

# Agenda

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## East Area Planning Committee

Date: **Wednesday 11 May 2016**

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Time: **6.00 pm**

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

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For any further information please contact:

**Jennifer Thompson, Committee and Member Services Officer**

Telephone: 01865 252275

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

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

# East Area Planning Committee

## Membership

### Chair

<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 BARTON PARK: ALLOTMENTS: 16/00442/RES**

11 - 30

**Site Address:** Land West of Barton North of A40 and South of Bayswater Brook Northern By-Pass Road Wolvercote Oxford.

**Proposal:** Reserved Matters approval for improvements to the existing allotments and outbuilding, associated fencing, services and associated car parking together with a community garden including pedestrian and cycling links and new tree planting and associated landscaping.

**Officer recommendation:** to grant the reserved matters application with the following conditions:

1. Watching Brief - contaminated land.
2. Verification Report - contaminated land.
3. Finalised Tree Protection Plan.

**4 72 BULAN ROAD: 15/03595/FUL**

31 - 38

**Site Address:** 72 Bulan Road, Oxford

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

**Officer recommendation:** to approve the application subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Details excluded - submit revised plans - ground floor toilet, Floorplan.
4. Submission of further matters - cycle and bin stores.

**5 44 FRANKLIN ROAD: 16/00131/FUL**

39 - 48

**Site Address:** 44 Franklin Road, Oxford, OX3 7SA

**Proposal:** Erection of two storey front extension incorporating roof extension and single storey rear extension. Formation of 2No rear dormer windows and insertion of rooflights in association with loft conversion (Amended plans).

**Officer recommendation:** to grant planning permission with the following conditions

1. Development begun within time limit.
2. Development in accordance with approved plans.
3. Materials as proposed.

**6 PAVILION, RECREATION GROUND, MARGARET ROAD OX3 8AY: 16/00002/CT3**

49 - 58

**Site Address:** Pavilion, Recreation Ground, Margaret Road.

**Proposal:** Demolition of the existing sports pavilion. Erection of a new sports pavilion (amended plans).

**Officer recommendation:** to approve the application subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as specified.
4. Access improvements.
5. Car parking improvements.
6. Drainage.
7. Arboricultural Report.
8. Cycle parking.
9. Contaminated Land – Risk Assessment.
10. No Occupation until Remediation.
11. Unexpected Contaminated.
12. Watching brief.
13. Outdoor lighting.
14. Biodiversity enhancements.
15. Nesting birds.

**7 ROSE HILL SPORTS GROUND, ASHHURST WAY: 16/00394/CT3**

59 - 66

**Site Address:** Rose Hill Sports Ground, Ashhurst Way

**Proposal:** Variation of condition 6 (Hours of operation) of planning permission 13/01940/CT3 to allow for the extension of opening hours.

**Officer recommendation:** to approve the application subject to the following conditions:

1. Time limit.
2. Develop in accordance with approved plans.
3. Materials.
4. Management plan.
5. Hours of use.
6. Floodlighting.
7. Bin storage.
8. Cycle storage.
9. Landscaping.
10. Landscaping implementation.
11. Access road and parking area.
12. Mechanical plant and ventilation.
13. Cooking odours.
14. SUDS.
15. NRA.
16. Biodiversity.
17. Noise insulation.

<b>8</b>	<b>56 KILN LANE: 16/00842/FUL</b> <b>Proposal:</b> Erection of garden outbuilding.  <b>Site Address:</b> 56 Kiln Lane, Oxford.  <b>Officer recommendation:</b> to approve the application with the following conditions  1. Development begun within time limit. 2. Develop in accordance with approved plans.	67 - 72
<b>9</b>	<b>MINUTES</b>  Minutes from the meetings of 6 April 2016  <b>Recommendation:</b> That the minutes of the meeting held on 6 April 2016 are approved as a true and accurate record.	73 - 78
<b>10</b>	<b>DATES OF FUTURE MEETINGS</b>  The Committee will meet at 6.00pm on the following dates:  8 Jun 2016 6 Jul 2016 3 Aug 2016 7 Sep 2016 5 Oct 2016 2 Nov 2016 7 Dec 2016 11 Jan 2017 8 Feb 2017 8 Mar 2017 5 Apr 2017 10 May 2017	



## **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 Committee and Member 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 Committee and Member 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 Committee and Member 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 Committee and Member 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.

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East Area Planning Committee

11th May 2016

**Application Number:** 16/00442/RES

**Decision Due by:** 20th May 2016

**Proposal:** Reserved Matters approval for improvements to the existing allotments and outbuilding, associated fencing, services and associated car parking together with a community garden including pedestrian and cycling links and new tree planting and associated landscaping.

**Site Address:** Land West Of Barton North Of A40 And South Of Bayswater Brook Northern By-Pass Road Wolvercote Oxford. Site Plan at **Appendix 1**

**Ward:** Barton And Sandhills Ward

**Agent:** Mr Paul Comerford

**Applicant:** Barton Oxford LLP

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## Recommendation:

The East Area Planning Committee is recommended to resolve to grant the reserved matters for the following reasons.

- 1 The allotments and community garden, in combination with the new Community Hub have been designed in order that they will be accessible and available for use by residents of Barton Park development, and the existing communities neighbouring Barton Park. The new community garden and improved allotments, alongside other facilities within Barton Park such as the linear park and trim trail provide the wider community with opportunities for improving health and promoting social inclusion as components of wider regeneration promoted by Barton Park
- 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 Watching Brief - contaminated land
- 2 Verification Report - contaminated land

**Legal Agreement:**

A legal agreement is not required to support this reserved matters as this was secured in association with the outline permission. Details of that legal agreement are contained in the Committee report for the outline application ref.: 13/01383/OUT. A Community Infrastructure Levy (CIL) payment is not required as outline planning permission was granted before the introduction of CIL in Oxford.

**Principal Planning Policies:**

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP22** - Contaminated Land
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- SR8** - Protection of Allotments

Core Strategy (OCS)

- CS2\_** - Previously developed and greenfield land
- CS3\_** - Regeneration areas
- CS7\_** - Land at Barton
- CS12\_** - Biodiversity
- CS13\_** - Supporting access to new development
- CS21\_** - Green spaces, leisure and sport

Barton AAP – Submission Document (BAAP)

- MP1** - Model Policy
- BA3\_** - Allotments
- BA4\_** - Linear Park
- BA14\_** - Delivery

Other Planning Documents

- National Planning Policy Framework
- Planning Policy Guidance

**Public Consultation by the Applicant**

A Statement of Community Involvement has been submitted with this application (as part of the Planning Statement section 5) setting out the community engagement and stakeholder consultation process undertaken. Details of this can be seen at **Appendix 2**.

**Public Consultation by the Local Authority**

The Council's normal consultation procedure has resulted in the following comments

Statutory and Non-Statutory Consultees and Groups:

- Historic England: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- Thames Water: The reserved matters application does not affect Thames Water and as such we have no observations to make.
- Cherwell District Council: raise no objections to the proposal

Individual Comments:

No comments have been received

**BACKGROUND TO PROPOSAL**

1. The Barton Park site is a roughly triangular tract of land to the north of the A40 ring road, west of the existing Barton residential area, and south of the Bayswater Brook. It extends to some 38 hectares (94 acres). It has mainly been used for agriculture with fields separated by unmanaged hedgerows, trees and ditches; but also including Barton Village Recreation Ground. The site surrounds but does not include a Scottish and Southern electricity substation which faces onto the A40. The land generally slopes down from south to north with the highest ground in the southeast corner. Public footpaths cross the site.
2. The site was identified as a strategic development site under Policy CS7 of the Core Strategy adopted in March 2011. It is an integral part of the Barton Area Action Plan (AAP) which was adopted in December 2012 and sets the spatial vision and detailed policies for development of the site, and the objectives against which the success of the Barton development would be judged:
  - delivering a strong and balanced community;
  - bringing wider regeneration of neighbouring estates;
  - improving accessibility and integration;
  - encouraging low-carbon lifestyles; and,
  - introducing design that is responsive and innovative
3. Within that context, outline planning permission was granted in October 2013 (13/01383/OUT) for the development of the site including:
  - up to 885 residential units which may include up to 50 units of extra care housing;
  - hotel of up to 7,350 m<sup>2</sup> of gross floorspace or approximately 120 bedrooms, (numbers of residential units to be reduced accordingly if a hotel is included);
  - up to 2,500 m<sup>2</sup> gross retail floorspace, consisting of a supermarket of not more than 2,000 m<sup>2</sup> gross and additional retail units totalling not more than

- 500 m<sup>2</sup>;
  - primary school / “community hub” building and external areas consisting of 3,000 m<sup>2</sup> main building, multi-use games area, adult sports pitch, 2 junior sports pitches, 400 m<sup>2</sup> equipped play area, 360 m<sup>2</sup> community sports pavilion and associated car parking;
  - linear park;
  - further equipped play area (“LEAPS”);
  - public squares;
  - additional allotment provision;
  - access roads;
  - pedestrian and cycle routes;
  - upgraded services, including media equipment, 2 pumping stations, substations and pressure regulators;
  - drainage works including water attenuation and control;
  - earth works;
  - removal of existing buildings and structures;
  - construction of new junction with A.40;
  - new telecommunications infrastructure;
  - landscaping and public realm works; and
  - junction works at Barton Village Road/Fettiplace Road/Harolde Close
4. Access from the A40 was given detailed planning permission as part of the outline permission. All other detailed aspects of the development (its appearance, landscaping, layout, and scale) were reserved for future determination through subsequent reserved matters applications (RMAs). The context and framework for consideration of the detailed design of the proposed development was however set for the subsequent RMAs and applications for conditions compliance by the Masterplan, and the approved Parameter Plans and Design Code which were approved as part of the outline permission.
5. An illustrative Masterplan (**Appendix 3**) accompanied the outline application. It established the strategic layout and major elements of the Barton Park scheme, and proposed three neighbourhoods of distinctive character within the scheme:
- i. at the western end of the development around a commercial square a high density mixed use area;
  - ii. a centrally located medium density residential area with strong green connections to the Linear Park; and,
  - iii. a lower density residential interface with the existing housing in Barton, which is centred on a proposed community hub and primary school;
6. Six Parameter Plans were approved as part of the outline permission. In respect of the application currently under consideration for the community sports facilities parameter plan 3 is of relevance.
- i. Parameter Plan 3 (**Appendix 4**) which indicates retained and proposed open spaces and landscape features including tree belts, greenways, recreational areas, play areas, existing and extended allotments and public squares

7. A Design Code was also approved as part of the outline permission. It provided detailed requirements as to how individual streets, buildings and open spaces should be laid out and landscaped, and guidance on the forms and appearance of buildings including landscaping and materials. Most of its requirements are mandatory and are expressed as minimum standards. A statement of compliance with the design code for this RMA can be seen at **Appendix 5**.
8. Together the Parameter Plans and Design Code seek to ensure that detailed design and implementation are based on sound principles and incorporate a range of functional requirements. They are intended to provide the means to create a successful, sustainable and attractive environment in which people can live and work. They will determine how Barton Park appears and is experienced from within the development, and also externally as part of Oxford in its wider context and setting.
9. Policy CS3 OCS states development proposals will be expected to retain the existing allotments and an area of public open space equivalent in area to what currently exists, and to incorporate additional publicly accessible open space and an appropriate buffer zone to Bayswater Brook and A40. This is reiterated in policy BA3 of the BAAP which states development will not be permitted on the land currently cultivated as allotments.
10. Just over 4 hectares of the strategic development site is legally protected allotment land. Approximately 3 hectares is let to an allotment association. The rest of the allotment land has been uncultivated for many years and is heavily overgrown.
11. The outline planning permission approved the retention of existing allotments measuring 2.5 ha, improvements and extended by the inclusion of a community garden to its southern side.
12. A full Environmental Impact Assessment (EIA) had been undertaken in support of the proposed development. The outline planning application was therefore accompanied by an Environmental Statement (ES) and the Environmental Information (EI) was taken into consideration prior to granting that permission. As a reserved matters application the Council must consider whether the EIA it already has is adequate to assess the environmental effects of the development. As the submitted EIA is recent, up to date and there have been no material changes in circumstances, it is considered that a further ES is not required.

