address:** Land to the rear of 17 Between Towns Road, Oxford.

**Proposal:** Outline application (seeking approval of access, appearance, layout and scale) for the erection of three storey building consisting of 6 x 2 bed flats (Use Class C3); provision of private amenity space, car parking, cycle and waste storage.

**Officer recommendation:** to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below and delegate to officers the issuing of the notice of permission, subject to conditions, on its completion.

**Conditions**

1. Development begun within time limit.
2. Reserved Matters.
3. Develop in accordance with approved plans.
4. Materials to be approved.
5. Parking.
6. Specific car parking allocation.
7. Cycle parking.
8. Construction traffic management plan.
9. Drainage.
10. Fire sprinkler system.
11. Archaeology Watching Brief.
12. Landscaping.
13. Boundary treatments.
14. Outdoor lighting.
15. Refuse and recycling store.
16. Plant.
17. No gate.

**Legal Agreement:** an off-site affordable housing contribution in accordance with Policy HP4

<b>7</b>	<b>TEMPLARS RETAIL PARK UNITS 1F AND 1G: 15/02288/FUL</b> <b>Site Address:</b> Units 1F and 1G Templars Retail Park, Between Towns Road, Oxford.  <b>Proposal:</b> Change of use from vacant unit (Use Class A3) to gym (Use Class D2); external alterations to facilitate a single entrance.  <b>Officer recommendation:</b> to approve the application subject to the following conditions:  <ol style="list-style-type: none"> <li>1. Development begun within time limit.</li> <li>2. Develop in accordance with approved plans.</li> <li>3. Materials as specified.</li> <li>4. Noise breakout.</li> <li>5. Air conditioning, mechanical ventilation.</li> <li>6. Restricted use.</li> </ol>	89 - 98
<b>8</b>	<b>82 NORMANDY CRESCENT: 15/02578/FUL</b> <b>Site Address:</b> 82 Normandy Crescent, Oxford OX4 2TN.  <b>Proposal:</b> Change of use from dwelling house (C3) to House in Multiple Occupation (Use Class C4).  <b>Officer recommendation:</b> to approve planning permission with the following conditions:  <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. Parking.</li> <li>4. Retention of low wall.</li> <li>5. SUDs.</li> <li>6. Refuse, recycling and cycle storage.</li> <li>7. Use of garage.</li> </ol>	99 - 108
<b>9</b>	<b>28 MEREWOOD AVENUE: 15/02761/FUL</b> <b>Site Address:</b> 28 Merewood Avenue  <b>Proposal:</b> Erection of a single storey side and rear extension.  <b>Officer recommendation:</b> to approve the application subject to the following conditions:  <ol style="list-style-type: none"> <li>1. Development begun within time limit.</li> <li>2. Develop in accordance with approved plans.</li> <li>3. Materials – matching.</li> </ol>	109 - 114
<b>10</b>	<b>PLANNING APPEALS</b>  Summary information on planning appeals received and determined during October may be circulated with the supplement to this agenda.  The Committee is asked to note this information.	

**11 MINUTES**

Minutes from the meeting of 7 October 2015

**Recommendation:** That the minutes of the meeting held on 7 October 2015 are approved as a true and accurate record.

**12 FORTHCOMING APPLICATIONS**

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

- Land East of Warren Crescent: 13/01555/CT3
- 8 Jersey Road: 15/00192/FUL
- 36, 38 and 40 London Road and 2 Latimer Road: 15/00858/FUL
- Jack Russell Public House, 21 Salford Road: 15/02282/OUT
- William Morris Close, Oxford OX4 2JX: 15/02402/OUT
- Oxford City Stadium, Marsh Lane: 15/02476/FUL
- 103 Collinwood Road, Headington: 15/02711/FUL
- 23 - 25 Spring Lane, Littlemore, OX4 6LE: 15/02752/FUL
- Hampton By Hilton Hotel, Grenoble Road, OX4 4XP (the Priory): 15/02836/VAR
- 27 Brasenose Driftway, OX4 2QY: 15/02778/FUL

Applications withdrawn, or re-delegated to officers under the call-in rules have been removed from the previous month's list.

**13 DATES OF FUTURE MEETINGS**

The Committee will meet on the following dates:

2 December 2015  
6 January 2016  
3 February 2016  
2 March 2016  
6 April 2016





## **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 Democratic Services Officer before the meeting starts 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 by noon, two working days 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 and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

#### 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; or
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**East Area Planning Committee**

4 November 2015

**Application Number:** 15/02542/OUT

**Decision Due by:** 15 December 2015

**Proposal:** Change of use of Canterbury House, Adams House (Block B) and Rivera House (Block C) from Class B1 Business Use to 36 student study rooms with ancillary facilities. Outline application (seeking access, layout and scale) for 3 storey building (Block A) to provide 24 student study rooms with ancillary facilities.

**Site Address:** Canterbury House, Rivera House and Adams House and Vacant Plot on Street Frontage, Cowley Road, Oxford, OX4 2FQ, site plan **Appendix 1**

**Ward:** Cowley Marsh Ward

**Agent:** JPPC

**Applicant:** Cantay Estates Ltd

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**Recommendation:** East Area Planning Committee is recommended to refuse the application for the following reasons:

1. The proposed development would result in the loss of employment land in the absence of robust justification to the detriment of the economic vitality of the city and the important balance between employment and housing as a means of achieving sustainable development. Consequently the proposals fail to accord with the requirements of policy CS28 of the Oxford Core Strategy 2026 as well as the National Planning Policy Framework.
2. The proposals would result in a height and scale of development that would, because of its scale and proximity to Canterbury House, cause harm to the streetscene and the character of the area and would cause substantial harm to the setting of the adjacent non-designated heritage asset of Canterbury House that is not outweighed by any public benefit contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19 and CS22 of the Oxford Core Strategy 2026 as well as policies HP9 of the Sites and Housing Plan 2011-2026
3. Having regard to the amount of student accommodation proposed together with existing student accommodation and on the adjacent site as well as the proximity of family dwellings, the proposed development would be likely to cumulatively give rise to a level of noise and disturbance that would cause significant harm to the amenity enjoyed by occupiers of nearby dwellings and have a significant impact on the mix and balance of the local community to the

detriment of the character of the local area and successful community cohesion. Consequently in this respect the proposals are found to be contrary to the requirements of Policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016 as well as Policy HP5 of the Sites and Housing Plan 2011-2026.

4. The proposals would represent an overdevelopment of the site, as indicated by the poor level of outdoor amenity space and highly constrained parking and servicing arrangements within the site. The likely result would be an inadequate quality of living accommodation for future occupiers and overflow car parking in the surrounding roads, to the detriment of the safe and free flow of traffic and the amenities of existing neighbours of the site, contrary to policies CP1, CP6, CP8, CP9 and CP10 and TR3 of the Oxford Local Plan 2001-2016, policies CS18, and CS25 of the Oxford Core Strategy 2026 as well as policies HP5, HP9, HP15 and HP16 of the Sites and Housing Plan 2011-2026.

### **Principal Planning Policies:**

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

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP18** - NRIA
- TR3** - Car Parking Standards
- TR4** - Cycle Parking Standards

#### Core Strategy (CS)

- CS2** - Previously developed and greenfield land
- CS9** - Energy and natural resources
- CS12** - Biodiversity
- CS13** - Supporting access to new development
- CS19** - Community safety
- CS18** - Urban design, town character, historic environment
- CS22** - Housing Growth
- CS24** - Affordable Housing
- CS25** - Student accommodation
- CS28** - Employment sites

#### Sites and Housing Plan (SHP)

- HP5** - Location of Student Accommodation
- HP6** - Affordable Housing from Student Accommodation
- HP9** - Design, Character and Context
- HP11** - Low Carbon Homes
- HP12** - Indoor space

**HP13** - Outdoor Space  
**HP14** - Privacy and Daylight  
**HP15** - Residential cycle parking  
**HP16** - Residential car parking

Other Planning Documents

Affordable Housing and Planning Obligations SPD  
Natural Resource Impact Analysis SPD  
Parking Standards, Transport Assessments and Travel Plans SPD

Other Material Planning Considerations:

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

**CIL:**

The development is liable for CIL though the amount is not known at this stage as this is a Hybrid planning application, with some matters reserved for subsequent approval. Actual CIL liability would only become known at reserved matters stage and it is only at this point that a liability notice would need to be generated if the application was to be approved.

**Relevant Site History:**

Relevant planning history at the site is set out below:

00/01326/NOY

Demolition of depot building, offices, hostel/social club and ancillary buildings. Outline application for residential development of 227 dwellings (houses and flats) and 287 parking spaces: 2,322m<sup>2</sup>, managed business space (starter units) and associated parking. Provision of 1.52 acres grassland area adjoining Barracks Lane. Closure of 1 vehicular access to Cowley Road and alterations to second vehicular access. Extension of Saunders Road into site, new vehicular accesses between 17 and 18 Saunders Road. Provision of vehicular access to Glanville Road (means of access only).

Approved: 6th August 2002.

00/01327/NOY

Demolition of depot building, offices, hostel/social club and ancillary buildings. Outline application for residential development of 227 dwellings (houses and flats) and 287 parking spaces: 2,322m<sup>2</sup>, managed business space (starter units) and associated parking. Provision of 1.52 acres grassland area adjoining Barracks Lane. Closure of 1 vehicular access to Cowley Road and alterations to second vehicular access. Extension of Saunders Road into site, new vehicular accesses between 17 and 18 Saunders Road. Provision of vehicular access to Glanville Road (means of access only).

Withdrawn: 2nd August 2002.

09/01201/OUT

Outline application (seeking access and layout) for the erection of 2,092m<sup>2</sup> of class B1 floorspace for start up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking space off Glanville Road, cycle parking and landscaping.

Approved: 17th March 2010.

This decision included a condition (condition 6) that restricted the use of Adams House, Rivera House and Canterbury House so that they were used as B1 offices.

11/01150/RES

Reserved matters of planning permission no. 09/01201/OUT (for 2,092m<sup>2</sup> of class B1 Business floor space and 106 student study rooms), seeking approval of appearance of block B and C and of the student accommodation block.

Approved: 12th August 2011.

11/02386/VAR

Variation of condition No. 7 of planning permission 09/01201/OUT for Class B1 business use and student accommodation to allow occupation and student accommodation by full time student attending courses of one Approved: 1st February 2012.

12/00457/VAR

Application to vary condition 2 of planning permission 09/01201/OUT and condition 1 of planning permission 11/01150/RES to allow a revised commercial parking layout.

Approved: 1st June 2012.

11/01150/NMA

Application for a non-material minor amendment to planning permission 11/01150/RES involving alterations to Commercial Buildings B and C.

Approved: 25th June 2012.

13/01925/B56

Application for prior approval for change of use from offices (use class B1(a)) to 3 x 1-bed and 13 x 2-bed dwellings (use class C3).

Refused: 11th September 2013.

13/02673/B56

Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide



16 dwellings (3 x 1-bed and 13 x 2-bed).

Prior approval required and refused 13th November 2013, allowed at appeal and later quashed by the courts. Appeal subsequently withdrawn.

#### 15/00360/B56

An application was made to the Local Planning Authority for a determination as to whether Prior Approval would be required, and if so, whether it would be granted, for the change of use of Canterbury House to four flats.

That application was registered on 3rd February 2015, given the reference 15/00360/B56 and refused on 30th March 2015 for the following reason:

It is considered that prior approval is required and is refused due to the use of the building was restricted to 'business units for 'start-up' and 'move-on' businesses' by a planning condition attached to planning permission 09/01201/OUT and the provisions in Class J of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (Order) 1995 (as amended) cannot supersede the requirements of that condition.

An appeal has lodged against this refusal and a decision on that appeal is pending.

#### 14/03204/OUT

Outline planning permission (all matters reserved) was sought for the demolition of the existing office accommodation at Rivera House and Adams House and the construction of up to 98 student study rooms with provision for disabled car parking. The application was validated on 05th December 2015.

Planning permission was refused on 23rd April 2015 for the following reasons:

1. The proposed development would result in the loss of employment land in the absence of robust justification to the detriment of the economic vitality of the city and the important balance between employment and housing as a means of achieving sustainable development. Consequently the proposals fail to accord with the requirements of policy CS28 of the Oxford Core Strategy 2026 as well as the National Planning Policy Framework.
2. The proposals would inevitably result in a height and scale of development that would, in combination with the existing adjacent four-storey development, unacceptably dominate and impose itself upon the wider Cowley Road streetscene to the detriment of the character and appearance of the surrounding area as well as a significant adverse impact on the setting of the adjacent non-designated heritage asset of Canterbury House. Moreover, the intensity of development proposed would be likely to lead to an overdevelopment of the site such that it would provide a poor quality environment within the site for future student occupiers with inadequate car parking and vehicle manoeuvring space together with insufficient quality and quantity of outdoor amenity space. Consequently, and in the absence of the submission of an appropriate indicative scheme to indicate otherwise, the

proposed development cannot reasonably be considered to be able to deliver a scheme that is of a scale, form, density and layout that is appropriate for its intended use and context. The proposals are therefore found to be contrary to the requirements of Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, Policies CS18 and CS25 of the Oxford Core Strategy 2026 as well as Policies HP5 and HP9 of the Sites and Housing Plan 2011-2026.

3. Having regard to the amount of student accommodation proposed together with existing student accommodation and on the adjacent site as well as the proximity of family dwellings, the proposed development would be likely to cumulatively give rise to a level of noise and disturbance that would cause significant harm to the amenity enjoyed by occupiers of nearby dwellings and have a significant impact on the mix and balance of the local community to the detriment of the character of the local area and successful community cohesion. Consequently in this respect the proposals are found to be contrary to the requirements of Policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016 as well as Policy HP5 of the Sites and Housing Plan 2011-2026.
4. As a result of the proposed redevelopment of the site there would be inadequate car parking provision to serve the adjacent retained offices of Canterbury House. Such an arrangement would only be likely to further prejudice the attractiveness and suitability of these employment premises to potential occupiers in the long-term giving rise to further harm to the overall balance between employment and housing in this city. Consequently the proposals are considered to be contrary to the Local Plan 2001-2016 as well as Policy CS28 of the Oxford Core Strategy 2026.
5. In the absence of the submission of any information to allow the local planning authority to assess whether a final scheme could meet planning policy requirements in relation to its sustainable design and construction credentials as well as the necessary on-site renewable energy generation, it cannot be reasonably be concluded that a final scheme could deliver genuinely sustainable development. Consequently the proposals are found to be contrary to the requirements of Policy CP18 of the Oxford Local Plan 2001-2016, Policy CS9 of the Oxford Core Strategy 20126 as well as Policy HP11 of the Sites and Housing Plan 2011-2026.

An appeal has lodged against this refusal and a decision on that appeal is pending.

15/00597/OUT

Outline planning permission (access, layout and scale) was sought for the erection of a four-storey building consisting of 4 x 1 bedroom and 4 x 3 bedroom flats including amenity space, car parking and waste storage.

The application was validated on 25th February 2015.

Planning permission was refused on 26th June 2015 for the following reasons:

1. The proposed development would result in the loss of employment land in the absence of robust justification to the detriment of the economic vitality of the city and the important balance between employment and housing as a means of achieving sustainable development. Consequently the proposals fail to accord with the requirements of policy CS28 of the Oxford Core Strategy 2026 as well as the National Planning Policy Framework.
2. The proposals would result in a height and scale of development that would, in combination with the existing adjacent four storey development, unacceptably dominate and impose itself upon the wider Cowley Road streetscene to the detriment of the character and appearance of the surrounding area as well as appear overbearing and cause substantial harm to the setting of the adjacent non-designated heritage asset of Canterbury House that is not outweighed by any public benefit. Furthermore the undercroft parking at street level would create an inactive frontage to Cowley Road, which would result in a poor street environment and encourage crime contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19 and CS22 of the Oxford Core Strategy 2026 as well as policies HP9 of the Sites and Housing Plan 2011-2026.
3. The proposed development, taking into account the scale and massing, inappropriate mix of dwellings, provision of undercroft car parking, inappropriate location of cycle parking, inadequate quality outdoor amenity space and inactive street frontages, would be likely to lead to an overdevelopment that is of a scale, form, design, density and layout that is inappropriate for its intended use and context of the site resulting in a poor quality environment within the site for future occupiers, and contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19, CS22 and CS23 of the Oxford Core Strategy 2026 as well as policies HP9, HP13, HP15 and HP16 of the Sites and Housing Plan 2011-2026 and the Balance of Dwellings SPD.

An appeal has lodged against this refusal and a decision on that appeal is pending.

#### **Representations Received:**

No details of any pre-application community consultation by the developer was submitted with the application and so it is not thought that any such consultation was carried out by the applicant.

One letter of support received which states that the maximum amount of student accommodation possible should be provided at this site and that no parking other than that required for taxis and deliveries should be provided.

One letter of objection was received raising the following concerns:

- There is no need for more student accommodation;
- More student accommodation is offensive;
-

- Detrimental Effect on residential character of area from increased students and traffic
- Loss of privacy from increased activity/ traffic
- Increased traffic and detrimental impact on the access to Reliance Way which is already overcrowded with vehicles and parking is virtually impossible as it is;
- Noise and disturbance increase from additional students. Antisocial behaviour and loss of amenity
- Increase in on-street parking in an area of increased pressure to park.

### **Statutory and Internal Consultees:**

#### Thames Water

##### *Waste Comments*

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

##### *Surface Water Drainage*

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

##### *Water Comments*

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close

proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

#### *Supplementary Comments*

To give certainty that any drainage solution issues are being addressed, we strongly recommend that developer's produce a detailed drainage strategy early on in the development planning process to identify any on and or off site drainage infrastructure impacts, how these will be resolved, at what phases of the development they will be constructed, by what means and establishing the delivery route for that infrastructure.

#### Natural England

No comment.

#### Highways Authority

The site is well-located for a car-free development, given the adjacent high-frequency bus routes and the proximity of many services easily reached by walking and cycling.

Cowley Road is a designated Bus Rapid Transit route in Local Transport Plan 4. The Council will develop an implementation plan to prioritise bus movement along Cowley Road and to restrict other activities which impede the flow of buses.

#### *Car Parking*

Whilst the TS indicates that the proposals will include an "undertaking that students do not bring cars into Oxford," some parking demand is likely to be associated with visitors (parents and friends) and deliveries (take-away or supermarket deliveries). It is likely that these vehicles will park on Reliance Way as vehicular parking is limited and will be controlled with an access gate.

The proposal seeks to provide a car-free development in an area which is not subject to a Controlled Parking Zone (CPZ). Consequently the car-free nature of the scheme cannot be enforced. As a result the proposals are likely to lead to significant on-street parking to the detriment of highway safety and the parking conditions for existing local residents. Consequently the proposal is contrary to policy CP1 of the Oxford Local Plan 2001-16. Whilst the Council welcomes the promotion of car-free developments in appropriate locations, the Council is also wary of the consequences of any abuse of the car-free principle.

The Reliance Way area is very constrained, and its design does not provide any space for additional on-street car parking. Cowley Road is also extremely vulnerable to degraded bus performance (low journey speeds, unreliability) caused by excessive or poorly located parking. The tenant parking control scheme for the proposed development must be extremely robust, to avoid any additional parking demand in these streets.

The TS indicates that the central courtyard will be available for parking when students are moving their belongings. The parking capacity in the central courtyard is extremely limited, particularly if the disabled car parking spaces are occupied during this period of loading and unloading. When no disabled spaces are occupied, there will be a maximum of only 3 parking spaces available at any one time for the movement of belongings associated with 60 students. This will inevitably lead to overspill on to surrounding streets, in an area where there is a high student population and therefore concurrent high parking demand.

A city-wide Workplace Parking Levy (WPL) is proposed in the Oxford Transport Strategy (OTS) which forms part of Local Transport Plan 4. A city-wide WPL is likely to require the further expansion of CPZs to ensure that parking is not just displaced to areas beyond the workplace. Given the additional local parking pressure that this proposal is likely to generate, provision of a new CPZ or extension of an existing one is needed to manage potential additional parking demand and reinforce the 'car free' character of the development. A Section 106 contribution of £50,000 is therefore requested for a possible CPZ or other traffic enforcement measures in the vicinity of the development site.

A Student Accommodation Management Plan is also required to demonstrate how the car parking demand can be effectively controlled. It will need to include robust measures to avoid chaotic overspill of this activity into Reliance Way and Cowley Road.

Commented that there *are potential impacts of car parking demand on surrounding highway*. This will particularly be an issue at the start and end of university semesters when students are moving their belongings by car. This could exacerbate existing parking stress linked to the presence of other student accommodation in the vicinity of the development site and will therefore need to be carefully managed. If overspill parking occurs on Reliance Way in the vicinity of the site access, this could block the only vehicular access route for existing residential dwellings on Reliance Way causing disruption.

The bin store appears to be in excess of 25m of both accesses. Amendments will be needed to provide the bin store within maximum drag distances.

They consider that there should be no occupation by conference delegates or other users outside term time due to a lack of car parking to accommodate this use. A warden must be available on-site at all times whilst the accommodation is in use to manage access to disabled spaces and the delivery area, to prevent more than 3 vehicles being in the central courtyard at any one time, which could impede movement by pedestrians and cyclists.

