

# Agenda

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## West Area Planning Committee

Date: **Tuesday 8 March 2016**

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Time: **6.30 pm**

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

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For any further information please contact:

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

Telephone: 01865 252275

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

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# West Area Planning Committee

## Membership

<b>Chair</b>	Councillor Louise Upton	North;
<b>Vice-Chair</b>	Councillor Michael Gotch	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Andrew Gant	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Michele Paule	Rose Hill and Iffley;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;

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

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# AGENDA

Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

3 **8 HOLLYBUSH ROW:15/02694/FUL**

11 - 30

**Site Address:** 8 Hollybush Row, Oxford, OX1 1JH

**Proposal:** Demolition of existing public house. Erection of four storey building to provide 5 x 1-bed and 2 x 2-bed flats (Use Class C3). Provision of private amenity space, bin and cycle storage.

**Officer recommendation:** to grant planning permission subject to conditions below and the satisfactory completion of S106 agreement/unilateral undertaking:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Development subject to S106 Agreement.
4. Development subject to CIL contribution.
5. Traffic Regulation Order Car free.
6. Development to provide sample materials.
7. Development to record existing materials.
8. Development to salvage existing materials.
9. Development to provide screening in terrace areas.
10. Construction Traffic Management Plan.
11. Remedial works and ground contamination works.
12. Details of underground services and soakaways to be submitted.
13. Details relating to the management of surface water drainage.
14. Development to provide cycle storage areas.
15. Development to provide bin storage areas.

4 **SPICE LOUNGE, 193 BANBURY ROAD OX2 7AR: 15/03108/FUL**

31 - 40

**Site Address:** 193 Banbury Road Oxford OX2 7AR

**Proposal:** Erection of single storey rear extension.

**Officer recommendation:** that the application be approved subject to the following conditions

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Ground resurfacing - SUDS compliant.
4. Materials.
5. Cycle parking details required.
6. Landscaping.
7. Approval of colour - paint/rendering.
8. Additional windows.
9. Obscure glazing.
10. Samples.
11. Garden area.
12. Bin storage.

13. No restaurant use.

**5 KEBLE COLLEGE (LAND AT FORMER ACLAND HOSPITAL, 46 WOODSTOCK ROAD , 25 BANBURY ROAD): 15/03275/VAR**

41 - 52

**Site Address:** Keble College Land at the Former Acland Hospital and 46 Woodstock Road and 25 Banbury Road.

**Proposal:** Variation of condition 24 of permission 09/02466/FUL and the list of approved plans and condition 25 of permission 13/01658/VAR to allow the construction of an enlarged basement under the proposed central quad (to be used for additional research space) and for revisions to the external appearance of the proposed wing fronting Banbury Road.

**Officer recommendation:** to agree the variation of the wording of condition 24 of permission 09/02466/FUL and the list of approved plans and condition 25 of permission 13/01658/VAR to allow the construction of an enlarged basement under the proposed central quad (to be used for additional research space) and for revisions to the external appearance of the proposed wing fronting Banbury Road, subject to the conditions below

1. Commencement of development.
2. Occupancy restriction.
3. Details of educational establishment.
4. Housing Management Service Specification.
5. Samples in Conservation Area.
6. Details of windows.
7. Photographic record.
8. Boundary treatment.
9. Landscaping plan.
10. Landscape carry out after completion.
11. Archaeology – evaluation.
12. Travel Plan.
13. Construction Travel Management Plan.
14. Details-bin stores/cycle stands.
15. In accordance with NRIA.
16. Contaminated land.
17. Tree protection plan.
18. Arboricultural method statement.
19. No lopping or felling.
20. Underground services.
21. Plant and material storage.
22. Arboricultural watching brief.
23. Removal of permitted development.
24. Car parking as per submitted plans.
25. Details of design as per approved plans.
26. Public work of art.
27. Further works - fabric of Listed Building - fire regs.
28. Further details construction details.
29. Dem and construction methodology.
30. Internal features.
31. Internal finishes Listed Building.
32. Repair of damage after works.
33. Written notice of completion.
34. 7 days' notice of stage 2 works.

**Legal Agreement:**

The S106 to the previous permission(s) should be carried forward accordingly where necessary (e.g. secure permissive route through the site).

<b>6</b>	<b>43 OBSERVATORY STREET OXFORD OX2 6EP: 15/03543/FUL</b>	<b>53 - 64</b>
	<b>Site Address:</b> 43 Observatory Street Oxford Oxfordshire OX2 6EP	
	<b>Proposal:</b> Erection of single storey rear extension. Enlargement of basement and formation of front and rear lightwells. Replacement timber fence to front. (Amended description)	
	<b>Officer recommendation:</b> to approve the application subject to the following conditions:	
	<ol style="list-style-type: none"><li>1. Development begun within time limit.</li><li>2. Develop in accordance with approved plans.</li><li>3. Materials.</li><li>4. Fence to be retained.</li><li>5. Design - no additions to dwelling.</li><li>6. Details of sash windows to front.</li></ol>	
<b>7</b>	<b>RADCLIFFE OBSERVATORY QUARTER, WOODSTOCK ROAD: 15/03198/FUL</b>	<b>65 - 72</b>
	<b>Site Address:</b> Radcliffe Observatory Quarter, Woodstock Road	
	<b>Proposal:</b> Temporary soft landscaping for the central area of the Radcliffe Observatory Quarter.	
	<b>Officer recommendation:</b> to approve the application subject to and including conditions listed below:	
	<ol style="list-style-type: none"><li>1. Development begun within time limit.</li><li>2. Develop in accordance with approved plans.</li><li>3. Contamination Risk Assessment.</li><li>4. Contamination validation / remediation.</li><li>5. Details of fencing, lighting and cctv.</li></ol>	
<b>8</b>	<b>22 RIVERSIDE ROAD OXFORD OX2 0HU: 15/02489/FUL</b>	<b>73 - 82</b>
	<b>Site Address:</b> 22 Riverside Road Oxford Oxfordshire OX2 0HU	
	<b>Proposal:</b> Erection of a single storey rear extension and formation of rear decking. Insertion of 1no. window to south elevation.(amended plans received (04/01/16)	
	<b>Officer recommendation:</b> to approve the application subject to the following conditions	
	<ol style="list-style-type: none"><li>1. Development begun within time limit.</li><li>2. Develop in accordance with approved plans.</li><li>3. Samples.</li><li>4. Flood Risk Assessment.</li><li>5. SUDs Drainage.</li></ol>	

6. Amenity obscure glazed windows.

**9 PREACHERS LANE AND FRIARS WHARF ENTRANCES:  
15/03759/CT3, 15/03760/CT3, 15/03761/CT3, 15/03762/CT3,  
15/03763/CT3**

83 - 98

This report covers five applications.

1. Site Address: Even 38 To 66 Friars Wharf Oxford (Appendix 1)  
Application Number: 15/03759/CT3  
Proposal: Formation of new entrance. (Amended plans)
2. Site Address: Odd 39 To 65 Preachers Lane Oxford (Appendix 2)  
Application Number: 15/03760/CT3  
Proposal: Installation of new entrance and insertion of 1no. door to east elevation.
3. Site Address: Odd 1 To 27 Preachers Lane Oxford (Appendix 3)  
Application Number: 15/03761/CT3  
Proposal: Formation of new entrance and doors. Installation of 1no. gate.
4. Site Address: Even 2 To 36 Friars Wharf Oxford (Appendix 4)  
Application Number: 15/03762/CT3  
Proposal: Formation of 2no. new entrances.
5. Site Address: Odd 67 To 93 Preachers Lane Oxford (Appendix 5)  
Application Number: 15/03763/CT3  
Proposal: Installation of new entrance door to east elevation. Insertion of 2no. second floor side doors. (Amended plans)

**Officer recommendation:** for all five applications, to approve the applications subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials.
4. Lighting wattage.

**10 PLANNING APPEALS**

99 - 104

Summary information on planning appeals received and determined during January 2016.

The Committee is asked to note this information.

**11 MINUTES**

105 - 114

Minutes from the meetings of 9 January 2016.

**Recommendation:** That the minutes of the meeting held on 9 January 2016 are approved as a true and accurate record.

## **12 FORTHCOMING APPLICATIONS**

Items for consideration by the committee at future meetings are listed for information. This list is subject to change and is not complete. These applications are not for discussion at this meeting.

- 26 Norham Gardens: 15/01601/FUL
- 54 St John Street OX1 2LQ: 15/01676/FUL and 15/01677/LBC
- Land south of Manor Place: 15/01747/FUL
- 18 Hawkswell Gardens: 15/02352/FUL
- Cooper Callas Building (15 Paradise Street/ 5 St Thomas' Street): 15/02971/FUL
- Spanish civil war memorial, Bonn Square: 15/02859/FUL
- Land adjacent to 30A Union St: 15/03633/FUL
- 29 Cranham Street: 15/03641/VAR
- 70 Glebelands: 15/03432/FUL
- Oxford Spires Four Pillars Hotel, Abingdon Road: 15/03524/FUL

## **13 DATES OF FUTURE MEETINGS**

The Committee will meet on the following dates:

12 April 2016  
25 May 2016

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.



## **CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful.
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.
4. Preparation of Planning Policy documents – Public Meetings

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

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

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated by noon, two working days before the start of the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.
7. Exhibiting model and displays at the meeting

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

## 8. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

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

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

## 9. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

## 10. Members should not:

- (a) rely on considerations which are not material planning considerations in law;
- (b) question the personal integrity or professionalism of officers in public;
- (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

## West Area Planning Committee

26<sup>th</sup> February 2016

**Application No:** 15/02694/FUL

**Decision Due by:** 03.11.2016; Agreed Extension till 01.04.2016;

**Proposal:** Demolition of existing public house. Erection of four storey building to provide 5 x 1-bed and 2 x 2-bed flats (Use Class C3). Provision of private amenity space, bin and cycle storage.

**Site Address:** 8 Hollybush Row, Oxford, OX1 1JH (site plan: Appendix 1);

**Ward:** Carfax Ward

**Agent:** Mr. Henry. Venners (JPPC)      **Applicant:** Linea OX1 Ltd

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### Recommendation:

The West Area Planning Committee is recommended to resolve to grant planning permission subject to conditions and the satisfactory completion of S106 agreement/unilateral undertaking for the following reasons:

#### 1. Reasons for Approval:

- 1.1. The proposed development would represent an efficient use of land that would redevelop a disused site without giving rise to any unacceptable environmental problems or disturbance for the adjoining residential properties or highway implications for Hollybush Row and the surrounding area. The proposed development would create an appropriate visual relationship with the built form of the locality and would not impact on the character and appearance of the Central Conservation Area, while at the same time safeguarding the amenities of the adjoining properties. The proposed development would therefore accord with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2026.
- 1.2. In considering the application, officers have had specific regard to all the comments of third parties and statutory bodies in relation to the application however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and that any harm identified by the proposal could be successfully mitigated by appropriately worded conditions.

- 1.3. 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.

## **2. Conditions:**

1. Development begun within time limit;
2. Develop in accordance with approved plans;
3. Development subject to S106 Agreement;
4. Development subject to CIL contribution;
5. Traffic Regulation Order Car free;
6. Development to provide sample materials;
7. Development to record existing materials;
8. Development to salvage existing materials;
9. Development to provide screening in terrace areas;
10. Construction Traffic Management Plan
11. Remedial works and ground contamination works;
12. Details of underground services and soakaways to be submitted;
13. Details relating to the management of surface water drainage;
14. Development to provide cycle storage areas;
15. Development to provide bin storage areas;

## **3. Principle Policies;**

- 3.1. This application has been assessed against the following policies:

### National

National Planning Policy framework 2012 (paragraphs 5, 7-9, 11-16, 17, 35, 40, 49, 58, 69, 47, 50, 54, 55, 56-68, 69, 89, 95-96, 111, 119, 123, 125, 151, 153, 158-161, 173-174, 177, 186-187, 196-197, 203-206);

National Planning Policy Guidance

### Oxford City Council's 'Local Plan' 2005 (as amended 2013)

CP.1 - Development proposals;

CP.6 - Efficient use of land and density;

CP.8 - Design development to relate to its context;

CP.9 - Creating successful new places;

CP.10 - Siting development to meet functional needs;

CP.11 - Landscape design;

CP.13 - Accessibility;

TR.13 - Controlled parking zones;

NE.11 - Land drainage and river engineering works;

NE.14 - Water and sewerage infrastructure;

HE.2 - Archaeology;

HE3 - Listed Buildings and their Settings;

HE6 - Buildings of Local Interest;

HE7 - Conservation Areas;  
HE.9 - High building area;  
HE.10 - View cones of Oxford;  
RC.18 - Public houses;

Oxford City Council's 'Core Strategy' 2011

CS2 - Previously developed land and greenfield land;  
CS5 - West End;  
CS10 - Waste and recycling;  
CS11 - Flooding;  
CS12 - Biodiversity;  
CS13 - Supporting access to new development;  
CS17 - Infrastructure and developer contributions;  
CS18 - Urban design, townscape character and the historic environment;  
CS19 - Community safety;  
CS23 - Mix of housing;  
CS24 - Affordable housing;

Oxford City Council's 'Sites and Housing Plan' 2013

MP1 - Model policy;  
HP2 - Accessible and adaptable homes;  
HP4 - Affordable homes from small housing sites;  
HP9 - Design, character and context;  
HP12 - Indoor space;  
HP13 - Outdoor space;  
HP14 - Privacy and daylight;  
HP15 - Residential cycle parking;

Oxford City Council's Supplementary Planning Documents

High Quality Design 2015;  
Affordable Housing and Planning Obligations 2013;  
Balance of Dwellings 2008;

Oxford City Council's Technical Advice Notes

Accessible Homes 2013;  
Community Public Houses 2014;  
Energy Statements 2013;  
Waste Bins 2014;

West End Area Action Plan 2008

WE10 - Historic environment;  
WE11 - Design code;  
WE12 - Design and construction;  
WE14 - Flooding;  
WE15 - Housing mix;  
WE16 - Affordable housing;

- 3.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan and

relevant supplementary documents unless material considerations indicate otherwise.

#### **4. Relevant Site History**

4.1. A planning history search exercise was carried out on 27.01.2016 to no planning history of material relevance. Site history from the former public house known as the 'Maroon' is considered material and has been included below:

- Full planning application made to the Council on 06.08.2012 for building sited at 44 St Thomas Street for 'alterations and conversion of existing building to provide 6 x 1 bedroom dwellings' under application reference: 12/01970/FUL. The scheme was refused at committee but later overturned at appeal on 10.10.2013.

#### **5. Section 106 Legal Agreement and CIL**

5.1 The applicant has agreed to a financial contribution in the form of a Section 106 legal agreement, meeting the requirements for the affordable housing policy HP4 of the Sites and Housing. A CIL contribution will also be required.

#### **6. Comment**

6.1. Five letters of objection were received during the public consultation periods, comments from a material planning perspective are summarised as follows:

- Amount of development onsite;
- Effect on adjoining properties;
- Effect of character of the area;
- Effect on existing community facilities;
- Effect on traffic and parking;

#### **7. Consultation**

7.1. Oxford County Council Highway Department recommendation to grant consent subject to the imposition of conditions. Comments in part state;

*"The development is located within the CPZ area of Central Area. The development currently proposes parking facilities for 12 bicycles on-site. Whilst Sites and Housing Plan Policy HP15 stipulation for 2 cycle parking spaces per residential units, it is noted that there should be flexibility in application."*

7.2. Oxford Civic Society, objecting to the proposal, comments in part draws the Councils attention to the potential impact the proposal may have on the character and appearance of the Conservation Area and the cumulative loss of public houses would have on the vibrancy and activity of the community.

7.3. Victorian Group of the Oxfordshire Architectural and Historical Society, objecting to the proposal. Comments made from a material planning perspective reference the significance of the building's façade and the expectation of preserving it.

7.4. Oxford City Councils Land Contamination Officer, no objection subject to the imposition of conditions. Comments in part state;

*"This recommendation has been made due to the sensitive nature of the proposed development ie. new residential development with gardens/landscaping. The previous use of the site as a public house has the potential for contamination. Further, historical land use maps identify previous land uses in the near vicinity, such as a bottling depot, a brewery and an electrical substation, which may have associated land contamination. As a minimum, a desk study and documented site walkover are required to ensure that there are no sources of contamination on or near to the site and that the site is suitable for its proposed use."*

7.5. Oxford City Councils Ecologist and Biodiversity Officer, no objections raised subject to the imposition of an informative.