## **PROPERTY HISTORY**

13. The following applications are relevant to the site:
  - 13/01383/OUT - Outline application (seeking means of access) for the erection of: A maximum of 885 residential units (Class C3); a maximum of 2,500 sqm gross Class A1, A2, A3, A4 and A5 uses (with a maximum of 2,000

sqm gross foodstore Class A1); a maximum of 50 extra care housing units; a maximum of 7,350 sqm GEA hotel (Class C1); a maximum of 3,000 sqm GEA Class D1, D2 floorspace (community hub and primary school); in development blocks ranging from 2 to 5 storeys with associated cycle and car parking, landscaping, public realm works, interim works and associated highway works. (Additional information - Landscape and Cultural Heritage Statement). PER 18th October 2013.

- 14/03201/RES - Details of reserved matters (layout, scale, appearance and landscaping) for a scheme of Enabling Infrastructure Works (such as utility services, earthworks, drainage/attenuation and roadworks), pursuant to conditions 3 and 4 of the outline planning permission for the mainly residential development of the site (13/01383/OUT). More specifically these works comprise:-
  - a) the primary street, street furniture, on-street parking, street lighting, surface water drainage swales, associated landscaping and surface finishes;
  - b) green infrastructure, the linear park, greenways, hard and soft landscaping, footpaths, cycle paths and ecological improvements;
  - c) landscaping details for the approved A40 junction;
  - d) buried services and utilities, foul and surface water drainage, water channels, ponds, sustainable urban drainage systems and underground storage tanks.This reserved matters application (14/03201/RES) is accompanied by the following additional submissions in relation to conditions and non-material amendments to the above mentioned outline permission:-
  - i. condition 11 - tree protection (13/01383/CND2);
  - ii. conditions 24 - site-wide surface water drainage scheme (13/01383/CND3);
  - iii. condition 25 - enabling infrastructure phased surface water drainage system (13/01383/CND2);
  - iv. condition 26 - site-wide foul water drainage strategy (13/01383/CND3); and,
  - v. non-material amendments to approved A40 junction e.g. omission of splitter island (13/01383/NMA).. PER 23rd February 2015.
- 15/03642/RES - 15/03642/RES Details of reserved matters (layout, scale, appearance and landscaping) for the first phase of the Barton Park development, pursuant to Condition 3 of outline planning permission 13/01383/OUT. The works comprise the construction of 237 residential units (Class C3) with associated means of access and highways works; car and cycle parking; hard and soft landscaping; public realm works and ancillary structures. (Amended plan). PER 10th March 2016.
- 16/00067/RES - Details of reserved matters (access, appearance, landscaping, layout and scale) for the community sports facilities comprising a relocated natural turf adult sports pitch, multi-use games arena, 3G pitch lit by 12 x 10m light columns and a natural turf pitch adjoining the community hub, along with associated car parking, fencing, and vehicular and pedestrian access together with locally equipped area of play.. PER 13th April 2016.



## **OFFICERS ASSESSMENT:**

### **The Proposal**

14. The proposals now before the Committee for determination is the fourth reserved matters application on the site seeking approval for details of reserved matters (layout, scale, appearance and landscaping) for the existing allotments located in the south east corner of the site which also includes an area of uncultivated land to the south of the allotments which will be designed to create a community garden pursuant to Condition 3 of outline planning permission 13/01383/OUT.
15. The application includes:
  - Improvements to the existing allotments
  - Refurbishment of the existing allotment outbuilding, including provision of foul drainage and LV electrical services to the outbuilding
  - New tree planting and landscaping, including drainage
  - Replacement fencing
  - New car parking associated with the allotments
  - Improvements to a section of the existing footpath along the A40
  - New pedestrian and cycle links in the form of new footpaths and cycleway
  - New community garden including new tree planting and associated landscaping
  - Street furniture including benches, bins and trim trial equipment
  - Bridge structure to provide access over existing ditch into a future development parcel (Phase 3A) and Barton

### **Determining Issues**

16. Whether the proposals meet the vision and objectives for the Barton Park development as expressed in the Core Strategy, the Barton AAP, and the outline permission together with the Masterplan, Parameter Plans and Design Code.

### **Assessment**

#### Layout, Scale and Appearance

17. The allotment improvements form part of the wider open space strategy and complement the other community spaces and informal recreation to be provided within the linear park and greenways. The community garden is a continuation of these principles and helps to link the allotments with the wider open space infrastructure.
18. This application will help to re-establish the allotments as an important local amenity space, which will be enhanced to provide better facilities and an improved setting within the new development. The community garden is currently an area of uncultivated land, that once restored will provide an

important link between the existing Barton community and the new neighbourhood.

19. The layout of the site itself has been designed around creating safe and secure footpaths through the site; linking the residential neighbourhoods with the proposed allotments and community garden
20. The footpaths will provide for convenient links within Barton Park and to the wider community. A shared cycleway and footpath is proposed east to west through the centre of the community garden, linking Barton to the east to the Linear Park and new development in the west. Access between the community garden and allotments will also be facilitated by extending the existing tree lined avenue in the allotments further south to join the east-west linkage through the community garden. The existing allotment access to the north of the proposed development which currently provides access to Barton will also provide a new pedestrian and cycle link into a future development parcel north of the proposed development and the wider Barton Park community.
21. In terms of appearance there is a limited palette of materials to be used and these can be seen at **Appendix 6**. A 1.8m high weld mesh fence is proposed around the allotments with vehicular and pedestrian access gates (the existing 1.8m high palisade security fencing on the east and west boundaries is to be retained); a free draining reinforced compacted angular limestone is to be used for the car park surface; crushed limestone and compacted limestone is to be used for the shared cycle and pedestrian paths; hardwood timber furniture is to be used within the community garden. All proposed materials are in keeping with the design code and are considered to be acceptable.
22. Improved and new facilities within the existing allotment hut could include:
  - Remove of asbestos roof and replaced with metal sheet cladding
  - Replace rainwater goods and repair timber lean-to
  - Repair damaged brickwork
  - New roof lights
  - Photovoltaic panels
  - Outdoor sink
  - New window/grills and doors
  - New toilet (potentially composting)
  - Lighting and power sockets

The final decision as to what works will be carried out is to be left with the allotment association in conjunction with the applicant.

### Landscaping

23. A key part of this RMA application is to restore an area of uncultivated land south of the allotments to provide an area of amenity space, which will complete the open space strategy for Barton Park. Existing landscape features, that define the character of this space have been retained and

enhanced as part of the proposals such as the avenue of mature apple trees. New fruiting trees and hedgerows, wildflower meadows and native shrub planting will provide opportunities for improved habitats and increased biodiversity value. Natural play areas, trim trail equipment and picnic benches within the community garden will provide opportunities for social interaction and interest.

24. The key landscape components of the community garden include:
  - Access to the allotments, existing footpath network and the new development areas and wider landscape infrastructure including a bridge crossing
  - 2.5m wide cycleway / footpath
  - Trim trail equipment
  - Street furniture including bins, signage and seating
  - Picnic area
  - New fruiting trees and hedgerows
  - Wildflower meadows and long grassland to create habitat areas
  - Natural play areas
25. The new tree and shrub planting in the community garden will be incorporated into a wider landscape infrastructure, including fruiting trees, wildflower meadows and natural play areas.
26. The improved allotments will also be surrounded by new fencing and landscaping. New tree planting will also strengthen the existing tree lined avenue. The landscaping and linkages will create a pleasant environment for all to use.
27. The proposals include the removal 4 individual trees and 4 part tree groups within the community garden area. Officers concur with the Arboricultural Report and Arboricultural Method Statement (AMS) that the tree removals will not be significantly detrimental to public amenity in the area. Officers are also satisfied the impacts on existing trees have been adequately identified are satisfied that if the special precautions recommended in the AMS are followed and the trees are robustly protected that there will not be a significant detrimental impact on public amenity arising. The submitted Tree Protection Plan is in draft form therefore a condition will be added for a final tree protection plan being submitted for approval before works start.

## **Other Issues**

### Access and Parking

28. A Transport Statement and Travel Plan were prepared in support of the original outline application. These identified means to reduce reliance on the private car in favour of walking, cycling and public transport. The RMA seeks to contribute to maximising the use of sustainable transport modes through a combination of methods including the provision of appropriate on-site car parking for the allotments, and the provision of new pedestrian and cycle paths.

29. There is little or no car parking at the existing allotments; currently; parking happens haphazardly. A new dedicated parking area providing up to 12 car parking spaces is proposed. Whilst the new car parking area will not provide marked parking bays, the area measuring approximately 30m by 11m provides 11 spaces plus space for a disabled bay and storage area. The allotment association decided that 12 spaces was adequate for their needs.
30. There is no formal cycle parking proposed. Currently any plot holders who cycles to the allotment cycle directly to their plot. The allotment association decided that this arrangement works well hence no formal dedicated cycle parking area.
31. The new fence to the north of the allotment site will incorporate replacement gates for vehicle access and in addition provide a new pedestrian gate at the north east corner. On-site parking will be controlled through the use of gates at the entrance to the allotments, and shall be available for the exclusive use of the allotments. The access arrangements to the allotments will not change from what currently exists. Further pedestrian access to the allotments will be provided through a pedestrian gate located in the north-east corner and another gate to the south of the allotments, linking to the community garden.
32. The existing vehicular access road from Barton Village Road to the allotment site will be retained until the future development parcel to the north incorporates the access route via a new junction layout and tertiary street.
33. The community garden will be for pedestrians and cycles only with a 2.5m wide path. There are three access points in addition to the secure gated entrance to the allotments, which are connected by the east-west footpath and cycle way. In the east the path forks, with one path connecting to Barton Village and Harolde Close through the proposed Nature Park Site, and the other path will connect to the existing footpath along the A40. To the west of the community garden, the footpath links into the Linear Park and future development parcels.
34. Approximately 150m of the existing tarmac footpath along the A40 will be widened to 2.5m and re-surfaced to provide an enhanced and easily accessible route from Barton to the community garden and allotments
35. Access to the small development parcel to the east will be via a new 14m span cycle/foot bridge over an existing ditch. Fixed bollards will be used to deter vehicle access over the bridge. The bridge will be of a timber construction with a 1.4m high timber balustrade. The use of timber for the bridge is considered to be appropriate for the verdant nature of the community park.
36. The community gardens are located on higher land. The existing gradients across the site vary creating some areas with steeper gradients. Without having a significant impact on existing trees, the existing ground levels will be re-profiled in isolated areas to provide footpath levels achieving a maximum of

1:12. Where the gradients are steeper than 1:15, level sections along the footpath will be provided to help less able users navigate the route.