Sixty-four secure and covered cycle parking spaces are proposed, divided equally into two areas. This is equivalent to one space per student room (all 1 bedroom) and 4 additional spaces for staff and visitors. The proposed level and location of the cycle parking is considered to be appropriate.

No objection subject to conditions relating to Travel Plan , SUDs, Refuse collection arrangements, Student Accommodation Management Plan, Parking and Turning Space in Accordance with Specified Plan, Students no cars to Oxford, No out of term use, Construction Traffic Management Plan, Supervision of Access Arrangements

### **Officer's Assessment:**

#### **Application Site & Background:**

1. The application sites comprise part of what was formerly Oxford bus depot until this was redeveloped in recent years to provide residential accommodation and employment land. The site lies along the northern side of Cowley Road on the corner of Reliance Way. It is approximately midway along Cowley Road between The Plain at one end and Cowley District Centre at the other. Its location is such that it is not located within any of the City's designated transport district areas.
2. Contiguous with the northwest boundary of the site lies the Victorian era double-gabled two storey building of Canterbury House that has been in office use for many years though now vacant. It was once formerly both the home and studio of renowned Oxford photographer Henry Taunt. To the southeast lie the modern residential properties of Reliance Way.
3. Approval was granted in 2010 for three office buildings on this employment land (09/01201/OUT), with Adams House and Riviera House, immediately adjacent to the northeast, being constructed but the third building on the application site never being constructed (11/01150/RES, 12/00457/VAR, 11/01150/NMA). Adams House and Riviera House have barely been occupied since their construction and the site has been left looking incomplete with both hard and soft landscaping not fully laid out and hoarding still left around the application site.
4. The site can be seen within its context on the site location plan attached as **Appendix 1**.

#### **Description of Proposed Development:**

5. Full planning permission is sought for the conversion of Canterbury House from use as offices (Use Class B1) into nine ensuite single study bedrooms and one ensuite double study bedroom, along with communal cooking and living facilities and administration facilities; the conversion of each of Riviera House and Adams House into 13 student study rooms, together with communal cooking and living facilities and laundry facilities (36 student study rooms in total); landscaping, bin and bicycle storage, 3 disabled car parking spaces and a new pedestrian access into the site from Cowley Road.
6. Outline planning permission (scale, access and layout with design and landscaping reserved for subsequent approval) is sought for a three storey

building on the currently vacant plot fronting Cowley Road incorporating 24 student study rooms and communal cooking facilities.

7. In total, permission is sought for 60 student bedrooms across the site, using existing two and three storey buildings, with the erection of an additional three-storey building fronting the road.
8. Officers' consider the following to be the principal determining issues in this case:
  - Principle of Loss of Employment Site;
  - Principle of Student Accommodation;
  - Affordable Housing;
  - Urban Design;
  - Quality of Student Accommodation;
  - Parking and Access;
  - Impact on Neighbouring Amenity;
  - Energy efficiency;
  - Flood risk;
  - Ecology;
  - Trees/Landscaping;
  - Land contamination.

#### **Principle of Loss of Employment Site:**

9. In granting planning permission for the redevelopment of the Bus Depot into residential accommodation (00/01326/NOY refers) the land to which this application relates was secured as employment land to mitigate the loss of the large part of employment land, in accordance with the Local Plan at that time, specifically 2,322 sq.m. managed business space (starter units) and associated parking. The S106 attached to that permission states:

*Sch3 - relevant part states that the transferee covenants not to use the property other than for any use falling within the definition of B1 use as defined in the Town and Country Planning (Use Classes) Order 1987 (and not any amendment thereof) and without prejudice to the generality of the is clause not to allow any of the units constructed on the property to be used other than for start-up business units which are not to be sold freehold or leased on long leases and which units are not to be let to companies or businesses which have been in existence for more than 2yrs at the date of the letting of the unit.*

10. Condition 8 of Planning Permission (00/01326/NOY) also states:

*The employment land that amounts to at least 0.4 hectares that is due to be transferred as part of the legal agreement shall be allocated for employment use to provide a cleared site available to 2322 sq.m of net lettable business floor space, as specified in the agents letter dated 23rd May 2001, the details of which shall be part of a formal submission by the owners of the employment area and approved in writing by the LPA, in accordance with Condition 4 (submission of reserved matters).*



11. Outline planning permission, 09/01201/OUT, was granted in 2009 for; 'Outline application (seeking access and layout) for the erection of 2092sq m of class B1 floor space for start-up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking space off Glanville Road, cycle parking and landscaping.' With this permission a section 106 agreement was also attached, which states as follows:

*It is further acknowledged and agreed that save for the provisions of Clauses 4.1 and 4.2 above the First Agreement is not varied further and shall remain in full force. [n.b. 4.1 and 4.2 related to issues of transfer of land, utilities provision, Canterbury House and period for erection of public art]*

12. The S106 made provision for 50% of the employment buildings to be built before the student accommodation was occupied, hence only Adams house annotated as building B and Rivera house as building C in the agreement have been constructed. Building A has not yet been constructed and forms the application site.
13. Furthermore, Condition 6 of notice of permission 09/01201/OUT stated, 'Buildings A, B and C fronting Cowley Road and Glanville road shall be used for Class B1 Business use as 'Start up' and 'move on' business units, supported by office accommodation located within the retained Canterbury House. Details of the layout of the buildings for their intended purpose shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall be constructed strictly in accordance with the approved details and shall be retained as such at all times thereafter unless otherwise agreed in writing beforehand by the local planning authority'.
14. The S106 is clear that the property shall not be used for any other use other than that falling within the definition of B1 use (business) as defined in the Town and Country Planning (Use Classes) Order 1987 (and not any amendment thereof). The Applicant has not applied to vary the S106 Agreements.
15. Paragraph 7 of the NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The economic role of the planning system is to ensure that development contributes towards building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
16. NPPF paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

17. Paragraph 19 sets out that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
18. The relevant Development Plan Policy is CS28 of the Oxford Core Strategy 2026 (2011) states that planning permission will only be granted for the change of use or loss of other employment sites (i.e. those not key protected employment sites), subject to the following criteria:
- overriding evidence is produced to show the premises are presently causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated; or
  - no other future occupiers can be found despite substantial evidence to show the premises or site has been marketed both for its present use and for potential modernisation or regeneration for alternative employment-generating uses; and
  - the loss of jobs would not reduce the diversity and availability of job opportunities; and it does not result in the loss of small and start-up business premises, unless alternative provision is made in Oxford.

#### Context

19. In order to understand the implications of the proposed development on employment land provision in Oxford, it is necessary to summarise how the application fits in to the planning history context at the site.
20. This site forms part of the much larger former bus depot site, which generated local employment. When planning permission was granted to redevelop the depot (00/01362/NOY), those proposals included the re-provision of 2,322m<sup>2</sup> of managed starter units. This was to part mitigate the loss of employment that would result from the development and was material in the Council finding the overall scheme to be acceptable.
21. At that time, it was anticipated that this employment space would be built and transferred at nil cost to a management company that would assist with the occupation of the space by start-up and move-on businesses.
22. That did not happen. By the late 2000s the Council could see that it would need to take a pragmatic approach to the site in order to ensure that its employment potential was realised. It granted planning permission for 2,092m<sup>2</sup> of B1 office floorspace together with 106 student study bedrooms (09/1201/OUT and 11/01150/RES). The justification for accepting the study bedrooms on what was employment land was that they would fund the employment floorspace and help realise the delivery of jobs at this site.

23. The student study rooms were built and so were Rivera House and Adams House (to shell and core). The third building that would front Cowley Road was not built.
24. The result of this application, if approved, would be the loss of any opportunity for jobs at this site, which was once a major employer in Oxford. The Council has acted pragmatically and reasonably since planning permission was granted for the original redevelopment to assist in bringing jobs forward. These proposals entirely undermine those efforts and the ability of the wider site to provide the sustainable balance of uses for which it was intended.

### Marketing

25. It is one of the requirements of Policy CS28 that substantial evidence of marketing of a site in its current use and alternative employment generating uses is provided before a change of use will be considered acceptable.
26. The vacant site on Cowley Road has not been marketed at all in its present use as 'start-up-move-on' space or in alternative employment generating uses. As such, the proposed development fails to meet that policy test and conflicts with it.
27. It is the applicant's case that the marketing that has taken place relating to Rivera House and Adams House is sufficient to demonstrate that no future occupiers can be found for the vacant site. That cannot be the case for a number reasons.
28. The sites are materially different. There is no building at that site. A small business is entirely unlikely to be interested in a vacant plot. A management company could be because of the flexibility offered by an empty site. A building could be built to meet its needs and/or its understanding of the requirements of the market. Any building would be more visible from the road than Rivera House and Adams House.
29. This site has not been marketed at all for any form of employment use and so there is a direct conflict with Policy CS28.
30. Some marketing has been carried out relating to Rivera House and Adams House and evidence of this has been submitted with this application. That marketing is fundamentally flawed, inadequate and a considerable way short of the 'substantial' evidence required by Policy CS28.
31. Marketing began under the current ownership in January 2015 for the two buildings, which are constructed to shell and core level only. Any management company looking to take them on would need to invest to bring them up to a standard where they could be let. This is clearly not a very attractive proposition. Guidance received by the applicant from Cluttons and submitted with their application suggests that the appellant should not be making that investment without tenants having been secured.

32. They should, of course. It is vital to refer back to the planning history context when considering this aspect of the applicant's case. This part of the wider bus depot site was not intended to necessarily be the most profitable part of the bus depot development. High residential values were being released at the rest of the site. Those values secured the viability of the scheme as a whole.
33. It so happens that the applicant has now acquired this part of the site. They did so in the knowledge of the planning history context and the role that this part of the site had in the wider depot site. If they purchased it expecting high market returns, they were wrong to do so. The requirement to provide start-up, move-on office space here was well known and will have been highlighted in advance of purchase.
34. It will require investment to bring the buildings up to a fit-out standard attractive to the market and that investment should have been reflected in the purchase price. The Council has already taken the viability implications of providing this space into account twice; once when approving the wider bus depot development and again when consenting the additional student housing at the site so as to deliver employment here. It cannot be expected to start from scratch again.
35. It is not known whether the applicant has engaged with the type of management companies who would normally look to control these buildings but any investment required to bring the space up to a standard that could be occupied should fall to the applicant.
36. These are, after all, 'start-up, move-on' spaces and it seems to officers that the appellant has entirely failed to demonstrate a grasp of this fact, and it is fundamental.
37. The applicant claims that they have consciously avoided advertising the buildings in this way to open up the range of potential interest in them, but in officers' view, the result of that approach is simply to alienate 'start-up, move-on' businesses or management companies from engaging with the marketing process.
38. A review of the advertising for the buildings gives no hints at all as to the way in which the spaces should be used. It seems to officers that the marketing has been carried out in the most generic of fashions and that no attention at all has been paid to the fact that these are 'start-up, move-on' spaces for young businesses.
39. It is not surprising at all that there has been limited interest in the sites for their intended use. The applicant has advertised the buildings, which are not fitted out and so are intrinsically unattractive, for a short period in a fashion that is highly unlikely to attract management companies or small business. Potential occupiers will probably expect serviced accommodation, flexible space, flexible leases and low rates and that has not been offered here.

40. The applicant has not come close to complying with the relevant test set out at Policy CS28.

Availability of office accommodation/diversity

41. The applicant has provided documentation to seek to demonstrate that there is other available office accommodation in Oxford and so the loss of this site to student accommodation would not result in a loss of diversity or availability of job opportunities. That argument is not convincing, in part because it does not recognise the specific contribution that a building at this site would make to the local employment offering. It should sit together, with Rivera House, Adams House and Canterbury House to provide a cluster of 'start-up, move-on' units, specifically designed to meet the needs of small, new businesses that typically find these types of spaces much more suitable and accessible than standard market office accommodation.
42. It is important that both the 'start-up' and the 'move-on' elements are provided so that young businesses can relocate to a neighbouring building as they grow and in turn, free up space for further new businesses. Businesses may then find that they are able to enter the regular market for employment floorspace, in time.
43. The particulars submitted by the applicant do not recognise the specific contribution that this site should make to the diversity of the employment offering in Oxford and the job opportunities that should be associated with it.
44. The development of this site for student accommodation would, of course, result in the loss of small, start-up business premises and the applicant is not proposing, as officers understand it, to provide alternative elsewhere in the City.
45. Offices do not dispute the fact that there are vacant office sites in Oxford. It is a transient market and businesses will move between buildings as their needs change. Sites will, of course, sometimes be vacant and marketed before they are filled. That is not the same as there being a dramatic oversupply of office space. In any event, the Council needs to make provision for economic growth over in the medium and long-terms and cannot be distracted by snapshots.
46. The applicant has not indicated which, if any, of the marketed sites in their particulars are 'start-up, move-on' spaces, like those that would be lost by these proposals.
47. The provision of a diverse employment offering, including 'start-up, move-on' space is very important in Oxford. A Starter Unit Review Report was published at the end of 2013. Not only does it underline the commitment of the Council to the provision and protection of these spaces, it highlights very high occupancy rates at existing sites that provide similar space in Oxford. This is a much better gauge of demand than the print outs provided by the applicant.

48. The Council's Core Strategy is up to date and its plans for employment growth, that were examined and found sound, were made in the context of jobs being provided at this site. Circumstances have not changed since the Core Strategy to an extent that would render this site no longer needed for employment as part of the long-term aspirations for Oxford's economic growth.
49. The proposal sits in direct conflict with Policy CS28, which is the relevant Development Plan Policy.

The weight that should be afforded to a conflict with this policy

50. There would be direct a conflict with the Development Plan. The weight that should be afforded to that conflict is significant. The development would sit at odds with the Framework's aspiration for balanced communities and employment growth. It would also sit at odds with the Council's firm and established commitment for balanced and managed growth within the City.
51. There can be no question that Oxford City Council is committed to delivering economic growth through providing new employment and protecting existing employment within the City. There is governmental support for these objectives. The scheme would fundamentally undermine this approach and the conflict that has been identified between the development and policy CS28 should be afforded significant, overriding weight in the planning balance, in officers' opinion.

**Principle of Student Accommodation:**

52. Notwithstanding officers' in principle objection to the loss of these employment sites, the principle of constructing student accommodation in this location should also be considered. In this respect, Policy HP5 of the SHP is material and supports the development of student accommodation on, inter alia, main thoroughfares including Cowley Road. Such support is predicated on the basis that these roads are better served by public transport and within easier reach of educational establishments, amenities and facilities. Such roads are generally more suited to student accommodation as they are less likely to feature quiet residential areas which would be more susceptible to noise and disturbance associated with the transitory nature of student accommodation and therefore potentially detrimental to its character.
53. Whilst the principle of providing student accommodation at this site could be acceptable, officers are concerned about the level and intensity of student accommodation that would be a result of this development in this more residential part of Cowley Road, particularly given the cumulative effect when taken together with Mansion Mews. This would significantly alter the character of the immediate area and the enjoyment of existing family homes on Glanville Road and Reliance Way. Such impacts are described in more detail in the relevant section of this report.

### **Affordable Housing:**

54. Policy HP6 of the SHP requires student accommodation providing 20 or more bedrooms to make a financial contribution towards off-site provision of affordable housing in the interests of creating mixed and balanced communities.
55. The applicant has indicated that in the event of an approval, they would be willing to enter in to a legal agreement to secure such a contribution.

### **Urban Design:**

56. Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
57. Paragraph 57 states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
58. Paragraph 64 states 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.
59. NPPF paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
60. Local Plan policies CP1, CP6, CP8, CP9 and CP10 together seek to secure high quality, efficient, contextually appropriate, successful and functional development. Core Strategy policies CS18 and C19 reinforce those objectives and seek to protect the value of heritage assets. Policy CS22 seeks ensure that housing delivery is planned.
61. Previous proposals for a new building at this part of the site have shown a four storey building, which would not be appropriate in this location. Now proposed is a three storey building. Its design and landscaping around it would be reserved for subsequent assessment so should not inform this decision. Its scale and layout should be considered now.
62. A three storey building would be more appropriate than the four storey structure that has been proposed in the past. However, the indicative drawings show that such a structure would rely on a tall roof and an eaves height much taller than that at Canterbury House to achieve the second floor accommodation.

63. There would be an awkward relationship between the building and Canterbury House because of the proximity and relative heights of the two buildings. This relationship would cause significant harm to the setting of Canterbury House and in turn, the street scene.
64. Canterbury House is considered to be of some associative historical value and community value. As already noted by the applicant the building is associated with local Victorian photographer Henry Taunt. It is noted that the building also featured in Taunt's own photographs and that it has generated recent interest both as the subject of a study undertaken by the East Oxford Archaeology and History Project (Archeox) and a project by Brookes Architecture students who were tasked with designing a future museum utilising the building. Officers consider that due consideration should therefore be given to retaining this structure as a candidate Local Heritage Asset.
65. The fact that Canterbury House is not currently listed on the Council's website for its heritage value does not mean that it does not constitute a non-designated heritage asset. A Heritage Asset is defined by the Glossary to the NPPF as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
66. Local Listing is not a requirement of identification. This is made clear by the NPPG. Canterbury House has been identified as a Heritage Asset by officers in its assessment of this planning application because of its appearance and connection with a local historic figure. It can be the case that the value of a building is not recognised before threat emerges to its value. The emphasis on non-heritage assets in the NPPF and NPPG present a different policy context to that which was in place when permission was granted for the redevelopment of the bus depot.
67. Unlike with previous applications, the applicant has now submitted a Heritage Statement and in doing so, recognises that the building has heritage value. What that Statement does not do, though, is assess the impact of the proposed new building on the setting of the heritage asset.
68. In this case, the height and scale of the building so near to Canterbury House would cause substantial harm to its setting. As a result, paragraph 135 of the NPPF is enacted, which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
69. It is clear to officers that the development would directly conflict with Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016 (2005), Policies CS18, CS19 and CS22 of the Oxford Core Strategy 20126 (2011) and



Policy HP9 of the Site and Housing Plan 2011-2026, all of which seek high quality, well designed developments. As a result, there would be conflicts with the Development Plan, those conflicts would not be outweighed and so the application should be refused for the reasons described above.

### **Quality of student accommodation:**

70. Policy HP5 of the SHP and its supporting text at paragraph A2.35 requires student accommodation development of the size proposed to provide both communal indoor and outdoor space that ensures occupants have space to gather, socialise and hold events. Policy CS25 of the Core Strategy adds that student accommodation should be purpose built and designed and managed in a way that attracts students to take it up.
71. The details of landscaping would be reserved for subsequent approval so the quality of the proposed outdoor amenity space should not be assessed at this stage. It is clear though, that the quantity would not be sufficient to properly meet the needs of the large number of students that would need to use it. The requirement for car parking for disabled drivers and a large amount of cycle parking would only leave a modest area for outdoor amenity that could not be said to represent a high quality of accommodation for future occupiers.
72. This inadequate provision of outdoor amenity space is an indicator that the site would be overdeveloped.
73. It cannot be argued that indoor communal space would mitigate this shortfall in outdoor space. Whilst each floor would be served by a shared room, these would, for the most part be quite small and it is difficult to imagine residents being able to use these spaces for gathering, socialising or holding events, as required by Policy HP5.

### **Parking & Access:**

74. Policy HP16 of the SHP does not support the provision of dedicated car parking to serve student accommodation so that car ownership is not supported in the interests of reducing parking and traffic congestion for residents. To achieve this where outside a Controlled Parking Zone, a management regime would need to be agreed with the Council in advance of the occupation of the development including details of how the enforcement of car parking would take place. However, some operational car parking would be required as well as disabled parking provision.
75. Whilst the site layout plan shows sufficient provision of wheelchair accessible parking spaces, there would be very little usable space remaining within the site in which delivery and service vehicles could manoeuvre. Furthermore, and significantly, there is almost no space at all for operational parking to serve students and their families arriving and departing at the start and end of term. The submitted Transport Report states that at these times, the limited outdoor amenity space could be used for this purpose but it not at all clear that such arrangements would be sufficient or appropriate. All of this is likely to give rise to a particularly congested internal environment within the site and numerous

conflicts between users of the site. As the surrounding roads are not covered by a Controlled Parking Zone, on-street parking cannot be enforced so any operational parking would exacerbate existing parking pressure within Reliance Way and Glanville Road. The Highways Authority has raised a number of concerns, many of which could likely be dealt with by planning conditions in the event of an approval. Most crucial, though, is the concern raised about operational and visitor parking associated with the use of the site in this intense fashion. The HA has requested a financial contribution towards the introduction of a CPZ. It is not known whether the applicant would be willing to make such a contribution, or whether a CPZ would be desirable to existing occupiers in the surrounding roads.

76. In this context, the development would likely give rise to conflicts within and outside of the site which serves as a further indication that the proposed development would overly intensive for its location.
77. Sufficient cycle parking would be provided, albeit that the quantum required would limit the amount of outdoor amenity space available to occupiers quite significantly, as described elsewhere in this report.