7.6. Internal consultation carried out with the Councils Community Infrastructure Levy Officer on 08.09.2015, consultation response received on 21.10.2015, no objection subject to receipt of CIL liability payment. Comments in part state:

*"The above application is liable for CIL. Taking the calculations from the amended CIL form (confirmed with the agent) the liability will be £43,940.17."*

7.7. Oxford City Councils Historic Buildings and Conservation Area Officer, no objection subject to condition, comments in part mentions:

*"This is a 'Non-Designated Heritage Asset' under the meaning of the NPPF. ....Not a Listed Building, Not in Conservation Area, not on the OHAR Register, not in the setting of the conservation area....the following should be used for materials, recording, salvage and samples"*

## **8. Site Description and Surrounding Area**

8.1. The application site and its surroundings fall within the city centre and the West End (city centre commercial area) as depicted on the Local Plan Policies Map. The site falls within the Carfax ward. Site constraints that are of material planning relevance include; Development Plan, City Centre, Hierarchy of Centres, High Build Area, Transport Central Area, Limited Travel, Flood Plain (Flood Zone 1), Archaeology Area.

- 8.2. In terms of its local context, the application site falls approximately 200m outside the boundary of the Central Conservation Area (which ends half way down St Thomas Street and straddles the border of Woodbine Place and down to Osney Lane). The application site lies adjacent to and opposite 'The Jam Factory' which is a Grade II Listed building. The area is of a predominantly mixed-use in character, a built form comprising of both two and three storey buildings, ranging from terrace to detach. A character appraisal reveals that buildings in the locality are not necessarily uniform in architectural style, with disparities shown by way of detailed fenestration and use of materials, building heights, roofshape/roofslope.
- 8.3. In terms of its immediate context, the applicant's property is located on the Eastern side of Hollybush Row, midway between the junction intersecting with Park End Street and St Thomas Street. The application site is attached to the Southern end of the King Charles House (protected employment land) and directly adjacent of the Western elevation that forms the Castle Mews development, bordered by a former public house known as (Maroon) and a row of residential properties to its Southern boundary.
- 8.4. The site comprises a former public house known as 'The Adventurer', a partly two-storey, partly single-storey building, comprising a roof-shape that is pitched with two end-gables, constructed of glazed red brick, dark grey plain roof tiles, and painted timber cladding. The upper floor has three windows with a painted pebbledash finish to the upper floor elevation. The fascia is full-width with brackets. The ground floor elevation has two wide windows and one shorter window and one front door. To the front elevation, the original ground floor windows have quadrant beaded mullions and transoms with the dowels showing. The upper lights are mostly leaded with lead comes and stippled glass. The rear has Crittall-style windows with white-painted pebbledash. There are two long extensions to the back garden under pitched slate roofs with chimneys. The built footprint of the building amounts to approximately 156.5m<sup>2</sup>, situated on an area of land no greater than 212.5m<sup>2</sup>.

## **9. Proposed Development**

- 9.1. Permission is sought for the replacement of the existing public house with a contemporary four-storey building containing 7 flats (5.No, 1-bed and 2.No. 2-bed self-contained flats), to include provisions for internal bin and bicycle storage (12 racks) and internal amenity space.
- 9.2. The proposed development would require the change of use of the former public house from planning use class 'A4 Drinking establishment', so therefore expressed consent for change of use to planning use class 'C3' would be also be sought for in accordance with the Town and Country Planning Use Classes Order 1987 (as amended).
- 9.3. Following discussions with the Local Planning Authority on 06.01.2016, the applicant submitted revised drawings on 07.01.2016 making minor adjustments.



- 9.4. The newly revised submission has introduced a 'string course' in attempts to integrate the building's façade to that of its neighbouring property (King Charles House) so to add an element of consistency and symmetry which officers feel has been successfully accomplished. Other changes officers suggested include modifications to the front of the property (West elevation) to include a low lying brick plinth (500mm high) with planting, mainly as a measure of security in efforts to safeguard the amenity of any ground floor residents from passers-by to distinguish public space from private.
- 9.5. The proposed recessed brickwork at the side of the property have been removed as officers suggestion to provide a more simple and uncluttered appearance.
- 9.6. At ground floor level, officers have recommended partial screening (above eye level) to be affixed against the perimeter of the ground floor terrace and the main front entrance in efforts to prevent potential overlooking into bedroom 1. The applicant has successfully espoused a 1.8m high privacy screen that now safeguards the amenity of future occupants. Additionally, officers have also recommended a privacy wall (1.8m high) to be erected at the rear of the building on both first and second floor flats (East facing) to prevent potential overlooking to windows serving Castle Mews.
- 9.7. The internal layout has also been reconfigured, at ground floor level the scheme now features a larger communal area, better sited refuse areas that are more accessible, with ventilation and extraction flues serving all communal areas and kitchens that have also been revealed on elevations.

## **10. Main Issues**

- 10.1. Officers consider that the determining issues with regards to the proposal are as follows;
- Principle of development and loss of a public house;
  - Demolition, Impact of setting of Listed Building and Conservation Area;
  - Siting/Form, Scale/Mass/Height, Design/Materials, Amenity;
  - Balance of Housings Mix;
  - CIL Contribution;
  - Affordable Housing;
  - Ecological and Biodiversity;
  - Archaeology
  - Highways
  - Flooding;
  - Environmental Sustainability;

## 11. Principle of Development and Loss of Public House

11.1. In terms of national policy, extracts from paragraph 17 and 111 from the *'National Planning Policy Framework'* 2012, makes reference to development on previously developed land, extracts from the document part state that development should:

*“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.*

11.2. In local policy terms, 'Policy CS2' from Oxford City Council's *'Core Strategy'* 2011 in part states:

*“Development will be focused on previously developed land.”*

11.3. Additionally, 'Policy CP.6' from the Oxford City Council's *'Local Plan'* 2005 (as amended 2013) makes reference to efficient use of land, extracts from the policy in part state:

*“Planning permission will only be granted where development proposals make maximum and appropriate use of land. Development proposals must make best use of sites capacity, in a manner compatible with both the site itself and the surrounding area...”*

11.4. The application site falls within the city centre boundary of Oxford, a 'brownfield site' of no environmental value. The proposal aims to make efficient use of the land by creating additional floor space and floors to make optimal use of the site; the development is also associated with the modernisation of the site and integration with new development. The resultant development would maximise the use of the existing site and officers regard that 'Policy CP6' of the *'Oxford Local Plan'* 2001-2016 would support in principle the proposed development on this basis. Officers therefore consider that the general principle of development in the area proposed would accord with the aims of both national and local planning policies by maximising the potential of the site.

11.5. In terms of national policy, extracts from paragraph 70 from the *'National Planning Policy Framework'* 2012, aims to focus on and deliver community needs, extracts from the paragraph in part state that planning policies and decisions should:

*“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs” and;*

*“ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”*

11.6. In local policy terms, 'Policy RC18' from the Oxford City Council's '*Local Plan*' 2005 (as amended 2013) makes reference to public houses, extracts from the policy in part state that planning permission will only be granted for the change of use of a public house if one or more of the following criteria are met:

- a) *"no other potential occupier can be found following a realistic effort to market the premises for its existing use;*
- b) *substantial evidence of non-viability is submitted; and*
- c) *It is demonstrated that suitable alternative public houses exist to meet the needs of the local community."*

11.7. The applicant, from their 'Planning, Design and Access Statement' emphasise the business hours of the public house, outlining its operations as a night time venue rather than one that caters for the day-time needs of the local community. The applicant, in their supporting statement suggests that alternative facilities are directly similar to the offer being provided by the public house in question. As such, the applicant has submitted supporting evidence in the form of an aerial photograph highlighting nearby drinking establishments, which they consider to offer a similar function to that previously on the site.

11.8. Officers have assessed the information as submitted, and recognise that within an approximate 1 mile radius from the application site lays approximately 22 similar establishments, the closest public house being within a reasonable walking distance of less than 100m (The Jam Factory). Officers have also sought the response from the policy department, who have raised no objection subject to a S106 being agreed. In the absence of any marketing or submission of non-viability tests (criterion 'a' and 'b' of 'Policy RC18' from the Oxford City Council's '*Local Plan*' 2005, the applicant has successfully satisfied criterion 'c' by referencing the catchment population for the public house and demonstrated that suitable and alternative public houses do exist and within close proximity.

11.9. Furthermore, the building is neither listed as an 'Asset of Community Value' nor nominated to be. In keeping with the comments and recommendations of the Planning Policy Officers, who accentuate that it has not been established that the public house in question serves as an 'essential community facility' and are of the understanding that suitable alternative public houses exist to meet the needs of the local community. The proposal therefore falls in accordance to the aims and objectives of 'Policy RC18' from the Oxford City Council's '*Local Plan*' 2005 (as amended 2013); and Oxford City Council's Technical Advice Note on '*Community Public Houses*' 2014; and paragraph 70 from the '*National Planning Policy Framework*' 2012.

## 12. Demolition, Impact of setting of Listed Building and Conservation Area

12.1. In terms of national policy, extracts from para 9 of the *'National Planning Policy Framework'* 2012, emphasises the pursuit of sustainable development through seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

*"replacing poor design with better design; and*

*improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes."*

12.2. Paragraphs 132, 134 and 135 from the document then goes onto state:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be"*

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

*.....In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

12.3. The application site is nestled in-between two properties, King Charles House and the Castle Mews development which is both significantly taller than the development proposed, the proposal therefore continues to remain bounded by its neighbouring properties which appear pervasive enough to veil any vantage points.

12.4. The application site does not fall within a designated Conservation Area, and although appreciated that the site falls within close proximity (approximately 250m) to the Western boundary of the Central Conservation Area, officers have reserved the need to apply or warrant the imposition heritage policies given its inconspicuous location/siting, appreciating the proximity and sightlines into or out of the Conservation Area. Insofar as assessing the impact to a nearby Listed Building and its setting, officers have taken into consideration distance to and general architectural styles to comprehend that the special architectural or historic interest of the Listed Building remains unaffected, as would too the character of the Central Conservation Area. Therefore, relevant policies, to include HE3, HE6, HE7' of the *'Oxford Local Plan'* 2001-2016 would not be applicable. Consideration has been given to 'Policy WE10' of the *'West End Area Action Plan'* 2008 which mentions the building, notwithstanding this the Local Planning Authority have outweighed the harm and considered that no detrimental impact is to occur.

12.5. Although certain features from the building have been cited as being an attractive feature; 'glazed red bricks and glazing', no weight could be given on their conservation as no statutory legislation would safeguard their retention. The public house is not statutorily listed, or on the list of non-designated heritage assets or nominated to be. Officers have carefully considered the merits of preserving any architectural feature, and feel the elements in question together in their setting hold little aesthetical value, and therefore the proposal to demolish is acceptable.

### **13. Siting/Form, Scale/Mass/Height, Design/Materials, Amenity**

13.1. Officers have assessed the architectural style and finish on buildings throughout Hollybush Row and considered that they are not uniform to one another. The only shared similarities from buildings on Hollybush Row include an established and consistent building-line that follows the curvature of the road. The proposed building is set 800mm behind the building-line of its neighbouring property (King Charles House) which falls aligned to the curvature of the road. The proposed building is therefore sited in such a way that would complement the existing built form of Hollybush Row.

13.2. The dimension of the proposed building measures a building width of 8.2m with a projected depth of 25.4m, similar to that of the existing public house. The footprint of the existing public house amounts to approximately 156.5m<sup>2</sup> with a cubic content amounting to approximately 1175m<sup>3</sup>. The proposed development however, covers an area amounting to approximately 212.5m<sup>2</sup> with a cubic content of 1993m<sup>3</sup>, which by comparison to the existing signifies a 36% enlargement over the existing footprint, or a 69% growth in mass. The development proposal by virtue of its scale and mass would be acceptable as it harmonises on its surroundings. Overall officers consider that the proposed development would be of a size, scale, and design that would create an appropriate visual relationship with the built form of the nearby and neighbouring buildings and has been designed in a manner to preserve the significance of the Hollybush Row. This would accord with the aims of the 'Policy CS18' from Oxford City Council's '*Core Strategy*' 2011; and guidance from within Oxford City Councils Supplementary Planning Document on '*High Quality Design*' 2015; and Para's 17, 56, 63 the '*National Planning Policy Framework*' 2012.

13.3. The proposal presents a building height peaking 11m at its ridge, some 2m higher than the existing public house and some 6m beneath its neighbouring property (King Charles House) and 1m beneath Castle Mews to its rear. Officers have taken into consideration the site constraint of a 'High Building Area', given its close proximity of Carfax. Notwithstanding this, the roofridge of the proposal is 7.2m lesser than the maximum requirement of 'Policy HE9' of the '*Oxford Local Plan*' 2001-2016. Similarly, the proposal by virtue of its height and location would continue to preserve existing view cones in keeping with 'Policy HE10' of the '*Oxford Local Plan*' 2001-2016.

- 13.4. At ground floor level, the measured floor space of the 1 bed self-contained unit measures at approximately 48.8m<sup>2</sup>. Both first and second floor levels would contain further 1 bed self-contained units measuring at approximately 60m<sup>2</sup>. A two 1 bed self-contained unit measuring at approximately 78m<sup>2</sup>, whilst on the top floor 2 further 1 bed self-contained units measuring at approximately 44m<sup>2</sup>. It is therefore appreciated that all units provide good quality of living accommodation for the intended use in accordance with 'Policy HP12' as emphasised within Oxford City Councils '*Sites and Housing Plan*' 2013; and Para 17 from the '*National Planning Policy Framework*' 2012.
- 13.5. The development proposal presents a ground floor layout which is wheelchair accessible, this formed layout and satisfies the policy requirement for providing at least 5% of the proposal as easily adapted for full wheelchair use in accordance with 'Policy HP2' and 'Policy MP1' of Oxford City Council's '*Sites and Housing Plan*' 2013; and 'Policy CP13' from Oxford City Council's '*Local Plan*' 2005; and Oxford City Council's Technical Advice Notes on '*Accessible Homes*' 2013;
- 13.6. The proposed development has regard to waste management by providing waste storage areas to meet occupant needs. The proposal provides a well-ventilated area at ground floor in accordance with aims and objectives of 'Policy CS10' from Oxford City Council's '*Core Strategy*' 2011; and with Oxford City Council's Technical Advice Notes on '*Waste Bins*' 2014.
- 13.7. The facade of the proposed building is somewhat unique, officers have carefully assessed its appearance and balanced features against similarities shared from nearby, neighbouring and adjacent buildings, drawing through some shared elements to create an aesthetically coherent form of development.
- 13.8. The building's façade incorporates a recessed brickwork panel at both first and second floors which help break the appearance of largely exposed flank walls. All windows from the front and side elevations (West and South facing) provide a coherent appearance.
- 13.9. Specified materials and finishes include ground floor walls 'orange/red multi brick with string detail' (at ground floor); first and second floor walls 'buff brick'; Windows/doors 'dark grey aluminium frames'; roof 'zinc cladding'. Officers are still in discussion to the appropriateness of the chosen material, and will continue to have dialogue to find choice that is proven to blend in. Should planning permission be granted, a condition would have to be placed so that sample materials be submitted to and approved in writing by the local Planning Authority prior commencement of development in the interest of visual amenity. Subject to condition, this element of the development proposal would accord with 'Policy HP9' from the 'Oxford City Councils '*Sites and Housing Plan*' 2013; and with 'Policy CS18' from the 'Oxford City Council Core Strategy' 2011; and guidance from within Oxford City Councils Supplementary Planning Document on 'High Quality Design' 2015; and policies 'WE11, WE12' of the 'West End Area Action Plan' 2008; and Para 63 from the '*National Planning Policy Framework*' 2012.