### Ecology/Biodiversity

37. Officers have reviewed documents submitted with the application and in terms of ecology have no concerns about the proposed. There is however a great opportunity to benefit hedgehogs by adding small gaps at the bottom of the very extensive fencing proposed. The gaps need only be 13x13cm or 5 inches square and should be placed at regular intervals. This is likely to provide significant biodiversity benefit, whilst not negatively impacting or compromising the function of the fence. Officers recommend that this is added as an informative.

### Land Quality

38. Condition 28 (Contaminated Land) of Planning Permission 13/01383/OUT was discharged subject to the requirement that each developer submit a verification report to the LPA for approval which will provide validation that the remediation undertaken was in accordance with the approved "Remediation Method Statement, Barton Park" (report ref: 11501549/06 Rev. 5.4 dated July 2015). In order to secure these verification reports and in the event of unexpected contamination, officers recommend that are placed on the reserved matters planning permission seeking a verification report and a watching brief be carried out.

### **Conclusion:**

39. The community garden and allotments have been designed in accordance with the approved documents and plans submitted with the outline application, including the parameter plans, design and access statement and design code.
40. Members are recommended to approve the reserved matters application

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant reserved matters, 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 reserved matters, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

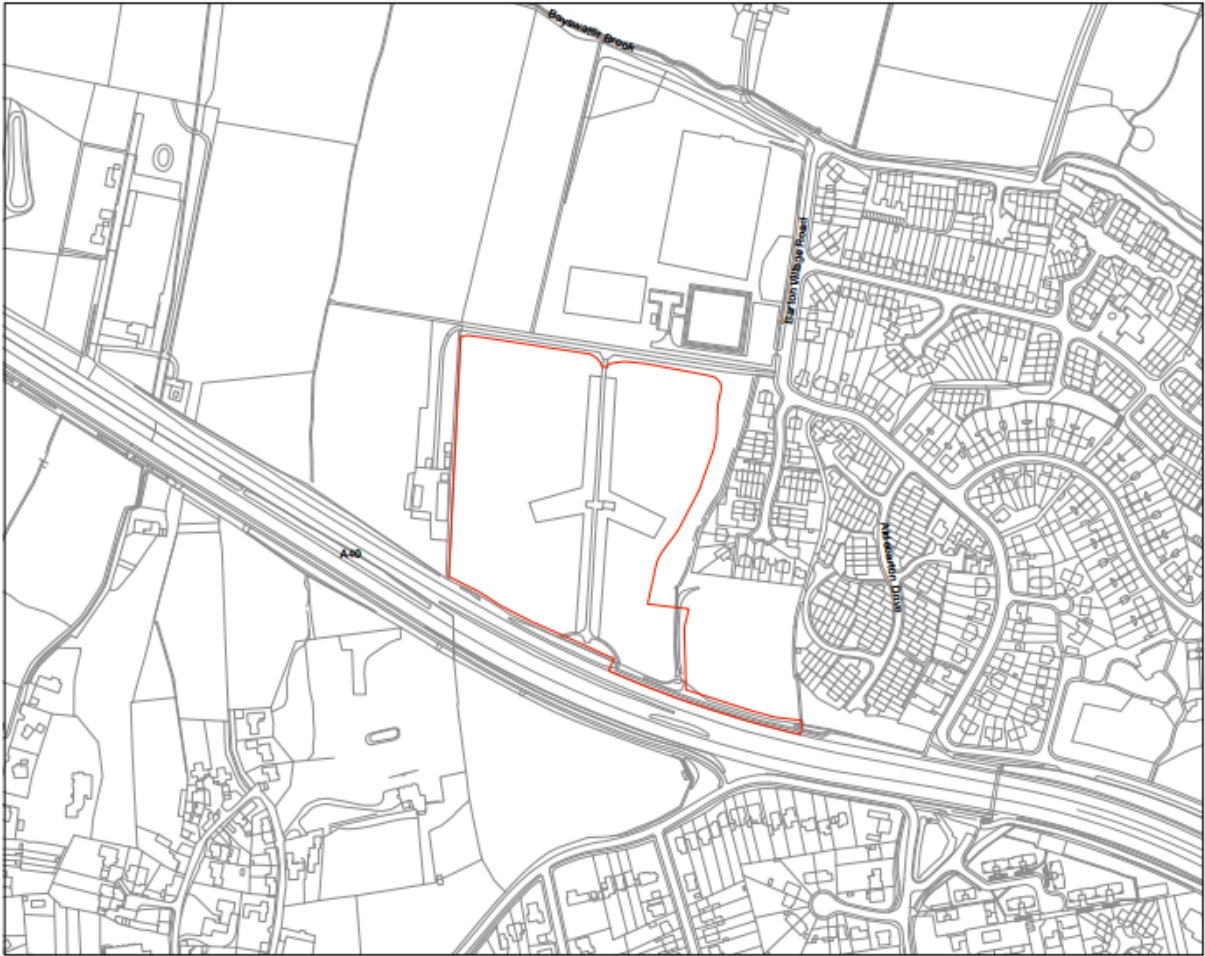
### **Background Papers:**

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 27th April 2016

# Appendix 1 Site Location Plan



Application Boundary

## 5. Consultation and Engagement – Statement of Community Involvement

5.1 This Statement of Community Involvement (SCI) sets out the community engagement and stakeholder consultation undertaken to inform the proposals forming this submission.

5.2 Consultation has included:

- Pre-application discussions with Officers at Oxford City Council and Oxfordshire County Council.
- Member Briefing of 3rd December 2015.
- Liaison with Stuart Fitzsimmons at Oxford City Council.

5.3 Community Engagement including:

- A public consultation event at the Barton Neighbourhood Centre on December 5th 2015;
- Meetings with the Barton Allotment Association
- Meetings with the Phoenix Sports Association
- Meetings with Barton Integration and Community Engagement Partnership  
Posters on display at the Barton Neighbourhood Centre and at the site notice on Barton Village Road
- Material on the Barton Park website advertising the events and providing plans.

5.4 The public consultation event was publicised by the distribution of 2600 flyers providing a project update and inviting residents of Barton and Northway to the event at the Barton Neighbourhood Centre. Over 30 attendees visited the exhibition and discussed proposals with the team. Comments from the consultation event included:

- Ensure fencing provides security for the allotments
- Good to see the works to the existing tree avenue in the allotments but management of the new trees will be needed
- Loss of the blackberry hedge a concern
- Please to see green spaces growing as these spaces are important for Barton, support the allotments being kept and improved.

5.5 Constructive feedback and key comments received have influenced the submitted proposed development and how the design has evolved to respond to the views expressed through the stakeholder engagement.

### **Barton Allotment Association**



5.6 There has been comprehensive consultation undertaken with the Allotment Association. The proposals for this Reserved Matters Application were presented to the Association in November 2015. The Association were supportive of the proposals and provided constructive feedback which has been addressed in the proposed scheme design.

5.7 The key areas for discussion with the Allotment Association included:

- Need for and type of improvements for the allotment shed
- Need for a new car park
- Improvements to the avenue of trees
- Fencing

### **Oxfordshire County Council**

5.8 As part of the design development of the proposals meetings with Oxfordshire County Council have focussed on the design and access arrangements for the site. Key issues raised and addressed have included

- Pedestrian and vehicular access;
- Access;
- Fencing arrangements;
- Car parking dimensions.

# Appendix 3 Illustrative Master Plan



# Appendix 4 Parameter Plan 3 Open Space and Landscape



Contextual information	For approval
Planning application boundary	Formal recreation / sports pitches
Tree groups to be retained (including RPZs)	Informal open space / greenways
Existing ditches retained	Communal gardens / additional allotments
SSE land	Existing allotments
Indicative line of primary street	Zone for principal squares
Play space (LEAP)	
Games court (MUGA)	

## Appendix 5

### Summary of Compliance with the Design Code

DESIGN CODE ITEM	DETAILS	SCHEME COMPLIANCE	IF NON-COMPLIANCE - REASONS FOR CHANGE
Fixed elements p13, figures 9.5 & 9.6	Green infrastructure Important connections & routes		
Semi natural landscape p14 and p15	Site wide green infrastructure coding		
Movement strategy p16, figure 9.8	Maximise the opportunity for residents to walk and cycle		
Proposed planting and street trees p30 and p31	Native species will be used throughout the site using locally prevalent species		Tree and shrub planting supplements the approved linear park / greenway design / plant species

**Materials**

**Paving materials**

The design guidance from the design code refers to the pedestrian and cycle network, including within the community garden. The approach to paving materials is generally in keeping with the guidance with the exception of some minor modifications to the material specification to be in accordance with the approved designs for the linear park. The table below sets out the proposed paving materials.

TYPE	MATERIAL	IMAGE
2.5m wide shared cycle and pedestrian path	75mm deep crushed and compacted limestone surface above Type 1 granular base. No edging	
Free draining reinforced granular car park surface	Compacted angular limestone aggregate 5mm - 20mm	



Woodscape hardwood timber Alexandria style sign or similar approved



Brookus Status Post recycling or waste bin (green) or similar approved



Woodscape LBS 112 Laminable square bin with fixed top or similar approved



Woodscape square bollard, flat profile, hardwood timber 800mm high or similar approved



GLD Fencing Exempla 1.2m high weld mesh panel fencing - green or similar approved



Woodscape standard hardwood timber picnic set, type 2, 2m long, rectangular or similar approved



Woodscape hardwood timber seat, type 2, straight 2m long or similar approved

**Figure 3.21: Street furniture**

**Street furniture**

The design guidance from the design code outlines that a simple palette of natural materials such as timber and muted colours must be used throughout the strategic infrastructure to reflect that character and feel of the transitional space between the urban form and the wider countryside. The proposals for the community garden accord with the design code and the approved designs for the linear park and greenways.