#### **Impact on Neighbouring Amenity:**

78. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard neighbouring amenity. Policies CP19 and CP21 of the Local Plan resist development where it would result in unacceptable noise and disturbance for neighbouring residents. The supporting text to Policy HP5 of the SHP recognises the problems that large numbers of inappropriately sited student rooms can have, given the increased activity on quieter residential streets. It also recognises that student accommodation can have an adverse impact on the character of residential areas when inappropriately sited. The supporting text to Policy CS25 of the Core Strategy states that there should be no unacceptable impact on amenity for local residents.
79. Policy HP5 seeks to concentrate non-allocated new student accommodation on existing academic sites, in city/district centres or along main thoroughfares which includes Cowley Road. This is to prevent speculative student accommodation developments taking place in residential areas which can have a significant impact on the character of an area and the quiet enjoyment of surrounding homes.
80. These types of impacts are already associated with the Mansion Mews Development. Whilst Cowley Road is a mixed use street well served by public transport, only parts of it feature regular activity during the day and night time. Further away from the district centre it becomes more residential in nature. When taken together with those at Mansion Mews, the proposed development would result in a significant number of student rooms set between the relatively quiet residential roads of Reliance Way and Glanville Road.
81. The proposed further intensification of student accommodation at this site is such that it would concentrate the potential to generate significant noise and

disturbance for local residents. Added to this would be the likely increase in indiscriminate on-street car parking, to the detriment of neighbouring amenity. Furthermore, the intensification of student accommodation across the former bus depot site would significantly increase student comings and goings along, in particular, Glanville Road which is part of a short cut to the Brooks' Headington campus. Officers therefore have concerns that cumulatively, the character, mix and balance of these residential streets would be materially altered making them less attractive for family occupation in the future. These proposals would alter the character of the area and would harm the amenity of neighbouring residents and would be contrary to Policies CP1, CP10, CP19 and CP21 of the Local Plan as well as possible HP5 of the SHP and Policy CP25 of the Core Strategy. The applicant has provided no reliable assessment of the impact of the development on the residential amenity of neighbouring occupiers.

### **Energy Efficiency:**

82. Policy CS9 of the Core Strategy requires all developments to minimise their carbon emissions and are expected to demonstrate how sustainable design and construction methods would be incorporated. Policy HP11 of the SHP is specified to residential development including student accommodation and requires developments of this size to generate at least 20% of its total energy use through on-site renewable energy generation unless not feasible or financially viable.
83. The applicant has set out a range of sustainable construction measures that they say could be utilised at the site. These include the use of PV panels and biomass boilers. In the event of an approval the application of these measures could be secured by way of a planning condition.

### **Flood Risk:**

84. Policy CS11 of the Core Strategy reflects national policy in the NPPF by resisting development that increases flood risk. Whilst residential development is a more vulnerable use than the existing office development, the site is at a low risk of flooding and so no objection is raised to in this respect to residential development on the site. However, if approved a condition should be imposed requiring details of a surface water drainage system to be submitted to and approved by the Council to ensure no increase in surface water run-off and the potential for localised flash flooding.

### **Ecology:**

85. It is very unlikely that the proposed development would have an adverse impact on protected species. However, policy CS12 of the Core Strategy reflects the Council's statutory duties to give due regard to the need to enhance biodiversity when carrying out its functions. A development of the size proposed could make a meaningful contribution towards providing an improved habitat for swifts and so, if approved, a condition should be imposed requiring at least 10 swift boxes to be installed on the final buildings in a location to be agreed first by the Council.

### **Trees/Landscaping:**

86. The site is currently barren with no vegetation of note that would be affected by the proposed development. The appearance of the site, particularly when viewed from Cowley Road, could certainly benefit from some planting and this could be secured at Reserved Matters stage if the application was to be approved in accordance with the requirements of policy CP11 of the Local Plan.

### **Land Contamination:**

87. This site was previously remediated to a commercial end use as outlined in the Remediation Strategy and Verification Report in 2012. Briefly, there was an underground storage tank (tank 4) located along the southwest boundary of the site which was removed during the remedial works. Validation testing was carried out on the excavation to ensure minimal residual contamination. During the Ground Contamination Assessment, only four of the trial pits (TP01, TP02, TP04 and TP10) fell within the boundary of the current site of proposed development. The analyses from these trial pits revealed the underlying natural clay was suitable for residential end use, and was subsequently removed for use in the adjacent residential end use site. The Made Ground from this adjacent residential end use site was deemed suitable for commercial end use and as such was excavated and used to level the area of the currently proposed site. The upper 300mm of this Made Ground was then cement lime stabilization to prepare the site for future construction work.

88. As the subsurface of the currently proposed site has changed from its original state as presented in the Ground Contamination Assessment, the results from this report are no longer representative of this area. The Made Ground that was used to fill this site was not suitable for residential (without home-grown produce) end use, and so further investigation and remediation of this site will be necessary. Further, the proposed end use has changed for this site, which will require a re-evaluation of the risk assessment. Consequently, and in accordance with the requirements of policy CP22 of the Local Plan, a condition would need to be imposed if planning permission was to be granted requiring a phased contamination risk assessment to be carried out together with all necessary remediation measures.

### **Other material planning considerations:**

#### Housing need

89. It is the firm view of officers that this development would, for the reasons set out in this report, conflict with the Development Plan.

90. Paragraph 12 of the NPPF is clear that proposed development that conflicts should be refused unless other material considerations indicate otherwise.

91. The applicant has set out that there is a need for housing in Oxford and that student accommodation, by releasing family housing from occupation by

students, contributes towards meeting that need. They argue that this matter should attract positive weight for the appeal proposal in the planning balance.

92. They will be aware that this is well trodden ground. An appeal involving the applicant and their representatives (APP/G3110/A/13/2206058) relating to a refused planning application for residential development, car parking and playing pitches at land to the rear of William Morris Close, Oxford, OX4 2JX was dismissed in February 2014.

93. The same argument was put forward by the applicant there. There, the Inspector found that:

*My own review of the submitted evidence suggests that there is a genuinely pressing need for affordable housing in Oxford, borne out not just by the number of houses that have been assessed as being needed, but also by the demand for properties when they do become available. However, it is acknowledged by the main parties that the amount required far exceeds that which can be practically delivered within the City itself, and indeed the Council identify that they are actively working with surrounding councils for solutions [paragraph 50].*

*I have no reason to doubt that the Council, when considering this application, were aware of the very considerable need facing Oxford in terms of affordable housing. It was an issue that was understood during the preparation and adoption of the Core Strategy and the SHP. In these, the Council had to take a balanced view in assessing the demand for housing against the considerable constraints within their area. This balancing act was played out in the preparation and examinations of these plans, which lead to the housing targets currently within the development plan, which is accepted to be up-to-date [paragraph 52].*

*The housing target of 400 units should not be considered as a maximum and the Council should strive to overachieve against that level, particularly in light of the acknowledged need. However, housing delivery in such circumstances cannot override all other considerations, and should be considered within the context of a plan led system. Nonetheless, I have accorded significant weight in favour of the scheme, as regards the provision of affordable homes [paragraph 54].*

*While I noted significant weight in favour of the scheme arising as a result of the delivery of affordable housing, I find that this does not outweigh conflict with the recently adopted development plan [paragraph 62].*

94. A further appeal, also lodged by the applicant with their representatives related to a proposed residential development at part of the William Morris Close site (APP/G3110/W/15/3004768). This appeal was determined in the context of the Council's most up to date Strategic Housing Market Assessment. An especially relevant extract is set out in full, below:

*What is evident is that the Council are providing a constrained housing supply figure and that there is significant pressure remaining from unmet need. In these circumstances additional housing provision would be a significant positive benefit. However, the limited additional number of units proposed in this scheme would not make a significant contribution to address that need and the policy protection to provide a balanced approach to economic, environmental and social development is crucial to ensure an appropriate plan in the context of a plan led system. On this basis I am not convinced that the benefit that would result from this small number of housing units is such that it would outweigh the harm that would arise from the conflict with the protection of the open space [paragraph 13].*

95. Officers acknowledges that there is a need for housing, and particularly affordable housing in the City. They accept that student housing makes a contribution towards that need, especially when a contribution towards affordable housing is proposed. Officer agree that weight should be afforded to the fact that the development would make a contribution towards meeting housing need.
96. However, development potential is significantly constrained in Oxford. In formulating its housing targets, which have been found sound through examination, the Council balanced the need for housing against the need for other environmental, economic and social demands. The result is robust, plan led approach to development that strives to create a balanced and sustainable City.
97. The very significant weight that officers consider should be attached to the loss of the employment generating potential of this site, which makes a valuable contribution towards the quantum and diversity of the employment land stock of the City has been set out in detail in this report. Additional conflicts with the Development Plan have also been identified and described.
98. Whilst weight should be afforded to the provision of student housing that the scheme would bring forward, it would not come close to outweighing the significant conflicts that have been identified with the Development Plan. This is particularly the case given the limited contribution that would be made to the housing stock.

**Conclusions:**

99. The National Planning Policy is clear that proposed development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.
100. The development would result in the loss of important 'start-up' employment floorspace, would cause harm to the street scene and the setting of Canterbury House and would represent the overdevelopment of this site, to the detriment of the quality of development in the area and would result in unacceptable noise and disturbance for existing neighbours. There would be various conflicts with the Development Plan and no material planning

considerations have been identified that would outweigh those conflicts. As such, planning permission should 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, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers: 15/02542/OUT**

**Contact Officer: Felicity Byrne**

**Extension: 2159**

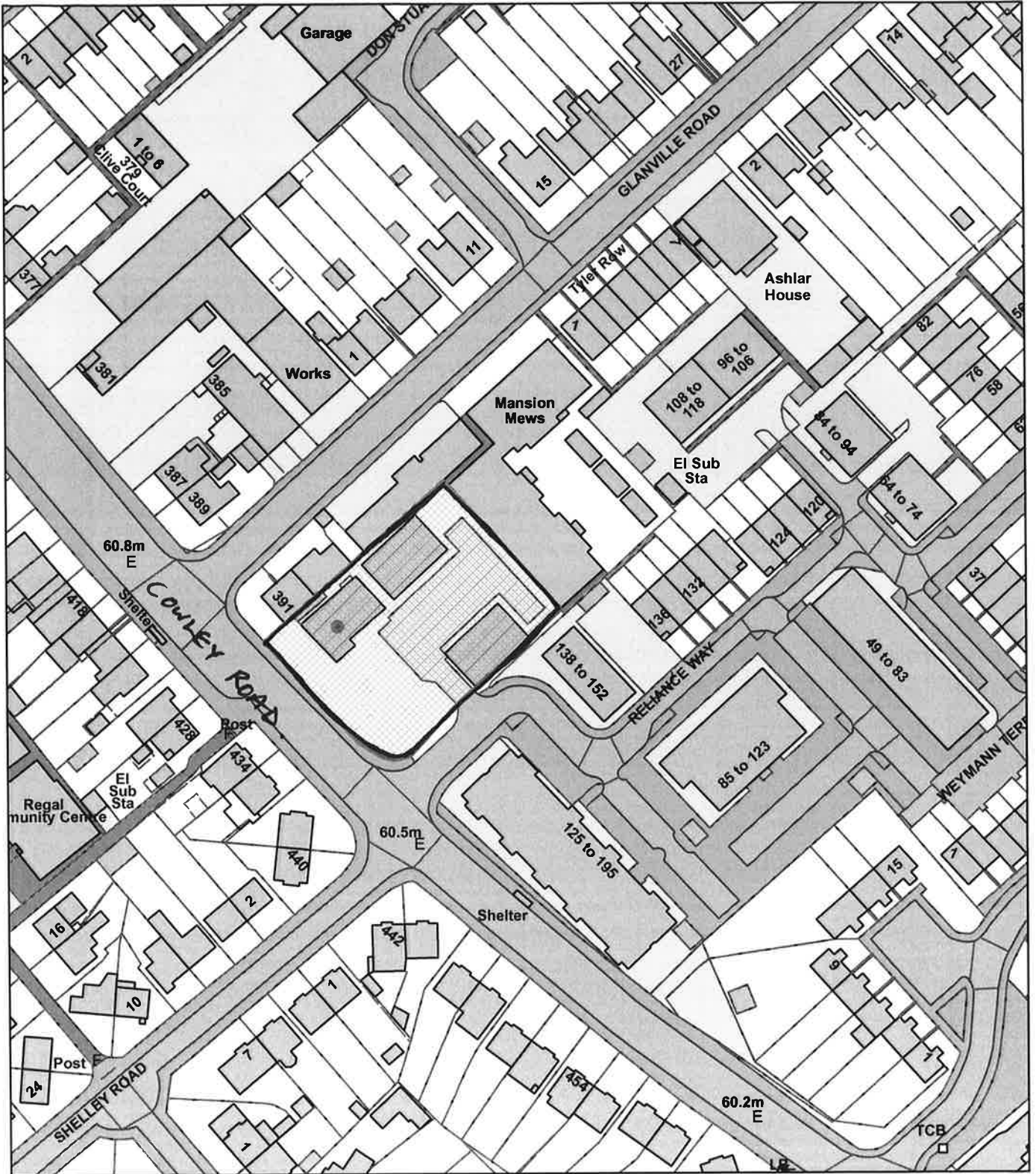
**Date: October 2015**

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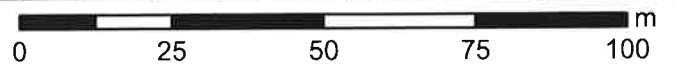


# Appendix 1

## Former Bus Depot



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Ordnance Survey 100019348.



Cowley Road

Oxford City Council

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

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**East Area Planning Committee:**

4<sup>th</sup> November 2015

**Application Number:** 15/02543/FUL

**Decision Due by:** 10th November 2015

**Proposal:** Erection of 3-storey building to provide student accommodation of 30 number ensuite rooms with kitchen/diner to each floor and communal hall. Provision of covered bin store, bicycle parking and communal garden. Erection of laundry building.

**Site Address:** Site Of Former Friar Public House 2 Old Marston Road  
Oxford (**site plan: appendix 1**)

**Ward:** Marston Ward

**Agent:** Ms Lesley Cotton

**Applicant:** Mr Steven Dunne

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## **Recommendation:**

The East Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion.

## **Reasons for Approval**

- 1 The proposed development is a suitable location for student accommodation having had regard to the Council's planning policies and specifically Policy CP1 and HP5 of the Sites and Housing Plan. The proposed design of the development is considered to be acceptable in terms of its siting, visual impact and choice of materials. Officers have had specific regard to the visual prominence of the site. The proposed development would not have an adverse impact on nearby mature trees and there is adequate scope to ensure that the trees are protected during the construction of the development, subject to the detailed conditions set out in relation to this matter. There are opportunities to provide on-site renewable or low carbon energy to meet the requirements of Policy HP11 of the Sites and Housing Plan. Officers have carefully considered all objections to these proposals and have thoroughly assessed the impact of the development on the amenity of neighbouring residential occupiers; specifically considering the requirements of Policy HP14 of the Sites and Housing Plan. In reaching a recommendation to approve the development Officers have considered the impact of the proposed development on highway safety and on parking conditions in the area. It is considered that for the above reasons the development would be acceptable and consider that the proposals would accord with the Council's

adopted planning policies subject to the conditions as set out below:

**Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials to be approved
- 4 Landscaping Scheme
- 5 Boundary Treatments
- 6 Arboricultural Method Statement (AMS) 1
- 7 Tree Protection Measures
- 8 Renewable Energy Generation
- 9 Laundry Room
- 10 Cycle Parking
- 11 Bin store
- 12 Construction Traffic Management Plan
- 13 Agreement - no cars
- 14 Student use
- 15 Variation of Local Traffic Order
- 16 Drop off arrangements
- 17 Day to day management
- 18 Student travel packs
- 19 Signage
- 20 Lighting
- 21 Surface water management
- 22 Biodiversity enhancement measures

**Legal Agreement**

- An off-site affordable housing contribution in accordance with Policy HP6

**Principal Local 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
- CP11 - Landscape Design

**Core Strategy**

- CS2\_ - Previously developed and greenfield land
- CS9\_ - Energy and natural resources
- CS10\_ - Waste and recycling
- CS11\_ - Flooding
- CS12\_ - Biodiversity
- CS13\_ - Supporting access to new development
- CS17\_ - Infrastructure and developer contributions
- CS18\_ - Urban design, town character, historic environment
- CS19\_ - Community safety
- CS25\_ - Student accommodation

## **Sites and Housing Plan**

**HP5\_** - Location of Student Accommodation

**HP6\_** - Affordable Housing from Student Accommodation

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

**HP11\_** - Low Carbon Homes

**HP14\_** - Privacy and Daylight

**HP15\_** - Residential cycle parking

**HP16\_** - Residential car parking

## **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

## **Relevant Site History:**

08/02606/FUL - Demolition of existing public house building and erection of a 2 storey building comprising a retail unit. – REFUSED AND ALLOWED ON APPEAL

10/01034/FUL - Demolition of existing public house and erection of a two storey building comprising of retail store, provision of nine car parking spaces and pedestrian access. (amended description) – REFUSED AND ALLOWED ON APPEAL

## **Representations Received:**

Mr Baycock (404 Marston Road), Dr Wilson (78a Ferry Road), Mrs Poole (143 Oxford Road), Ms Winnifrith (300 Marston Road), Mrs Bowes (45 Ferry Road), Mrs White (20 Haynes Road) Dr Sykes (12 Hugh Allen Crescent), Ms Smith (125 Oxford Road), Mr Murfett (126 Oxford Road), Mrs Cooper (3 William Street), Mrs Henning (9 Cotswold Crescent), Dr Gray (14 Croft Road), Ms Pope (10A Cromwell Close), Mr Hasler (19 Crotch Crescent), Mrs Clarke (50 Edgeway Road), Dr Haycock (78A Ferry Road), Mr Pearsall (7 Hadow Road), Mrs Fong (75 Hugh Allen Crescent), Mr Yasin (388 Marston Road), Mr Brewer (9 McCabe Place), Mrs Earl (37 Old Marston Road), Mr Norenberg (22 Ouseley Close), Ms Stancliffe (38 William Steet) and Mrs Doran (no address), Objections:

- Effect on character of area
- Effect on traffic
- Height of proposal
- Not enough information provided with application
- On-street parking
- Parking provision
- Effect on privacy
- Noise and disturbance
- Loss of community facilities
- Lack of community facilities within area
- Preference for redevelopment of site for community uses
- Concerns about management of site (no warden on site)
- Effect on pollution
- Concerns about design
- Poor quality of accommodation provided

## **Statutory and Internal Consultees:**

Oxford Civic Society: objections

- Concerns about plans submitted not showing the ground floor of the proposed building.

NB. The above matter was addressed and the correct plans uploaded.

Oxfordshire County Council Highways Authority: No objections, subject to conditions relating to removal of eligibility for permits and the management of the site at the beginnings and ends of term.

**Issues:**

- Principal of development
- Student Accommodation
- Affordable housing
- Design
- Impact on neighbours
- Trees and landscaping
- Flooding and surface water drainage
- Access and parking
- Biodiversity

**Site Description**

1. The application site encompasses the former site of the Friar Public House on the corner of Marston Road and Old Marston Road. The site area is approximately 850m<sup>2</sup>, being wider closest to the highway (27m) and narrower at the rear of plot (7m).
2. The Friar pub itself was demolished following the granting of planning permission on appeal in 2010 of a scheme to redevelop the site for a retail store (planning application 10/01034/FUL). The land now encompasses green space and some vegetation at the rear and the slab and site of the former pub at the front of the plot. The original hanging sign for the pub also remains near to the front of the application site.
3. Adjacent to the application site are residential properties on Marston Road (No. 453 Marston Road) and Old Marston Road (No. 4 Old Marston Road). These properties are 1930s semi-detached houses and are representative of the pattern of development in this part of Marston. To the rear of the application site are the rear gardens of properties in Ousley Close; specifically No.s 18 and 20 Ousley Close. This part of Marston is characterised by suburban housing with front gardens (some of which are used for car parking) and long rear gardens, typically of 25m in length.
4. At the front of the application site there are a number of mature trees which screen the existing site. The land where the trees are situated is a large area of verge that separates the corner of the highway with a separate area of pavement in front of the application site (the entire of this area is classified as highway land). The verge and pavements all fall outside of the ownership of

the applicant and are owned by Oxfordshire County Council.

## **Proposals**

5. It is proposed to erect two attached student blocks to provide thirty student bedrooms. Each half of the building is proposed to measure 9m in width by 12.5m in depth. The two identical blocks would be joined by a central lobby area which would provide the main entrance to the building and also contain the shared stairwell. The accommodation would be provided over three floors, with each floor containing two cluster flats with five student rooms sharing a kitchen.
6. The proposed building would have a conventional pitched roof and would have an overall height of 7.5m to the eaves and a total height to the ridge of 10.5m. The building would be approximately 2m higher than adjacent residential properties.
7. The building is proposed to be constructed from a combination of red and buff bricks and render panels between windows with a pre-cast concrete lintel and sill elements. The proposed windows would be metal framed and the tiles are proposed to be plain clay tiles to match surrounding properties.
8. The pattern of windows and render panels on the front and rear elevations are identical. There are also high level windows proposed on the side elevations. The central lobby and stairwell area would be largely glazed and would have a flat roof (with a total height that ties in with the height to the eaves of the adjacent pitched roof sections).
9. The two blocks of the building are proposed to be at an angle to each other; this is to allow the development to 'turn the corner'; meaning that the blocks would face out at a different angle to the streetscene.
10. The proposed plans include details of a detached laundry room to the rear and adjacent bike stores which would be linked to the central lobby and stairwell area by a covered walkway. Details are also provided for two cycle stores either side of the laundry building which would contain parking for thirty-two cycles in a covered building (with the opportunity to mount cycles to Sheffield Stands).
11. Beyond the proposed laundry room the proposed plans include a communal garden and shared outdoor amenity space of approximately 300m<sup>2</sup>. The proposed plans for the shared garden area include details of landscaping, with planting proposed to enclose this space. A paved seating area and a lawn are proposed within this space as well as trees and hedging. Also included within the landscaping plan is a detention basin and swale to be used in the SUDs scheme for the development.