- 13.10. In amenity terms, the applicant has provided terraced areas to serve the flats, this together with a communal area at ground floor amounting to approximately 42m<sup>2</sup>. The development proposal provides bedrooms with private terraces and of useable and defensible level space that falls in keeping with principles from within 'Policy HP13' from the 'Oxford City Councils *'Sites and Housing Plan'* 2013.
- 13.11. The majority of windows and terraces serving the units are East and West facing which would benefit from natural lighting. A sunlight/daylight assessment under the 25/45 degree rule was undertaken and concluded that given the scale of development surrounding the proposal there would be no detrimental impact on the amenity of adjacent and nearby occupants. Lastly, potential overlooking has been mitigated by way of incorporating screening to the terrace areas which prevents any direct intrusion. The development proposal therefore falls in accordance with aims and principles from 'Policy HP14' from the 'Oxford City Councils *'Sites and Housing Plan'* 2013; and with 'Policy CP10' from Oxford City Council's *'Local Plan'* 2005.

#### **14. Balance of Housing**

- 14.1. In terms of national policy, extracts from paragraph 50 from the *'National Planning Policy Framework'* 2012, expresses that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

*"plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community; and identify the size, type, tenure and range of housing"*

- 14.2. In local policy terms, 'Policy CS23' from the Oxford City Council's *'Core Strategy'* 2011 in part states that:

*"Planning permission will only be granted for residential development that delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole.... Mix of housing relates to the size, type and tenure of dwellings to provide for a range of households, such as families with children, single people, older people and people with specialist housing needs....."*

- 14.3. Additionally, 'Policy CS1' from the Oxford City Council's *'Core Strategy'* 2011 in part states that:

*"most major development will be focused in the West End of the city centre, and; Planning permission will be granted in the city centre and its immediate surroundings for higher-density development."*

14.4. While the Council seeks to ensure a balanced mix of dwellings across Oxford, no specific mix for dwellings for 1-9 units or fewer in the City centre have been highlighted, the aforementioned policies do however highlight that the City centre is considered more suitable for higher-density residential developments. The proposal to introduce a mix of 5.No. one bed and 2.No. two bed self-contained flats would continue to promote a greater proportion of smaller units which is considered appropriate and acceptable in keeping with 'Policy CS23' from the 'Core Strategy' 2011; and with Oxford City Council's Supplementary Planning Document on 'Balance of Dwellings' 2008; and 'Policy WE15' of the 'West End Area Action Plan' 2008; and with Para 50 from the 'National Planning Policy Framework' 2012,

## **15. Community Infrastructure Levy**

15.1. In terms of national policy, paragraph 175 from the 'National Planning Policy Framework' 2012, in part states:

*"Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place."*

15.2. In local policy terms, 'Policy CS17' on 'Infrastructure and developer contributions' from Oxford City Council's 'Core Strategy' 2011, which in part states:

*"Planning permission for new development will only be granted if it is supported by appropriate infrastructure at a timely stage. Developer contributions will be sought where needs arise as a result of new development... and*

*The City Council will, where appropriate, seek to secure such measures through planning obligations. Where appropriate, pooled contributions will be used to facilitate the necessary infrastructure in line with development."*

15.3. In keeping with the provisions of the aforementioned policy, and comments received from the Councils CIL officer, the application would be liable for CIL contributions and calculations of the liability will be £43,940.17. This amount has been confirmed to the applicant and accepted under the model terms and conditions.

## **16. Affordable Housing Contribution**

16.1. Internal consultation carried out with the Councils Planning Policy Officer on 08.09.2015, consultation response received on 21.10.2015, no objection subject to a S106 being agreed, other comments in part state:



*“We feel suitable alternative public houses exist to meet the needs of the local community.”*

16.2. Subject to the satisfactory completion of a S106 agreement, the development proposal would adhere with principles from ‘Policy HP4’ of the *Sites and Housing Plan* 2013; and ‘Policy WE16’ of the *West End Area Action Plan* 2008; and ‘Policy CS24’ of Oxford City Council’s *Core Strategy* 2011; and Supplementary Planning Document on *Affordable Housing and Planning Obligations* 2013.

## **17. Ecological and Biodiversity**

17.1. In terms of national policy, paragraph 118 from the *National Planning Policy Framework* 2012, in part states:

*“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.”*

17.2. In local policy terms, ‘Policy CS12’ on *Biodiversity* from Oxford City Council’s *Core Strategy* 2011 in part states that:

*“Development will not be permitted that results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford’s biodiversity.”*

17.3. In keeping with the comments and recommendations of Councils Ecologist and Biodiversity Officer, no protected species are found or harm perceived. Notwithstanding this, the consultees have specified an informative be included should planning permission be granted.

## **18. Archaeology**

18.1. The application site lies within an area of archaeological interest and importance. Notwithstanding this, given the built form of the site it has not been suspected or confirmed that archaeological deposits remain. As a result, officers have recommended a condition be included that would require further archaeological investigations as well as recording and presentation of findings in keeping with ‘Policy HE2’ of the *Oxford Local Plan* 2001-2016.

## **19. Highways**

19.1. The development proposal is centrally located and close proximity to good transport links. The site falls within a Controlled Parking Zone and facilitates 12.No onsite secure cycle parking areas which satisfies policy criteria. The highways Authority have commented and do not object subject to condition on cycle areas to be provided. The development proposal falls in keeping with

'Policy HP15' from the 'Oxford City Councils *Sites and Housing Plan*' 2013; and 'Policy TR13' from Oxford City Council's *Local Plan* 2005.

## **20. Flooding**

- 20.1. The development proposal is sited within a Flood Plain (Flood Zone 1). At the time of drafting the report no comments had been received from the Councils Drainage officer. Notwithstanding this, although appreciated that existing infrastructure exists onsite should planning permission be granted a condition will have to be applied for further drainage information to be submitted to and approved in writing prior commencement of development in accordance with 'Policy CS11' of Oxford City Council's *Core Strategy* 2011; and policies 'NE11, NE14' from Oxford City Council's *Local Plan* 2005.

## **21. Environmental Sustainability**

- 21.1. The applicant has highlighted within their Design and Access Statement that they aim to use the BRE Green Guide to assist selection of materials and construction for both lower embodied energy and recyclability and focus for detailing to achieve a high standard of fabric to keep energy low. The applicant has further highlighted that the buildings orientation would benefit from natural lighting and ventilation. These detailed improvements and alterations would be made to the proposed building more energy efficient than the existing. A condition has been included with the Officer recommendation to ensure that the recommendations and technologies included in the report are implemented as part of the approved development. Subject to condition, the development proposal falls in keeping with Oxford City Council's Technical Advice Notes on *Energy Statements* 2013.

## **22. Conclusion**

- 22.1. Having regard to the material considerations and all other matters raised, the Local Planning Authority considers the proposal is consistent with the provisions of the development plan, and that the balance of considerations therefore weighs for granting of planning permission. Officers therefore recommend that members approve planning permission.

## **23. Recommendation**

Application be approved subject to conditions and signing of legal agreement;

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:**

**Contact Officer:** Mr. Mehdi Rezaie

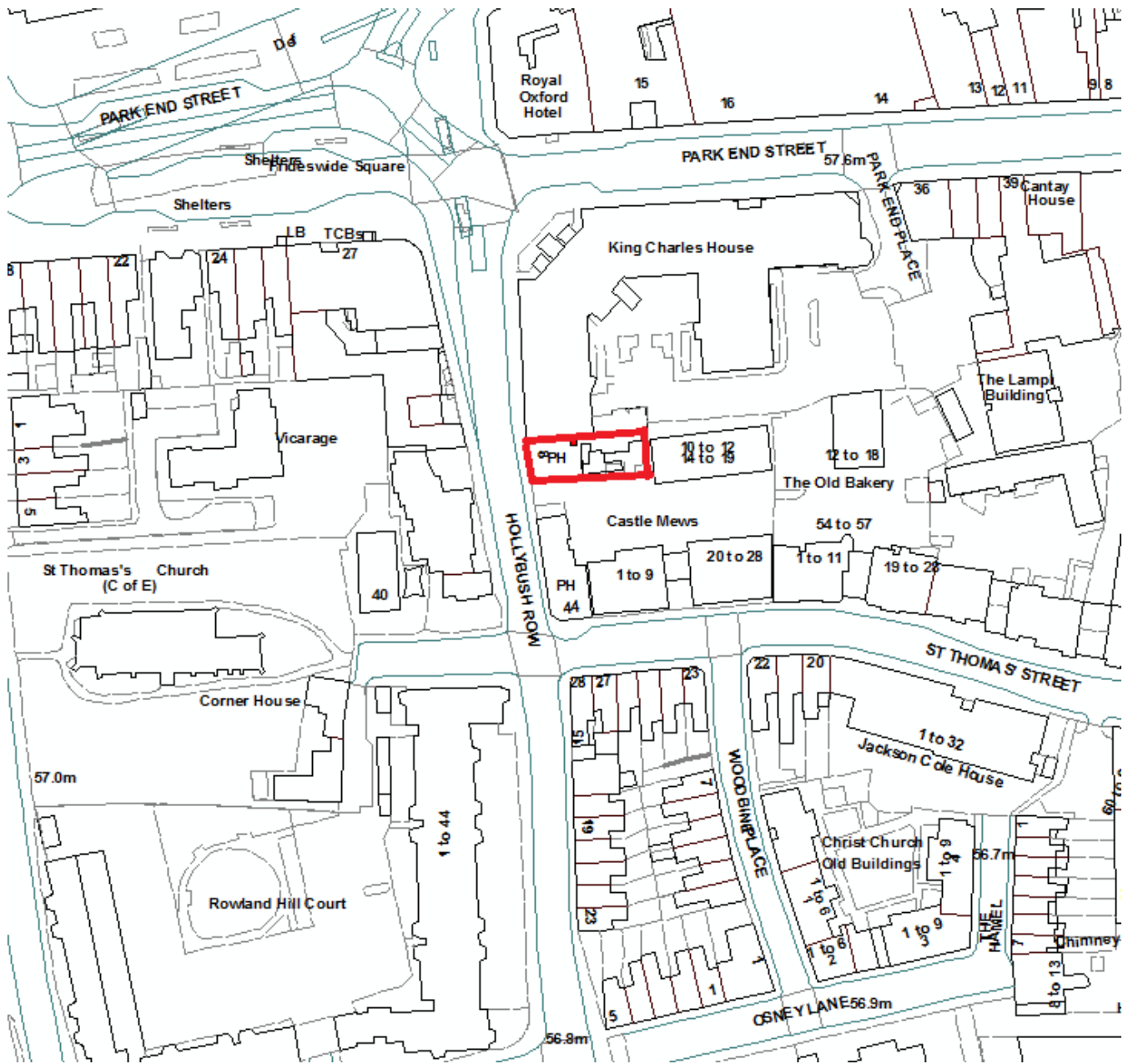
**Extension:** 2703

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

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# Appendix 1

## 15/02694/FUL – 8 Hollybush Row



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Ordnance Survey 100019348

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8<sup>th</sup> March 2016

**Application Number:** 15/03108/FUL

**Decision Due by:** 25th December 2015

**Proposal:** Erection of single storey rear extension.

**Site Address:** 193 Banbury Road Oxford Oxfordshire OX2 7AR

**Ward:** Summertown Ward

**Agent:** Mr. M Chaudhry

**Applicant:** Mr A HUSSAIN

**Application Called in –** by Councillors Fooks, Gotch, Wade and Goddard,  
for the following reasons -

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 The proposed extension is considered to create an appropriate visual relationship with the surrounding area. There would be no material impacts in terms of residential amenity, noise or nuisance subject to conditions.
- 3 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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

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

- 3 Ground resurfacing - SUDS compliant
- 4 Materials
- 5 Cycle parking details required
- 6 Landscaping
- 7 Approval of colour - paint/rendering
- 8 Additional windows
- 9 Obscure glazing
- 10 Samples
- 11 Garden area
- 12 Bin storage
- 13 No restaurant use

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

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

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Developmt to Relate to its Context
- CP10** - Siting Developmnt to Meet Functionl Needs
- CP9** - Creating Successful New Places
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- RC12** - Food & Drinks Outlets
- CP19** - Nuisance
- CP21** - Noise
- CP11** - Landscape Design

##### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS18\_** - Urb design, town character, historic env

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

- HP13\_** - Outdoor Space
- HP14\_** - Privacy and Daylight

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

- National Planning Policy Framework
- Planning Practice Guidance

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



51/01889/A\_H - New shop front – Permitted

94/01302/NF - Demolition of existing rear extension. Erection of 3 storey rear extension to enlarge residential unit on upper floors with covered area at ground floor level ancillary to shop (Amended plans) – Refused

95/00087/NF - Change of use of basement and ground floor from shop (Class A1) to restaurant (Class A3). Single storey rear extension and extract duct – Refused

95/01280/NF - Single storey rear extension – Permitted

96/00407/NF - Change of use of ground floor from shop (A1) with living accommodation to rear to restaurant (Class A3 (Amended Plans) – Allowed at appeal

97/00155/NF - Change of use of basement and ground floor from shop (Class A1) to restaurant (Class A3) – Allowed at appeal

98/00362/NF - Single storey extension at rear, ancillary to restaurant (Amended plans) – Permitted

99/01465/NF - Demolish existing garage. Extension to restaurant permitted on appeal under reference 96/407/NF. (Amended plan) – Refused  
Demolish existing garage. Extension to restaurant permitted on appeal ref. 96/00407/NF. (Amended Plans) – Permitted

01/01095/NF - Demolition of garage and outbuilding. Extension to restaurant (to include toilets and binstore) (allowed on appeal) – Refused

01/01854/FUL - Demolition of garage and outbuilding. Single storey extension to restaurant (to include toilets and binstore) allowed on appeal – Refused

02/00182/FUL - Single storey rear extension to restaurant (to include toilets and binstore). (Amended plans) – Permitted

06/00063/FUL - Alterations to shop front – Permitted

06/00190/FUL - Installation of ventilation/extractor flue on the side elevation – Withdrawn

06/00701/FUL - Installation of ventilation/extractor flue on the rear elevation – Permitted

06/02195/ADV - Erection of 2 x non-illuminated banners, 2 x non illuminated secondary signs, 1 x externally illuminated main signage (retrospective) – Split decision

06/02200/VAR - Variation of condition 11 of planning permission 02/00182/FUL for the erection of timber shed, 2 x air conditioning units and commercial fridge freezer

in association with the restaurant use, in the garden area to rear of property –  
Withdrawn

07/02231/FUL - Retention of raised area to front and use in connection with  
restaurant. Erection of single storey rear extension and cycle and bin stores –  
Permitted

**Representations Received:**

1 Oakthorpe Road, 183 and 187 Banbury Road, 2, 6 and 18 Thorncliffe Road and  
Hertford College:

- Concerns regarding the existing chiller units and noise levels
- Concerns regarding additional staff activity and delivery traffic
- Concerns regarding reduction in amenity space for flats
- Concerns regarding overlooking
- Concerns regarding smells and noise
- Concerns that the extension will result in increased occupancy
- Density of the proposal
- Emergency access
- Impact on wildlife
- Light pollution
- Impact on other commercial properties
- The proposal will set a precedent
- The extension is too large and out of keeping with the original building
- The proposal will block light into neighbouring properties

**Statutory and Internal Consultees:**

Cunliffe Close Residents' Association – no comment  
North Oxford Association – no comment

**Issues:**

Design  
Impact on residential amenity  
Outdoor space  
Impact on the local environment  
Highways

**Officers Assessment:**

Site description

1. The proposed site building consists of a restaurant with residential accommodation above. To the rear of the site is a single storey rear extension along with a yard area containing chiller units. At the back of the site is an amenity area reserved for the use of the residents of the flats above the restaurant.

Proposed development

2. The proposed development consists of a single storey, pitched roof rear extension to the building to provide staff facilities including changing/rest rooms, toilets and wash facilities. An enclosed area to the south of the extension is

shown providing cycle parking and space for bins.

### Design

3. Policies CP1 and CP8 of the Oxford Local Plan 2001-2016 require new development to form an appropriate visual relationship with the surrounding area in terms of form, scale, layout and design detailing. Policy CS18 of the Core Strategy reflects these requirements by requiring high quality urban design.
4. It is considered that the proposed extension respects the character of the existing building and is subservient to it. The size and depth of the extension has been raised as a concern. However, there is an existing single storey rear extension running along the boundary of the site with 195 Banbury Road and although the proposed extension is deep, it is not felt to be out of context in these circumstances.
5. The proposed extension would replace an existing, unattractive storage area for chiller units and bins. There would therefore be an improvement to the environment as a result of the extension. It is considered that on balance, the proposals comply with policies CP1 and CP8 of the Oxford Local Plan 2016 and policy CS18 of the Core Strategy 2026.