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East Area Planning Committee

-11th May2016

**Application Number:** 15/03595/FUL

**Decision Due by:** 8th February 2016

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

**Site Address:** 72 Bulan Road, Oxford (site plan: appendix 1)

**Ward:** Lye Valley Ward

**Agent:** N/A

**Applicant:** Dr Haiyan Gad

**Application Called in** by Councillor Kennedy, Simm, Fry and Price on grounds of the possible overintensification of HMOs in the area

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The application is not in an area subject to an overconcentration of Houses in Multiple Occupation and subject to the conditions proposed would provide an acceptable level and standard of amenities and facilities, capable of accommodating the likely number of occupants within the house. Concerns relating to the size of the toilet and the storage of cycles and bins can be dealt with by condition and the application therefore complies with Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 - 2016, CS11 of the Core Strategy and Policies HP7, HP12, HP13, HP14 and HP16 of the Sites and Housing Plan. No objections have been made by third parties.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

## **Conditions:-**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Details excluded submit revised plans ground floor toilet, Floorplan,
- 4 Submission of further matters cycle and bin stores,

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

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

**CP1** - Development Proposals

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

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

#### **Core Strategy**

**CS23**\_ - Mix of housing

#### **Sites and Housing Plan (SHP)**

**MP1** - Model Policy

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

**HP13**\_ - Outdoor Space

**HP14**\_ - Privacy and Daylight

**HP16**\_ - Residential car parking

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

National Planning Policy Framework

Planning Practice Guidance

Oxford City Council's good practice guide on HMO amenities and facilities

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

12/02750/FUL - Erection of part single and part two storey rear extension. (Amended plans) (Amended description). PER 19th December 2012.

#### **Representations Received:**

75 Bulan Road: No objection, but suggests application may be retrospective, in that use as an HMO commenced some years ago.

#### **Statutory Consultees:**

Local Highway Authority: Object – insufficient parking

#### **Determining Issues:**

- Density of HMOs
- Facilities and amenities
- Parking

#### **Officers Assessment:**



## Site Description and Background

1. 72 Bulan Road is a semi-detached house with parking for 1 car to the front of the house and a good sized garden to the rear. The site is sustainable, being situated conveniently located for bus routes along The Slade and Hollow Way and with local shops within 800m. Several areas of open space are also nearby, notably Lye Valley nature reserve.
2. Officers note the unusual internal arrangement which lacks direct access from the first floor of the original house to the first floor of the extension.
3. Permission is now sought for a change of use from a single family dwelling (Use Class C3) to a small House in Multiple Occupation (HMO - Use Class C4).
4. Changes of use between use classes (C3 dwelling houses and C4 HMO's) would ordinarily benefit from permitted development rights and do not require a planning application to be submitted. However, the Government has given individual Councils the power, through the use of an "Article 4 Direction", to introduce controls locally. Oxford suffers from an acute shortage of housing and in order to ensure that an appropriate mix and quality of accommodation is provided across the City, Oxford City Council has made an Article 4 Direction allowing it to introduce local planning controls in terms of the change of use of a C3 dwelling to an HMO. Consequently as of 24 February 2012 planning permission is required within Oxford to change the use of a C3 dwelling house to a shared rented house (C4 HMO).
5. Officers consider that the principle determining issues are as follows
  - Density of HMOs
  - Facilities and amenities
  - Parking

## HMO Density

6. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area.
7. The provision of C4 HMOs within the city is controlled firstly by the removal of permitted development rights to change the use of a single dwelling to a C4 HMO, and secondly by policy HP7 of the Sites and Housing Plan (SHP) which seeks to permit only a limited number of HMOs in any particular area, This policy would directly address the issue of overconcentration of HMOs within an area. The policy states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%.
8. Licencing records indicate that there are around 57 buildings within 100m street length of 72 Bulan Road, both along Bulan Road itself and also along the side

roads such as Cinnaminta Road. Of these properties, licensing records indicate that 10 of these have, or have applied for an HMO license. This would amount to 17.54%. Officers note the concern about unlicensed HMOs in the area and that this issue is the subject of ongoing enforcement activity. The record was checked on the 18<sup>th</sup> April 2016.

9. The actual number of HMOs in the area may be higher, due to some HMOs not being licensed, but the most up to date figures available indicate that the change of use would result in 19.3% of buildings in the relevant area as HMOs, which would be below the 20% concentration defined in Policy HP7.
10. The surrounding area does not therefore show an unacceptable concentration of HMOs, the current proposal will not materially harm the overall mix of housing in the local area and the application complies with Policy CS23 of the Core Strategy and Policy HP7 of the SHP.

### **Facilities and Amenities**

11. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities. Policy HP13 of the SHP requires adequate provision for the safe, discrete and conveniently accessible storage of refuse and recycling whilst HP15 of the SHP requires the provision of adequate cycle parking.
12. The house will provide an acceptable level of communal and cooking space and five reasonably sized bedrooms. Officers note that there is a sixth room identified as a bedroom, but this is below the minimum 6.5m specified in the good practice guide and the applicant should be made aware that any HMO licence may be conditional on this room not being used as a bedroom and limiting the number of occupants to 5.
13. There is a first floor bathroom to the main body of the house and a ground floor toilet, although the toilet (at 0.7m by 1.3m) is less than the minimum 0.9 by 1.3m specified in the good practice guide. Officers note the two shower rooms in the extension, but one is an en-suite and because of the limited connection between the extension and the body of the house, the other shower room is de-facto more than one floor away from the first floor bedrooms in the body of the house, contrary to the provisions of the good practice guide. The sanitary provision is therefore substandard for an HMO occupied by 5 persons. However, officers consider that this situation could be rectified by a condition requiring the submission of amended plans showing a toilet of an acceptable size.
14. No information is provided in relation to cycle parking or refuse and recycling storage. There is a more than adequate area of outdoor space that could meet these needs and still provide an acceptable area of private open space. It is therefore considered reasonable for any grant of planning permission to be conditional on the submission of further details demonstrating an acceptable provision of cycle parking and bin storage to ensure that the available facilities

would comply with the Facilities and Amenities Guide and Policies HP7, HP13 and HP15 of the SHP.

## **Parking**

15. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that C4 HMOs should be subject to the same parking standards as for C3 dwelling houses and provide a maximum of two parking spaces, whilst Sui Generis HMOs should provide one parking space per two lettable rooms.

16. Oxfordshire County Council, as the Local Highway Authority, has objected to the development on the basis that the development should provide one parking space per two lettable rooms. However, this relates to the wrong standard – the application is for a C4 HMO and the existing space meets the requirement for a maximum of 2 spaces (set out above) and therefore given the sustainable location it is considered that parking provision is adequate.

## **Conclusion:**

17. The development will not result in an overconcentration of Houses in Multiple Occupation in the local area and subject to the Conditions imposed, can provide acceptable facilities and amenities for a House in Multiple Occupation of this size situated in this area. The proposals would therefore make the best use of land and comply with the general aims of the Oxford Local Development Plan.

## **Human Rights Act 1998**

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

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

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

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

**Background Papers: 15/01443/FUL**

**Contact Officer:** Tim Hunter

**Extension:** 2154

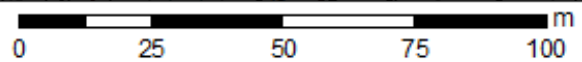
**Date:** 26th June 2015

# Appendix 1

## 72 Bulan Road



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Ordnance Survey 100019348.



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**East Area Planning Committee**

11<sup>th</sup> May 2016

**Application Number:** 16/00131/FUL

**Decision Due by:** 11<sup>th</sup> March 2016

**Proposal:** Erection of two storey front extension incorporating roof extension and single storey rear extension. Formation of 2No rear dormer windows and insertion of rooflights in association with loft conversion (Amended plans).

**Site Address:** 44 Franklin Road, Oxford, OX3 7SA (**site plan: appendix 1**)

**Ward:** Churchill

**Agent:** Stanhope Associates                      Wilkinson    **Applicant:** Mr Kyriacos Mitrophanous

The application has been called-in by Cllr Wilkinson, Gant, Wade, and Altaf-Khan on grounds of previous planning history; safeguarding concerns from Rye St Anthony School about visibility over the sports fields; and the holding objection from the Local Highways Authority over inadequate dimensions to the parking space

---

## **Recommendation:**

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

- 1     The proposed development is acceptable as a whole in design terms and will not have a detrimental impact on the character of the neighbourhood. The proposal will not cause unreasonable harm to neighbouring amenity through loss of natural light or privacy. The proposal accords with development plan policy and officers do not consider there to be any material considerations which outweigh this conclusion.
- 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     Development in accordance with approved plans
- 3     Materials as proposed

## **Main Local Plan Policies:**

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

**CP1** - Development Proposals

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

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

### **Core Strategy**

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

### **Sites and Housing Plan**

**HP9** - Design, Character and Context

**HP14** - Privacy and Daylight

### **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

## **Relevant Site History:**

15/02104/FUL: Erection of two storey front extension and single storey rear extension with first floor balcony. Insertion of 1No. door and 2No. windows to side elevation. Alterations to form hipped roof and formation of 2No. rear dormer windows and insertion of 3No. front rooflights in association with loft conversion. Alterations to landscaping (withdrawn)

04/02069/FUL: Single storey rear extension (approved)

68/19942/A\_H: Extension to existing garage with extension to bedroom over and erection of front porch (approved)

## **Representations Received:**

### Rye St Antony School

- The dormer windows with patio style doors will have a detrimental impact on the privacy of the school playing fields

### 42 Franklin Road

- Objects to the two storey front extension on the grounds that it will cause loss of light to the rooms at the front of the property in both summer and winter
- Existing gable and corridor between property boundaries is already light deprived and prone to build up of damp and moss and the proposed extension will only make this worse
- Concerned that the size and scale of the proposed roof extension will cause loss of privacy to our house and neighbouring properties through overlooking
- Rear dormer projections would dominate the surrounding area and overlook the grounds of Rye St Antony School
- If 44 Franklin Road were to become a house in multiple occupancy then the impact of the dormers would be increased in terms of noise and light



disturbance

- The scale of the loft conversion is out of character with our house and surrounding properties and not in accordance with section A3.4 of the Sites and Housing Plan
- The proposed extensions and alterations will increase an already enlarged property by 50% which raises further concerns about the amenities of light and privacy, as well as the disruptive impacts of the works involved
- The enlarged roof and dormer projections would tower beyond the line of nearby houses with the potential loss of the unity and proportions of the neighbourhood
- The proposed alterations would result in 50% of the garden area being developed with loss of green space and natural environment for wildlife enhancement

#### 46 Franklin Road

- The triangular window on the south east elevation of the proposed extension would protrude beyond the building line of the back wall of our house and is unnecessary given the amount of fenestration on the rear of the extension and would allow visibility from seated and standing positions through the back window of the adjacent rear bedroom of no.46 and would deliver visibility and night light interference
- No dimensions are given for the overbearing dormers are given in the application
- The fenestration would present a wall of glazing with flat roof that would tower above neighbouring properties and be in stark and uncomplimentary contrast to the two floors below
- The height would be projected as flat roofing back towards the rear of no. 44. As detailed in the "Headington Neighbourhood Plan" (p. 6), this would have "a negative aspect on the skyline" and significantly change the visual appearance from the rear gardens of no. 44, its immediate and more distant neighbours, including the adjacent school and conservation area.
- The design, size and flat-roof of the proposed dormers do not fit in with surrounding buildings and spaces do not show good urban design as described by Oxford City Council's design in the planning process webpage
- The Oxford City Council "Planning Portal" states under "Loft Conversion (Roof Extension)" that "(6) Verandas, balconies or raised platforms are NOT permitted" The application includes four opening glass doors and balustrading and contradicts this requirement.
- The proposal does not comply with Policy HP9 of the Sites and Housing Plan which states "planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features"
- The National Policy Planning Framework (March 2012) (64) states "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". This scheme clearly represents poor design that has failed in most respects to improve the quality of the area and indeed detracts from the area's quality and function

- The scheme is wholly contrary to the Policy HP14 (a) which states that if "the degree of overlooking to and from neighbouring properties or gardens from the development significantly compromises the privacy of either existing or new homes", then this is a factor to be considered in all planning applications.