## **Assessment**

### **Principle of Development**

12. The application site was formerly the site of The Friar public house. The demolition of the pub and the redevelopment of the site received planning permission in 2010 following an appeal. The only aspect of the proposed development associated with that planning permission that was carried out was the demolition of the pub building and the clearing of the site. The result of this means that the site has the status of previously developed land for the purposes of planning. The National Planning Policy Framework (NPPF) encourages the effective use of previously developed land, provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy.
13. For the purposes of clarity, Officers cannot have regard to the previous use of the site as a pub in terms of requiring the retention of that use on the site. The pub has been demolished and this was carried out in conjunction with an extant planning permission on the site. Officers recommend that there is therefore no requirement to consider the viability of the site for use as a pub or to take into account the approach required by Policy RC.18 of the Oxford Local Plan 2001-2016 which requires consideration of the availability of other pubs in the locality.
14. The proposals relate to the provision of student accommodation; the main consideration for such proposals is set out in Policy HP5 of the Sites and Housing Plan (2013). Officers have had regard to this policy that states that planning permission will be granted for student accommodation on specific sites, including on main thoroughfares. For the purpose of the policy, Marston Road is identified as a main thoroughfare and therefore meets the locational requirements of this policy.
15. Policy HP5 of the Sites and Housing Plan (2013) also requires that for schemes of student accommodation where there are more than twenty student bedrooms that there must be communal indoor and outdoor space provided. The proposed development includes these shared areas. There are also specific requirements of the policy in terms of the management of the site and precluding occupiers from bringing cars to Oxford; the application puts forward means for complying with these requirements and Officers recommend that they can be secured by condition.
16. Officers consider that the existing land has not been used for some time; specifically it has been left in its current cleared state for an extended period. As a result existing site is under-used and the proposed application would enable the redevelopment of the site which would make better use of land. This approach is broadly supported by Policy CP6 of the Oxford Local Plan 2001-2016.

### **Affordable Housing**

17. Policy HP6 of the Sites and Housing Plan requires that for schemes of student accommodation where twenty or more bedrooms are to be provided that there is a financial contribution made towards delivering affordable housing in



Oxford. The applicant has stated that they agree to paying the full contribution as outlined in the policy and Officers recommend that if members resolve to grant planning permission they do so on the basis that an agreement will be put in place to secure the required contribution as set out in Policy HP6.

## Design

18. Officers have had regard to the overall siting of the proposed development and consider that the approach that has been adopted; specifically in relation to the siting of the building and splitting it into two halves would enable it to form an appropriate visual relationship with the streetscene.
19. Further to the above, Officers have had regard to the overall bulk of the development and it is considered that by splitting the proposed development into two blocks it would break up the monolithic appearance of the building and contribute towards making the building acceptable in design terms. Officers also consider that the design is further enhanced by the varying types of materials and attempts to break up the elevations of the building with the use of contrasting but visually complimentary materials; the use of bricks in particular would give the building a high quality appearance.
20. Officers recommend that the design is acceptable in terms of its visual appearance. The proposed development incorporates appropriate contemporary design, whilst also making use of features such as a pitched roof and high quality materials that would enable it to harmonise with surrounding residential development. In addition to this, the proposed design makes use of features that are reminiscent of the former use of the site; the mock chimneys on each of the blocks being similar to those that were on the Friar and other similar 1930s pubs.
21. Officers have had regard to the appearance of the proposed building as viewed from the streetscene. It is considered that the existing trees in front of the application site would soften the appearance of the building when viewed in the wider context of the locality.
22. Officers consider that the proposed quality of indoor space would be acceptable in terms of both the space provided for each student bedroom and the communal living areas. The proposed building makes use of large windows that would provide plentiful natural light and ventilation to the student rooms.
23. Officers have had regard to the suitability of the proposed development for disabled occupiers. The ground floor flats include sufficient space in terms of door and corridor widths to meet the needs of wheelchair users.
24. The proposed central lobby and stairwell area, as well as being a design feature would also provide a safe and secure entrance area because it would be visible because of its visibility.
25. The proposed outdoor amenity area would provide a good quality environment

for the future occupiers of the building. Officers consider this is acceptable and provides both a functional space around the cycle store and laundry room as well as a more private shared garden space.

26. Waste and recycling storage is proposed to be located at the front of the building behind a low wall; the storage would be screened. Officers consider that the proposed arrangements would be acceptable in the context of the Council's adopted policies and provide a practical solution to waste and recycling storage that would not be visually obtrusive.
27. The proposed site plan details some proposals for boundary treatments on the site. Officers have had regard to this proposals but consider that it would be important to ensure that the details relating to the boundary treatments, including the materials to be used should be the subject of further submitted plans and have therefore recommended that if planning permission is granted a condition be included to require this prior to the commencement of the development.
28. Officers have included in the recommendation that if members are minded to approve the application that there are conditions requiring details of outdoor lighting in order that there is suitable provision of lighting but also to ensure that it does not have an adverse impact on the amenity of neighbouring residential occupiers.
29. There are limited proposals detailed on the submitted plans that relate to the provision of signage for the site. Officers consider that given that the site occupies a prominent location it is important that any signage proposed should be the subject of further consideration by way of advertisement consent applications; this has been included as a condition in the recommendation. This would also ensure that no unsuitable illuminated signage is provided.

## **Sustainability**

30. The proposals detail that the development would provide a high quality of built fabric that would ensure high efficiency of energy use on the site. Despite this, there are no details within the application in relation to the generation of energy on site by low carbon or renewable technologies. Officers have specifically addressed this issue with the applicant and their agent and have been informed that there are proposals to make use of these technologies with specific consideration being made in relation to a CHP boiler or air exchange unit. Officers are therefore satisfied that this can be addressed by condition if approval is granted that would require the submission of an energy statement and a scheme that would detail the provision of on-site generation.

## **View cones**

31. Officers have had regard to the location which would fall slightly within a view cone as identified in the Oxford Local Plan 2001-2016, Policy HE10. An assessment has been made of the impact of the proposed development on

the viewcone and it is considered that because the overall height to the ridge of the proposed development would in fact be lower than the original building that occupied the site (the Friar pub) the development would be acceptable.

### **Trees and Landscaping**

32. A scheme of landscaping has been provided with the application. This proposed to provide landscaping within the rear garden that would enhance the visual appearance of the rear aspect of the application site. Officers also consider that the proposed landscaping would create a more private area for the occupiers of the proposed development which would create a higher quality of amenity for those occupiers.
33. There are no proposals to remove or damage the trees in front of the application site. These trees do not lie in the application site area or the ownership of the applicant but the applicant has indicated that they would be protected during construction work. Officers have recommended a condition be included that requires details of the tree protection measure to be provided prior to the commencement of the approved development. The protection measures are likely to include hoardings around the verge and areas in front of the application site; the applicant has provided information to suggest that an agreement to do this is being arranged with the Highway Authority.
34. Further to the above, in summary, Officers recommend that the proposed landscaping and impact of the development on trees are acceptable in the context of the application site and subject to the conditions as recommended.

### **Impact on Neighbours**

35. Officers consider that the proposed development, by virtue of the shape, orientation and size of the building proposed would not have an adverse impact on the amenity of neighbouring residential occupiers through a loss of light or privacy.
36. The above assessment of the impact on neighbouring amenity has included consideration of the 25/45 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013). This suggests that there would be no material harm arising from the development in terms of loss of light.
37. The proposed windows on side elevations of the proposed building would be high level windows that would not have an adverse impact on privacy for neighbouring residential occupiers.
38. The proposed development has been carefully designed to ensure that it represents high quality design which would not have an overbearing or obtrusive impact on neighbours. Officers have had regard to the proximity of the proposed development to neighbouring residential occupiers and do not consider that the development, including the proposed walkway and laundry room would detrimentally alter the outlook from nearby dwellings.

39. Officers have had regard to the impact of the development on neighbouring residential occupiers and have been particularly mindful of the comments and objections that have been received in respect of the proposals. For the above reasons as set out in this report, it is the view of Officers that the development would not have an adverse impact on neighbouring occupiers.
40. A condition has been recommended if planning permission is granted that would require the submission of a day to day management plan of the site. This would include details relating to wardens and staff visiting the site as well as contact information for local residents relating to noise complaints. Similar management conditions operate on other student accommodation schemes within the City and Officers recommend that this condition can assist with ensuring that proper arrangements are made to deal with the occupation of these buildings.

### **Access and Parking**

41. The development is proposed to be car free and does not contain any provision of car parking.
42. There is a 'drop off' area that is shown on the submitted plans that would be for the purpose of maintenance vehicles visiting the site. The arrangements for this space fall outside of the application site but the applicant has suggested that there would be an agreement put in place with the highway authority that would ensure that there was no unauthorised parking in this area which currently serves (and is proposed to continue to serve) primarily as a footway. Officers have recommended that a management agreement is sought by condition that deals with the day to day management of the site including arrangements to prevent parking in this location; which is likely to be provided by a rising bollard (subject to the approval for that work being carried out in conjunction with the Highway Authority).
43. Officers have included two specific conditions to ensure that the development is genuinely car free and the students that would reside in the proposed development would not bring cars to Oxford. Firstly a condition has been recommended that would ensure that the Local Traffic Order is varied prior to the first occupation of the development that would ensure that occupiers would not be entitled to permits in the Marston South CPZ. A second condition has also been included that would ensure that a tenancy clause is submitted to the Council prior to the first occupation of the development that would prescribe that no occupiers could bring cars to Oxford and would be financially penalised for doing so. It is a requirement of the recommended condition that the approved tenancy clause be signed by all occupiers of the proposed building. Similar arrangements have been put in place for other student accommodation in the area and Officers recommend that this condition can be successfully incorporated into planning permissions granted and can be adequately enforced. In the case of this application, the end user is likely to be Oxford Brookes University (as stated in the submitted Design and Access Statement); Oxford Brookes successfully apply a tenancy agreement requiring students to not bring cars to Oxford on a number of their site (and have an

enforcement regime in place).

44. Officers have recommended that if planning permission is granted a condition be included that ensures that a Construction Traffic Management Plan is submitted prior to the commencement of the development. This has been justified on the basis that the application site is situated in a predominantly residential area, is close to a busy road junction (Marston/Old Marston Roads) and is close to nearby shops where frequent on-street parking is present.
45. Cycle storage is proposed to be located within a covered store at the rear of the proposed building. The proposed site plan details capacity for thirty-two cycles which would meet the requirements of the occupiers of the proposed building and conform to the Council's adopted planning policy HP15 of the Sites and Housing Plan (2013). The proposed cycle store would be covered and located at the rear of the building which would mean it would be secure. The cycle store would also have Sheffield stands which would provide occupiers with an opportunity to lock their cycles within the storage area.
46. Officers consider that the proposed development would not have an adverse impact on the highway safety or on parking conditions within the locality. No objections have been submitted by the Highway Authority subject to the conditions as recommended in this report.

### **Flooding and Surface Water Drainage**

47. The application site does not lie in an area of high flood risk.
48. The proposed plans include details relating to drainage on the site and the management of surface water. The proposals also indicate the use of SUDs, including a swale and detention basin. Officers have had regard to these plans and although this indicates that there are practical measures put forward to manage surface water these should be the subject of further information to be submitted prior to the commencement of development if approval is granted; this can be secured by condition. The specific information required relates to the submission of more data about the capacity of the detention basin and application of SUDs on the site.

### **Biodiversity**

49. The application site is currently vacant and is not likely to be habitat for protected species. Officers have recommended that a condition be included if approval is granted that requires the submission of biodiversity enhancement measures; including the provision of a bat box within the rear garden amenity space of the site.

### **Conclusion:**

50. The proposal is considered to accord with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2016. Therefore officer's recommendation to the Members of the

East Area Planning Committee is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contribution towards affordable housing as set out above.

#### Human Rights Act 1998

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

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

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

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

**Background Papers:**  
15/02543/FUL

**Contact Officer:** Robert Fowler  
**Extension:** 2104  
**Date:** 22nd October 2015

# Appendix 1

## 15/02543/FUL - Site of Former Friar Public House



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<b>East Area Planning Committee</b>	4 November 2015
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<b>Application Number:</b>	15/00955/FUL
<b>Decision Due by:</b>	7 November 2015
<b>Proposal:</b>	Demolition of existing builder's yard. Erection of 3 x 3 bed dwellinghouse (Use Class C3) and 3 x4 bed dwellinghouse (Use Class C3). Provision of private amenity space, car parking, cycling and bins storage.
<b>Site Address:</b>	Ashlar House Adjacent 2 Glanville Road, <b>Appendix 1</b> . Oxford Oxfordshire
<b>Ward:</b>	Cowley Marsh Ward

<b>Agent:</b>	Mrs Laura Warden	<b>Applicant:</b>	Mr Daniel Phipps
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**Recommendation:**

Committee is recommended to grant planning permission for this development subject to the planning conditions set out in this report and the completion of a S106 Legal Agreement which secures affordable housing contributions for the delivery of off-site affordable housing provision and to delegate to officers the completion of that legal agreement and the issuing of the notice of planning permission.

RESOLVE TO APPROVE SUBJECT TO COMPLETION OF LEGAL AGREEMENT

**Reasons for Approval:**

1. The proposed redevelopment makes an efficient use of previous developed land within a predominantly residential area and will facilitate the removal of a vacant, disused and semi-derelict former builder's yard which is no longer fit for purpose and detracts considerably from the appearance of the locality and street-scene. The overall layout, scale and design of the proposed buildings are sympathetic to the site and its surroundings while also safeguarding the residential amenities of neighbouring properties. The proposed dwellings would provide good quality housing for future occupants and delivers appropriate contributions towards new affordable housing. The proposal is also acceptable in highways terms and energy efficiency and does not create any biodiversity, environmental or flooding impacts. The development would therefore accord with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and the Sites and Housing Plan 2011-2026.

2. The Council considers that the proposal accords with the policies of Development Plan as summarised in this report. It has considered all other material matters, including matters raised in response to consultation and publicity. Any material harm that might otherwise arise as a result of the proposal can be offset or mitigated by the conditions imposed.
  
- 3 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

**Conditions:**

1. Development begun within time limit
2. Development in accordance with approved plans
3. Samples of materials
4. Landscape plan required
5. Landscape carry out after completion
6. Boundary details - development commencement
7. Sight lines
8. Details of cycle parking, waste & recycling storage areas
9. Suspected contamination - risk assess, Phase 2 and Phase 3 assessment required
10. Bat & Bird Boxes integrated into building
11. Surface drainage scheme

**Legal Agreement and Community Infrastructure Levy (CIL):**

To secure financial contributions towards the delivery of affordable housing off-site, the applicant will need to provide an undertaking under the terms of Section 106 of the Town & Country Planning Act 1990.

The proposal will be liable for a CIL payment of £77,174.

**Main Local Plan Policies:**

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP18** - Natural Resource Impact Analysis
- TR1** - Transport Assessment

- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HE2** - Archaeology
- HE9** - High Building Areas

### Core Strategy

- CS2** - Previously Developed and Greenfield Land
- CS9** - Energy and Natural Resources
- CS11** - Flooding
- CS12** - Biodiversity
- CS13** - Support Access to New Development
- CS17** - Infrastructure and Developer Contributions
- CS18** - Urban Design, Town Character, Historic Environment
- CS19** - Community Safety
- CS23** - Mix of Housing
- CS28** - Employment Sites

### Sites and Housing Plan

- MP1** - Model Policy
- HP2** - Accessible and Adaptable Homes
- HP4** - Affordable Homes from Small Housing Sites
- HP9** - Design, Character and Context
- HP12** - Indoor Space
- HP13** - Outdoor Space
- HP14** - Privacy and Daylight
- HP15** - Residential Cycle Parking
- HP16** - Residential Car Parking

### Other Planning Documents:

National Planning Policy Framework  
 Planning Practice Guidance  
 Affordable Housing and Planning Obligations SPD  
 Balance of Dwellings SPD  
 Waste Bin Storage and Access Requirements for New and Change of Use Developments Technical Advice Note

### **Relevant Site History:**

57/06462/A\_H - Brooke Bond and Co. Glanville Road - Extension to store and garage. PER 22nd October 1957.

72/26803/A\_H - Brooke Bond and Co. Glanville Road - Internal alterations to form new toilet and wash basin facilities including formation of new window. PER 1st December 1972.

75/00718/A\_H - Advance Towelmaster Glanville Road - Formation of 2 office toilets and loading bay and demolition of old garages. PER 29th August 1975.

08/02529/FUL - Change of use from Business use (class B1) to Education and

Training (class D1). PER 26th January 2009.

09/01766/CND - Details of car and cycle parking submitted in compliance with conditions 2 and 3 of planning permission 08/02529/FUL. PER 8th September 2009.

14/02103/FUL - Demolition of existing builder's yard. Erection of 1 x 2 bed flat (use class C3), 2 x 3 bed flat (use class C3), 3 x 3 bed flat (use class C3), 3 x 3 bed house (use class C3). Provision of private amenity space, car parking, cycle and bin storage. WDN 19th March 2015.

## **Public Consultation**

### Statutory Consultees:

#### Highways Authority:

The Highways Authority objected to the original layout because it felt that insufficient car parking was being provided to serve the six dwellings proposed. The original plan provided six car parking spaces, one for each dwelling.

In response, the applicant revised the car parking layout and has sought to accommodate the Highway Authority's concerns by proposing a total of nine car parking spaces, with two each allocated to the 4-bed dwellings sited in the rear of the site and one each allocated to the 3-bed homes which front onto Glanville Road. The six spaces provided in the rear courtyard to serve the 4-bed dwellings would be provided in 'tandem-style'.

The Highways Authority has also objected to the revised layout, suggesting that on-site car parking is inadequate, with only two spaces each proposed to serve the 4-bed units. In light of the level of car parking proposed, and the fact that the site is located within a Controlled Parking Zone (CPZ), it considers that some occupants would choose to park on-street, bringing a risk to highway safety. However, it balances this point by commenting that 'we are hopeful that the sustainable location of the development will have a positive influence on car ownership'.

In terms of parking layout, it also argues that 'tandem parking is not encouraged as it requires co-ordination between the household to utilise both spaces' and suggests there may be difficulties manoeuvring tandem-parked vehicles if the back-parked vehicle needed to move out of the way to allow the front-parked vehicle needed to exit.

#### Natural England:

No comments to make.

#### Other Parties:

#### Oxford Civic Society:

Objects to the proposal commenting that:

- The proposed access is narrow and reduces the width of the houses which front onto Glanville Road.
- There is little room to manoeuvre cars in and out of the parking spaces in front of the three houses proposed to the rear of the site.
- The rear amenity areas of the frontage plots will be overlooked by the houses to the rear.
- The rear plots will overlook the rear garden of no.2 Glanville Road
- The only access to cycle storage for the mid terrace to the rear is through the house.

### Individual Comments:

Individual letters commenting on the proposals have been received from the occupiers of 2, 4 & 23 Glanville Road. Their comments are summarised below:

- Concerns regarding loss of privacy to no's 2 & 4 Glanville Road in particular.
- Back gardens completely overlooked by the development.
- Concerns of impact on neighbours due to noise.
- Concerns of impact on neighbours due to overshadowing.
- Overdevelopment of site.
- Most housing in the street sits in much larger plots than would be created here.
- 3-storey housing does not fit in with an area which is predominantly 2-storey in character.
- Damage to resale value of neighbouring properties.
- Increase in parking issues locally as a result of insufficient parking proposed as part of the development.
- Increase in traffic and noise as a result of the development.
- The development will exacerbate existing flooding issues in back gardens etc. which have arisen since the Reliance Way development.
- Concerns that the bin store along the proposed access will lead to pests and smells affecting neighbouring properties.
- Glanville Road has undergone heavy development in recent years which has already led to a considerable increase in noise and parking problems.
- The design seeks to 'cram' development onto the site and the houses fronting Glanville Road will appear extremely narrow.
- The development is too high and should be restricted to 2.5 storeys at the front and 1.5 storeys at the rear.

### **Key Determining Issues:**

- Principle of development (including loss of employment land)
- Impacts upon adjoining properties
- Design & character of development
- Nature and mix of housing proposed
- Residential amenities for the development proposed
- Highway safety
- Other material considerations to be taken into account are sustainability, biodiversity, landscaping and ground contamination.