### Residential Amenity

6. Policy HP14 of the Sites and Housing Plan 2026 requires the correct siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties and proposals will be assessed in terms of potential for overlooking into habitable rooms or private open space.
7. Although there are windows in the proposed extension it is considered that these can be conditioned to be obscure glazed and non opening, particularly as they serve changing rooms and toilet/washing facilities. It is therefore not considered that the proposed extension would have a harmful impact on the residential amenity of either the occupants of the existing flats or the neighbouring households.
8. Policy HP14 of the Sites and Housing Plan 2026 also sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25-degree code of practice, detailed in Appendix 7 of the SHDPD. In normal circumstances, no development should intrude over a line drawn at an angle of 45° in the horizontal plane from the midpoint of the nearest window of a habitable room and rising at an angle of 25° in the vertical plane from the cill.
9. The proposed extension would conflict with the 45 degree rule in relation to 191 Banbury Road. However, it would comply with the 25 degree uplift rule in relation to the rear windows of number 191 Banbury Road and the 45 degree uplift rule in relation to the windows in the side elevation. It is not considered that there would any additional, material harm to the amenity of the neighbouring dwellings as a result of the proposal.
10. For the reasons given above the proposals comply with policy HP14 of the Sites and Housing Plan 2026.

### Outdoor space

11. Policy CP10 of the Local Plan and policy HP13 of the Sites and Housing Plan require that suitable outdoor space is provided for residential dwellings. One or two bedroom flats must provide either a private balcony or access to a private or shared garden.
12. The following factors will be material in assessing whether adequate space has been provided:
  - the location and context of the development, in relation to the layout of existing residential plots, and proximity to public open space
  - the orientation of the outdoor area in relation to the sun
  - the degree to which enclosure and overlooking impact on the proposed new dwellings and any neighbouring dwellings
  - the overall shape, access to and usability of the whole space to be provided.
13. Concerns have been raised regarding the amount of amenity space that is retained to the rear for the use of the residents of the flats above the restaurant. The space retained measures 8.5 x 7.8 metres which is considered to be acceptable. The appearance and usability of the space is of a poor quality and the applicant confirms that the space is not currently used by the occupiers of the flats. As a result a condition will be applied to any consent requiring that landscape plans are provided and implemented prior to development commencing. This will therefore improve the standard of the outdoor space provided for the residential units.

### Impact on the local environment

14. Policy RC12 of the Oxford Local Plan relates to food and drink outlets and states that planning permission will only be granted for Class A3-5 (food and drink) uses where the City Council is satisfied that they will not give rise to unacceptable environmental problems or nuisance from noise, smell or visual disturbance, including the impact of any equipment or plant associated with the use.
15. Policy CP19 relates to nuisance and states that planning permission will be refused for development proposals that cause unacceptable nuisance. Policy CP21 of the Oxford Local Plan relates to noise and states that planning permission will be refused for developments which will cause unacceptable noise. In both cases it is possible to impose controllable, appropriate planning conditions.
16. Objections have been received from a number of local residents in relation to increased noise, odours and light pollution. The proposed extension provides staff facilities and does not extend the seating area for the restaurant. There are no additional kitchen facilities or extraction equipment that could lead to additional noise and odours. Any additional noise is not considered to be material. Conditions will be applied to any consent to ensure that the extension is not used in order to increase capacity. In terms of light pollution it is not considered that light emitting from the windows in the extension will result in material harm.
17. As a result it is considered that the proposal complies with policies CP19, CP21 and RC12 of the Oxford Local Plan.

### Highways

18. Policy TR3 of the Oxford Local Plan 2001-2016 requires that an appropriate level of car parking is provided as shown in Appendix 3. Additional parking is only required in relation to additional public space. The proposed additional floor space is not public and therefore there is no requirement to provide additional parking. Notwithstanding this the site is located in a highly sustainable location on the Banbury Road. The proposal therefore complies with policy TR3 of the Local Plan.
19. Policy TR4 of the OLP states that planning permission will only be granted for development that provides good access and facilities for pedestrians and for cyclists and complies with the minimum cycle parking standards shown in Appendix 4. Again, the cycle standards only relate to additional public floor space and therefore do not apply in this instance. However, it needs to be ensured that sufficient cycle parking is retained in relation to the residential units and the restaurant and therefore details of cycle parking will be conditioned. The proposal is considered to comply with policy TR4 of the Oxford Local Plan.

### **Conclusion:**

20. The proposed extension is considered to create an appropriate visual relationship with the surrounding area. There would be no material impacts in terms of residential amenity, noise or nuisance subject to conditions. Details relating to landscaping, cycle parking and bin storage will be requested via condition.
21. For these reasons it is considered that the proposal accords with the relevant policies of the Oxford Local Plan 2016, Core Strategy 2026 and the Sites and Housing Plan 2026. As such it is recommended that the application is approved.

### 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:** 28th January 2016

# Appendix 1

15/03108/FUL - 193 Banbury Road



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**West Area Planning Committee**

8th March 2016

**Application Number:** 15/03275/VAR

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

**Proposal:** Variation of condition 24 of permission 09/02466/FUL and the list of approved plans and condition 25 of permission 13/01658/VAR to allow the construction of an enlarged basement under the proposed central quad (to be used for additional research space) and for revisions to the external appearance of the proposed wing fronting Banbury Road.

**Site Address:** Keble College Land At The Former Acland Hospital And 46 Woodstock Road 25 Banbury Road, Site Plan **Appendix 1**

**Ward:** North Ward

**Agent:** Mr Nik Lyzba

**Applicant:** Keble College

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## **Recommendation:**

West Area Planning Committee is recommended to agree the variation of the wording of condition 24 of permission 09/02466/FUL and the list of approved plans and condition 25 of permission 13/01658/VAR to allow the construction of an enlarged basement under the proposed central quad (to be used for additional research space) and for revisions to the external appearance of the proposed wing fronting Banbury Road, for the reasons set out below.

## **Reasons for Approval:**

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

**Conditions:**

- 1 Commencement of development
- 2 Occupancy restriction
- 3 Details of educational establishment
- 4 Housing Management Service Specification
- 5 Samples in Conservation Area
- 6 Details of windows
- 7 Photographic record
- 8 Boundary treatment
- 9 landscaping plan
- 10 Landscape carry out after completion
- 11 Archaeology - evaluation
- 12 Travel Plan
- 13 Construction Travel Management Plan
- 14 Details-bin stores/cycle stands
- 15 In accordance with NRIA
- 16 Contaminated land
- 17 Tree protection plan
- 18 Arboricultural method statement
- 19 No lopping or felling
- 20 Underground services
- 21 plant and material storage
- 22 Arboricultural watching brief
- 23 Removal of permitted development
- 24 Car parking as per submitted plans
- 25 Details of design as per approved plans
- 26 Public work of art
- 28 Further works - fabric of LB - fire regs
- 29 Further details construction details,
- 30 Dem and construction methodology
- 31 Internal features
- 32 Internal finishes LB
- 33 Repair of damage after works
- 34 Written notice of completion
- 35 7 days notice of stage 2 works

**Legal Agreement:**

The S106 to the previous permission(s) should be carried forward accordingly where necessary (e.g. secure permissive route through the site).

**Principal Planning Policies:**Oxford Local Plan 2001-2016

**CP1** - Development Proposals

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

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

**CP9** - Creating Successful New Places

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

**CP11** - Landscape Design  
**CP13** - Accessibility  
**CP14** - Public Art  
**CP17** - Recycled Materials  
**CP18** - Natural Resource Impact Analysis  
**DS2** - Acland Hospital Site  
**HE2** - Archaeology  
**HE3** - Listed Buildings and Their Setting  
**HE7** - Conservation Areas  
**HE9** - High Building Areas  
**NE14** - Water and Sewerage Infrastructure  
**NE15** - Loss of Trees and Hedgerows  
**NE16** - Protected Trees  
**TR1** - Transport Assessment  
**TR2** - Travel Plans  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**TR12** - Private Non-Residential Parking

#### Core Strategy

**CS17\_** - Infrastructure and developer contributions  
**CS18\_** - Urban design, town character, historic environment  
**CS25\_** - Student accommodation  
**CS28\_** - Employment sites  
**CS29\_** - The universities  
**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy and natural resources  
**CS10\_** - Waste and recycling

#### Sites and Housing Plan

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

#### **Planning history:**

09/00321/LBD - Listed Building Demolition for the demolition of the Acland Hospital and its later additions at 25 Banbury Road. Withdrawn 12th November 2009.

09/00322/FUL - Erection of 3 and 4 storey 'quad' building part fronting Banbury Road and 3 storey building fronting Woodstock Road to provide 248 student study bedrooms, 4 Fellows/ visitor flats, with associated teaching, office and research space and other ancillary facilities. Alteration to existing vehicular accesses to Banbury Road and Woodstock Road. 33 car and 210 cycle parking spaces. Recycling and waste bin storage. Substation. Withdrawn 12th November 2009.

09/00323/CAC - Conservation Area Consent for demolition of 46 Woodstock Road. Withdrawn 12th November 2009.

09/02466/FUL - Demolition of buildings on part of Acland site, retaining the main range of 25 Banbury Road, erection of 5 storey building fronting Banbury Road and 4 storey building fronting Woodstock Road to provide 241 student study bedrooms, 6 fellows flats, 3 visiting fellows flats with associated teaching office and research space and other ancillary facilities. Alteration to existing vehicular accesses to Banbury Road and Woodstock Road, provision of 27 parking spaces (including 4 disabled spaces) and 160 cycle parking spaces, recycling and waste bin storage, substation and including landscaping scheme. (amended description and plan). Approved 25th October 2010.

09/02467/LBD - Listed Building Demolition. Demolition of buildings on part of Acland site, retaining the main range of 25 Banbury Road, (demolishing service range and later additions). Erection of extensions as part of a new college quad to provide 241 student study bedrooms, 6 fellows flats, 3 visiting fellows flats with associated teaching, office and research space and other ancillary facilities. External alterations including the removal of a chimney stack, underpinning and replacement of roof over staircase. Internal alterations to remove modern partitions, form new doorways, install en-suite facilities and reinstate staircase to 3rd floor. (amended description and plan). Approved 25th October 2010.

09/02468/CAC - Conservation Area Consent. Demolition of 46 Woodstock Road. Approved 25th October 2010.

13/01657/CAC - Demolition of existing building at 46 Woodstock Road. Approved 4th October 2013.

13/01658/VAR - Variation of conditions 5, 6, 7, 9, 11, 13, 16, 17, 20, 21, 22, 24, 25 and 26 of planning permission 09/02466/FUL (Demolition of buildings on part of Acland site, retaining the main range of 25 Banbury Road, erection of 5 storey building fronting Banbury Road and 4 storey building fronting Woodstock Road to provide 241 student study bedrooms, 6 fellows flats, 3 visiting fellows flats with associated teaching office and research space and other ancillary facilities. Alteration to existing vehicular accesses and provision of parking) to allow development to be undertaken in two stages. Stage 1 to comprise the removal of the glazed link and the construction of a new wall and foundations to the south of 46 Woodstock Road. Stage 2 to comprise the remainder of the development. (Amended description). Approved 15th October 2013 and Stage 1 implemented; permission therefore extant.

13/01659/LBC - External alterations involving partial dismantling and rebuilding of boundary wall north of Royal Oak public house.. Approved 12th September 2013 and impemented.

15/03285/LBC - Enlargement of basement. pending consideration.

## **Public Consultation**

### Statutory Consultees

- No comments received.

### Third Parties & Individuals

The Victorian Group of The Oxfordshire Architectural and Historical Society: Raised objection on the grounds that the infill staircase would be an unwarranted addition onto an already too bulky and aggressive building onto Banbury Road. Animation provided by staircase considered 'purest twaddle'. Overlarge development should not be permitted.

### **Officers Assessment:**

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

1. The site is located on land that sits between the Woodstock Road and Banbury Road, formerly the Acland Hospital and more recently converted and used for student accommodation by Keble College. The site lies within the North Oxford Victorian Suburb Conservation Area and is bounded to the north and west by listed buildings. The site comprises several buildings some of which are listed, areas of car parking, with a variety of trees, some of which are mature, gardens and general landscaping throughout. Views into the site to the listed Jackson building are gained from Banbury Road.
2. Permission has previously been granted to demolish all buildings on the site, with the exception of the central element of the Jackson building to erect a 'quad' building, 5 storeys (with accommodation at basement and roof level) that fronts Banbury Road and a 4 storey building fronting Woodstock Road. Separate to the quad buildings the proposals include a 4 storey 'Research Building' (with accommodation at basement and roof level) that fronts Woodstock Road (09/02466/FUL and varied under 13/01658/VAR refers). 13/1658/VAR allowed the development to be done in 2 phases, the first having been implemented and this permission is therefore extant.
3. The principle of development is therefore accepted and this application seeks permission for alterations to the approved scheme, including an increase in the size of the basement and alteration to the front elevation of the building that fronts Banbury Road, which amount to a minor material amendment.
4. The Applicant is seeking to vary the following conditions:
  - No.24 of 09/02466/VAR and approved plans which states that the number of car parking spaces shall be reduced to a maximum of 16 spaces in accordance with details to be submitted to and approved.
  - No.25 of 133/01658/VAR ensures the development shall be undertaken in

accordance with the plans and details submitted under 09/02466/FUL and condition 5 of that permissions (which is the standard condition requiring material samples), further details are required of the new research building on Woodstock Road (to be submitted and approved prior to phase 2 of the development).

5. The issues therefore to consider related specifically to those aspects of changes, namely:
  - Design, Impact on Heritage Assets and Street Scene.
  - Trees
  - Archaeology
  - Amenities
  - Cycle parking

### **Design, Impact on Heritage Assets and Street Scene:**

6. The proposed alteration to the front elevation of that part of the building to Banbury Road which sits adjacent to No. 23 Banbury Road is as a result of reassessing the internal circulation of the building and lodge. The stairs have been moved to the front creating of a glazed corner stair case element which as approved was a window with balcony above. The glazed staircase aims to also provide activity into the street scene from within the building. The comments of the Victorian Group of The Oxfordshire Architectural and Historical Society have been taken into consideration. However, it is considered that this alteration would not significantly increase the bulk or massing of the approved building and as such would not be harmful to the heritage assets or the street scene in accordance with policies CP1, CP8, CP9, HE3, HE7 of the OLP, HP89 of the SHP and CS18 of the CS.
7. Another staircase is proposed from the ground to basement level near to Felstead House. This would not significantly alter the approved building at this point and would not be harmful to heritages assets or the street scene in accordance with Policies CP1, CP8, CP9, HE3, HE7 of the OLP, HP9 of the SHP and CS18 of the CS.
8. The increase in basement would add approximately 1590sq m of additional floorspace underneath the existing quad for research. The basement is lit by three sunken gardens and skylights. Whilst it is acknowledged that this is a large basement area, it is considered on balance that it is a good and efficient use of the land and would future proof the development. It is therefore considered acceptable as an amendment to the proposal and would not have any harmful impact on heritage assets in accordance the previously listed policies above.
9. Officers consider that the proposed changes are acceptable as amendments to the approved plans under 09/02466/VAR and under condition 25 of 13/01658/VAR.
10. It should be noted that no changes are proposed to the building fronting Woodstock Road and condition 25 of 13/01658/VAR would stand in this

regard requiring further details to be submitted and approved.

**Car Parking:**

11. Condition 24 of permission 09/02466/FUL required a reduction in the overall number of onsite car parking spaces to a maximum of 16 spaces. This has been achieved and therefore the Applicant is requesting the wording of the condition be varied to state that the car parking should be as shown on the submitted plans. Officers raise no objection to this and consider the condition could be varied to that effect.

**Cycle parking:**

12. The 2009 approval provided 160 secure cycle parking spaces located to the north of the building. This provision exceeded the local plan requirements of 126 spaces and as such officers considered acceptable. As a result of the increased floor area additional cycle parking is provided. 218 spaces are now provided in accordance with HP14 of the SHP.