### **Statutory Consultees:**

#### Oxfordshire County Council Highways

- Objects to the proposal on the grounds that the proposed parking spaces do not meet the minimum dimensions (2.4m x 4.8m) for parking spaces.

#### Oxford Civic Society

- Support the comment by the Highways Authority that the application should not be approved unless it is clear that the parking spaces indicated on the plans comply with minimum requirements.
- Should also be clarification of the arrangements for siting waste and recycling bins and cycle parking, confirming that this is the purpose of the new store proposed at the front of the house.

### **Officers Assessment:**

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

1. The application site is a two storey, detached dwellinghouse with a pitched roof, located on the north-east side of Franklin Road. The walls of the property are finished with buff coloured facing bricks and the roof is finished with interlocking tiles. There is a drop in ground level between the application site and the adjoining property at 46 Franklin Road of 0.4 metres (**site plan: appendix 1**).

#### **Proposal**

2. Planning permission is sought for the erection of a single-storey, ground floor rear extension with a dual pitched roof, the erection of a two storey front extension with a triangular front dormer and rooflights, as well as two rear dormer windows with flat roofs and juliette balconies.
3. It is proposed that materials for wall and roof finishes match those of the existing house. The roof and cheeks of the dormers are proposed to be grey single ply membrane. All doors and windows are proposed to be uPVC except for the doors proposed for the ground floor rear extension and the doors on the store that is part of the front extension which are proposed to be timber.
4. The rear extension is 2.3 metres in depth with a footprint of 10.6 sqm, the front extension is 3.5m in depth with a footprint of 8.6 sqm and the dormer protrude a maximum of 2.4m from the roof plane. To note, these measurements do not have

to be included on application drawings as long as they can be measured to a specified scale.

5. The proposal was amended to remove additional parking provision following an objection by Oxfordshire County Council Highways.

## **Design**

6. Policy CP1 states planning permission will be granted for 'development which demonstrates a high standard of design which responds to the character and appearance of the area'. Policy CP8 states planning permission will be granted where 'the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area'. Policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan state development proposals should respond to the application site, its surrounding context and the overall character of the area.
7. The proposed rear extension is considered to be of a scale that is subordinate to the house and will not have an adverse impact on it. The proposed extension covers a small amount of the garden area and leaves ample private amenity space for occupiers. The form of the rear extension is considered compatible with the character of the house and will not be a bulky addition to the property. The flat roof proposed is compatible with the house as existing.
8. The materials proposed are considered compatible with those of the existing house and neighbouring properties.
9. The appropriate scale, form and use of materials means the proposed rear extension is of an acceptable standard that will not harm the appearance of the dwelling or character of the locality.
10. The proposed front extension is considered to be of an acceptable scale and form that would not be viewed as a bulky element within the streetscene.
11. The proposed front extension is not set down from the existing ridge of the roof but in view of the fact that other two storey front extensions within the vicinity are not set down from the ridge, it is considered that the application is acceptable in this respect as it would not be a break from the character of the area.
12. To note, the impact of extensions on ventilation and damp is not a material planning consideration and is not assessed as part of this planning application.
13. The proposed front dormer is considered acceptable in terms of its scale and form in relation to the front roof plane and will not have a detrimental impact on the character of the house.
14. With the additional roof space proposed as part of the two storey front extension and that both dormers are set down from the ridge and set up from the eaves, the proposed rear dormers are considered to be of an appropriate scale in relation to the size of the roof plane and will not have a detrimental impact on the

appearance of the host property through dominating the roof plane by being of a form that is excessively bulky.

15. The inclusion of doors and Juliette balconies is not prescribed as unacceptable by any documentation produced by Oxford City Council with each planning application must be assessed on its individual merits.
16. The materials proposed for each element of the proposal are considered acceptable as they will either match or be compatible with the current materials used for the house in terms of wall finishes, roof finishes and door and window materials.
17. Although the area is not characterised by rear dormers with only 54 Franklin Road having dormers in association with a loft conversion, the acceptability of the design of the dormers in relation to the character of the house in terms of scale, form and use of materials means officers consider that the proposed dormers would not harm the character of the area.
18. During the consultation process reference has been made to the Headington Neighbourhood Plan. This is a draft document which has not been subject to an examination in public or yet submitted to Oxford City Council and therefore would have little weight when weighed against the current up-to-date policies of the Core Strategy and Sites and Housing Plan.
19. Overall, the proposal, as a whole, complies with the requirements of policies CP1 and CP8 of the Oxford Local Plan, policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.

### **Neighbouring amenity**

20. Sites and Housing Plan Policy HP14 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Local Plan Policy CP10.
21. In respect of privacy, the Council considers that the windows proposed on the rear elevation of the extension are set at a more than sufficient distance from the rear boundary of the garden which mitigates concerns of overlooking. The distance of the windows from the boundary means that neighbouring amenity will not be adversely affected in respect of privacy. The side windows on the north-west facing side elevation are located at 6.7 metres from the side boundary of the garden. There is also extensive planting at this boundary. For these reasons, officers consider that the windows are set at an acceptable distance from the side boundary with 42 Franklin Road so not to cause an unreasonable impact on neighbouring amenity through overlooking.
22. The window located on the south-east facing elevation of the rear extension faces towards the garden of 46 Franklin Road and is set at 2.2 metres above ground level at its lowest point. In assessing this element, officers note that average

human height is 1.7 to 1.8 metres and that the level these windows are located from ground level exceeds this by 0.4 metres. For this reason, officers consider the impact on privacy arising from this window is acceptable given that height of these windows is sufficient to not overlook the garden of 46 Franklin Road. To note, light pollution arising from a householder extension is not a material planning consideration in determining this application.

23. The windows on the front extension and the front dormer face onto the street where privacy is not protected and are therefore considered as not causing any privacy issues.
24. With regard to the rear dormers, officers assess the impact on privacy through assessing perpendicular views from the windows of the dormers. The windows of the rear dormers are set at 24 metres from the rear boundary of the plot. Officers consider this to be an acceptable distance so not to overlook the playing fields beyond the rear boundary of the application site.
25. As stated above, the impact on privacy is considered through assessing perpendicular views. As such, the rear dormers are not considered to cause unreasonable harm to neighbouring amenity through loss of privacy to the gardens of the neighbouring properties at 42 and 46 Franklin Road. The amount of glazing on the dormers is not considered as an issue with regards to loss of privacy where dormers are considered acceptable in terms of distance to the rear boundary. The Juliette balustrades also do not create an area of formalised overlooking as balconies are not proposed as part of this application.
26. In respect of the impact of natural light, the proposed front and rear extensions and front and rear dormers all pass the 45 degree test, as set out in Appendix 7 of the Sites and Housing Plan, and will not cause unreasonable harm to the neighbouring properties at 42 and 46 Franklin Road through loss of natural light.
27. Overall, the proposal, as a whole, complies with the requirements of Policy CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan, with officers considering that the proposal will not cause unreasonable harm to amenity through loss of privacy and loss of natural light.

## **Highways**

28. Oxfordshire County Council Highways lodged an objection to the original scheme on the grounds that the parking spaces proposed did not meet the minimum dimensions required. The scheme has been amended to remove this element from the application and not change the existing parking arrangements.
29. As such, the proposal is now considered acceptable in highways terms.

## **Conclusion**

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

the East Area Planning Committee is to approve the development.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 16/00131/FUL

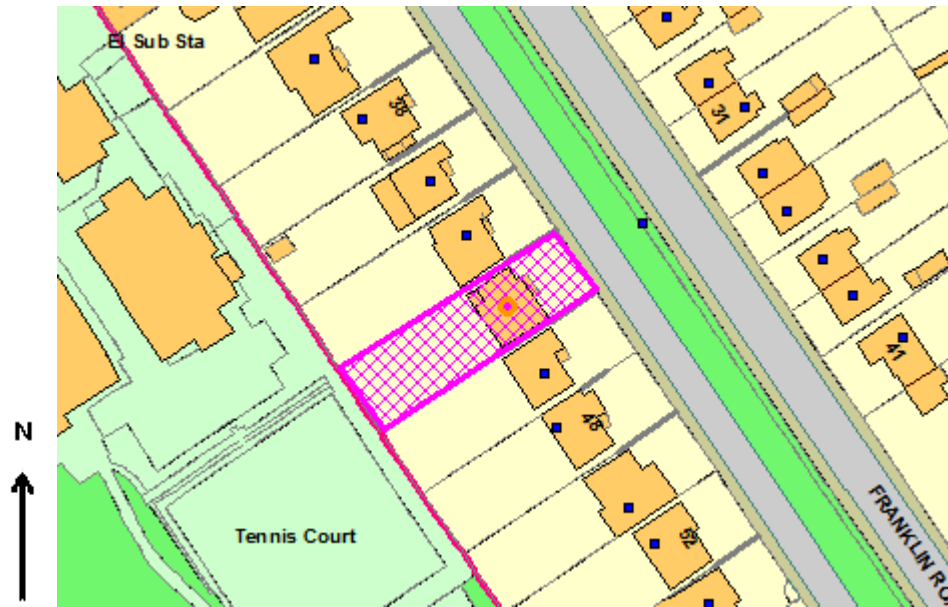
**Contact Officer:** Matthew Watson

**Extension:** 2160

**Date:** 26<sup>th</sup> April 2016

# Appendix 1

## 16/00131/FUL - 44 Franklin Road



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East Area Planning Committee

11<sup>th</sup> May 2016

**Application Number:** 16/00002/CT3

**Decision Due by:** 31st March 2016

**Proposal:** Demolition of the existing sports pavilion. Erection of a new sports pavilion (amended plans)

**Site Address:** Pavilion Recreation Ground, Margaret Road (**site plan: appendix 1**)

**Ward:** Quarry And Risinghurst Ward

**Agent:** Mr Matthew Savory

**Applicant:** Oxford City Council

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## Recommendation:

The East Area Planning Committee are recommended to approve the application for following reasons

- 1 The proposed demolition of the existing pavilion and erection of a new sports pavilion would be acceptable in terms of impact on the public open space and the replacement of an existing community facility. The proposed development would represent an enhancement in terms of providing a more modern facility that would make more efficient use of the existing land. The proposed pavilion would be acceptable in terms of its design, impact on streetscene and the setting of the nearby conservation area. The access arrangements and improvements would be acceptable. The development therefore accords with all of the relevant planning policies, including Policy CP1, CP6, CP8, HE7, SR2 and SR5 of the Oxford Local Plan 2001-2016, Policy CS20, CS21 and CS18 of the Core Strategy (2011) and Policy HP14 of the Sites and Housing Plan (2013).

## Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Access improvements\_
- 5 Car parking improvements\_
- 6 Drainage
- 7 Arboricultural Report
- 8 Cycle parking
- 9 Contaminated Land – Risk Assessment
- 10 No Occupation until Remediation

- 11 Unexpected Contaminated
- 12 Watching brief
- 13 Outdoor lighting
- 14 Biodiversity enhancements
- 15 Nesting birds

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP6** - Efficient Use of Land & Density
- CP1** - Development Proposals
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

**Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS21\_** - Green spaces, leisure and sport
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS18\_** - Urban design, town character, historic environment
- CS19\_** - Community safety
- CS20\_** - Cultural and community development

**Sites and Housing Plan**

- HP14\_** - Privacy and Daylight

**Other Material Considerations:**

- National Planning Policy Framework
- Planning Practice Guidance
- Headington Quarry Conservation Area Appraisal

**Relevant Site History:**

None

**Representations Received:**

Some of the responses below were made in relation to the originally submitted plans. The plans were revised to remove car parking from the proposals and an additional two week consultation was carried out on the revised proposals.

1 Quarry Hollow (two comments), 51 Quarry High Street, 23 Binswood Avenue, 57 Quarry Road, 6 Quarry Hollow, 37 Chestnut Avenue, 23 Kiln Lane (2 x comments), 24 Ramsay Road, 72 Margaret Road, 8 Oxford Road, 14 Trinity Road, no address provided, no address provided, no address provided 64 Mark Road, objections:

- Amount of development on site
- Impact on existing community facilities
- Lack of viability of proposals
- Concerns about public safety (especially as the site is next to playground)
- Impact on highway and public safety
- Specific concerns about proposals for car parking close to playground
- Suggest that priority should be for non-car travel to pavilion and car parking would be contrary to this.
- Car parking may be used by commuters
- Impact on amenity
- More cycle parking required
- Concerns about future parking in area of plastic trafficable grid
- Poor design of building
- Poor layout of site
- Wooden bollards would be preferable to metal bollards
- 

St Leonards Road, 5 Larkfields, comments:

- Objections relating to car parking
- Loss of green space
- There is plentiful parking on-street
- Concerns that there would not be sufficient car parking proposed

68 Margaret Road, 34 Ramsay Road, Quarry Rovers Football Club, comments in support:

- Support for the scheme to improve community facilities
- Would like toilets to be made publicly accessible
- Support for some car parking in this location
- Concerns that not all consultation issues have been considered

A petition has also been submitted which raises concerns relating to the proposed car parking, that there is no need for car parking and a quality public space would have greater benefits. It is also stated that the proposed car park would not be safe this close to the playground or junction. The petition is signed by 94 residents.

### **Statutory Consultees:**

Environment Agency: Drainage should be SUDs compliant

Natural England: No comments

CYCLOX: Objections (in relation to the originally submitted plans), relating to highway safety at the junction. Objections to the use of the pavement as a vehicle crossover into the car park. Suggest that scheme offered opportunity to provide enhancements for cyclists and pedestrians (including the old funeral path).

Friends of Quarry: (Made in relation to the originally submitted plans). Welcome the proposals to replace the pavilion and upgrade facilities. Concerns about the proposed car park entrance, recommend that there is no advantage with on-site parking provision. Concerns about the design of the proposed building.

Highways: No objections, the proposed use of the existing access and improvements would be acceptable. There would be no concerns about highway safety due to the low number of vehicles using the access.

Headington Action: In principle welcome the replacement of the existing pavilion. Concerns about loss of green space and introduction of car parking. Recommend that the toilets should be available for public use.

## **Site Description**

1. Quarry pavilion is an existing single storey sports pavilion and store in the south-east corner of the Margaret Road recreation ground. The site is bordered by Margaret Road to the south, Quarry High Street to the east, a public footpath (or alley) to the north and the recreation ground to the west (with dwellings in Wharton Road beyond). The existing single storey building contains changing rooms, toilets, a clubroom and storage associated with the adjacent recreation ground. The existing building is constructed in pale bricks with a felt pitched roof and measures 18m in length by 10.5m in width. There is an area of tarmacked hardstanding in front of the building and an existing access onto Margaret Road (close to the corner with Quarry Road and Quarry High Street).
2. There are existing mature trees and hedges surrounding the site to the south and east. The most prominent tree on the site is the large maple adjacent to the access onto Margaret Road. To the north of the application site there are mature trees along the boundary with the footpath. There are low railings along the southern boundary of the site (adjacent to Margaret Road).
3. The boundary of the Headington Quarry Conservation Area runs along the northern and east edges of the application site. To clarify, though the application site is not within the Conservation Area the development could be considered to impact upon its setting and it has been considered in the Officer's assessment below.

## **Proposed Development**

4. It is proposed to demolish the existing sports pavilion and erect a replacement sports pavilion approximately 7m to the north and 2m to the east of the existing pavilion. The proposed building would be 22.5m in length and 12.5m in width; which is larger than the existing building on the site. The proposed building would be 3m in height to the eaves and 4.5m in height to the ridge. Entrances to the building would be provided on the west and south side of the building, with windows proposed on the west and north elevations.
5. The existing building already benefits from an established road access onto Margaret Road and has the tarmacked area for outside, which is used by maintenance vehicles. It is proposed to remove the existing tarmac area and replace this with a plastic trafficable grid which would be grass seeded. Paved footways are proposed to be adjacent to the plastic grid and would serve as the pedestrian route through the site to the pavilion, children's play area and footpath

through the recreation ground.

6. The proposed building would be constructed from facing brickwork and cedar cladding sections. The proposed roof material would be constructed from aluminium.
7. A timber bin store and enclosure is also proposed to the east of the pavilion building.
8. The building is proposed to contain changing rooms, a club and community room, toilets and storage. The proposed uses therefore would be the same as the existing building and would not constitute a material change of use in planning terms.
9. The principle determining issues for the application are
  - Principle
  - Design
  - Impact on neighbours
  - Access/Parking
  - Flooding and Surface Water Drainage

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

#### **Principle of Development**

10. Officers consider that the proposals are acceptable in the context of an improvement to an existing community facility and the development is therefore supported by Policy CS20 of the Core Strategy (2011).
11. It should be noted that the proposals are for the replacement of an existing facility in this location and the development is therefore proposing the same types of uses and functions as the existing pavilion.

#### **Design**

##### *Siting, Impact on Streetscene and Impact on Setting of Conservation Area*

12. The proposed building would be slightly larger than the existing building but would be set back further from Margaret Road and closer to the landscaped areas of the site. The result would be that the building would be less prominent in the streetscape and would form a visually more appropriate development. The proposed building has been designed to ensure that it would have a low height which would reduce its overall bulk and ensure that it would not be an overbearing or obtrusive structure.
13. Officers recommend that the development would not have a detrimental impact on views into or the setting of the Conservation Area, particularly arising from the low profile of the building and its unobtrusive siting.

### *Materials*

14. The proposed use of materials would incorporate both a contemporary pallet of roof materials with more traditional wall materials, including bricks which are a feature of the surrounding area. The proposed use of cedar cladding would soften the appearance of the building; this would be particularly acceptable given the context of the site's surroundings as a park.
15. Officers have included a condition in the recommendation that would require the use of the materials as specified in the application form and submitted plans; the exact type of materials used would be required to be submitted prior to commencement.

### *Trees and Landscaping*

16. An arboricultural report has been submitted with the application. This includes the removal of an existing rowan tree which has been assessed as a tree having a low overall amenity value. Officers have recommended a condition that would require adherence with the arboricultural report, its findings and recommendations.

### **Impact on neighbours and Use of Building**

17. The proposed development would be single storey and would not have a detrimental impact on the privacy of neighbouring dwellings. The proposed development, by virtue of its low profile roof, low overall height and distance from the boundary would not have a detrimental impact on light for the nearest neighbouring residential occupiers. The proposed building would be closer to No. 1 Quarry High Street, but Officers do not consider that the proposed development would adversely impact on the amenity of that dwelling.
18. The use of the proposed building would be a replacement of the existing building; although there would be an enhanced area for community use. The types of events that could take place would not be different from those already allowed within the context of the existing site.

### **Access/Parking**

19. When the application was originally submitted it included details for an area of car parking in front of the proposed pavilion. There was significant opposition to these plans, including concerns relating to the access (which is close to the junctions of Margaret Road, Quarry High Street and Quarry Hollow). Officers sought amendments to the proposals to remove the car parking.
20. The proposed development now seeks to make use of the existing established access and proposes the removal of the tarmacked area in front of the pavilion to provide access for maintenance vehicles only. The existing gate at the access would be removed and new rising bollards are proposed in this location. Highways have commented on the revised proposals and have recommended that they would be acceptable in the context of being an existing access.

Highways have also commented on the acceptability of the existing access in the context of highway safety and suggest that the low number of vehicle movements (maintenance only) would mean that there would be no detrimental impact on safety at the junction.

21. The proposals would now provide a plastic grid surfaced parking area which would be seeded to grass so that vehicles could park in this area but it would form a more verdant approach to the pavilion. Officers recommend that this would be a visual improvement that would be more acceptable in design terms than the existing tarmacked area.
22. The revised plans include enhanced cycle parking provision for twenty-four cycles; these are proposed to be located close to the entrance to the building and would therefore be conveniently sited.
23. Officers have included conditions requiring the installation of the submitted scheme of access and car parking improvements (including the bollards and plastic grid system as specified).

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

24. There are proposals to provide enhancements to surface water drainage on the site. These are detailed in the submitted plans. It should be noted that although there would be an increase in the amount of roofslope resulting from the larger building the proposals would also provide more permeable surfaces because of the loss of the tarmac area in the car park. Officers recommend that the proposals would meet the functional requirements of dealing with surface water drainage and would be SUDs compliance as required by Policy CS11 of the Core Strategy (2011).

### **Contaminated Land**

25. Officers have included in the recommendation three specific conditions relating to contaminated land and ground conditions. This would require risk assessments of the existing site and remedial action where necessary.

### **Biodiversity**

26. A biodiversity report has been submitted with the application, this details measures dealing with the construction of the development, a watching brief and enhancement measures. Appropriate conditions have been included in the recommendation to ensure that the measures would be carried out if planning permission is approved. An additional condition has also been included with the recommendation that would require the submission of any proposed external lighting to ensure that no unsuitable lighting is installed that could impact on bats in the locality.