## **Officers Assessment:**

### Site Location and Description

1. The application site is located within what is now a predominantly residential street, within walking distance of local bus routes and local facilities, including those at Cowley district centre and the city centre itself.
2. The application relates to a former builder's yard which has been vacant since 2012, whilst the site has a history of commercial/business use going back several decades. There is also a history of residential redevelopment of other commercial uses in the locality, including redevelopment of the former bus depot immediately adjacent and rear, now Reliance Way.
3. The site itself is largely given over to open storage space, but about a third is occupied by a single storey building, in a poor state of repair. Rear access to the yard is via a side entrance between the building and no.2 Glanville Road. There is off-street car parking to the front of the existing building.

### Proposal

4. Planning permission is sought for the erection of six new dwellings following the demolition of the builder's yard and building. The dwellings would be created as two terraces of three dwellings; one with a frontage onto Glanville Road and one to the rear, served off a new access, adjacent no.2 Glanville Road, along the line of the entrance used previously to access the storage area for the builder's yard.
5. The new dwellings proposed are all 2.5 storey in height, with the three frontage properties being 3-bed and the three rear properties, which are slightly wider, being 4-bed dwellings. All of the properties are designed to have their own garden space and are proposed to be provided with allocated car parking spaces; the 3-bed properties with one space each and the 4-bed properties with two spaces each.

### The Principle of Development

6. The National Planning Policy Framework [NPPF] and Oxford Core Strategy Policy CS2 encourages the reuse/redevelopment of previously developed land. Redevelopment of this site would provide a useful 'windfall' of new housing development and therefore make a contribution towards meeting the Council's identified housing requirement.
7. When considering the redevelopment of former employment sites however, Policy CS28 of the Core Strategy makes clear that the loss of employment land will only be acceptable if either:
  - the current or permitted employment use is or has a history of

- significant causing nuisance or environmental problems or;
  - no suitable commercial occupiers have been found to enable an employment-generating use to continue and;
  - the loss of jobs would not reduce the diversity and availability of job opportunities or the loss of small, start-up business premises available.
8. There is no record of the previous employment use of the site creating a significant nuisance or environmental problems in the area. The applicant must therefore demonstrate that no suitable alternative employment use can be found for the property and the loss of jobs or premises would not be unacceptable.
  9. In this context, evidence has been submitted by the applicant which shows that the vacant builder's yard has been marketed for over two years without a suitable commercial occupant being secured. Many enquiries were received showing interest in redeveloping the property to residential use (as proposed by this application), along with other enquiries for a variety of commercial uses, including car workshop/servicing, taxi depot, scaffolding yard, car tyre sales, storage, pre-school nursery, youth club, gym, storage etc. Some of those uses would not be considered suitable in what is now a predominantly residential location, because of the noise, traffic and nuisance they would have the potential to create. However, none of the more acceptable uses enquired about led to a firm proposal or offer.
  10. It is also clear that the loss of the vacant builder's yard would not lead to a loss of existing jobs nor would it result in the loss of small business units.
  11. In this context, the principle of demolition and residential redevelopment of the builder's yard is considered acceptable.

#### Impacts upon Adjoining Properties

12. To be acceptable, new development must demonstrate that it can be developed in a manner that will safeguard the residential amenities of the adjoining properties in terms of loss of amenity, light, outlook, sense of enclosure, and loss of privacy in accordance with Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan.
13. In terms of noise and disturbance, officers' judge that reuse of the premises as a builder's yard would have the potential to create a greater level of noise and activity than that from residential use, particularly when taking account of the potential for vans and trucks to be loaded with materials from the rear of the yard. The applicant has designed the scheme such that only three of the six properties will have a vehicular access to the rear, so vehicular movements neighbouring no.2 Glanville Road have been limited, and is not considered to have an unacceptable impact on the amenity of neighbouring occupiers.
14. In terms of overlooking and privacy issues, the relationship between the new development and no.2 Glanville Road is considered acceptable subject to existing boundary walls being retained and appropriate tree

planting/landscaping and fencing being introduced along the boundary.

- 15 The relationship and distance between the two new terraces being created is also considered to be sufficient to maintain privacy and avoid overlooking between them.

### Design & Character of Development

- 16 The NPPF considers that good design is a key aspect of sustainable development. This means that the level of development within any scheme should suit the site's capacity and respond appropriately and realistically to the site constraints and its surroundings. This is reflected in Oxford Local Plan Policy CP6 which requires development to make the best use of the sites capacity in a manner compatible with the site itself and the surrounding area.
- 17 Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; creates a strong sense of place; attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area. This is supported by Sites and Housing Plan Policies HP9 and HP10.
18. The character and age of residential development in the area is mixed but includes modern redevelopment.
19. The redevelopment of the former bus depot, immediately adjacent the application site is predominantly a flatted development of three and four storeys. Part of that redevelopment includes frontage development onto Glanville Road of three storeys which at its ridge is higher than this scheme. In terms of height and scale therefore, the application will not look 'out of keeping' with the locality or street scene. The inclusion of 'backland' housing in the street is a little unusual, though the positioning of the rear block reflects the adjacent development in Reliance Way, and due to the depth of the site is considered to sit comfortably within its surroundings. It also represents an efficient use of the site.
20. In terms of style, the scheme proposes a sympathetic modern design which is interesting but also complements the original character of the street and the 'pastiche' development style of the adjacent redevelopment of the former bus garage site station. The elevation which presents itself to Glanville Road, includes gabled dormers, to echo the more traditional detailing of adjacent properties, whilst flat-roofed dormers are proposed to elevations within the courtyard created to the rear.
21. A mixed palette of materials has been put forward to create further interest. The rear terrace is intended to be built in a combination of buff brick, rough-cast render and grey slate, with timber detailing, and the materials have been chosen to reflect similar materials used within the adjacent flatted scheme in



Reliance Way. The front terrace however, is to be built in red brick, with a red/brown tile roof, to reflect the materials of properties fronting Glanville Road. The rough-cast render and timber detailing on both terraces will provide continuity of materials across the scheme. The design and materials are considered to be acceptable, and ensure that the development sits comfortably within the site and its surroundings.

#### Nature and Mix of Housing Proposed

22. To be acceptable, the proposal must provide a mix of housing that complies with the mix prescribed for the East Oxford Neighbourhood Area, as identified within the Balance of Dwellings Supplementary Planning Document (BoDSPD).
23. The BoDSPD states that residential development of 4-9 units should seek to provide a significant proportion of any new homes proposed as 'family homes'. All the new homes proposed in this case are family-sized 3 & 4-bed homes and in this context, the application complies with the BoDSPD.
24. In terms of affordable housing, the site area is below the 0.25 hectare threshold and is not required to make any on-site affordable housing provision under Policies CS24 of the Core Strategy or HP3 of the Sites and Housing Plan.
25. Policy HP4 of the Sites and Housing Plan however, requires smaller sites of less than 0.25 hectares to provide a financial contribution towards off-site affordable housing. A Government announcement in November 2014, sought to exempt small housing sites of less than 10 dwellings from contributing towards new affordable housing however, this has now been overturned in the High Court. Hence, Policy HP4 remains applicable and an affordable housing contribution is required. The applicant has confirmed that they are content to enter into a S106 Agreement to provide financial contribution towards off-site affordable housing provision, in full compliance with the Council's policy.
26. Policy HP2 of the Sites and Housing Plan also indicates that on sites of 4 or more dwellings, at least one dwelling should be either fully accessible or easily adapted to full wheelchair use. The plans confirm that half the units are designed to comply with Lifetime Homes Standards and therefore Policy HP2 is met.

#### Residential Amenities

27. The proposed dwellings are designed to provide an appropriate level of internal space and comply with Sites and Housing Plan Policy HP12. The proposals also provide satisfactory external amenity space and comply with this aspect of Policy HP13.
28. Policy HP13 also states that adequate provision needs to be made for safe and accessible refuse and recycling storage. The Waste Bin Storage and Access Requirements for New and Change of Use Developments Technical

Advice Note (TAN) guides that residents should not be required to carry waste more than 30m to a collection point, whilst refuse vehicles should be able to get within 25m of the storage point. It also guides that bins should not have to be moved through a dwelling and that where appropriate, appropriately sized and designed bin storage should be provided. To ensure that the scheme complies with the TAN, the application proposes covered bin storage facilities to the front of each dwelling and a bin collection point along the new access where bins can be collected and left on collection days from the rear plots.

### Highways & Transport Matters

29. The Highway Authority raises no objection to the new access road, however, it is concerned about the level of car parking proposed as part of the scheme.
30. A total of nine car parking spaces are proposed as part of a revised layout, with one space each allocated to the 3-bed units which form the front terrace and two spaces each, allocated to the 4-bed properties within the rear terrace. No unallocated or visitor space is proposed.
31. The levels of car parking included as part of the scheme are designed to discourage potential family occupiers from being over-reliant on use of the private car and recognise the sustainability of this location and its convenience to local facilities, the city centre and bus services. Despite the Highway Authority's concerns, officers consider that the levels of parking proposed are appropriate, given the sustainability of this particular location.
32. Officers also consider that the tandem-style layout of car parking in the rear courtyard is workable and is unlikely to give rise to manoeuvring difficulties which would have an impact on highway safety. Many dwellings are built with 'tandem-style parking' (often for example with a parking space in front of a garage) and households ensure they co-ordinate their parking accordingly.
33. To fully comply with Policy HP16, there is also a need to provide at least one allocated car parking space as a disabled space, with greater width of 3.3m. One disabled space is proposed, allocated to unit 4 and therefore the proposal complies with this requirement.
34. In terms of cycle parking, Policy HP15 requires that a total of 15 cycle parking spaces are provided. The most appropriate location in this scheme for cycle parking would be within the rear gardens of each of the properties proposed. Five out of the six properties proposed can accommodate cycle parking to the rear and have convenient access to it without needing to walk cycles through the property. However, Unit 5, which is the mid-terrace property in the rear terrace has no rear access and therefore the applicant proposes a secure cycle store to the front. The proposal therefore complies with Policy HP15.

### Landscaping

35. The existing site has no landscaping and redevelopment presents an opportunity to provide new landscaping both within the street scene along

Glanville Road and to the rear of the site. The application proposes new hedgerow and shrub planting along the access and along the frontage of the development. There is also the opportunity to plant several new trees to the rear, strategically planted to soften the development and restrict direct views between the development and neighbouring gardens. It will be important that these trees are properly managed and retained in the long term. The precise location and species of trees and shrubs to be planted can be dealt with by condition.

### Biodiversity

36. There are no protected species impacted by this proposal.
37. However, in line with recognised good practice and governmental policy on biodiversity and sustainability (National Planning Policy Framework 2012 & NERC 2006), all practical opportunities should be taken to harmonise built development with the needs of wildlife. The NPPF seeks to provide a net enhancement to biodiversity through sustainable development and Policy CS12 of the Oxford Core Strategy 2026 states: Opportunities will be taken (including through planning conditions or obligations to): ensure the inclusion of features beneficial to biodiversity within new developments throughout Oxford.
38. Certain bat and bird species are urban biodiversity priority species almost entirely dependent on exploiting human habitation for roosting. In this context, an appropriate provision for this development might include; bat roosting tubes and bird boxes should reasonably be provided as part of the completed development. This can be dealt with by condition.

### Contaminated Land

39. The information submitted with the application does not reveal any contamination however, the site is a former builder's yard and has been in commercial/industrial use since the 1930s. It is also immediately adjacent the former bus depot that was found to be contaminated during redevelopment and remediation was required. In this context and given that the development involves the creation of new residential dwellings, a sensitive use, it is considered prudent that any permission is conditioned to require site investigations and agreement to appropriate remediation, should any contamination be found during the course of development.

### Sustainability

40. The application makes clear that the development is designed to make best use of previously developed land and will introduce trees and landscaping to provide new natural habitat for wildlife. The applicant also makes clear that the development is designed to accord with the most up to date building regulations to reduce energy and water consumption and where possible, will be built using materials from sustainable sources.

41. The levels of car parking proposed are designed to discourage potential occupiers from being over-reliant on use of the private car and recognise the convenience of this location to local facilities and bus services into the city centre etc.

### **Conclusion:**

42. The proposed redevelopment is considered to secure an efficient use of previous developed land within a predominantly residential area and would facilitate the removal of a vacant, disused and semi-derelict former builder's yard which is no longer fit for purpose and detracts significantly from the appearance of the locality and street-scene. The overall layout, scale and design of the proposed buildings are sympathetic to the site and its surroundings whilst safeguarding the residential amenities of neighbouring properties. The proposed dwellings would provide good quality housing for future occupants and delivers contributions towards new affordable housing in accordance with policy. The proposal is acceptable in highways terms, will be energy efficient and does not create any biodiversity, environmental or flooding impacts. The development therefore accords with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and the Sites and Housing Plan 2011-2026.
43. The scheme is recommended for approval subject to conditions and S106 legal agreement.

### **Human Rights Act 1998**

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

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

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

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

### **Background Papers:**

**Contact Officer:** Trevor Saunders  
**Extension:** n/a  
**Date:** 20<sup>th</sup> October 2015

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# Appendix 1

## 15/00955/FUL - Ashlar House



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Ordnance Survey 100019348

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East Area Planning Committee:

4<sup>th</sup> November 2015

**Application Number:** 15/02245/OUT

**Decision Due by:** 18<sup>th</sup> September 2015

**Proposal:** Outline application (seeking approval of access, appearance, layout and scale) for the erection of three storey building consisting of 6 x 2 bed flats (Use Class C3). Provision of private amenity space, car parking, cycle and waste storage.

**Site Address:** Land to the Rear of 17 Between Towns Road, Oxford (site plan: **appendix 1**)

**Ward:** Cowley Ward

**Agent:** Mr Henry Venners, JPPC

**Applicant:** Tudor Woods Estate Ltd.

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## Recommendation:

The East Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion.

## Reasons for Approval

- 1 The proposed development would make an efficient use of an existing under-used surface car park that is regarded to be previously developed land and is suitable for residential purposes. The principle of the development is therefore accepted for the purposes of Policy CP2 of the Oxford Core Strategy (2011) and Policies CP1 and CP6 of the Oxford Local Plan 2001-2016. The design of the proposed development has been carefully considered in terms of its size, scale and choice of materials. A thorough assessment of the impact on amenity arising from the development of the proposed building has been made and it is considered that the development would not have an adverse impact on neighbouring residential occupiers. The proposal would provide a good standard of internal and external living environment for the future occupiers of the proposed housing; meeting the requirements of Policies HP12 and HP13 of the Sites and Housing Plan. The dwellings would provide a level of off-street parking which would be considered suitable for a sustainable area such as this which lies within the defined primary District Centre as set out in Policy CP1 of the Core Strategy (2011). The development would not introduce any significant arboricultural, ecological, or

archaeological impacts and any such issues could be successfully mitigated by appropriately worded conditions. In reaching a decision to approve the development there has been careful consideration of the comments and objections raised in relation to the proposals. The proposed development would accord with the overall aims of the National Planning Policy Framework and the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan.

### **Conditions**

- 1 Development begun within time limit
- 2 Reserved Matters
- 3 Develop in accordance with approved plans
- 4 Materials to be approved
- 5 Parking
- 6 Specific car parking allocation
- 7 Cycle parking
- 8 Construction traffic management plan
- 9 Drainage
- 10 Fire sprinkler system
- 11 Archaeology Watching Brief
- 12 Landscaping
- 13 Boundary treatments
- 14 Outdoor lighting
- 15 Refuse and recycling store
- 16 Plant
- 17 No gate

### **Legal Agreement**

- An off-site affordable housing contribution in accordance with Policy HP4

### **Principal 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
- HE2** - Archaeology
- CP11** - Landscape Design
- CP21** - Noise

#### **Core Strategy**

- CS1\_** - Hierarchy of Centres
- CS2\_** - Previously developed land
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS12\_** - Biodiversity
- CS24\_** - Affordable housing
- CS23\_** - Mix of housing
- CS18\_** - Urban design, town character, historic environment

## **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

**HP14\_** - Privacy and Daylight

**HP15\_** - Residential cycle parking

**HP16\_** - Residential car parking

## **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

## **Representations Received:**

Mrs Collier (17A Between Towns Road), Mrs Paxford (14 Coleridge Close), Mr and Mrs James (3 Coleridge Close), Mr Yassine (4 Coleridge Close), Miss Hooper (5 Coleridge Close), Mr Bransby (on behalf of JLL Ltd.), Mr Tasker (13 Boswell Road), Mr Lockwood (2 Coleridge Close), Mr Jordan (4 St Lukes Road), Mrs Knight (44 St Lukes Road), Mr Kalougin (62 St Lukes Road), objections and comments:

- Effect on traffic
- Information missing from plans
- Insufficient parking provision
- Access for disabled residents (to existing flat)
- Poor quality design of building
- Dangerous access road
- Access onto Between Towns Road is unsuitable
- Fails to be subservient to surrounding housing
- Impact on privacy
- Affordable housing provision/contribution
- Impact on pedestrian safety
- Overbearing impact on neighbours
- Impact on safety in light of nearby school
- Parking concerns in the area

Mr Cowap (15-17 Between Towns Road), objects and comments

- Request that location plan be amended as it includes some his property

NB: Two consultations were carried out in relation to the proposed development. The scheme was initially proposed for seven units which was reduced to six when amendments were sought by Officers following some of the concerns raised. The comments listed above are the combined responses from both sets of consultations. Some of the local residents have commented on the application twice (once on the originally submitted plans and once in relation to the amended plans).

## **Statutory Consultees:**

**Oxfordshire County Council Highways Authority:** Initially objections were raised

in relation to a number of matters, which have either been addressed following the submission of amended plans or have been dealt with by condition. Objections still remain in relation to the failure to provide refuse and recycling storage within a suitable distance of the highway (more detail in relation to this matter is set out in the Officer's Assessment).

**Issues:**

- Principal of development
- Affordable housing
- Design
- Impact on neighbours
- Trees/landscaping
- Archaeology
- Flooding and surface water drainage
- Access and parking
- Biodiversity

**Site Description**

1. 17 Between Towns Road contains two retail units on the frontage, currently occupied by a barbers and a betting shop. At first floor level there are two flats (17A and 17C Between Towns Road) these are two bedroom flats and are accessed from the rear the building. Behind 17 Between Towns Road there is a large car park area of approximately 600m<sup>2</sup>. driveway along the side elevation between No. 17 Between Towns Road and the adjacent property at No. 19 Between Towns Road (The Conservative Club) provides access to the highway from the car park. The application site encompasses the entire car park and the access driveway up to the highway (Between Towns Road). The access driveway measures approximately 3.5m in width, but is slightly narrower than this in places being only approximately 3.1m at one point.
2. To the immediate north-east of the application site is No. 15 Between Towns Road, this contains a veterinary practice at the front and a surface car park at the rear. Beyond No. 15 Between Towns Road lies the Swan Motors site and Our Lady R.C. Primary School. To the south-west of the application site is the Cowley Conservative Club; the buildings on this site extend further into the rear of the plot than at No. 17 Between Towns Road; to the rear of club building is a surface car park and a number of garages which form the south-eastern boundary of that property. To the south-east of the application site is the rear gardens of No.s 3 and 4 Coleridge Close; these gardens are approximately 15m in length. Coleridge Close is a cul-de-sac of semi-detached 1930s properties.
3. Though the predominant character of the front of the property is a primarily commercial area it is important to consider that there are residential properties to the rear of the application site.
4. There is existing vegetation on parts of the application site, including along the boundary with No. 15 Between Towns Road and at the rear of the application site (adjacent to the boundaries with Coleridge Close).

5. The buildings on the frontage of Between Towns Road are composed of a variety of materials including brick, render and concrete. Most roofs in this part of Cowley are built with plain tiles. There is no predominant architectural style within the area (though there is a uniformity to the residential developments beyond the south-eastern boundary of the application site).

## **Proposals**

6. It is proposed to erect a new building to contain six self-contained apartments over three floors. Two flats would be situated on each floor, with the ground floor flats having private outdoor gardens and upper floor flats having balconies or roof terraces. The building would be situated within the existing car parking area at the rear of 17 Between Towns Road and there would be a distance of approximately 10m from the rear elevation of the proposed building to the boundary with the gardens serving 3 and 4 Coleridge Close.
7. The proposed building would be 12m in width and 15m in depth. The overall height to the highest point of the flat roof would be 8m.
8. A shared car parking area is proposed in front of the proposed building and at the rear of No. 17 Between Towns Road; the parking area would provide eight spaces (with a space to be provided for each of the proposed flats as well as a space each for No.s 17A and 17C Between Towns Road). There is no parking proposed to be retained for the retail units on the frontage.
9. The proposed building would be constructed with an external finish of render and timber cladding; the building would have a flat roof.
10. Outline planning permission is sought with details provided for the access, appearance, layout and scale of the proposed development. Landscaping is a reserved matter.