**Trees:**

13. The enlarged basement has been assessed in terms of impact on the key tree with the site, including the beech to close of the Banbury Road frontage. Officers are satisfied that there would be no significant adverse impact as a result. The proposal as submitted showed the removal of two existing trees adjacent to the boundary of the footpath on Banbury Road, previously retained under earlier approvals. Their loss is considered unacceptable as they are established trees and form part of the existing character of the street scene. Their removal and replacement with new trees is considered unsympathetic and unnecessary. The Applicant has confirmed that they will be retained and amended plans have been requested to this effect. The proposal accords with NE15, NE16 and HE7 of the OLP.

**Amenities:**

14. It is considered that the development would not have a harmful impact on neighbouring residential amenities in terms of being overbearing or loss of daylight and sunlight in accordance with CP1 of the OLP and HP9 and HP14 of the SHP.

**Archaeology:**

15. A satisfactory archaeological evaluation report has been submitted for this site by Oxford Archaeology (2009). The evaluation produced evidence for medieval and post medieval activity. Of particular interest was evidence for 10th-12th century activity and the identification of a feature interpreted as a bastion forming part of the Royalist Civil War defences. Furthermore the report proposes that a Civil War bastion in this location could have been influenced by the presence of a linear Neolithic/Bronze Age barrow cemetery which can be projected roughly east-west through the southern edge of the

site.

16. An archaeological impact assessment was previously submitted for the site by Oxford Archaeology (2007). The assessment noted that the site has the potential for prehistoric, Roman and early medieval deposits and notes that 'the survival of any below- ground archaeology on the Acland hospital site should be good away from actual foundations and areas of basement' (3.1.1). Since the impact assessment was completed in 2007 a number of archaeological investigations have taken place in the vicinity of the site producing further evidence for prehistoric activity. These include the discovery of a Neolithic Henge monument 150m to the south and ring ditches at the nearby Radcliffe Infirmary site.
17. Officers consider that given the evaluation received the proposed enlargement of the basement is unlikely to have any significant impact on archaeology and the existing condition requiring a written scheme of investigation and mitigation can be carried forward to this application, should Committee decide to approve the proposal in accordance with HE2 of the OLP.

**Conclusion:**

18. West Area Planning Committee is recommended to agree the variation to the wording of condition 24 of permission 09/02466/FUL and the list of approved plans and condition 25 of permission 13/01658/VAR to allow the construction of an enlarged basement under the proposed central quad (to be used for additional research space) and for revisions to the external appearance of the proposed wing fronting Banbury Road.

**Human Rights Act 1998**

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

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

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

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



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

**Background Papers:** 15/03275/VAR

**Contact Officer:** Felicity Byrne

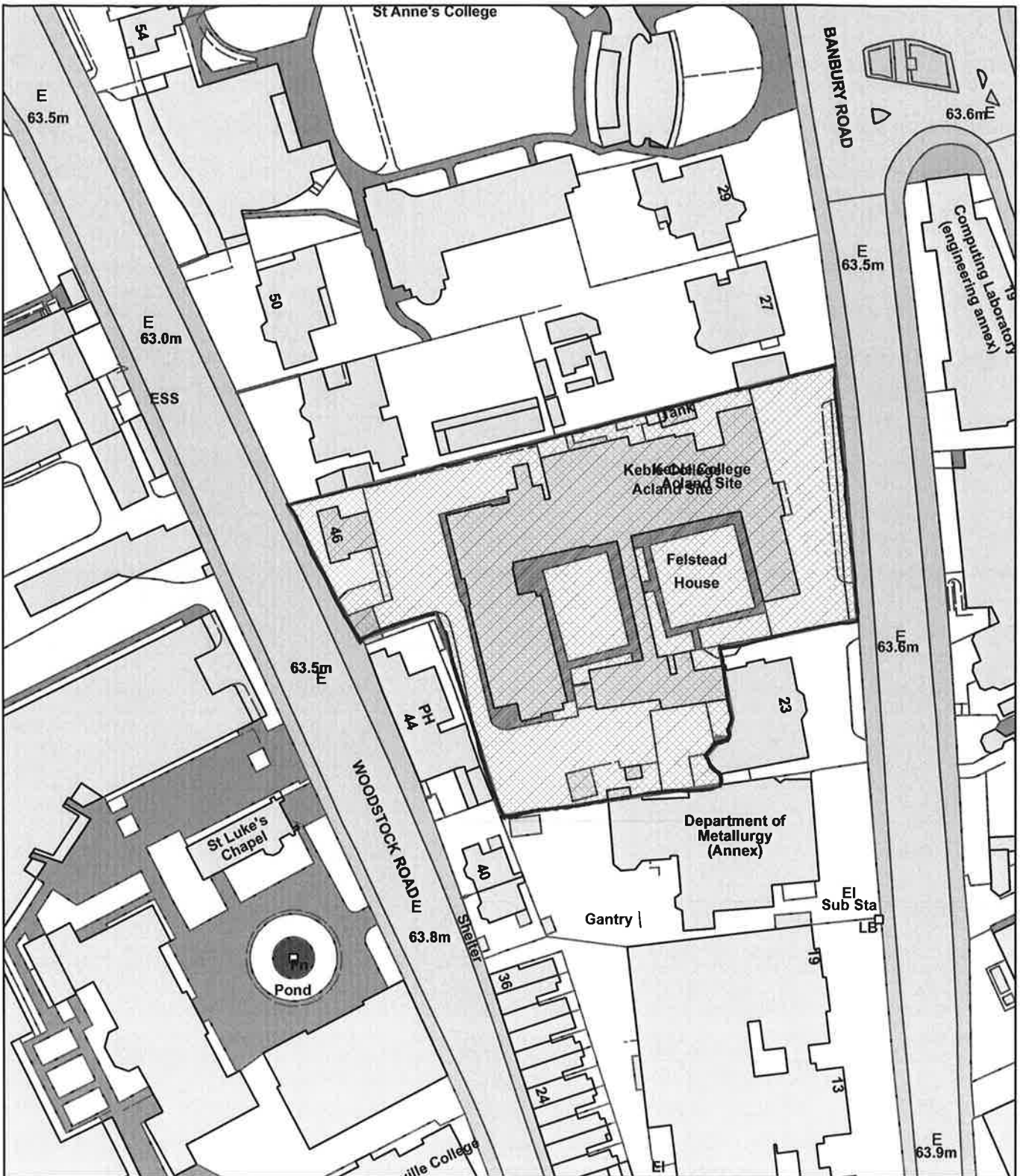
**Extension:** 2159

**Date:** 24th February 2016

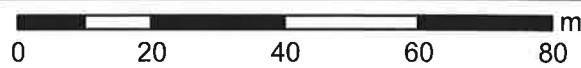
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# Appendix 1

## 15/03275/VAR Former Acland Hosp for Keeble College



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Ordnance Survey 100019348.



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Oxford City Council

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City Development

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**West Area Planning Committee**

**8th March 2016**

**Application Number:** 15/03543/FUL

**Decision Due by:** 2nd February 2016

**Proposal:** Erection of single storey rear extension. Enlargement of basement and formation of front and rear lightwells.  
Replacement timber fence to front. (Amended description)

**Site Address:** 43 Observatory Street Oxford Oxfordshire OX2 6EP

**Ward:** North Ward

**Agent:** Mr Simon Beattie

**Applicant:** Fellows & Scholars Of St.  
John The Baptist College

**Application Called in:** by Councillors Fry, Price, Upton and Pressel

for the following reasons:

The application has some errors of fact and is over-bearing in relation to neighbours. Therefore, I think that it is important that the application is heard before WAPC, where the committee would be able to propose conditions to meet the concerns of neighbours.

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is visually appropriate in its setting, sympathetic in design terms, would preserve the character and appearance of the Walton Manor Conservation Area, would not harm the amenity of neighbouring properties, harm nearby trees and would be acceptable in terms of highway impacts. The proposal therefore accords with policies CP1, CP6, CP8, CP10, CP11, HE7 and NE15 of the Oxford Local Plan 2001-2016, HP9 and HP14 of the Sites and Housing Plan 2011-2026 and CS18 of the Core Strategy 2026.
- 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, subject to the conditions imposed,

would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

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

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Fence to be retained
- 5 Design - no additions to dwelling
- 6 Details of sash windows to front

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

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

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows

#### **Core Strategy**

- CS18\_** - Urb design, town character, historic env

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

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

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

National Planning Policy Framework

This application is in or affecting the Walton Manor Conservation Area.  
Planning Practice Guidance

### **Relevant Site History:**

68/19953/A\_H - Alterations and extension to provide bathroom.. PDV 26th March 1968.

15/02006/FUL - Erection of part single, part two storey rear extension. Enlargement of basement and formation of front lightwell. Erection of front railings.. WDN 2nd September 2015.

15/03497/CPU - Application to certify that the proposed erection of outbuilding for use as home studio, alterations to rear vehicular access and alterations to rear first floor windows to existing dwelling is lawful development. PER 5th January 2016.

### **Representations Received:**

11 Leckford Road: objection due to overdevelopment, tunnelling effect on ground floor window at number 44.

44 Observatory Street (2 representations): objection due to absence of a design and access statement with the application, harmful impact on conifer, inaccurate description of existing bricks, inaccuracies in the drawings of neighbouring properties and boundary, loss of light to and tunnelling effect on basement bedroom, rear living room, full-width design is unsympathetic to the area and set a precedent, courtyard proposal fails to mitigate harm of overall proposal, harmful change of view, feeling that St John's is being shown leniency as compared with other applicants, Right to Light assessment should be required

42 Observatory Street (2 representations): objection due to harmful loss of light to kitchen and garden of number 42 and to number 44, loss of privacy to number 44 from proposed patio doors, lack of information about studio in garden, full-width design.

49 Arbour Square: objection due to lack of design and access statement, errors in fact and drawings, tunnelling effect on number 44, loss of light to basement window of number 44, Right to Light analysis should be required, iron railings not appropriate in area.

28 Observatory Street: objection due to overbearing effect and loss of light to numbers 42 and 44, plan P03A (proposed layouts) is not clear.

34 Observatory Street: objection due to harm to symmetry of the pair of semis, loss of westerly light from number 44, change from wooden fence to metal railings would be uncharacteristic of the area.

53 Observatory Street: objection due to the extent of renovations being unnecessary, impact on light for number 44.

**Consultees:**

William Lucy Way Residents Association: no comments received

Highways Authority: no objection

**Issues:**

Design and impact on conservation area

Residential amenity of neighbours

Highways

Trees

**Sustainability:**

This proposal aims to make the best use of urban land and recognises one of the aims of sustainable development in that it will create extended accommodation on a brownfield site, within an existing residential area.

**Officers Assessment:**Site description

1. The property is a two-storey Victorian semi-detached house on the northern side of Observatory Street. It is set back from the pavement, unlike the majority of houses on the street, and has a front garden bounded by a timber picket fence and gate. To the rear, the property has been extended with a flat-roofed single-storey addition to the original outrigger.
2. The ground level is higher at the rear of the plot with the garden raised up above the patio to the rear of the house. There are currently gates providing vehicle access to the property from Adelaide Street and an area of hardstanding for one car.

Proposal

3. Further to an earlier proposal including a larger part-two, part-single storey development, planning permission is sought for a full-width single-storey rear extension to be added to the original outrigger of the property to replace the existing flat-roofed extension. The side return would be retained as a courtyard.
4. Planning permission is also sought for the enlargement of the basement plus the creation of two lightwells – one to the front and one to the rear.
5. The application form stated that railings were proposed on the street frontage. In fact, as clarified in the planning statement, a replacement wooden fence is proposed. The development description has been amended accordingly.



### Design and impact on conservation area

6. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP8 of the adopted Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design, that respects the character and appearance of an area and uses materials appropriate to the site and surroundings. The site is within the Walton Manor Conservation Area and so policy HE7 of the Oxford Local Plan applies. This states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting.
7. The removal of the existing flat-roofed rear extension and replacement with a pitched roof extension in brick is considered to improve the appearance of the conservation area and relate better to the existing property. The unusual and attractive second-storey element is to be retained as part of this proposal. This forms a pair with the attached property and is clearly visible from the public realm in Adelaide Road. Given that this property and neighbouring properties have been unsympathetically extended at ground floor level, overall, the proposal is considered to enhance the appearance of the conservation area.
8. The single-storey scale and the footprint within the plot mean that the development is not considered to be an overdevelopment of the plot. Sufficient outdoor amenity space is retained, and much of the original property is still visible. The full-width design at single storey is a common alteration to this type of property and it is not considered to be a negative design feature.
9. The lightwell and extension of the bay to the front of the property are considered acceptable in that such basements are a feature within the conservation area for similar types of property. A condition is recommended requiring that details be provided of the timber sash windows, whose details should match those of the existing windows on the front elevation, as well as samples of the brick, which should match the existing front elevation.
10. The replacement fence is considered appropriate in design and materials and would preserve the appearance of the conservation area.
11. Overall, the proposal is considered to preserve the appearance of the conservation area and is acceptable in design terms.

### Residential amenity of neighbours

12. HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes.
13. The extension is a full-width addition to the original two-storey rear outrigger at single storey with a depth of 4m. It would have an eaves height of 2m and

an overall height at the apex of 3.3m. The side passage formed by the outrigger would be retained as a courtyard area.

14. It should be noted that a wall up to 2m in height would normally be allowed under permitted development along the whole boundary. The proposal is an improvement on this situation because only part of the boundary would be at 2m, with the existing 1.8m boundary treatment retained. The development is also an improvement on the full-width studio approved under reference 15/03497/CPU, which has an eaves height of 2.5m and would extend 1m further into the garden than would the proposed extension.
15. With regard to the rear-facing full-height glazed panel serving a living room at the adjoining 44 Observatory Street, a line drawn at 45-degrees from the notional cill level and then elevated by 25 degrees is unbroken by the extension, and therefore the proposal meets the guidance contained in Appendix 7 of the Sites and Housing Plan. The glazed panel is full height and fully glazed and so it lets more light into the room than would a standard window. The extension is therefore not considered to lead to a harmful loss of light to the living room.
16. Officers consider that the pitched-roof form with a very low eaves height of under 2m and similarly low 3.3m overall height, achieved by lowering the floor levels in the proposed extension, means that the resulting development will not appear excessively bulky when viewed from the living room and side-facing kitchen windows at number 44. The combination of the courtyard, the existing 1.8m fence and trellis, and the 2m eaves of the extension avoids an overbearing tunnelling effect on the rear-facing glazed panel and is not considered to result in a harmful impact on the outlook from this opening. A condition is recommended for the existing boundary treatment to be retained should the development be granted approval to protect the amenity of the neighbour.
17. Number 44 also has a basement with a rear-facing door below the rear-facing glazed panel at ground floor. There is not considered to be a material change in the outlook from or light to the basement at number 44 as this is currently enclosed by a narrow flight of steps and by the existing fence. The addition of the extension, set over 3m from this room, is not considered to materially alter the existing situation.
18. The light to and outlook from the side-facing window in number 44's kitchen will be materially unchanged because the window will look out onto the courtyard space proposed. This is not materially different from the current outlook onto the side passage.
19. Patio doors are proposed from the kitchen into the courtyard, as well as a window from the dining space looking back towards the house. The side-facing patio doors into the courtyard are not considered to harm neighbouring privacy as they are only 0.3m wider than the existing side-facing windows in the same location. It is not considered that the arrangement of fenestration in the courtyard would be harmful to the privacy of the neighbour at number 44

because there is a 1.8m fence and trellis between the two properties at this point, which provides adequate screening.

20. The light to the side-facing glazed door serving the kitchen at number 44 will not be harmfully impacted and the proposal complies with the 45-degree uplift guidance (Appendix 7 of the Sites and Housing Plan). The change in outlook is not considered harmful due to the low eaves and apex of the extension, and this will not be significantly different from the current 1.8m fence boundary treatment.
21. The courtyard proposed prevents an overbearing impact on number 44. Any infilling of this space or raising of the boundary fence, as could be carried out under permitted development, would be harmful to the amenity of number 44 and so it is recommended that permitted development rights be removed by condition should the application be approved.
22. Along the boundary with number 42, the development would extend a further 1.3m including the roof overhang and there would be no change in the eaves height on this side. This deeper extension will not affect any habitable rooms since the windows affected are obscure glazed and serve a bathroom. This area of number 42's garden is more of a yard area, rather than the main garden area used for relaxing and so this additional projection would not harm the outdoor amenity space of this neighbour.
23. The change of the view from neighbouring properties is not a material planning consideration.
24. Overall, while it is accepted that there will be a change to the outlook from the kitchen and rear living room at number 44, the low eaves and overall height and the retention of a 3.25m courtyard area prevent the development from having an overbearing, tunnelling effect or harmful change in outlook. There are not considered to be grounds for refusal of the application on neighbouring amenity grounds and the proposal is considered acceptable in this respect.