### **Conclusion:**

27. On the above basis, Officers recommend that the East Area Planning Committee

resolve to grant planning permission for the development subject to the conditions as included 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:**

16/00002/CT3

**Contact Officer:** Robert Fowler

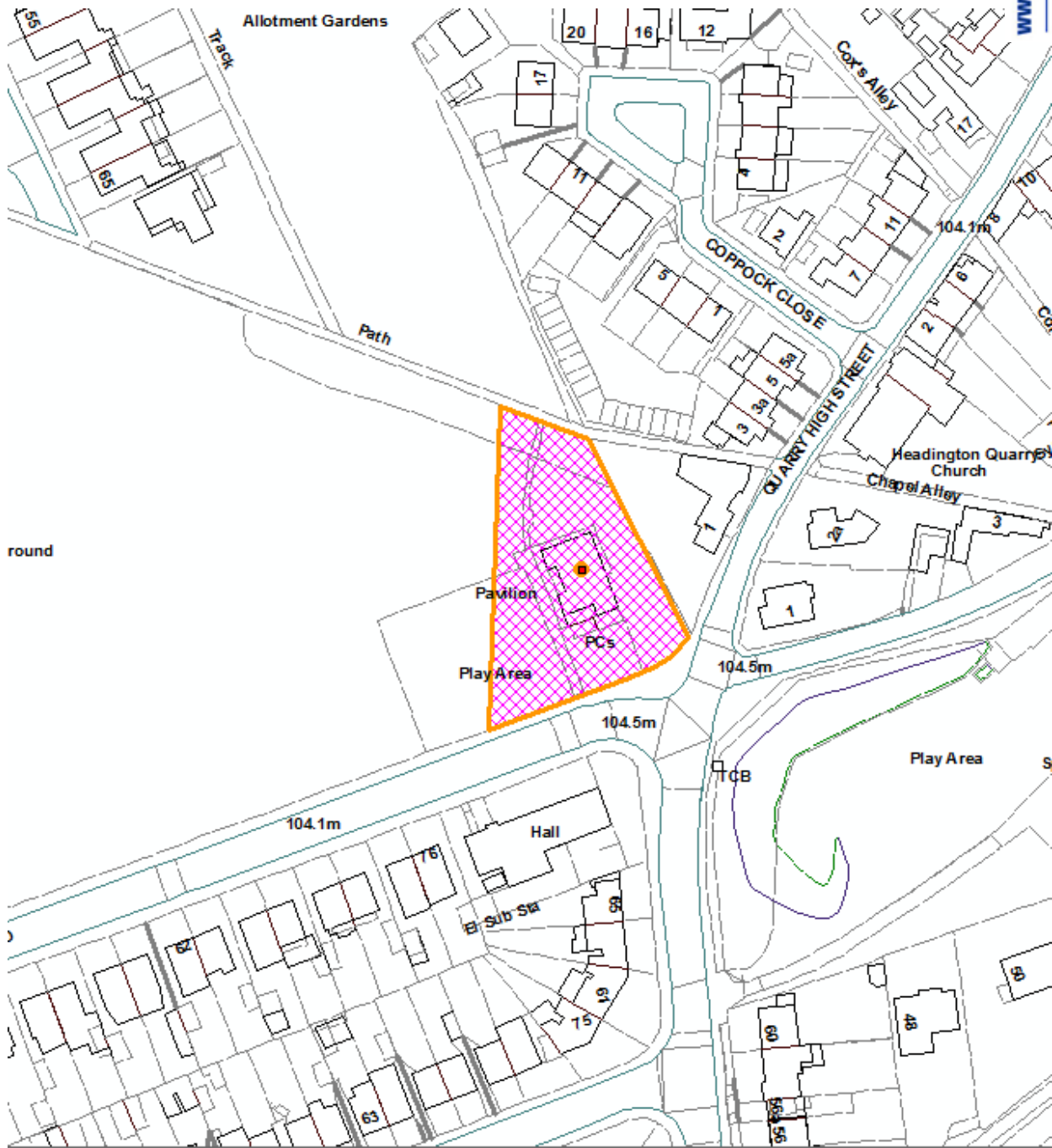
**Extension:** 2104

**Date:** 3<sup>rd</sup> May 2016



# Appendix 1

## 16/00002/CT3 – Pavilion, Recreation Ground, Margaret Road



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**East Area Planning Committee**

11th May 2016

**Application Number:** 16/00394/CT3

**Decision Due by:** 9th May 2016

**Proposal:** Variation of condition 6 (Hours of operation) of planning permission 13/01940/CT3 to allow for the extension of opening hours.

**Site Address:** Rose Hill Sports Ground Ashhurst Way (**site plan: appendix 1**)

**Ward:** Rose Hill And Iffley Ward

**Agent:** Mr Rob Gittins

**Applicant:** Oxford City Council

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## **Recommendation:**

The East Area Planning Committee are recommended to approve the application 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 The proposed changes to the opening hours of either use will not create any specific concerns in terms of potential for disturbance and would enable sufficient activity within the building to encourage natural surveillance of this area. The proposal is acceptable in terms of the relevant policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016.

## **Conditions**

- 1 Time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Management plan
- 5 Hours of use
- 6 Floodlighting

- 7 Bin storage
- 8 Cycle storage
- 9 Landscaping
- 10 Landscaping implementation
- 11 Access road and parking area
- 12 Mechanical plant and ventilation
- 13 Cooking odours
- 14 SUDS
- 15 NRIA
- 16 Biodiversity
- 17 Noise insulation

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP5** - Mixed-Use Developments
- 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
- CP14** - Public Art
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- SR2** - Protection of Open Air Sports Facilities
- HH2** - Primary HC Facilities - Non Res buildings & New HC Facilities

#### Core Strategy

- CS13\_** - Supporting access to new development
- CS15\_** - Primary healthcare
- CS17\_** - Infrastructure and developer contributions
- CS18\_** - Urb design, town character, historic environment
- CS19\_** - Community safety
- CS20\_** - Cultural and community development
- CS21\_** - Green spaces, leisure and sport
- CS2\_** - Previously developed and greenfield land
- CS3\_** - Regeneration areas
- CS9\_** - Energy and natural resources
- CS11\_** - Flooding
- CS12\_** - Biodiversity

## **Public Consultation**

### Statutory Consultees Etc.

- Highways – no comment

### Individual Comments:

None

### **Relevant Site History:**

13/01940/CT3 - Demolition of existing sports pavilion. Erection of 2 storey community centre involving replacement sports pavilion, car and cycle parking, entrance square, multi-use games area and children's play area – Permitted

13/01940/NMA - Non-material amendment to planning permission 13/01940/NMA to allow alterations to windows on North and East elevations – Permitted

15/00178/ADV - Display of 1 no. non-illuminated banner and 1 no. non-illuminated free standing sign (part retrospective) – Permitted

13/01940/CND - Details submitted in compliance with conditions 3 (Samples), 10 (Landscape Plan), 12 (Details of access road and parking area), 15 (Sustainable Urban Drainage Scheme), 18 (Noise insulation measures) of planning permission 13/01940/CT3 – Permitted

13/01940/CND2 - Details submitted in compliance with conditions 8 (bin store), 9 (cycle store), 12 (hard landscaping) and 14 (kitchen extracts) of planning permission 13/01940/FUL – Permitted

13/01940/CND3 - Details submitted in compliance with conditions 4 (SBD Accreditation), 5 (Management Plan), and 7 (Details of external lighting) of planning permission 13/01940/CT3 – Permitted

16/00395/CT3 - Display of 1 No non-illuminated fascia sign. (Retrospective) – Pending approval

### **Officer's assessment**

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

1. The site consists of the Rose Hill Community Centre which is located on the northern side of Ashurst Way. The building is large with a flat roof with a car park to the front. To the west of the site there is Rose Hill Primary School and Children's Centre.

#### **Proposal**

2. The proposal is for the variation of condition 6 (hours of operation) of planning permission 13/01940/CT3 to allow for the extension of opening hours.

3. The original permission related to the demolition of existing sports pavilion and erection of 2 storey community centre involving replacement sports pavilion, car and cycle parking, entrance square, multi-use games area and children's play area.
4. The principle determining issues are considered to be the variation in the hours of operation and any potential impact this may have.

### **Variation of opening hours**

5. The existing opening hours approved under 13/01940/CT3 and controlled by condition 6 of that consent are:

A3 use – 09:00 - 23:00 Monday to Sunday  
A4 use – 10:00 – 23:00 Monday to Sunday  
D1 use – 09:00 – 18:00 Monday to Saturday  
D2 use – 09:00 – 23:00 Monday to Saturday

6. The opening hours associated with the A3 and D1 use remain the same. The application proposes to change the opening hours of the A4 and D2 use to the following:

#### **D2 use**

Monday - Thursday: 07:00 – 22:00  
Fridays: 07:00 – 00:00  
Saturdays: 09:00 – 00:00  
Sundays: 09:00 – 18:30

7. It is therefore proposed that Monday to Friday the building will open two hours earlier from 7am. On Fridays and Saturdays it is proposed to remain open an hour later until midnight. On Sundays it is proposed to shut at 6:30pm rather than 11pm.
8. Within the D2 use the management plan states that the gym will operate Monday to Friday 7am to 10pm and at weekends from 9am to 6pm.

#### **A4 use**

Monday – Friday: 10:00 – 23:20

9. The A4 use relates to the social club. It is proposed to reduce the opening hours to Monday to Friday only but to remain open 20 minutes longer in order to allow users to vacate the premises.
10. It is not considered that the proposed changes to the opening hours of either use will create any specific concerns in terms of potential for disturbance and would enable sufficient activity within the building to encourage natural surveillance of this area. A management plan reflecting these hours of operation is conditioned.

**Conclusion:**

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

**Human Rights Act 1998**

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

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

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

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

**Background Papers:**

**Contact Officer:** Caroline Longman

**Extension:** 2152

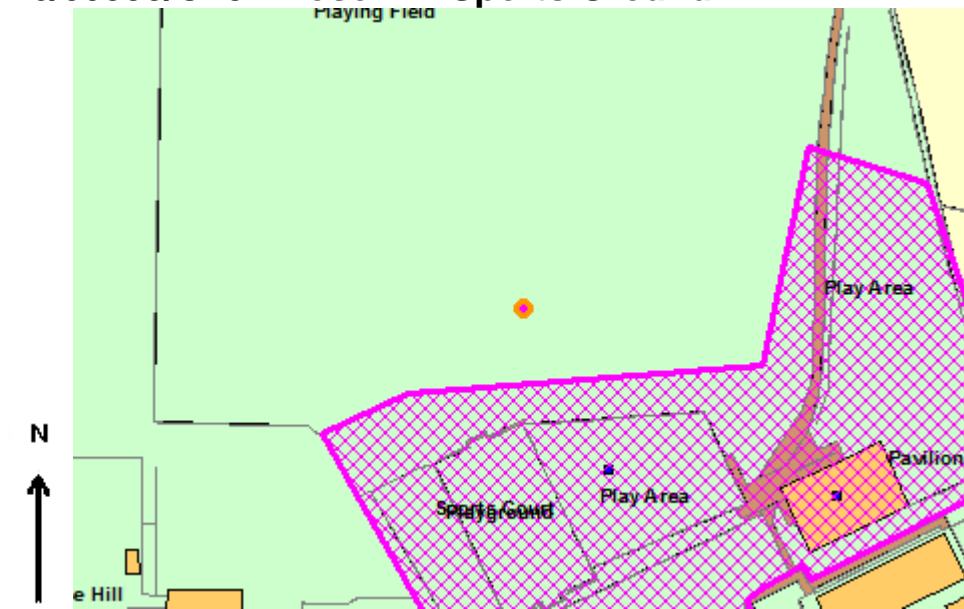
**Date:** 21st April 2016

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# Appendix 1

## 16/00395/CT3 - Rose Hill Sports Ground



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**East Area Planning Committee**

11th May 2016

**Application Number:** 16/00842/FUL

**Decision Due by:** 25th May 2016

**Proposal:** Erection of garden outbuilding.

**Site Address:** 56 Kiln Lane, Oxford, (**site plan: appendix 1**)

**Ward:** Quarry And Risinghurst Ward

**Agent:** N/A

**Applicant:** Ms Jessica Jackson

The application is referred to the Planning Committee because the applicant is the wife of a Council employee. The Monitoring Officer has reviewed this report.