## **Officers Assessment**

### **Principle of Development**

11. The application site currently contains a large surface car park which for the purposes of planning is considered to be previously developed land. The National Planning Policy Framework (NPPF) encourages the effective use of previously developed land, provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy.
12. The site also lies within the Primary District Centre (Cowley Centre) as identified in the Oxford Core Strategy (CS1). Having had regard to Policy CS1 Officers consider that the principle of development on this site is acceptable:

*'District centres are suitable for retail, leisure, employment and other uses serving district-level needs. The primary district centre is suitable for uses serving a larger catchment area than other district centres. Planning permission will be granted for such development provided it is of an appropriate scale and design and maintains*

*or improves the mix of uses available. District centres, and their immediate surroundings, are appropriate locations for medium to high-density development.'*

13. On the above basis the principle of redeveloping the site for a residential use would accord with the aims of the above-mentioned policies. There are already a mix of uses on the site with commercial premises and flats at 17 Between Towns Road. The increase in residential development would contribute towards the mix of uses supported in principle by Policy CS1 of the Oxford Core Strategy as set out above.
14. Officers also consider that the existing under-used surface car park does not make good use of the land on the site; the increase in development within this area would therefore lead to a more efficient use of land. This approach is broadly supported by Policy CP6 of the Oxford Local Plan 2001-2016.
15. Officers have had regard to the adjacent uses of land; specifically the commercial and business uses and whether or not these would be compatible with the proposed residential use on the site. It is considered that the types of uses within the vicinity of the application would not have a detrimental impact on occupiers of the proposed flats and the site therefore an acceptable location for residential development.

### **Affordable Housing**

16. Sites and Housing Plan Policy HP4 states that residential development on sites with capacity for 4 to 9 dwellings, will only be granted where a financial contribution is secured towards affordable housing elsewhere in Oxford. The proposed development would therefore constitute a qualifying development under the terms of this policy.
17. The National Planning Practice Guidance was amended in November 2014 to define the specific circumstances by which planning obligations should be sought from small scale development. This made clear that affordable housing contributions should not be sought from developments of 10 units or less. In line with this advice, the Council resolved to not apply the terms of Sites and Housing Plan Policy HP4. However these amendments to the National Planning Practice Guidance and Ministerial Statement have recently been quashed by the high court and as a result of this decision the Council are now able to apply Sites and Housing Plan Policy HP4 in its entirety.
18. Any planning permission would need to be accompanied by a satisfactory planning obligation that secured a financial contribution towards affordable housing.

### **Balance of Dwellings**

19. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. Despite this, as the application site lies within a District Centre and relates to proposals for a

development of less than 10 dwellings there is no requirement for a specific mix of dwellings.

## Design

20. Officers have had regard to the siting of the proposed building which would be located approximately 10m from the rear boundary; this means that there would be separation between the proposed building and the private rear gardens of the properties in Coleridge Close. In terms of urban design this would provide an acceptable distance of separation and also enable consideration of landscaping scheme to soften the impact of the proposed development from the established residential area at the rear of the application site; the landscaping scheme would need to be the subject of a further application as it is a reserved matter. There is space proposed for indicative landscaping proposed at the front of the building that would soften and enhance the appearance of this elevation. The separation between the proposed building and its impact on the properties at the front and rear of the application site is also a consideration in terms of impact on neighbours which is discussed in more detail later in this report.
21. The proposed building would not be very visible or prominent in the streetscene; though there would be view of the building along the access driveway from the frontage (between 17 Between Towns Road and the adjacent Conservative Club building). The building would also be visible from St Lukes Road where the side elevation would be visible above the existing wall adjacent to the highway. The proposed building would be contemporary in appearance; the proposed use of varying materials on the facades of the building would assist with breaking up the appearance of the building which is arguably more monolithic than surrounding residential properties. The proposed use of a flat roof would mean that the overall height of the building would not be excessively high despite being a three storey building; the overall height of the building would in fact be similar to the height to the ridge of properties in Coleridge Close. Given the building's siting and lack of prominence in the public realm and the use of materials to add visual interest, Officers consider that the appearance of the building would be acceptable in design terms.
22. The proposed flats would all have a good quantity of indoor space; each having an internal floor area of over 61m<sup>2</sup> which would meet the Council's planning policy for indoor space provision (HP12 of the Sites and Housing Plan). Further to this, Officers have assessed the quality of indoor environment that is proposed and this would meet the other requirements of the Council's policies for indoor space quality. There are windows on the side elevation as well as the front and rear elevations which would provide natural light within the flats as well as ventilation.
23. Officers have had regard to Policy HP2 of the Sites and Housing Plan that seeks to ensure that new developments meet the requirements of being accessible and adaptable homes; making use of some of the criteria set out in Lifetime Homes Standards. The upper floor flats would not benefit from a lift so would not be well suited to people with reduced mobility but the ground floor flats would be suitable for occupiers with those requirements. All of the flats have a simple internal layout

that would give them the opportunity to provide adaptable accommodation. Officers have had regard to the circulation within the lobby and flats that is proposed in the submitted floor plans and consider this is acceptable in the context of Policy HP2 of the Sites and Housing Plan (2013).

24. In terms of outdoor space provision, the two ground floor flats would have private rear gardens that would provide good quality outdoor space for two-bedroom dwellings. The upper floor flats would all have balconies or roof terraces that would be acceptable in terms of providing functional and useful private outdoor space. The upper floor flats would also have access to a small shared garden to the rear of the plot that would be beneficial in terms of providing a larger area of outdoor space for those occupiers. Officers therefore consider that the outdoor space provision is acceptable in the context of the Council's policies, specifically Policy HP13 of the Sites and Housing Plan (2013).
25. Officers have considered the potential for plant or mechanical equipment to be located on the roof of the proposed building. The elevation drawings provided with the application do not indicate substantial plant that would be located on the roof but Officers have recommended that the details of such equipment, including the noise it generates should be the subject of a condition if approval is granted.

### **Impact on Neighbours**

26. Officers have had regard to the impact of the development on the amenity of neighbouring residential occupiers and have been mindful of the objections and comments raised in relation to the proposed development.
27. Officers would suggest that the siting of the proposed development has been considered in such a way that would minimise the impact of the development on neighbouring residential occupiers. The proposed flats would be situated approximately 25m from the rear wall of the flats on the frontage (No.s 17A and 17C Between Towns Road) and 10m from the private rear gardens to the rear of the site (No.s 3 and 4 Coleridge Close). Given the length of the rear gardens in Coleridge Close, there would be a distance of between 20-25m between rear windows of the proposed development and the rear aspect of properties in Coleridge Close. Officers consider that the separation between the proposed buildings and nearby residential dwellings means that the development is acceptable in terms of its impact on light and privacy and would not have an overbearing impact on the occupiers of those dwellings.
28. It is important to state that originally the application was submitted with proposals for seven flats and an increased bulk of building at the rear; this would have brought the development within 7m of the rear boundary with properties in Coleridge Close. Following concerns raised by Officers as well as local residents the applicant amended their proposals to reduce the bulk of the building at the rear and reduce the number of residential units proposed to six dwellings; thereby reducing the impact of the development on nearby properties.
29. Officers have had regard to the noise and disturbance impact that would be created by the development of what is arguably a backland plot. Firstly, it is



important to consider that the current lawful use of the land is as a surface car park where there would already be vehicle movements and the accompanying noise and disturbance. In this regard, being mindful of the extant and lawful use of the site, the development would not bring about an alien level of activity to the locality. Following on from this, although the proposed building would be fairly large there would still be areas of the site that would be largely undeveloped, including the car park between the buildings on the frontage and the proposed building and the rear garden amenity spaces. Given the amount of space on the plot there is the scope to provide landscaping that would soften the impact of the development in terms of its visual intrusion as well as the noise and disturbance arising from the residential use of the proposed building.

## **Landscaping**

16. The application is submitted on the basis of seeking outline planning permission with the landscaping as a reserved matter. The landscaping would therefore be subject to a separate consideration. Officers have had regard to the opportunity to create landscaping on the site which is referred to in the report (and referenced indicatively on the submitted site plan).

## **Access and Parking**

17. It is proposed to make use of the existing vehicular and pedestrian access to the application site; which currently serves the large surface car park. Comments received from the Highway Authority have not raised objections to the use or suitability of this access driveway; though specific concerns have been expressed by the Highway Authority in relation to other matters arising from the access arrangements and these are set out in detail below.

18. Firstly, it has been recommended by the Highway Authority that conditions be included that would ensure that the proposed parking area and manoeuvring space are provided for the development in accordance with the submitted site plan. This has been included with the Officer's recommendation and would ensure that vehicles would be able to enter the highway in a forward gear (and not reverse down the access driveway).

19. Conditions have also been recommended by the Highway Authority in relation to ensuring that, prior the commencement of the development, a Construction Traffic Management Plan is submitted to the Council for its approval. Officers have included this in the recommendation and consider that it is particularly relevant given the location of the development in a backland plot and the fairly narrow width of the access driveway.

20. The narrowness of the access driveway has given rise to specific concerns by the Highway Authority in relation to the accessibility of the site for fire engines in the case of an emergency. As a result, Officers raising these concerns with the applicant's agent and they have sought agreement from the Fire Authority who have indicated that the development would be acceptable if sprinkler systems were added. This would have the effect of negating the need for a fire engine to access the site and reducing the risk of danger from fire; Officers have received

confirmation by email that this approach has been accepted by the Fire Authority. A condition has been included as part of the recommendations made by Officers that would seek the details of sprinkler systems prior to the commencement of the development and secure their installation prior to occupation.

21. A refuse and recycling store is marked on the proposed site plan and would be located close to the main entrance at the front of the proposed building. Officers have considered the objections made by the Highway Authority in relation to the proposed refuse and recycling store in this location. The distance between the properties and the proposed store would be acceptable and would be less than the 30m that is set out as the maximum distance point for residents to carry waste as advised in Manual for Streets. However, the site would not be accessed by a refuse truck and it would be a requirement for waste collection operatives to take refuse and recycling bins to the kerbside on Between Towns Road. The distance between the proposed refuse and recycling store and the highway collection point would be approximately 35m which is 10m further than the maximum drag distance recommended by manual for streets (waste collection vehicles should be able to get within 25m of the storage point for refuse and recycling). Officers consider that the distance to the highway from the proposed refuse and recycling store would be unacceptable and have therefore suggested a condition be included that seeks a revised plan for the refuse and recycling store prior to the commencement of the development. The store could be located in the space currently occupied by a car parking space approximately 6m away from the existing proposed location of the store. The car parking space lost could be replaced in the area shown as the indicative location for landscaping. The resultant scheme would mean that a refuse and recycling store would be provided that would mean there would be a distance of 29m for drag distance; only slightly exceeding the maximum drag distance by 4m. Officers have had regard to the slight infringement of the requirement for waste storage to being within 25m of the highway and this is not considered to be a sufficiently significant factor on its own to refuse the proposed development. In coming to this view, Officers have been mindful that the site is level and paved.
22. Car parking is proposed for eight spaces within the shared car parking area. Two of the spaces are proposed for the existing flats (No.s 17A and 17C Between Towns Road). The other six spaces are proposed to be for the use of the occupiers of the flats. Officers consider that this arrangement and car parking capacity would be acceptable; specifically the proposals would meet the Council's car parking requirements as set out in Policy HP16 of the Sites and Housing Plan (2013).
23. No car parking is sought to be retained for the use of customers of the retail units at the front of 17 Between Towns Road. There are a number of public car parks within close proximity of the application site as well as good public transport connection. Officers consider that the loss of car parking for customers of the retail units is acceptable given the alternative options nearby.
24. Some concerns have been expressed by local residents in relation to the layout of the car parking area. One specific concern relates to the possibility that access to the existing flats on the frontage (flats 17A and 17C Between Towns Road)

would be impeded by the provision of parking near to the entrance to those properties. The concerns raised specifically relate to accessibility by disabled occupiers. Officers have considered this issue and would suggest that the site layout would be acceptable as there would be a retained access to the flats in front of the car parking spaces in the form of a footway. Officers have also considered that a further means of ensuring that car parking does not impede the entrance to the flats could be provided by including a condition that ensures that the spaces adjacent to the entrance to the flats are retained for the exclusive use of those occupiers. This would also ensure that in the event that disabled occupiers resided at the flats (17A or 17C Between Towns Road) that their car parking spaces were closest to the entrance to their properties. This condition, relating to specific car parking allocation is included as part of the Officer recommendation.

25. A cycle store has been included on the submitted site plans. Officers consider that this would be a suitable location for cycle parking and have included a condition that would ensure there is provision of covered, secure cycle parking for twelve cycles prior to the occupation of the proposed building.
26. There are no proposals to install a gate on the entrance to the access driveway. Despite this, Officers have been mindful that a gate could be erected as permitted development and this could impede normal, safe access to the application site. As a result, it is recommended that if approval is granted, the normal permitted development rights relating to the erection of a gate in this location are removed by condition.
27. Officers have had regard to the location of the development in the context of its accessibility by modes of transport other than private car. This is a consideration of Policy CS13 of the Core Strategy. The application site lies close to a wide range of local shops and services in nearby Cowley Centre; the application site itself is located within the defined District Centre as identified in Policy CS1 of the Core Strategy. The application site also lies within approximately twenty minutes' walk of Oxford Business Park and the BMW site; which would give good accessibility for future occupiers to local employers. The application site is also accessible by public transport with regular bus services to the City Centre, Cowley Road and the Railway Station. As a result of the accessibility of the site Officers regard the application site as a sustainable location where occupiers would have a wide range of transport options which would reduce their car dependence.

### **Archaeology**

28. The application site lies within an area which has been associated with archaeological finds indicating Roman settlement. As a result, Officers required the submission of an archaeological report that included the digging of a trial trench. The report found no remains of archaeological interest though a condition has been included as part of the recommendation that a watching brief be required if approval is granted.

### **Contaminated Land**

29. The application site has only previously been used as a car park. Officers consider that this is not a site likely to contain contaminants but recommend including an informative relating to land contamination.

### **Biodiversity**

30. The application site is within a built up area and would likely not contain a habitat for protected species, particularly bats. Officers have had regard to the opportunity to create biodiversity enhancements but do not consider that it would be possible to accommodate these suitably as part of the proposed building's fabric.

### **Flooding and Surface Water Drainage**

31. The application site does not lie in an area of high flood risk.

32. Officers have had regard to the arrangements for surface water drainage on the site and the recommendations that have been made by the Highway Authority. A condition has been included as part of the recommendation that would ensure that adequate arrangements would be provided for surface water drainage and would also ensure that permeable materials were used in the construction of the car parking area.

### **Conclusion**

33. The proposal is considered to accord with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2016. Therefore officer's recommendation to the Members of the East Area Planning Committee is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contribution towards affordable housing as set out above.

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

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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:**  
15/02245/OUT

**Contact Officer:** Rob Fowler

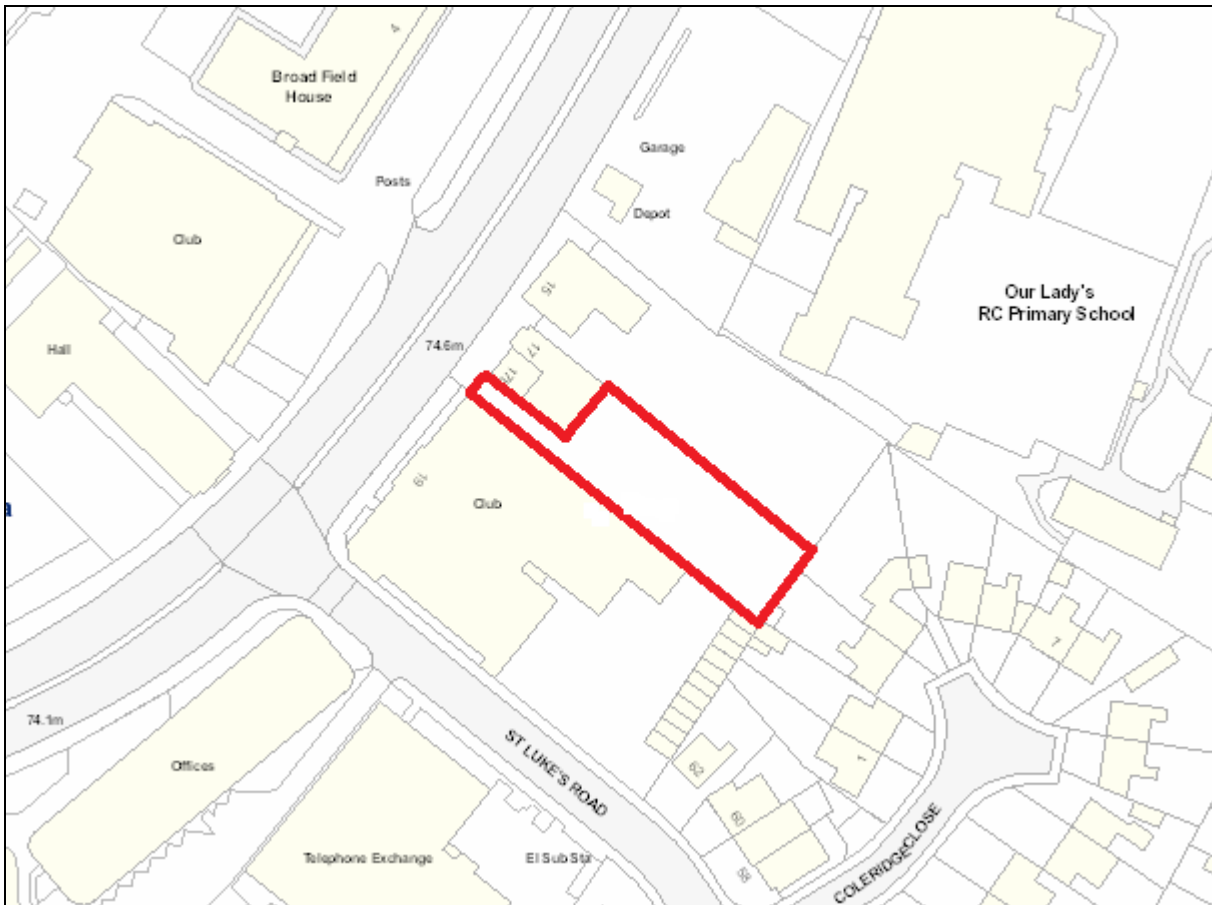
**Extension:** 2104

**Date:** 23<sup>rd</sup> October 2015

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# Appendix 1

## 15/02245/OUT – Land to Rear of 17 Between Towns Road



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Ordnance Survey 100019348



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East Area Planning Committee

4 November 2015

**Application Number:** 15/02288/FUL

**Decision Due by:** 23 September 2015

**Proposal:** Change of use from vacant unit (Use Class A3) to gym (Use Class D2). External alterations to facilitate a single entrance.

**Site Address:** Units 1F And 1G Templars Retail Park Between Towns Road (Site plan at **Appendix 1**)

**Ward:** Cowley Ward

**Agent:** Mr Jonathan Best

**Applicant:** KYARRA S.a.r.l

**Application Called in** by Councillors Henwood, Anwar, Clarkson and Price.  
For the following reasons: concerned with noise and associated parking issues over a period of 24 hours 7 days a week. These issues may have a detrimental impact upon the amenity of local residents.

---

**Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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

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

- 3 Materials as specified
- 4 Noise breakout
- 5 Air conditioning, mechanical ventilation
- 6 Restricted use

**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
- CP13** - Accessibility
- CP19** - Nuisance
- CP21** - Noise
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- RC4** - District Shopping Frontage

**Core Strategy**

- CS1\_** - Hierarchy of centres
- CS13\_** - Supporting access to new development
- CS18\_** - Urb design, town character, historic env
- CS19\_** - Community safety
- CS21\_** - Green spaces, leisure and sport

**Other Material Considerations:**

- National Planning Policy Framework
- Planning Practice Guidance

**Relevant Site History:**

86/00678/NR – Planning permission granted 8/10/1986 for retail park, comprising 13,032m<sup>2</sup> gross Class I non-food retail floor space, 929 sq. m. garden centre, associated car parking, open space, and new vehicular and pedestrian accesses (Reserved Matters of NOY/893/85) (Amended Plans) (Templars Shopping Park, Between Towns Road).

05/01139/FUL – Planning permission granted 2/09/2005 for demolition of entrance canopies. Alterations including remodelling of front facade and changes to entrance/exit doors on rear elevation. New rear external staircase to unit 5. Modification to parking layout including layout of spaces and landscaping (Units 2, 3,4 and 5 Templars Shopping Park).

09/01944/FUL – Planning permission granted 8/12/2009 for refurbishment of retail

units to include:

- i) external alterations to elevations, relocated entrances etc. to units 3 and 4.
- ii) new entrance features to units 2a to 4 and removal of signage boxes to units 2a and 2b.
- iii) reconfigured footways (including ramp), parking and additional cycle parking
- iv) removal of part of bund to rear service area
- v) new tree planting.
- vi) provision of 395Sq M mezzanine in unit 3 and provision of additional 1228Sq M mezzanine in unit 4 (Amended description).

11/02032/FUL – Planning permission granted 17/11/2011 for Refurbishment of Unit 1 comprising:-

- i) External alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvers; (Additional Information)
- ii) Mezzanine floorspace within retail units 1A, 1B and 1C;
- iii) Alterations to the pedestrian and parking areas to front of the retail building and replacement compound/ new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;
- iv) Formation of three Class A3 cafe-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south;
- v) Demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking. (Additional Information) (Amended Plans)

14/02887/FUL - Reconfiguration of Units 1F and 1G to reduce the size of Unit 1F and increase the size of 1G including mezzanine, and to change the use of Unit 1G from Class A3 (Restaurant) to Class A4 (Public House) purposes, and provision of related service area, car parking and access. Erection of freezer store. Insertion of new fire door and alteration to windows and doors. (Amended description) (Amended plans). REF 29th April 2015.