### Highways

25. Following a review of the application document, the proposed development is not considered to have a significant impact on Highways of transport issues. The proposed rear access replicates the adjacent properties and is in line with the highway characteristics of Adelaide Street. Therefore, although visibility is restricted, there are no objections to the proposed rear access.
26. Access to the rear of the property and existing garage is considered suitable for secure cycle parking.

### Trees

27. Number 44 has a conifer close to the boundary with number 43. It has a root protection area (RPA) with radius 1.24m. The proposed extension would be set

1.15m from the tree and so only a very small area of the RPA would be affected by the foundations of the proposed extension. There is therefore no reason to conclude that the tree would be adversely impacted by the development and so there is no conflict with policies NE15 or CP11 of the Oxford Local Plan 2001-2016. An informative will be added to any permission reminding the applicants that they have a duty of care towards trees lying on any adjacent properties.

### Other matters

28. A neighbour mentions a proposed studio. This is not part of this planning application and was the subject of the certificate for proposed development, reference 15/03497/CPU.
29. A design and access statement, according to the National Information Requirements, is only required where the proposed development is in a conservation area and consists of one or more dwellings, or a building or buildings with a floor space of 100 square metres or more. This application therefore does not require a design and access statement. It is considered that the drawings and documents submitted with the application, including a planning statement, provide sufficient detail to enable officers to make a recommendation.
30. Further to comments, the case officer has visited the adjoining properties and has confirmed matters of fact in relation to windows, materials and trees and assessed the case accordingly.
31. Impact on the light of neighbouring properties is considered against planning policy. Right to Light legislation is separate from planning and is a civil matter.
32. The application has been assessed in the same way as any other application irrespective of the applicant.

### **Conclusion:**

33. It is considered that the proposal has incorporated much of the feedback provided by officers prior to the application being submitted. The proposal is considered to preserve and, in some ways enhance, the appearance of the conservation area. It is considered that there will be a minor impact on the outlook for the neighbour at 44 Observatory Street but, on balance, the rear extension is not considered to be harmful to their amenity.
34. Officers therefore recommend that the West Area Planning Committee approves the application, subject to conditions.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 15/03543/FUL

**Contact Officer:** Nadia Robinson

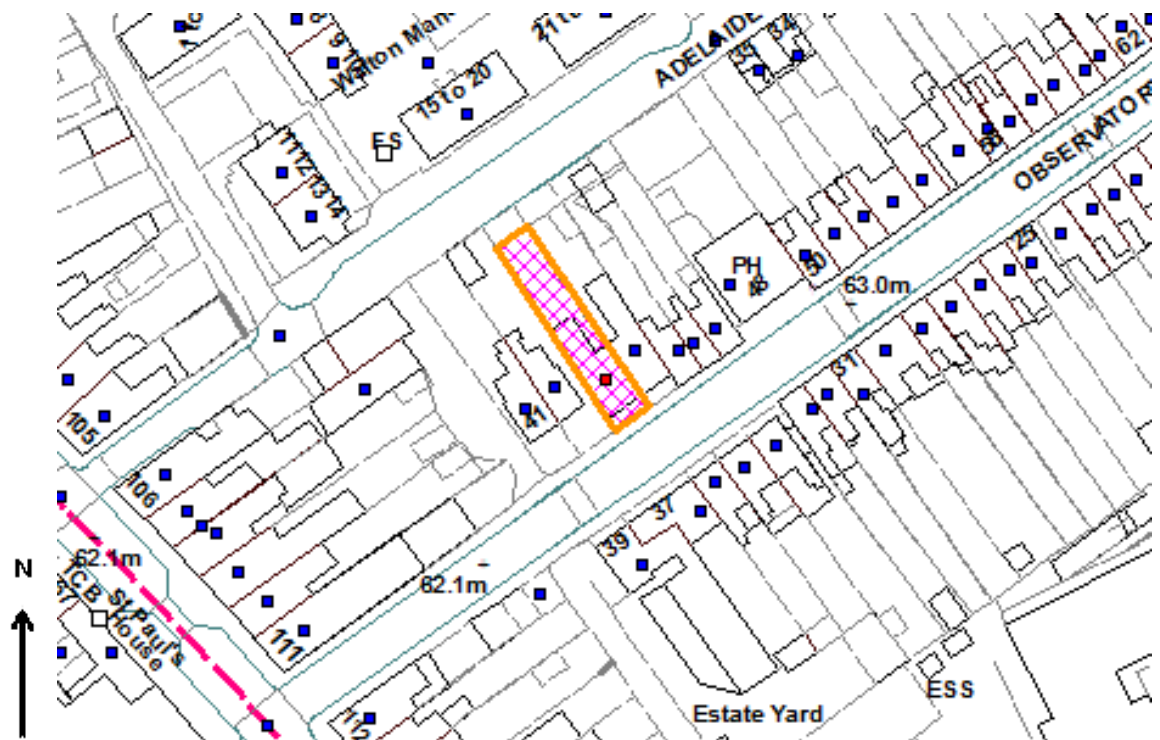
**Extension:** 2697

**Date:** 22 February 2016

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# Appendix 1

## 15/03543/FUL - 43 Observatory Street



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**West Area Planning Committee**

8th March 2016

**Application Number:** 15/03198/FUL

**Decision Due by:** 18th March 2016

**Proposal:** Temporary soft landscaping for the central area of the Radcliffe Observatory Quarter.

**Site Address:** Radcliffe Observatory Quarter Woodstock Road (**site plan: appendix 1**)

**Ward:** North Ward

**Agent:** Mr Paul Goffin

**Applicant:** University Of Oxford

---

## **Recommendation:**

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

## **Reasons for Approval**

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

## **Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Contamination Risk Assessment
- 4 Contamination validation / remediation
- 5 Details of fencing, lighting and cctv

## **Principal Planning Policies:**

Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP22** - Contaminated Land

**NE23** - Habitat Creation in New Developments

**CP11** - Landscape Design

**CP20** - Lighting

Core Strategy

**CS19\_** - Community safety

Other Planning Documents

National Planning Policy Framework

## **Public Consultation**

Statutory Consultees Etc.

- Environment Agency Thames Region- No comments to make
- Thames Water Utilities Limited – No comments to make
- County Highways Authority - No comments to make

Individual Comments:

The main points raised were:

- Welcome proposal to improve soft landscaping in the ROQ.
- Removal of hardstanding an improvement
- To maximise biodiversity effects the wild flower planting should be as wide as possible
- The University should have an overall landscape strategy for the ROQ

## **Officers Assessment:**

### **Site Location and Description**

1. The site lies within the central area of the ROQ, sitting behind the Blavatnik and Freuds on Walton Street, Mathematics and former Outpatients on Woodstock Road and the student accommodation of Somerville College to the south. To the north lies Green Templeton College and the Tower of the Four Winds (**appendix 1**)
2. The site is currently surrounded by blue hoarding and is a flat area of hard standing that has been recently used for storage, parking and office buildings during adjacent construction activities.

## **Description of proposal**

3. It is proposed to create an area of open green space until such time as new buildings come forward in line with the ROQ Masterplan.
4. The proposed works are to build mounds on the site with ballast and gabions (where needed) and cover the whole site with a 100mm layer of topsoil. Further a 100mm layer of recycled gravel would make up footpaths and an oval meeting area with steps up from the Blavatnik building where the land height changes. The topsoil would be seeded with grass and wildflower seeds. Seating would be provided in the oval area. It is proposed to replace the hoarding with metal fencing, similar to the fences installed in the University Parks. Four pedestrian gates will be installed to provide access from each side of the central area, and a larger double gate by the north side for maintenance access. All gates will be fitted with an electronic access system available for students and University staff; a CCTV and lighting scheme will be incorporated to protect all areas from anti-social behaviour with lighting to create a safe and smart area whilst the land is unoccupied.
5. Officers consider the principal determining issues to be:
  - Principle of landscaping;
  - Contamination;
  - Heritage
  - Impact on Amenities

## **Principle of Landscaping**

6. The landscaping this area of land as an open space for users of the ROQ is acceptable in principle. It is considered an appropriate use that makes best use of this land in the intervening years before further buildings come forward in accordance with Policy CP1 of the OLP.
7. The landscaping proposed is simple and unobtrusive and would introduce wild grasses and flowers that would enhance biodiversity over the temporary period in accordance with NE23 of the OLP and CS12 of the CS.
8. The fencing with lighting and cctv is considered acceptable and would provide security around the perimeter of the site during darker hours (dusk to dawn) and restrict access only to university staff and students in accordance with CP20 of the OLP and CS19 of the CS. The details of these can be secured by condition.

## **Contamination:**

9. The reports submitted have provided a contamination risk assessment for the whole Radcliffe Observatory Quarter site for a commercial end use. The proposed temporary landscaping would establish a more sensitive end use as a public open space – park (POSpark) than the current use. The generic assessment criteria for POSpark are more stringent than for a commercial

end use, and therefore the risk assessment(s) previously carried out for this site are not adequate to assess the risks for the proposed use. The proposal states that this site has been recently used for storage, parking and office buildings during adjacent construction activities, which may have introduced additional sources of contamination. The proposed strategy is to cover the unwanted hardstanding with the recycled gravel, and bury any protruding hardstanding under the mounds. This may increase slightly the size of the mounds but will negate the need of removing any existing concrete plinths, tarmac surfaces which may expose the underlying soils and therefore pose a greater risk of contamination.

10. It is recommended that a suitably qualified person undertake a site walkover to assess any changes in the site conditions since the previous site investigation, and provide recommendations for updating the risk assessment for the proposed end use. This can be secured by condition.
11. Validation sampling once the topsoil is in place will be required to confirm the site is suitable for use.

**Heritage:**

12. There would be no harmful impact on designated or non-designated Heritage assets.

**Impact on amenities:**

13. There would be no harmful impact on neighbouring residential on non-residential buildings adjacent.

**Conclusion:**

14. West Area Planning Committee is recommended to approve the application subject to and including conditions.

**Human Rights Act 1998**

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

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

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

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

**Background Papers:** 15/03198/FUL

**Contact Officer:** Felicity Byrne

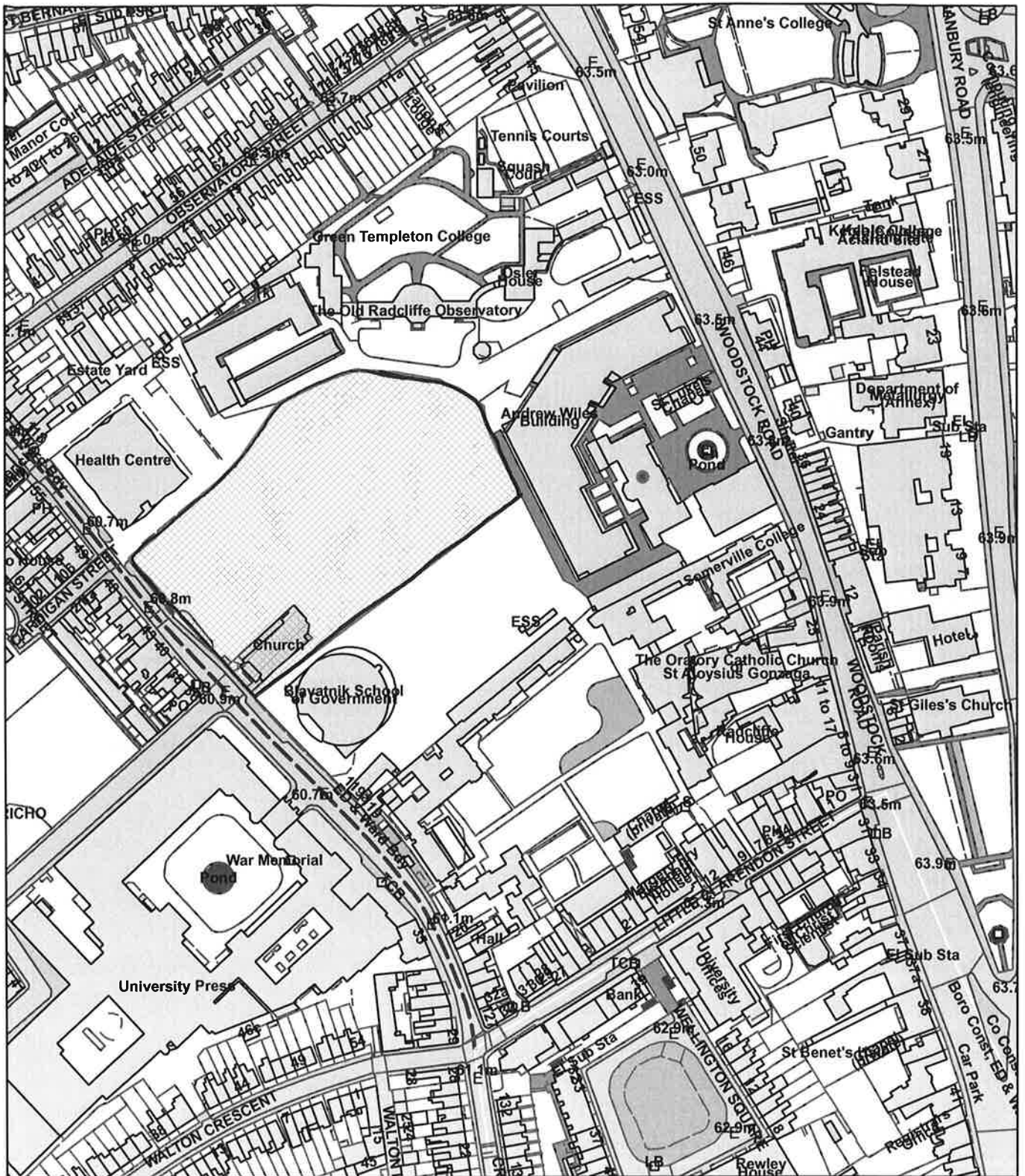
**Extension:** 2159

**Date:** 22nd February 2016

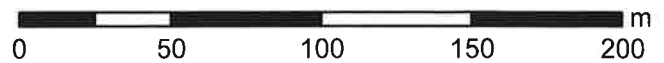
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# Appendix 1

15/03198/FUL, ROQ temporary landscaping



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**West Area Planning Committee**

-8th March 2016

**Application Number:** 15/02489/FUL

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

**Proposal:** Erection of a single storey rear extension and formation of rear decking. Insertion of 1no. window to south elevation.(amended plans received (04/01/16)

**Site Address:** 22 Riverside Road Oxford Oxfordshire OX2 0HU

**Ward:** Jericho And Osney Ward

**Agent:** Mr Anthony Pettorino

**Applicant:** Miss Pari Skamnioti

**Application Called in** – by Councillor Pressel, supported by Councillors Lygo, Sinclair, Hollingsworth and Price

For the following reason –concern about loss of light and overbearing effect.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed single storey rear extension is considered to be of an appropriate design, which will not have a significant impact on the residential amenities of the adjoining occupiers, and will not be overbearing. The proposal accords with the relevant policies of the Oxford Local Plan, the Core Strategy and the Sites and Housing Plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Flood Risk Assessment
- 5 SUDs Drainage
- 6 Amenity obscure glazed windows

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

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

**CP1** - Development Proposals

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

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

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

#### **Core Strategy**

**CS11\_** - Flooding

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

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

**MP1** - Model Policy

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

**HP14\_** - Privacy and Daylight

### **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

### **Relevant Site History:**

15/01057/FUL - Erection of single storey rear extension and formation of rear decking. Alterations to window on south elevation.. WDN 1st May 2015.

### **Representations Received:**

Objections were received on the originally submitted plans from 20 Riverside Road, and 66 Warwick Street for the following reasons

- The wall and roof are too high, will obstruct light into the living area.
- The calculations of sunlight in the appendices are incorrect. Questioning the materials proposed;
- Objecting to any pipes, appliances and air vents on the wall along the boundary.
- Stated that the materials in the courtyard wall should be the same as the extension.
- Lack of elevation plans
- The application acknowledges loss of light through the courtyard design justification
- Permission should not be granted on the basis that in the future another occupier may wish to do a similar extension
- Flooding occurs in the garden, but never reached the houses, need assurance that it will not increase the risk of flooding in adjacent garden.