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## **Recommendation:**

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

- 1 The development will form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

## **Conditions:**

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

## **Main Local Plan Policies:**

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

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

CP11 – Landscape Design

CP22 - Contamination

**Core Strategy**

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

**Sites and Housing Plan (SHP)**

MP1 - Model Policy

HP9 - Design, Character and Context

**Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

**Relevant Site History:**

02/00288/FUL - Single storey side / rear extension. Dormer to front elevation in connection with loft conversion: approved

86/00587/PN - Extension at side: approved

**Representations Received:**

Neighbour living at 2 Lewis Close objected on the following grounds:

- The building looks more like a cabin and would be approximately 10 feet high, allowing for the height of the existing slab
- Because the building would be close to the boundary fence it would have an oppressive and overbearing effect on the garden and on light
- The roof should be a lower pent roof

**Statutory and Internal Consultees:**

Local Highway Authority: No Comments

**Issues:**

The principle determining issues in this case are

- Visual impact
- Effect on adjacent occupiers
- Other matters

**Officers Assessment:**

**Site description and proposal**

1. 56 Kiln Lane is a detached house. There is a multi-stemmed Japanese Maple tree within the rear garden. Permission is sought to erect a pitched roof garden outbuilding finished in wood and measuring 5m long x 3m wide x 2.8m high on an existing concrete slab in the rear garden.

**Visual impact**

2. Oxford City Council requires that all new development should demonstrate high

quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area.

3. The proposed development would not be visible from the public domain and the scale of the building is not disproportionate to the house. The proposal is not considered to be materially out of character with the existing house or local area, and therefore complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

### **Effect on adjacent occupiers**

4. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim.
5. The application garden is bounded by screen fences and the concrete base is at a similar level to the adjoining gardens. In addition, the site is located some distance from the neighbours' houses and there are numerous trees nearby. It is considered therefore that the proposed outbuilding would not have an adverse impact on the light to any windows of nearby residents or any overbearing effect on neighbouring gardens. Hence the effect on adjacent occupiers will be acceptable and so the proposals comply with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

### **Other matters**

6. Policy CP22 of the Local Plan seek to control development on or near to land, which is suspected to be contaminated to ensure that there would be no threat to the health of future users or occupiers and no adverse impact on the quality of local surface water or groundwater. The application site lies within the footprint of a former brick works, and therefore it is recommended that an informative is placed on the planning permission.
7. The tree nearby would not be affected because the proposed outbuilding would be sited on an existing concrete pad. Accordingly it is considered that the application complies with Local Plan Policy CP11.
8. The site lies within the footprint of a former brick works site. It is recommended that any permission includes an informative that advised that any unexpected contamination found to be present should be notified to the council, and that any imported topsoil for the site has appropriate certification.

### **9. Conclusion:**

10. The development will form an acceptable visual relationship with the existing building and local area and will have an acceptable effect on the current and future occupants of adjacent properties. Any concerns over contamination can be addressed by attaching an informative. The proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the

Sites and Housing Plan.

**Human Rights Act 1998**

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

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

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

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

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

**Background Papers: 16/00842/FUL**

Contact Officer: Robert Mason

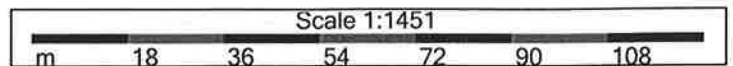
Extension: 2153

# Appendix 1

16/00842/FUL 56 Kiln Lane



1:1450



<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	03 May 2016
<b>SLA Number</b>	100019348

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## MINUTES OF THE EAST AREA PLANNING COMMITTEE

Wednesday 6 April 2016



**COUNCILLORS PRESENT:** Councillors Darke (Chair), Coulter (Vice-Chair), Altaf-Khan, Anwar, Brandt, Cook, Gotch, Henwood and Taylor.

**OFFICERS PRESENT:** Felicity Byrne (Principal Planner), Niko Grigoropoulos (Planning Control and Conservation Manager), Michael Morgan (Lawyer), Mehdi Rezaie (Planning Team Leader) and Jennifer Thompson (Committee and Members Services Officer)

### 118. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Clarkson submitted apologies and Councillor Cook substituted for her. Councillor Wilkinson submitted apologies and Councillor Gotch substituted for her.

### 119. DECLARATIONS OF INTEREST

None.

### 120. CANTERBURY HOUSE, RIVERA HOUSE AND ADAMS HOUSE, COWLEY ROAD: 15/02542/OUT

The Committee considered an application which sought:

- permission for the 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; and
- approval of an outline application (seeking access, layout and scale) for 3 storey building (Block A) to provide 24 student study rooms with ancillary facilities

at Canterbury House, Rivera House and Adams House and Vacant Plot on Street Frontage, Cowley Road.

This application was reported to the EAPC on 4 November 2015 with a recommendation to refuse planning permission and deferred at that meeting. The Committee reconsidered the application in light of recent materially relevant appeal decisions.

Nik Lyzba, the agent for the applicant, spoke in support of the application.

**The Committee resolved** to approve hybrid application 15/02542/OUT subject to the conditions below and the satisfactory completion of a S106 legal agreement.

#### Conditions

1. Time – outline / reserved matters.
2. Plans – in accordance with approved plans.
3. Materials – samples agree prior to construction.
4. Construction Traffic Management Plan – details prior to construction.
5. Contamination –phased risk assessment prior to commencement
6. Contamination – validation report prior to occupation.
7. Car parking – as shown, prior to occupation.
8. Cycle & bin storage – further details prior to substantial completion.
9. Sustainability –details to be submitted prior to construction.
10. SUDS – build in accordance with.
11. Landscape plan – further hard and soft landscaping details required prior occupation.
12. Landscape – planting carry out after completion.
13. Details of boundary treatment prior to occupation.
14. Travel Plan.
15. Student Accommodation– Warden.
16. Student Accommodation and Out of Term Use.
17. Student Accommodation – Management Plan; prior occupation.
18. Students - No cars.
19. Details of Booking system for beginning / end term; prior occupation.
20. Restrict hours of use of outside amenity space; 08:00 and 21:00.
21. Biodiversity – measures for wildlife details to be submitted.

#### **121. BARTON PARK (LAND WEST OF BARTON) OX3 9SD: 16/00067/RES**

The Committee considered an application setting out details of reserved matters (access, appearance, landscaping, layout and scale) for the community sports facilities comprising a relocated natural turf adult sports pitch, multi-use games arena, 3G pitch lit by 12 x 10m light columns and a natural turf pitch adjoining the community hub, along with associated car parking, fencing, and vehicular and pedestrian access together with locally equipped area of play on Land West Of Barton North Of A40 And South Of Bayswater Brook Northern By-Pass Road Oxford.

The Planning Officer reported receipt of a letter of objection just before the meeting.

Councillor Rowley, local ward councillor, spoke. He said that the fencing round the adult pitch must be adequate to prevent balls going into the road, play area and gardens. He was unsure that the proposed removable netting for use only

during matches would be practical or adequate and asked for more comprehensive safety fencing.

Paul Comerford, the agent for the applicant, spoke in support of the application.

The Committee considered the risk to public safety of footballs straying from the pitch and whether this could be mitigated through condition. They decided that a condition requiring additional fencing was necessary: at a very minimum both ends of the pitch and the play area boundary must be adequately protected from stray footballs both during matches and during casual use. This must enhance the protection of users of the play area (LEAP) and the nearby road and residents of adjacent houses. Officers with the necessary competencies must carry out a full risk assessment. A suitable boundary treatment including fencing (removable or fixed), and storage and use of removable fencing, must be agreed with the planning authority and installed.

**The Committee resolved** to approve application 16/00067/RES subject to the following conditions:

1. Tree Protection Plan (TPP) 2.
2. Lighting management/times.
3. Watching brief – contamination.
4. Verification report – contamination.
5. Drainage Strategy.
6. Boundary treatment, to include adequate fencing to mitigate assessed risks from footballs, to be agreed and installed before use.

#### **122. ROSE HILL SPORTS GROUND, ASHHURST WAY: 16/00395/CT3**

The Committee considered a retrospective application or the display of 1No non-illuminated fascia sign at Rose Hill Sports Ground, Ashhurst Way, Oxford.

The Planning Officer recommended an additional condition to require removal of the previous sign.

**The Committee resolved** to approve application 16/00395/CT3 subject to the following conditions:

1. Develop in accordance with approved plans.
2. Materials.
3. Remove previous sign.

#### **123. CORNER OF MARSTON ROAD AND OLD MARSTON ROAD, OX3 0JP: 16/00073/CT3 AND 16/00074/CT3**

The Committee considered two applications for planning permission and advertising consent for the installation of a free standing community notice board

and display of the non-illuminated free standing notice board at land on the corner of Marston Road and Old Marston, Oxford.

The Planning Officer reported that the conditions in the published report required separation between the applications 16/00073/CT3 and 16/00074/CT3 and circulated an addendum setting out revised conditions, including an additional condition (reproduced in the decision below). He recommended a condition requiring removal of the existing board before installation.

**The Committee resolved** to approve application 16/00073/CT3 subject to the following conditions as recommended by the Planning Officer at the meeting:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as specified.
4. Remove existing board before installation.

**The Committee resolved** to approve application 16/00074/CT3 subject to the following conditions as recommended by the Planning Officer at the meeting:

1. Five year time limit.
2. Develop in accordance with approved plans.
3. Advert - Statutory conditions.

#### **124. 72 PEGASUS ROAD, OXFORD, OX4 6DP: 15/03484/CT3**

The Committee considered an application for the erection of a single storey rear extension at 72 Pegasus Road Oxford.

**The Committee resolved** to approve application 15/03484/CT3 subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Amenity - no balcony.
5. Sustainable drainage.

#### **125. LAND AT 2 TO 12 JASMINE CLOSE: 16/00048/CT3**

The Committee considered an application for the provision of 10 residents' parking spaces on existing grass verges on land fronting 2 to 12 Jasmine Close, Oxford.

**The Committee resolved** to approve application 16/00048/CT3 subject to the following conditions:

1. Development begun within time limit.
2. In accordance with approved plans.

3. Landscaping.
4. Sustainable Urban Drainage Systems.

### **126. PLANNING APPEALS**

The Committee noted the report on planning appeals received and determined during February, circulated as a supplement to the agenda.

### **127. MINUTES**

The Committee resolved to approve the minutes of the meeting held on 8 March 2016 as a true and accurate record.

This being Councillor Darke's last time as Chair of the meeting before he stepped down as a councillor, Councillors Coulter, Anwar, Brandt and Altaf-Khan paid tribute to his chairmanship and his support in their committee and ward duties.

### **128. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications.

### **129. DATES OF FUTURE MEETINGS**

The Committee noted the dates.

**The meeting started at 6.00 pm and ended at 7.15 pm**

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