14/02888/FUL - Removal of condition 24 (restricted to A3 use only) of planning permission 11/02032/FUL to allow the change of use of Unit 1G from A3 (restaurant and cafe) to A4 (drinking establishment - public house) (Amended description and plans). PER 29th April 2015.

### **Representations Received:**

36 Van Diemens Lane: There is a decent gym already at Templars' Square; 52% of Pure customers drive to the gym which will put pressure on the John Allen Centre car park spaces and create road havoc in Rymers Lane; This unit was designated for a food venue and the Council must work with such venues to allow this to happen; we - the people of Cowley - have been sidelined and neglected for too long. Let us have a well kept and tidy eating venue that families can enjoy. We deserve that. The previous application for a Hungry Horse pub was superb.

17 Havelock Road: PureGym would be the only 24 hour gym in Oxford so it probably will attract people from further afield; The John Allen centre car park is not locked at

night - should it be under previous planning agreements? If so where will people coming to the gym at night park? We already have a problem with anti-social behaviour and night drinkers in the John Allen recreation ground next to the car park. I see that a 24 hour PureGym application has had strong local opposition in Glasgow. The FeelFit gym above the Coop Supermarket across the street in Templars Square has just expanded with a ladies only gym and more equipment and gym space in addition to martial arts centre. It is cheap and many of us walk there. FeelFit has taken many of the ex-Temple Cowley pool gym members, but it still always looks to have spare capacity so I don't think this new gym would provide for an unmet local need. I would be concerned if this put the local gym out of business.

3 Lawrence Road: despite assertions that local people will walk, most people will use a car. The application's own figures suggest over 50% of users will travel by car. There is no doubt that gym users would park in nearby streets which are already saturated with people avoiding the car park queues and using the streets as an alternative to park and ride to travel into Oxford. There are extensive noise reports, although none seem to fully address the issue of air conditioning units. Would like to request conditions re noise are put in place and stringently applied. There is an assumption throughout the planning application that the only residential areas are those along Rymers Lane and beyond the Retail Park. However, the proposed changes to Templars Square opposite include a hotel and residential units. Indeed, the Castle Parking multi-storey, immediately opposite the application area, is designated in the proposed plans as housing. It could certainly be argued that the occupiers could be potential gym users, who would be able to walk to the unit, as long as the sound proofing really is adequate.

### **Statutory Consultees:**

Oxfordshire County Council Highway Authority: no objection

### **Issues:**

Change of use  
Highways  
Noise/Nuisance  
Design  
Other

### **Officers Assessment:**

#### **Site Description**

1. The application site is located on the southwest corner of the John Allen Retail Centre (Templars Retail Park), part of the Cowley District Centre, and includes Units 1F and 1G. The units were built in September 2013 and have permission for A3 purposes, but have never been occupied.

#### **Proposal**

2. The application is seeking a change of use of units 1F and 1G from use class

A3 (restaurants and cafes) to D2 (assembly and leisure) for use as a gym along with minor external alterations to the building to provide a new entrance to the building. The end occupier would be Pure Gym and the gym would operate 24 hours a day 7 days a week.

## **Assessment**

### Background

3. In February 2012 planning permission (11/02032/FUL) was granted for the demolition works, new building and refurbishment of Unit 1 and B&Q's former garden centre. The permission was for four retail units, three cafes or restaurants and four housing units. Two of the three café/restaurant units, 1F and 1G have never been occupied.
4. In April 2015 planning permission (14/02888/FUL) was granted for the use of Unit 1G for A4 purposes (drinking establishments). However, the only occupier interested in the unit was dependent upon the ability to utilise the hoarded unused land to the north (at the rear) for servicing and parking, and a related application for this (14/02887/FUL) was subsequently refused permission.
5. The two units are currently empty and marketing has been unable to let the space on the basis of planning permission 14/02888/FUL and there remains no interest in them for A3 purposes.

### Change of Use

6. Cowley centre (Templars Square shopping centre and John Allen Retail Park) is very successful economically; it enjoys the highest rental income of the district centres, and generally low vacancy rates. However, the general environment around the district centre is somewhat sterile and bland without much social activity or vibrancy. The centre is well served by public transport and accessible to the local population by foot and bicycle, but also has a good deal of low-cost car parking.
7. Given its character, its capacity to accommodate further growth (retail and other uses), and its larger catchment area than the other district centres, Cowley centre is classified as a primary district centre in the Oxford Core Strategy (OCS), and is therefore placed higher in the sequential hierarchy than other district centres. Growth will be focused on appropriate sites such as the multi-storey car parks, Templars Square and the John Allen Retail Park.
8. Policy CS1 of the OCS states district centres are suitable for retail, leisure, employment and other uses serving district-level needs. The primary district centre is suitable for uses serving a larger catchment area than other district centres. Planning permission will be granted for such development provided it is of an appropriate scale and design and maintains or improves the mix of uses available.

9. The frontage to the retail park is strictly speaking covered by Policy RC4 (District Shopping frontage) of the OLP, which seeks to secure 65% of all uses in Class A1 retail use. Whilst the frontage facing onto the car park is shown on the Proposals Map to be subject to Policy RC4 now the original building has been subdivided and these new units created it is perhaps hard to argue that these new frontages created are subject to this policy since in practice they are not shown on the Proposals Map.
10. Therefore in these circumstances the proposal should to be considered in the context of its location within the Cowley/Templar's Square Primary District Shopping centre. Policy CS1 (Hierarchy of centres) of the OCS does specifically state that 'district centres are suitable for retail, leisure, employment and other uses that serve a District centre'. Therefore officers consider the change of use to be appropriate for the District centre.

### Highways

11. No additional car parking is proposed to what already services the whole of the John Allen Centre (Templars Retail Park) as part of this proposal. When comparing the OLP requirements for A3 uses against D2 uses a D2 use requires less car parking. The two vacant A3 units would require 34 car parking spaces compared to 21 for the D2 use. Therefore it could be said the change of use would reduce the pressure on the existing car park when compared to the current use.
12. The Highway Authority has raised no objections to the proposal as they consider this type of application will not have a significant transport impact. The change of use from an A3 unit to a gym is unlikely to have a highway impact, especially as it does not have any associated parking. According to the Highway Authority most users are likely to travel to the proposed gym by foot, cycle or bus.
13. With regards to cycle parking an additional 28 spaces were proposed all located within close proximity to the three A3 units, as part of the original application (ref.: 11/02032/FUL for the refurbishment of Unit 1) which accorded with the requirements of the OLP. These cycle parking spaces have been provided. No additional cycle parking is proposed as part of this current application. However when you compare the requirements of the OLP for A3 use and D2 use a D2 requires less cycle parking. The two vacant A3 units would require 21 cycle parking spaces compared to 11 for the D2 use. Therefore the original number of cycle parking spaces proposed under ref.: 11/02032/FUL is more than adequate enough to provide cycle parking provision for the proposed change of use.

### Noise/Nuisance

14. Noise can significantly affect the environment, health and quality of life enjoyed by individuals and communities. Policy CP21 of the OLP states planning permission will be refused for developments which will cause unacceptable noise. Particular attention will be given to noise levels close to

noise-sensitive developments; and in public and private amenity space, both indoor and outdoor.

15. Environmental Development officers have read through the noise report submitted with the application and have also discussed some of the issues with one of the London boroughs who have a 24 hour Pure Gym in their area.
16. Noise generated by gym activities broadly falls into two categories, one generated by group participation often with associated music and the other impact sound from the use of heavy weights. Both of these have a capacity to be structure borne but can be contained within the commercial units proposed to minimise noise breakout and therefore an adverse environmental effect.
17. Considering the sound attenuation details, presented with the application, Officers are satisfied that the noise impact on existing and proposed residential properties and the adjacent 'Costa Coffee' can be reduced to an acceptable level. For this purpose a condition is suggested to ensure the noise breakout is limited to predicted values in the Environmental Noise Impact statement and Noise Transfer Assessment 8.0 submitted by 'red acoustics' in report R1110-REP01-SJW (22/7/15) and that the applicant carry out testing and commissioning to ensure compliance and provide the Local Planning Authority with information prior to bringing the development into use.
18. A condition is also suggested in respect of external plant noise primarily because of the proposed 24 hour use.

### Design

19. New access doors are proposed in replacement of the existing and an internal lobby created. Access to the club is secure at all times of the day with an entry pod with security cameras. Members have a unique PIN number which is required to gain entry to the building via a key pad. The alterations to the front elevation are not significant and will create a focal entrance point.
20. The proposed alterations are considered acceptable in terms of policy CS18 of the Core Strategy 2026 and CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 in that they respect the character and appearance of the area and create an appropriate visual relationship with the form, grain, scale, and details of the site and the surrounding area.

### Other

21. The proposal will create 20 equivalent full time jobs in a variety of roles and staff will be on site 24hours/day
22. The submitted plans show a mezzanine however this category of work does not amount to 'development' as set out in Section 55(2) of the Town and Country Planning Act 1990 i.e. interior alterations (except mezzanine floors which increase the floorspace of retail premises by more than 200 square metres). These premises are not retail therefore the mezzanine is permitted

development and as such has not been taken into account.

**Conclusion:**

23. For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accords with all the relevant policies within the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore recommends Members approval the application.

**Human Rights Act 1998**

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

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

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

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

**Background Papers:**

**Contact Officer:** Lisa Green

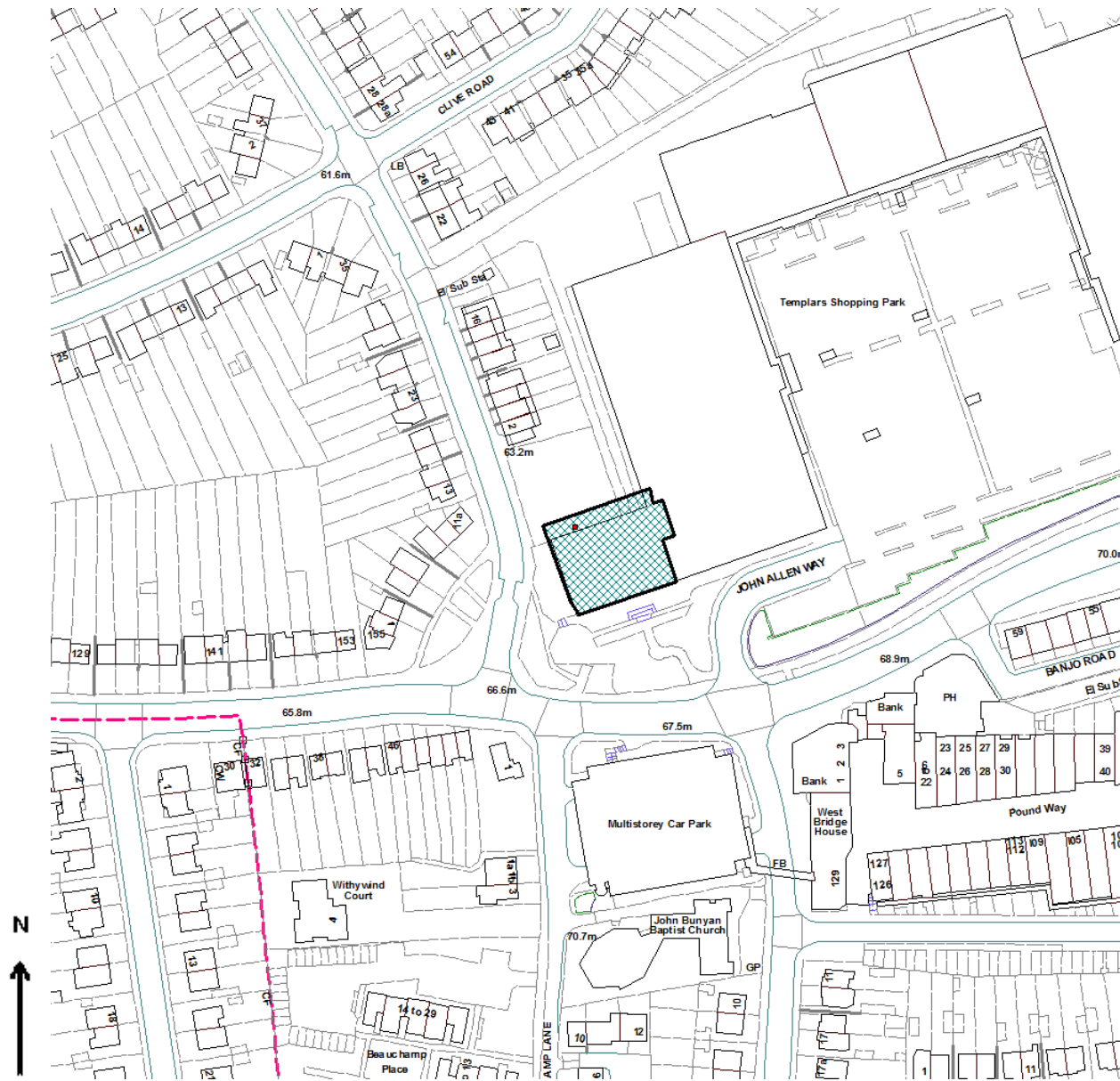
**Extension:** 2614

**Date:** 21<sup>st</sup> October 2015



# Appendix 1

## 15/02288/FUL - Units 1F and 1G Templars Retail Park



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## East Area Planning Committee

4th November 2015

**Application Number:** 15/02578/FUL

**Decision Due by:** 22nd October 2015

**Proposal:** Change of use from dwelling house (C3) to House in Multiple Occupation (Use Class C4).

**Site Address:** 82 Normandy Crescent Oxford Oxfordshire OX4 2TN

**Ward:** Lye Valley Ward

**Agent:** Mr Jim Driscoll

**Applicant:** Mr Mohammed Saddiq

**Application called in** by Councillors Lloyd-Shogbesan, Price, Sinclair and Fry for the following reasons: Parking provision, environmental impact and overdevelopment

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### Recommendation:

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

### Reasons for Approval

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 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 Develop in accordance with approved plans
- 3 Parking
- 4 Retention of low wall
- 5 SUDs
- 6 Refuse, recycling and cycle storage
- 7 Use of garage

## **Principal 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**

**CS11**\_ - Flooding

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

### **Sites and Housing Plan**

**HP7**\_ - Houses in Multiple Occupation

**HP13**\_ - Outdoor Space

**HP14**\_ - Privacy and Daylight

**HP15**\_ - Residential cycle parking

**HP16**\_ - Residential car parking

### **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

### **Relevant Site History:**

15/01077/FUL - Change of use from dwelling house (Use Class C3) to large house in multiple occupation (Sue Generis). - WITHDRAWN

### **Representations Received:**

Ms Lipson (92 Normandy Crescent), Mr Beesley (100 Normandy Crescent), Mrs Timbs (88 Normandy Crescent), Mrs Costar (90 Normandy Crescent), Mr Davis (96 Normandy Crescent), Mr Salih (86 Normandy Crescent), Mr Timbs (88 Normandy Crescent) Councillor Rowley, objections

- Access issues
- Effect on character of the area
- No enough information provided with application
- On street parking provision
- Parking provision on-site
- Effect on privacy
- Noise and disturbance
- Errors on application form
- Asbestos in property
- Concerns about waste and recycling
- Concerns about quality of living accommodation
- Poor quality of work (particularly relating to front garden)

NB. The application was subject to two public consultations as a result of the submission of amended plans. The responses listed above relate to the comments received in relation to both sets of consultations (with some of the residents listed

having responded on both occasions).

### **Statutory Consultees:**

Oxford Civic Society: Objections, concerns about the provision of bathroom and WC facilities within the property being unacceptable for the number of occupiers. Concerns relating to the provision of car parking, being unsuitable for the number of occupiers.

Oxfordshire County Council Highways Authority: No objections subject to a condition requiring use of SUDs.

### **Issues:**

- HMO
- Parking/access
- Impact on neighbours
- Surface water drainage and flooding

### **Site Description**

1. 82 Normandy Crescent is a large four bedroom dwellinghouse that occupies a corner plot. This part of Normandy Crescent forms a cul-de-sac with the properties (82-157 Normandy Crescent) being situated around a central parking courtyard. The properties were developed in the late 1950s; each property benefits from a front garden of approximately 5m depth and a uniform appearance.
2. 82 Normandy Crescent was previously occupied as a family dwellinghouse (Use Class C3). Recently the property has been purchased by a new owner who has carried out some internal refurbishments as well as demolishing parts of the low stone wall at the front (that separates the front garden from the highway). None of the works that have currently been carried out at the property require planning permission. The application site is slightly wider than surrounding properties and there is an attached garage on the side elevation that faces onto the part of Normandy Crescent that forms the access into the cul-de-sac.

### **Proposals**

3. It is proposed to change the use of the property from its current use as a dwellinghouse occupied by a single household (Use Class C3) to a House in Multiple Occupation (HMO). The property is to be occupied by five people (in five bedrooms). There is a communal kitchen and a separate communal living/dining area proposed.
4. Parking is to be provided at the front and side gardens. There would be on-site provision for three car parking spaces; all of the car parking would be accessed from the part of Normandy Crescent that forms the access into the cul-de-sac; egress onto the highway would be directed into the cul-de-sac (this 'route-in' and 'route-out' arrangement is shown the

submitted site plan). The proposed parking improvements would involve the partial removal of the low boundary wall; some demolition of this wall has already been demolished and removed. Part of the low boundary wall to be retained, this includes the area at the corner where the access into the cul-de-sac opens out which is also the location of a highway cabinet which is situated adjacent to the boundary wall.

5. The proposed plans also show two on-street spaces within the shared parking area. One of these spaces is identified as being allocated to 82 Normandy Crescent and the other is shown as allocated to another property. It is noted that the application form states that there would be on-site provision for three spaces and this does not include any on-street parking. The on-site provision does not include use of the garage as a parking space.

## **Assessment**

### **Principle of Development and HMO Use**

6. The most relevant policy that relates to the use of family dwellinghouses as HMOs is set out in Policy HP7 of the Sites and Housing Plan. This includes a specific assessment of the concentration of HMOs within the locality of the site; defined as taking into account all properties within 100m of the application site. The Council does not normally support changes of use to HMOs where this concentration exceeds 20%. Within 100m of 82 Normandy Crescent there are currently no other HMOs. As a result, the change of use would meet this requirement of Policy HP7.
7. Policy HP7 also requires that developments meet the Council's standards in terms of the 'Good Practice Guide for HMOs'. This document requires that there is ample provision of shared amenity spaces, refuse and recycling stores and acceptable room sizes. All of the proposed five bedrooms that are shown on the submitted floor plans appear to be acceptable in the context of the Good Practice Guide; the rooms also have adequate natural light and ventilation. The provision of shared rooms for cooking, living and dining within the property would also appear to be acceptable for the purposes of the Good Practice Guide.
8. Other specific requirements in terms of layout, fire safety and means of escape would be requirements for an HMO license that would also need to be sought by the applicant prior to using the property as an HMO. Officers have recommended that if planning permission is granted then an informative is added that brings the requirement of an HMO license to the attention of the applicant.

### **Refuse, Recycling and Cycle Storage Provision**

9. An amended site plan was sought from the applicant's agent that detailed the provision of covered secure cycle stores and refuse and recycling stores. These are shown on the submitted plans and Officers recommend

that the provision of these (as well as their retention) be secured by condition.

### **Access and Parking**

10. As previously described in Paragraph 4 (above) it is proposed to provide three on-site car parking spaces. These would be accessed using the existing dropped kerb at the side of the property; while access out of this area would be to the front of the property. Officers consider that the provision of three on-site spaces is acceptable in terms of the Council's policies for car parking (set out in Policy HP16 of the Sites and Housing Plan). The provision of car parking and access arrangements at the property have been accepted by the Highway Authority who have raised no objections to the development.
11. A number of responses and objections have been received by local residents. Some of these concerns relate specifically to the identification of a car parking space within the shared parking area in the cul-de-sac by the occupiers of 82 Normandy Crescent. The status of the parking space, its ownership and allocation is not known to Officers; though it has been indicated by several residents that the spaces are only allocated to specific occupiers. For the purposes of this planning application, Officers have not included the on-street parking space within the provision of car parking for the HMO as there is acceptable on-site provision. This car parking space also lies outside of the application site and the applicant's ownership and it is not therefore possible to either require or preclude its use by the occupiers of 82 Normandy Crescent by condition.

### **Impact on Neighbours**

12. Officers have been mindful of the impact of the proposed change of use on occupiers of surrounding residential properties; Officers have also had regard to the objections and comments made in relation to the proposals.
13. Some concerns have been expressed in relation to the noise and disturbance that would be generated from the proposed use. Officers suggest that the occupation of the proposed dwellinghouse by five people would not be excessive or necessarily give to a material increase in noise or disturbance above and beyond what could be generated by the occupation of the dwellinghouse by a single household. Adequate arrangements are proposed to be provided in relation to car parking, cycling parking, refuse and recycling stores as well as providing an acceptable quality of accommodation.