Further comments on the amended plans were received from 20 Riverside Road, 16 Minster Road, and an unknown address.

- Overbearing – Policy HP14
- No reason for the high roof at 22
- Other extensions are more considerate to neighbours, and there has been no consultation directly with the neighbour
- Loss of sun and light to the sitting room, kitchen and patio
- Overlooking over the fence due to differences in ground level
- No information about the sunlight and daylight
- No measurements shown on the plans
- Flooding
- Roof should be lowered and extension brought in from the boundary
- Guttering and rainwater pipes not shown on the plans
- How will maintenance be carried out
- Height of the roof is only so that there can be windows running the length of the extension parallel to the boundary
- Plans say trees block the light, which they don't
- A neighbour in Riverside road had an extension next to her south side built further away so it was not so overpowering, another extension was refused because of the impact.
- Whatever is built at 22 should not hamper extensions to No 20
- The revised block plan shows an extension at no18 blocking light to No 16. These houses are now being converted to one. The plan is not accurate, and is the same as that submitted in August.

**Statutory and Internal Consultees:**

West Oxford Community Association – No comments received

North Hinksey Parish Council – No comments received

North Oxford Association – No comments received

William Lucy Way Residents Association – No comments received

**Issues:**

Design

Impact on Residential Amenity

Flooding

**Officers Assessment:**

Site Description

1. 22 Riverside Road is a semi-detached property. The garden has a western boundary with the Botley Stream. The house has pebbled dash rendered elevations. It has previously been extended, with a conservatory which it is proposed to demolish

Proposal

2. This application is proposing the demolition of an existing conservatory, and single storey rear lean-to room (original). A single storey rear extension and timber decking is proposed. The extension is 8 metres deep on the southern side, and 5.3 metres in depth along the boundary with 20 Riverside Road. The proposed extension is whole width of the house, 5.5 metres. The deepest element of the extension has a flat roof, which is 3.2 metres in height. The other part of the extension, along the boundary with 20 Riverside Road is 2.3 metres at eaves height, with a mono pitch roof, which rises to 3.3 metres in height. A timber deck around the extension is proposed, which is a maximum of 0.6 metres above the ground level. Amended plans will be submitted before the Committee to show the timber decking only extending in depth outside the dining area. It is proposed to render the elevations, with slate on the pitched roof and a fibreglass resin on the flat roof. There are windows in the roof which face 24 Riverside Road. The application as originally proposed an extension across the full width of the house, at a depth of 8 metres, with a light well courtyard of a depth of 1.8 metres along the boundary with 20 Riverside road. The height of the extension at eaves level along the boundary with no.20, and the mono-pitch roof were higher than currently proposed, at 2.6 metres and 4.6 metres respectively.

Design

3. Policies CP1, CP6, CP8, CP10, CS18 and HP9 seek to ensure that development is of a high standard of design which relates well to its surroundings, and that extensions create an appropriate visual relationship with the host dwelling. The extension would be visible from the surrounding gardens. The extension in itself relates well to the visual appearance of the rear of the host dwelling. There were objections raised to the mono-pitched roof element. In the Design and Access Statement this was justified, as ensuring that the potential for a first floor extension in the future is not lost. A first floor extension would be subject of a separate

planning application, and its merits would be examined at that time. The roof lights in the roof space would add light to the living space below. The application form had specified that the elevation would be a smooth render, the existing house is pebble dash render, so to ensure that the materials are visually appropriate, a condition requiring a sample of the materials is being added to the permission. The proposal is considered to be of an appropriate scale in proportion to the plot, and a garden with a depth of 36 metres will remain after the extension. The proposal accords with the design policies indicated above.

#### Impact on Residential Amenity

4. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for development which provides reasonable privacy and daylight for new and existing homes, and states that planning permission will not be granted for development which has an overbearing effect on existing homes. In assessing the impact on sunlight and daylight the guidance contained in Appendix 7 of the Sites and Housing Plan, sets out guidance as to how this will be assessed, and utilises the 45/25° code. There were a number of objections to the impact that the proposal will have on the sunlight and daylight to 20 Riverside Road, and saying that the proposal would be overbearing. The proposal has been assessed against the guidance contained in Appendix 7, as stated above. The proposed extension contravenes the 45° line when drawn from the sitting room window at 20 Riverside Road. However, it does not contravene the 25° uplift of that line. The extension is to the south of 20 Riverside Road, and therefore as the orientation of the extension is relevant, however, given the height of the extension to the boundary being 2.3 metres in height, this is the lowest that it can be to take into the account the flood mitigation measures, and gives an internal height of 1.8 metres. The extension will reduce some of the sunlight and daylight, but this is not to a level which will warrant refusal of the application. There was a concern that the extension would be overbearing, the height of the extension along the boundary with 20 Riverside Road is 2.3 metres, given the outlook which remains within the garden, and the length of the garden, the extension is not of a sufficient height and depth to be overbearing to 20 Riverside Road, and to warrant refusal of the application.
5. The proposed extension has glazed windows on the side elevation of the extension, and given the height of the boundary fence, which is built on the natural ground level, there may be some potential for overlooking from these windows, into the garden of 20 Riverside Road. Therefore a condition requiring these windows to be obscure glazed and non-opening is being added,
6. There were objections to the application that the raised decking area would increase levels of overlooking to 20 Riverside Road from the raised level. The decking is set back from the boundary, and amended plans are to be submitted prior to the Committee so that there is a separation of the

decking form the boundary fence of 2 metres so that adequate privacy within the gardens is maintained. A condition will be added to any permission to ensure that this separation is maintained. Rge decking area will therefore accord with policy HP14.

7. There is an existing single storey extension at 24 Riverside Road, which is the same depth as the extension currently proposed. The proposed extension will not result in any additional loss of sunlight or daylight. The raised decking is in an area of low fencing between the two properties, and so there will be no material difference in the levels of privacy between the two garden areas.
8. There is a row of roof level windows (clerestory glazing) which face 24 Riverside Road. The agent has given an undertaking that these windows will not restrict the ability of 24 Riverside Road to extend, as there are sufficient light sources from the ground floor level glazing. An informative will be added to the permission to his effect.
9. The proposal, with the use of conditions to mitigate overlooking is considered to accord with policy HP14 which seek to ensure that there are adequate levels of sunlight, privacy and that development is not overbearing.

#### Flooding

10. The application site is within flood zone 2, with some of the garden within flood zone 3. A flood risk assessment was submitted with the application which proposes that the extension is at the same level as the existing house, and the void below will be designed so that floodwater can enter and exit so that the capacity of the flood plain is maintained. A condition is also being added to ensure that the proposal is drained according to SUDs principles so that the proposal does reduce the surface water run-off. This will ensure that the proposal accords with policy CS11 of the Core Strategy which requires flood mitigation measures in areas within Flood Zone 2 or above, and to require development to reduce the risk of flooding elsewhere.

#### Other Matters

11. The comments received on the application have referred to matters of maintenance and the positions of the guttering. This is a separate legal matter between the two property owners, as is the case when development is close to a boundary. This is a separate legal matter, and therefore access for maintenance and building will require the separate agreement of the affected parties. The neighbour also referred to any development at no 22 not restricting the ability of 20 Riverside Road, to build. Again this would be a matter between the two parties, and any planning application would be considered on its merits. Reference was made to another similar extension in Riverside Road, being required to be built off the boundary. The details of that scheme have not been provided, however this application is considered on its own merits and site specific criteria. The

block plan referred to other developments within the street. However this is not material to the determination of this application. The plan indicated the proposed extension within the boundaries of the site, and is sufficient for the purposes of determining the application.

**Conclusion:**

The proposal accords with the relevant policies of the development plan and is recommended for approval.

**Human Rights Act 1998**

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

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

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

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

**Background Papers:**

15/02489/FUL

**Contact Officer:** Sian Cutts

**Extension:** 2186

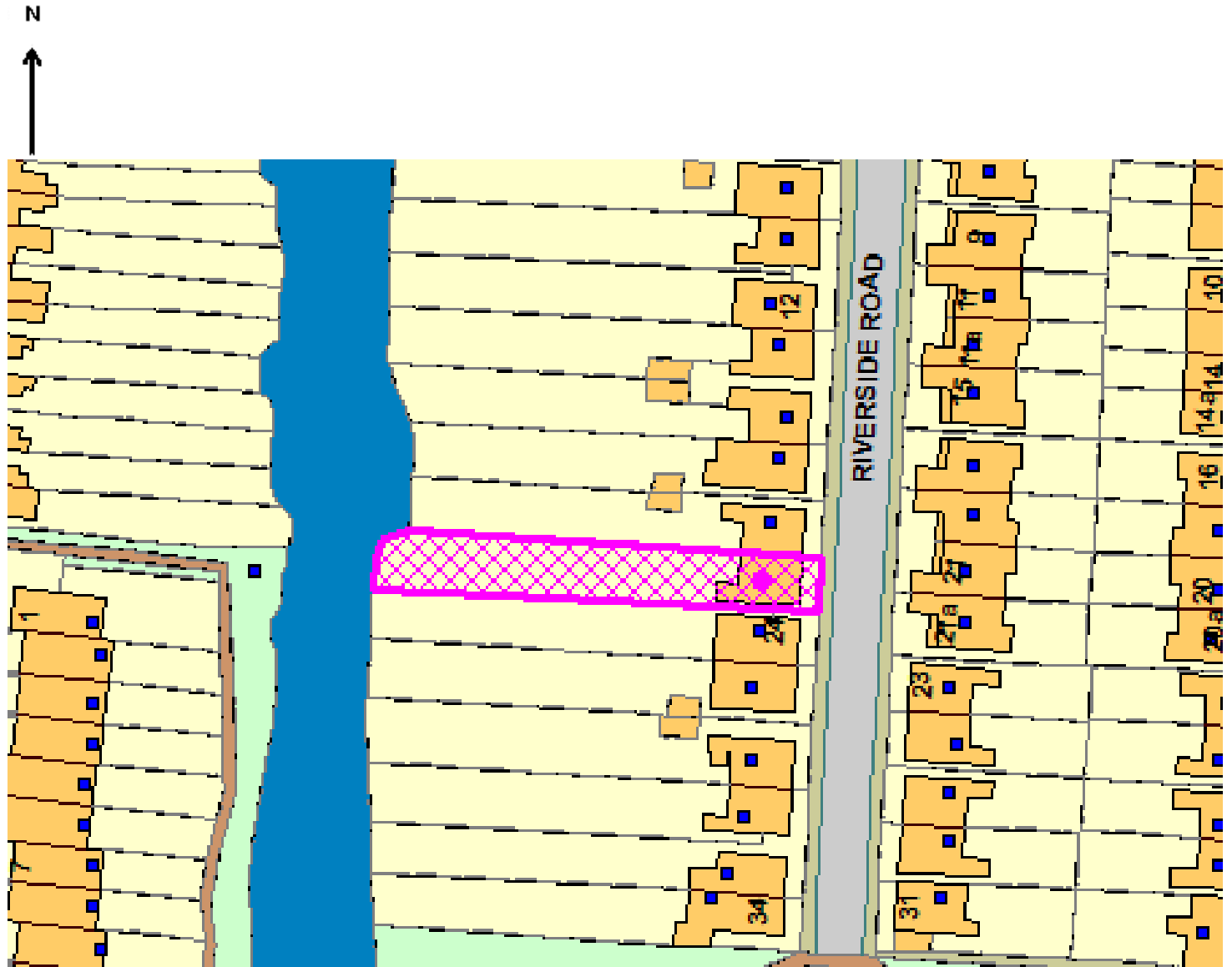
**Date:** 18th February 2016

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# Appendix 1

15/02489/FUL - 22 Riverside Road



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**West Area Planning Committee**

**8th March 2016**

**Application Number:** 15/03759/CT3

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

**Proposal:** Formation of new entrance. (Amended plans)

**Site Address:** Even 38 To 66 Friars Wharf Oxford Oxfordshire  
**Appendix 1**

**Ward:** Hinksey Park

**Agent:** Ms Lauren Parker

**Applicant:** Oxford City Council

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**Application Number:** 15/03760/CT3

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

**Proposal:** Installation of new entrance and insertion of 1no. door to east elevation.

**Site Address:** Odd 39 To 65 Preachers Lane Oxford Oxfordshire  
**Appendix 2**

**Ward:** Hinksey Park

**Agent:** Ms Lauren Parker

**Applicant:** Oxford City Council

---

**Application Number:** 15/03761/CT3

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

**Proposal:** Formation of new entrance and doors. Installation of 1no. gate.

**Site Address:** Odd 1 To 27 Preachers Lane Oxford Oxfordshire  
**Appendix 3**

**Ward:** Hinksey Park

**Agent:** Ms Lauren Parker

**Applicant:** Oxford City Council

---

**Application Number:** 15/03762/CT3

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

**Proposal:** Formation of 2no. new entrances.

**Site Address:** Even 2 To 36 Friars Wharf Oxford Oxfordshire  
**Appendix 4**

**Ward:** Hinksey Park

**Agent:** Ms Lauren Parker

**Applicant:** Oxford City Council

---

**Application Number:** 15/03763/CT3

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

**Proposal:** Installation of new entrance door to east elevation. Insertion of 2no. second floor side doors. (Amended plans)

**Site Address:** Odd 67 To 93 Preachers Lane Oxford Oxfordshire  
**Appendix 5**

**Ward:** Hinksey Park

**Agent:** Ms Lauren Parker

**Applicant:** Oxford City Council

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**Recommendation:**

ALL FIVE APPLICATIONS ARE RECOMMENDED TO BE APPROVED

For the following reasons:

- 1 The proposed alterations and additions form an appropriate visual relationship with the host building, would improve the safety of the site and would not harm neighbouring amenity. The proposal would therefore comply with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 and policies CS18 and CS19 of the Oxford Core Strategy 2026.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

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

- 3 Materials
- 4 Lighting wattage

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP8** - Design Developmt to Relate to its Context
- CP10** - Siting Developmnt to Meet Functionl Needs

**Core Strategy**

- CS18\_** - Urb design, town character, historic env
- CS19\_** - Community safety

**Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

**Relevant Site History:**

None relevant

**Representations Received:**

None received

**Statutory and Internal Consultees:**

None received

**Issues:**

Design and appearance  
Community safety  
Residential amenity

**Officers Assessment:**

Site description

1. Five applications are discussed in this report. The application sites are five blocks of Council-owned housing in the area south of Thames Street known as the St Ebbe's New Development. The upper units are accessed through various open stairways.

## Proposal

2. Planning permission is sought to add new doors to the entrances of the various stairways. The new entrances are to be fitted with call entry systems that will allow residents to use a fob to enter, and visitors will gain access using the call entry system.
3. At 1-27 Preachers Lane, a gate is proposed to be added to an enclosed spiral staircase using the same controlled entry system as the doors.
4. In addition, at 67-93 Preachers Lane, two solid panels are proposed beside the new entrance door on the external staircase (see drawing 1055 rev A) to enclose the staircase at this lower level.
5. Note that the alterations to the upper entrance on the south elevation for the 39-65 Preachers Lane scheme were withdrawn pending a revised solution for the spiral staircase to walkway entrance.

## Design and appearance

6. The additions proposed have been considered in the context of the design of the existing buildings, and follow the rhythm of the doors of the existing units while being clearly distinct from the doors of the individual properties. Powder-coated steel is considered appropriate as a material. The large areas of glazing in the doors result in a light appearance and prevent a harmful loss of light. The railings proposed by the ground floor entrances match the existing railings and therefore integrate well. The original design concept of the open staircases is not compromised by the addition of the new entrances as the additions are only a small intervention.

## Community safety

7. Policy CS19 of the Core Strategy expects new developments to promote safe and attractive environments, which reduce the opportunity for crime and the fear of crime. It also requires appropriate lighting of public spaces and access routes.
8. The demand for the new entrances comes from a large number of complaints relating to anti-social behaviour taking place in the stairwells. The new entrances will control access to these areas and it is reasonable to conclude that this will result in much reduced anti-social behaviour, safer and more attractive environments for people accessing their properties through the stairwells. Lighting will be installed externally in a location that will illuminate the door entry panel.