### **Use of Garage**

14. There are no proposals that relate to the use of the garage (which is marked on the proposed plans as a garage). It is important that this space is not used as additional living accommodation without the prior consideration of the impacts of the increased occupation by the Local

Planning Authority. As a result, Officers have recommended that a condition be included that requires the garage to be maintained as a garage and for incidental uses (storage etc.) only and not for use as living or sleeping accommodation.

## **Asbestos**

15. Concerns have been raised about the presence of asbestos in the property. This is a separate matter that is not normally dealt with in planning; there are specific requirements in terms of the removal and disposal of asbestos which are normally dealt with by Building Control and the Health and Safety Executive (HSE). Despite this, Officers have recommended an informative bringing this matter to the attention of the applicant in the interests of their safety, the safety of contractors and of future occupiers of the property.

## **Surface Water Drainage and Flooding**

16. The site does not lie in area of high flood risk. It is proposed to make use of existing drainage on the site and use brick paviors for the proposed parking area. Officers have recommended including a condition that requires the use of the specified permeable brick paviors surface (which is also requested by the Highway Authority).

## **Conclusion**

17. On the basis of the above, Officers recommend that the application be approved subject to conditions.

## **Human Rights Act 1998**

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

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

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

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998.



In reaching a recommendation to grant planning permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

15/02578/FUL

**Contact Officer:** Robert Fowler

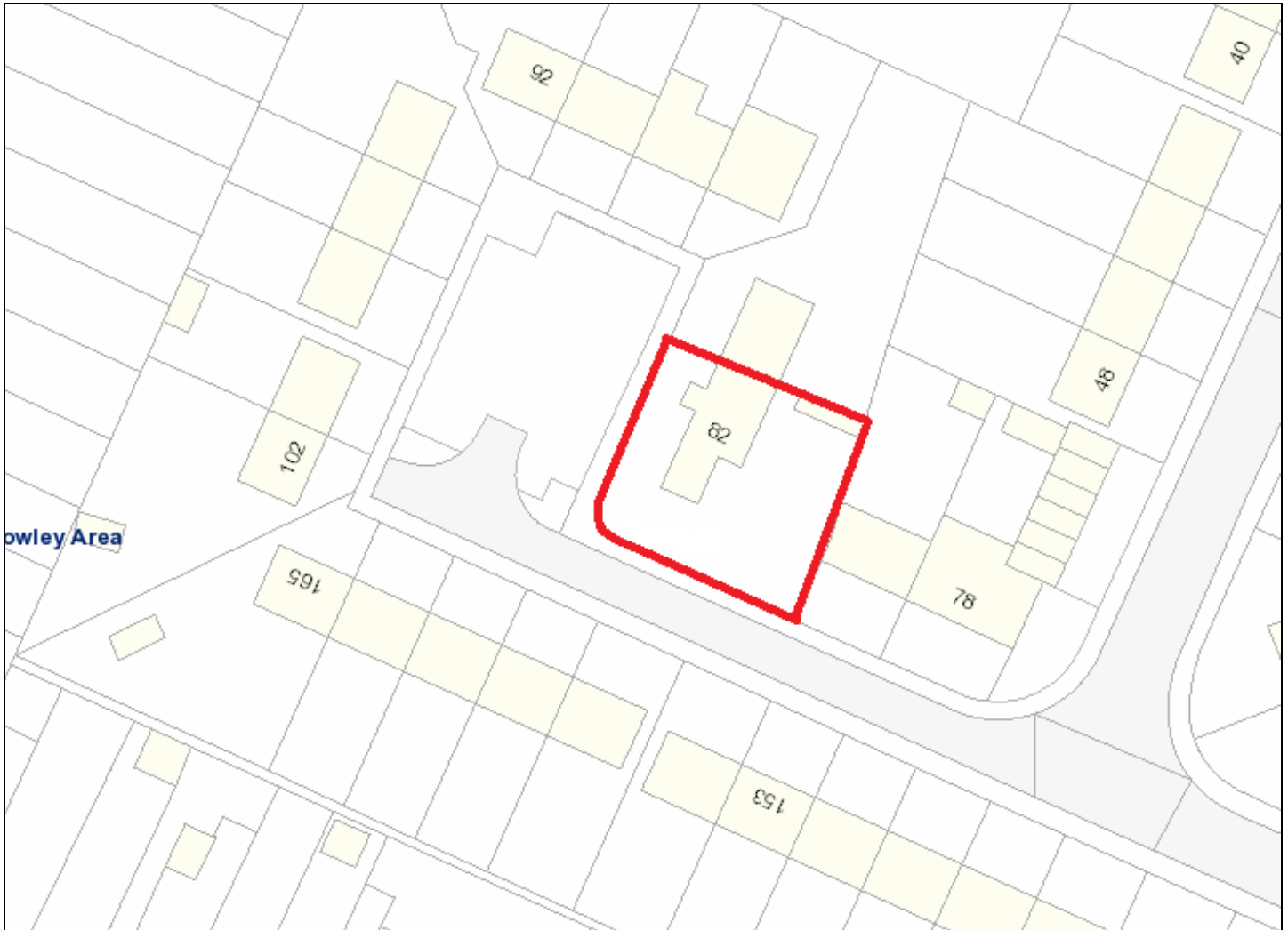
**Extension:** 2104

**Date:** 21st October 2015

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# Appendix 1

15/02578/FUL - 82 Normandy Crescent



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## East Area Planning Committee - 4th November 2015

**Application Number:** 15/02761/FUL

**Decision Due by:** 13th November 2015

**Proposal:** Erection of a single storey side and rear extension.

**Site Address:** 28 Merewood Avenue, **Appendix 1**

**Ward:** Barton And Sandhills Ward

**Agent:** Mr Robin Akers

**Applicant:** Mr Naveed Ramzan

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### Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extension and alterations are acceptable in design terms and would not cause unacceptable levels of harm to the amenities of the neighbouring properties. The proposal therefore accords with policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan, HP9 and HP14 of the Sites and Housing Plan and CS18 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.

### Conditions:

- 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

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

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

**Core Strategy**

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

**Sites and Housing Plan**

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

**HP14\_** - Privacy and Daylight

**MP1** - Model Policy

**Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

**Relevant Site History:**

78/00731/SON\_H - Single storey extension at rear to form enlarged kitchen.. PDV 6th December 1978.

80/00551/SON - Erection of a detached garage.. PER 17th September 1980.

83/00455/SON - First floor extension over existing kitchen to form bedroom and bathroom. PER 31st January 1984.

12/00382/FUL - Erection of outbuilding to rear (retrospective).. PER 13th June 2012.

12/00940/FUL - Erection of two storey side and rear extension. WDN 23rd April 2012.

12/01452/FUL - Erection of part single storey, part two storey, side and rear extension. WDN 13th August 2012.

12/00382/CND - Details submitted in compliance with condition 1 of planning permission 12/00382/FUL. PER 10th August 2012.

15/01838/CPU - Application to certify that the formation of 1no. rear dormer in association with loft conversion is lawful. PER 17th July 2015.

**Representations Received:**

No comments received.

**Statutory Consultees:**

No comments received

**Issues:**

Design

Residential Amenity

## **Officers Assessment:**

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

1. 28 Merewood Avenue is a two storey semi-detached property set within the Sandhills area of Oxford to the East of the City Centre. The property has been previously extended within a two storey extension to the rear.
2. The application is to be considered by East Area Planning Committee as the applicant is an employee of Oxford City Council.

### **Proposal**

3. This application relates to the erection of a single storey side and rear wrap around extension.

### **Design:**

4. The proposed flat roof extension wraps comfortably around the original side elevation of the dwellinghouse and the existing two storey extension to the rear and is set back from the principle elevation. Whilst the extension amounts to substantial additions to the property it is recognised that extensions of this size are not uncommon in this area and is smaller than those at the adjoining property, 30 Merewood Avenue. The extension is to be constructed of materials to match the host dwellinghouse which will also be controlled by condition. The proposal is therefore considered to form an appropriate visual relationship with the surrounding area. The proposal has also been kept to single storey in height, unlike previous proposals on the site. This is considered essential due to the close proximity to the two storey side extension at 26 Merewood Avenue in order to prevent a terracing effect in the streetscene.
5. The proposal is therefore considered to comply with policies CP1, CP6 and CP8 of the Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

### **Residential Amenity:**

6. The proposed extension complies with 45 degree guidelines from the light sources to the windows of nearest habitable rooms of adjoining properties at 26 and 30 Merewood Avenue. This includes the rear facing windows to both properties and the side facing window of 26 Merewood Avenue. Due to this the proposal is not considered to have an overbearing impact or cause a detrimental loss of light to the neighbouring occupiers. With the exception of the rooflights the proposed fenestration in the extension faces the rear garden and is sited a generous distance from properties at the rear so therefore does not create issues of overlooking.
7. The proposal is therefore considered to comply with policies CP10 of the Local Plan and HP14 of the Sites and Housing Plan.

**Conclusion:**

APPROVE subject to conditions

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:**

15/02761/FUL

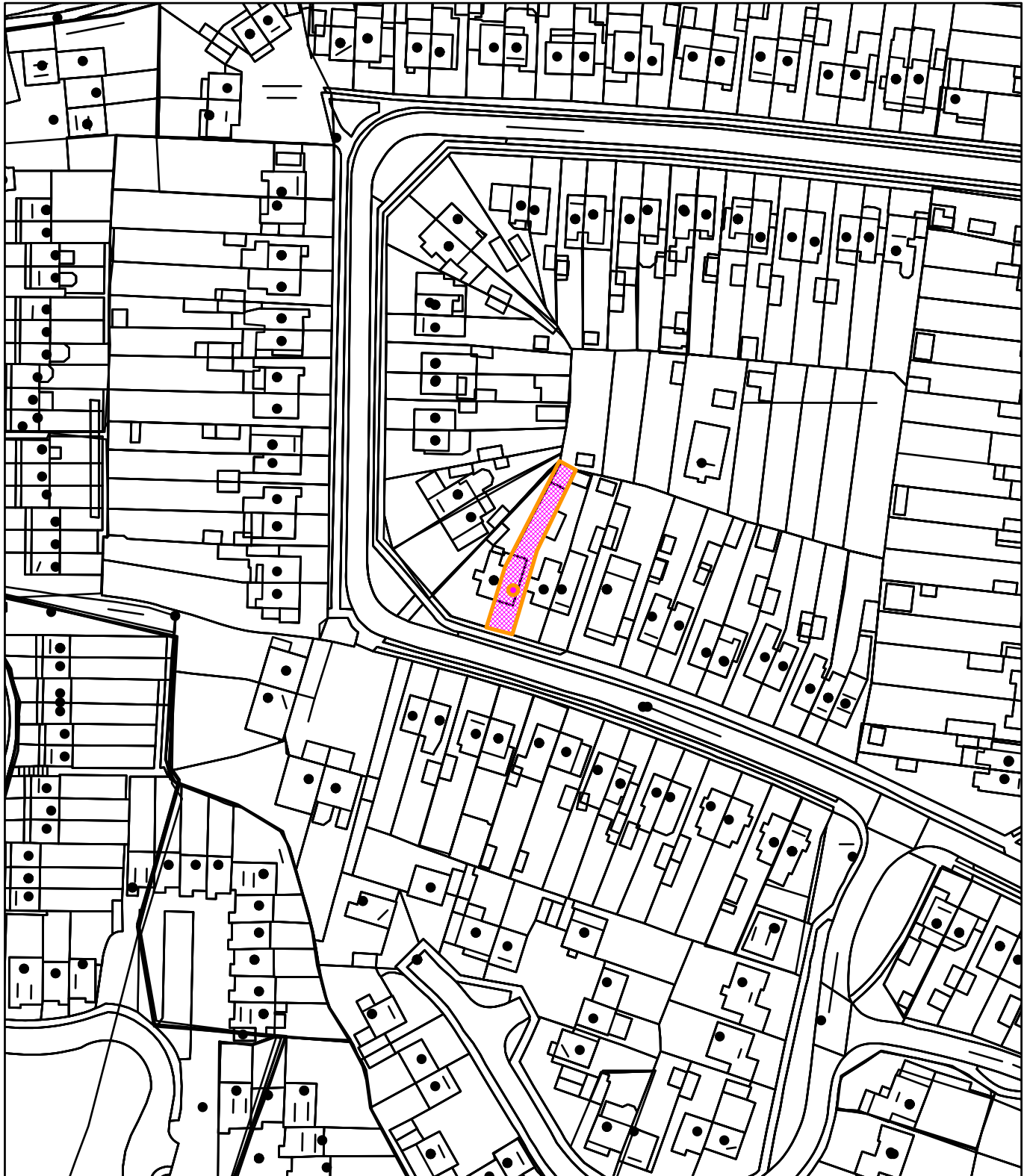
**Contact Officer:** Sarah Orchard

**Date:** 26th October 2015

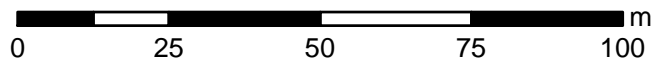


# Appendix 1

28 Merewood Avenue



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Ordnance Survey 100019348.



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## MINUTES OF THE EAST AREA PLANNING COMMITTEE

Wednesday 7 October 2015



**COUNCILLORS PRESENT:** Councillors Darke (Chair), Coulter (Vice-Chair), Brandt, Clarkson, Henwood, Taylor, Wade and Wilkinson.

**OFFICERS PRESENT:** Robert Fowler (Planning and Regulatory), Michael Morgan (Law and Governance), Edward Oteng (Planning and Regulatory), Mehdi Rezaie (Planning and Regulatory), Jennifer Thompson (Law and Governance) and Matthew Watson (Planning and Regulatory)

### 42. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors Altaf-Khan (Councillor Wade substituted) and Anwar submitted apologies.

### 43. DECLARATIONS OF INTEREST

Councillor Henwood declared that he had a disclosable pecuniary interest on the application at Minute 50 (3 David Nicholls Close) as this related to land he owned. He also had an interest in the application at Minute 46 as he was applicant on behalf of the parish council. He would leave the room and take no part in the debate or decision on these items.

### 44. BRASENOSE FARM COTTAGE: 15/01247/CT3

The Committee considered a report detailing an application for planning permission for the conversion of farm buildings to create 2 x 2-bed dwellinghouses and erection of 2 x 3-bed two storey dwellinghouses (Use Class C3) with provision of private amenity space and associated landscaping; formation of double carport to existing dwelling; and alterations to access and provision of additional parking at Brasenose Farm Cottage, Eastern By-Pass Road, Oxford.

Julia Castle, representing the applicant, and Huw Vaghan-Jones, highways consultant, came to the speakers' table and answered questions from the committee.

The Committee asked questions about the means of pedestrian and cycle access to the crossing and main cycle/footpath along the proposed improved

path. Members were of the view that the proposed changes to the footpath were adequate but the applicant should investigate the feasibility of legally permitting other uses.

The Committee agreed, on the officer's advice, to add a condition requiring provision of bat boxes.

The Committee resolved to support application 15/01247/CT3 at Brasenose Farm Cottage in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission on its completion, subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples of materials.
4. Details of windows / rooflights / doors.
5. Details of refuse and cycle storage.
6. Landscape plan required.
7. Landscape carried out after 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. Arch - Implementation of programme of investigation.
13. Biodiversity Report Recommendations carried out.
14. Surface Drainage Scheme.
15. Detailed design of access road improvements.
16. Visibility Splays.
17. Parking Areas to be provided.
18. Construction Traffic Management Plan.
19. Details of means of enclosures for all boundaries.
20. Energy Efficiency Measures.
21. Design - no additions to dwelling.
22. Contaminated Land Risk Assessment.
23. Ecological - Bat boxes (details and provision)

Legal Agreement: appropriate planning obligation to secure affordable housing contribution.

**45. UYS LTD. GARSINGTON ROAD, OXFORD: 15/02262/FUL**

The Committee considered a report detailing an application for planning permission for the erection of warehouse building on existing car parking area at UYS Ltd, Garsington Road, Oxford.

The Committee resolved to approve application 15/02262/FUL at UYS Ltd, Garsington Road, Oxford with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Temporary Building (three years).
4. Materials.
5. Use of Building.
6. Tree Protection Plan (TPP) 1.
7. Construction Traffic Management Plan.
8. Revised Drainage Details.
9. External lighting.
10. Cycle Shelter.

**46. BLEWITT COURT, OXFORD RD, LITTLEMORE:15/02171/FUL**

Councillor Henwood, having declared an interest in this item as the named applicant, left the room for the duration of this item and took no part in the debate or decision.

The Committee considered a report detailing an application for planning permission for the installation of public artwork and seating at Blewitt Court, Oxford Road, Littlemore.

Judith Godsland, a local resident, spoke against the application.

Contrary to the officer's recommendation, the Committee agreed to refuse planning permission because it considered the proposal was not in keeping with the area, and its design and form would be visually intrusive and would create a sense of clutter, detracting from the setting of the important heritage asset Grade II listed church, the surrounding buildings, and from the relatively uncluttered character of the area.

The Committee resolved to refuse planning permission for application 15/02171/FUL at Blewitt Court, Oxford Road, Littlemore for the following reason:

Having regard to the individual circumstances the proposal and its relationship with adjacent buildings, it is considered to represent an inappropriate form of a development. By virtue of its design, siting and scale it would create an obtrusive and harmful development detrimental to the visual quality of the area. The proposal would therefore fail to preserve and enhance the character of the Conservation Area and cause an adverse impact on the setting of a nearby Listed Building. The proposal therefore falls contrary to a number of policies in

Oxford City Council Core Strategy 2011; in particular 'Policy HE.3' on 'Listed Buildings and Their Setting', and 'Policy HE.7' on 'Conservation Areas' from the Oxford City Council Local Plan 2005.

**47. 1 MARSH LANE, MARSTON: 15/02364/FUL**

The Committee considered a report detailing an application for planning permission for demolition of the existing garage and erection of a single storey side and rear extensions at 1 Marsh Lane, Marston, Oxford.

The Committee agreed to remove permitted development rights for further extensions increasing the useable floor area or bulk of the building (to prevent it becoming overbearing in the street scene) and for the provision of hard surfaces on land surrounding the house (to safeguard amenity land on grounds of overdevelopment).

The Committee resolved to approve application 15/02364/FUL at 1 Marsh Lane, Marston with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials.
4. Landscaping.
5. Drainage and Parking.
6. Garage to be demolished.
7. Remove Permitted Development rights (enlargement, improvement or alterations, additions or alterations to roofs, erection of a porch, and buildings and other development on land surrounding the house, provision of hard surfaces on land surrounding the house) which fall under Part 1 of Schedule 2, Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) Order 2014 (as amended).

**48. 10 DYNHAM PLACE, OXFORD, OX3 7NL: 15/02187/CT3**

The Committee considered a report detailing an application for planning permission for a single storey rear extension at 10 Dynham Place, Oxford.

The Committee resolved to approve application 15/02187/CT3 at 10 Dynham Place, Oxford with the following conditions:

1. Development begun within time limit.
2. Development in accordance with approved plans.
3. Materials as proposed.
4. Sustainable Urban Drainage Systems.
5. Urban Drainage Systems.

**49. 1 - 15 CARPENTER CLOSE (VERGES): 15/02224/CT4**

The Committee considered a report detailing an application for] planning permission for the provision of 8 residents' parking spaces on existing grass verges at 1 to 15 Carpenter Close, Littlemore.

The Committee noted a comment that these changes were understandable, but it was disappointing to lose the open green aspects introduced at construction as part of the garden city initiative.

The Committee agreed to add a further condition requiring a suitable replacement for the tree lost as a result of this development.

The Committee resolved to approve application 15/02224/CT4 at 1 to 15 Carpenter Close, Littlemore with the following conditions:

1. Development begun within time limit.
2. Development in accordance with approved plans.
3. Parking in accordance with plans.
4. Development in accordance to Tree Protection Plan (TPP) 1.
5. Sustainable Urban Drainage Systems.
6. Landscaping.
7. Replacement tree.

**50. 3 DAVID NICHOLLS CLOSE, LITTLEMORE: 15/02061/FUL**

Councillor Henwood, having declared a disclosable pecuniary interest related to this item, left the room for the duration of this item and took no part in the debate or decision.

The Committee considered a report detailing an application for planning permission for an increase in ridge height of garage roof (retrospective) and conversion of the garage into 1 x 1-bed annexe (Use Class C3) at 3 David Nicholls Close, Littlemore.

The clerk reported a correction to paragraph 31: the ridge height was 5.85m not 8.85m.

The Committee resolved to approve application 15/02061/FUL at 3 David Nicholls Close with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Restricted use (ancillary to main dwelling only)
5. Sustainability design/construction.

## **51. PLANNING APPEALS**

The Committee noted the planning appeals received and determined during August and September.

## **52. MINUTES**

The Committee resolved to approve the minutes of the meeting of 2 September 2015 as a true and accurate record.

## **53. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications.

## **54. DATES OF FUTURE MEETINGS**

The Committee noted the meeting dates.

**The meeting started at 6.00 pm and ended at 7.45 pm**