## Residential amenity

9. Some of the new doors with their call entry systems are located close to existing dwellings. Officers consider that visitors calling up to other properties

through the new systems will cause negligible disturbance to these properties and the community safety benefits outweigh the predicted low levels of disturbance. The lighting is proposed to be of low wattage of up to 10 watts and in operation from dusk till dawn only, thereby not harming the amenity of nearby properties. Officers recommend the wattage levels be controlled by condition.

### **Conclusion:**

10. Officers recommend that the West Area Planning Committee approves applications 15/03759/CT3, 15/03760/CT3, 15/03761/CT3, 15/03762/CT3 and 15/03763/CT3, subject to conditions.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 15/03759/CT3, 15/03760/CT3, 15/03761/CT3, 15/03762/CT3 and 15/03763/CT3

**Contact Officer:** Nadia Robinson

**Extension:** 2697

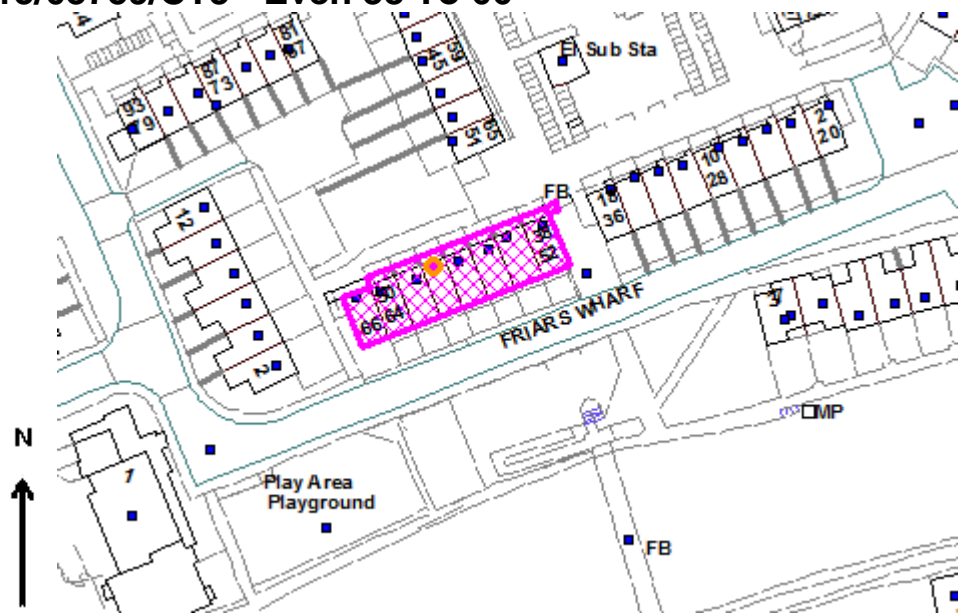
**Date:** 25th February 2016

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# Appendix 1

## 15/03759/CT3 - Even 38 To 66

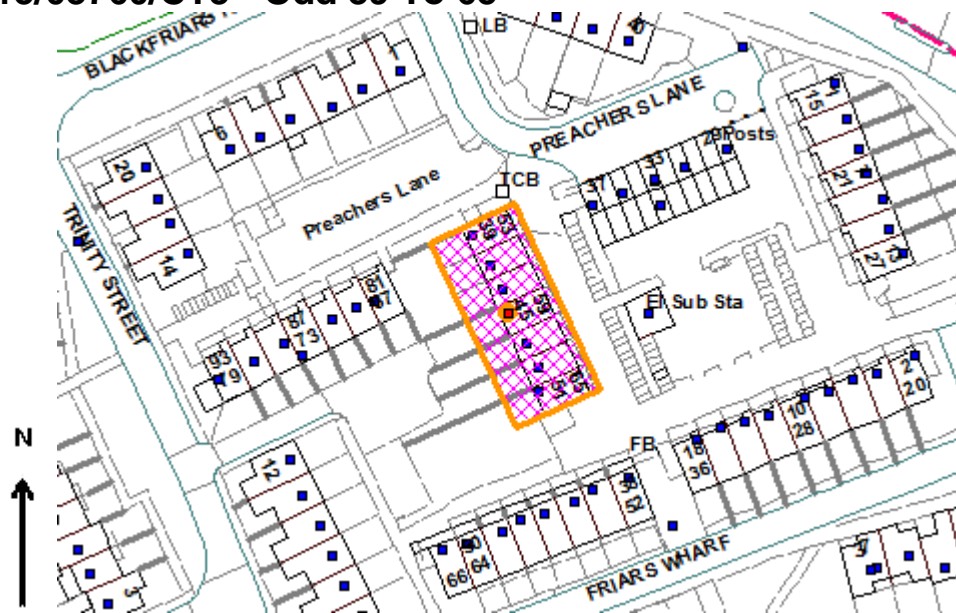


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# Appendix 2

## 15/03760/CT3 - Odd 39 To 65

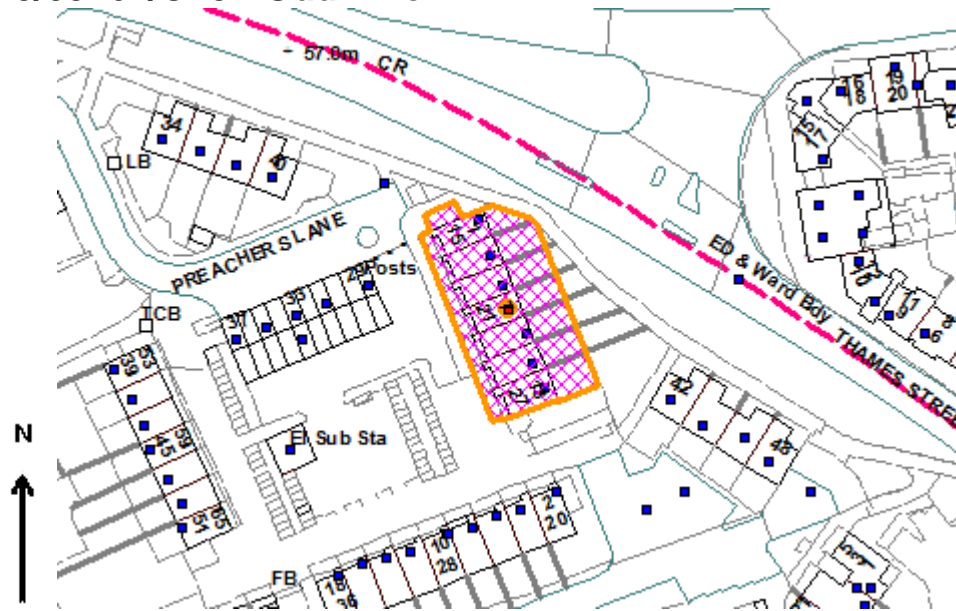


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# Appendix 3

## 15/03761/CT3 - Odd 1 To 27

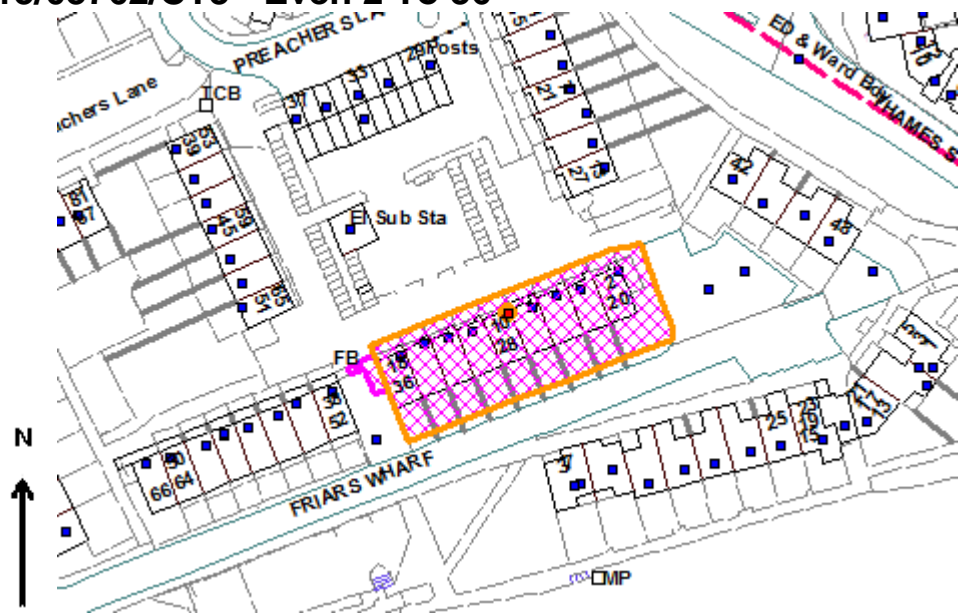


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# Appendix 4

## 15/03762/CT3 - Even 2 To 36



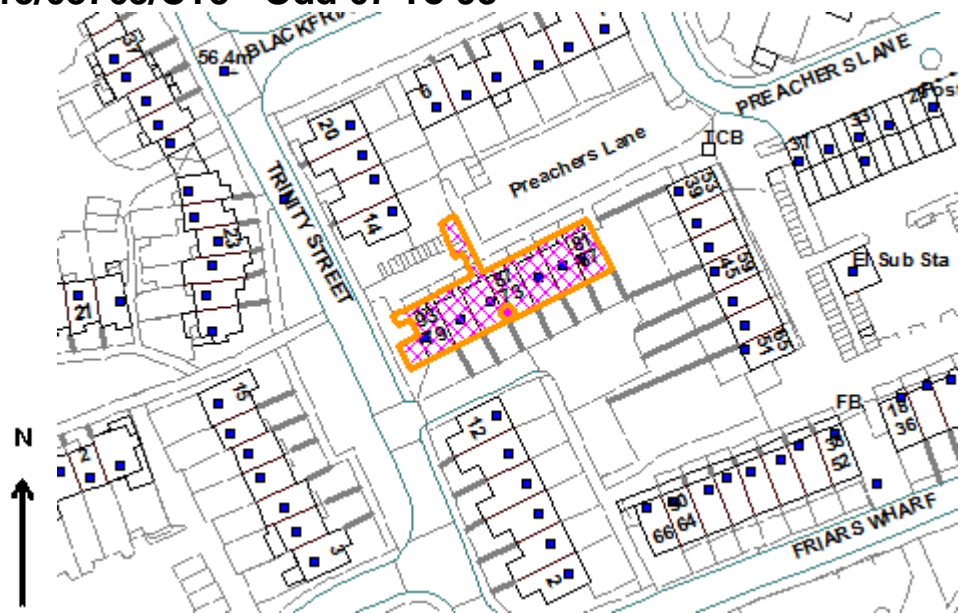
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# Appendix 5

## 15/03763/CT3 - Odd 67 To 93



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## Monthly Planning Appeals Performance Update – January 2016

Contact: Head of Service City Development: Patsy Dell

Tel 01865 252356

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

### Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 31 January 2016, while Table B does the same for the current business plan year, ie. 1 April 2015 to 31 January 2016.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	13	35.14%	4	9
Dismissed	24	64.86%	5	19
Total BV204 appeals	37	100%	9	28

**Table A. BV204 Rolling annual performance  
(1 February 2015 to 31 January 2016)**

Table B	Council performance		Appeals arising from Committee against officer recommendation	Appeals arising from Committee with officer recommendation	Appeals arising from delegated refusal
	No.	%	No.		No.
Allowed	10	35.71%	2 (100%)	1 (20.0%)	7 (33.3%)
Dismissed	18	64.29%	0 (0%)	4 (80.0%)	14 (66.7%)
Total BV204 appeals	28	100%	2	5	21

**Table B. BV204: Current business plan year performance  
(1 April 2015 to 31 January 2016)**

## All Appeal Types

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C	Appeals	Performance
Allowed	24	42.86%
Dismissed	32	57.14%
All appeals decided	56	100%
Withdrawn	4	

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 February 2015 to 31 January 2016**

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during **January 2016**.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during **January 2016**. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.

**Table D****Appeals Decided Between 01/01/2016 And 31/01/2016**

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;  
 RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, DIS - Dismissed

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
15/01008/FUL	15/00050/REFUSE	DEL	REF	DIS	08/01/2016	COWLYM	15 Hollow Way Oxford Oxfordshire OX4 2NA	Erection of 1 x 1- bed single storey dwellinghouse (Use Class C3). Provision of private amenity space, car parking and refuse store.
15/02263/FUL	15/00048/REFUSE	DEL	REF	DIS	08/01/2016	BARTSD	7 Barton Road Oxford Oxfordshire OX3 9JB	Formation of roof extension to side roofslope at first floor and insertion of 1No. side rooflight.
15/01565/FUL	15/00046/REFUSE	DEL	REF	DIS	08/01/2016	STMARG	2 Garford Road Oxford Oxfordshire OX2 6UY	Demolition of existing shed/store. Erection of a garage.
15/02273/TPO	15/00049/REFUSE	DEL	REF	DIS	12/01/2016	HEAD	69 Sandfield Road Oxford Oxfordshire OX3 7RW	Fell 1No Lawsons Cypress Tree as identified in the Oxford City Council - Sandfield Road (No. 1) Tree Preservation Order 2007.
15/00179/FUL	15/00045/REFUSE	DEL	REF	DIS	18/01/2016	RHIFF	23 Nowell Road Oxford Oxfordshire OX4 4TA	Erection of single storey side extension to form 1 x 1-bed dwelling (Use Class C3). Provision of private amenity space and car parking.
15/01082/FUL	15/00053/REFUSE	DELCOM	REF	DIS	26/01/2016	CHURCH	238 Headington Road Oxford Oxfordshire OX3 7PR	Erection of 1 x 3-bed dwellinghouse (Use Class C3). Provision of private amenity space, bin and cycle store.
15/01745/FUL	15/00052/REFUSE	DEL	REF	DIS	26/01/2016	SUMMTN	364 Banbury Road Oxford Oxfordshire OX2 7PP	Demolition of existing building. Erection of new building to provide 2 x 4-bed dwellings (Use Class C3). (Amended plans)
14/03246/FUL	15/00051/REFUSE	DEL	REF	DIS	28/01/2016	STMARY	45 Magdalen Road Oxford Oxfordshire OX4 1RB	Alterations to existing front elevation, erection of single storey rear extension and front and rear dormer window to existing dwelling. Erection of two storey side extension to create 1 x 3 bed dwellinghouse (Use Class C3) with associated parking and amenity space provision.

**Total Decided: 8**

**Table E**

**Enforcement Appeals Decided Between 1/01/2016 And 31/01/2016**

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

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
---------	-------------	---------	---------	---------	-------	-------------

Total Decided: 0



**Table F****Appeals Received Between 01/01/2016 And 31/01/2016**

**DECTYPE KEY:** COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;  
**RECMND KEY:** PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; **TYPE KEY:** W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

DC CASE	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
15/01896/FUL	16/00010/REFUSE	DEL	REF	W	12 Kelburne Road Oxford Oxfordshire OX4 3SJ	LITTM	Conversion of garage into 1 x 2-bed dwelling (Use Class C3).
15/02381/FUL	16/00009/REFUSE	DEL	REF	W	87 Oliver Road Oxford Oxfordshire OX4 2JH	LYEVAL	Erection of outbuilding. (Retrospective)
15/02474/FUL	16/00008/COND	COMM	PER	W	23 Frenchay Road Oxford Oxfordshire OX2 6TG	STMARG	Demolition of existing WC, store and garage. Erection of single storey rear extension and formation of 2no. rear dormers. Insertion of 1no. sash window to side elevation and 2no. rooflights to front roofslope. Erection of detached single storey home office/garage. Relocation of garden gate and demolition of section of garden wall. (Amended
15/03060/FUL	16/00006/NONDET	DEL	SPL	W	3C Chapel Row Squitchey Lane Oxford Oxfordshire OX2 7LB	SUMMT	Erection of one and a half storey side extension and conservatory at rear.
15/03062/FUL	16/00005/NONDET	DEL	REF	W	3D Chapel Row Squitchey Lane Oxford Oxfordshire OX2 7LB	SUMMT	Erection of one and a half storey side extension
15/03063/FUL	16/00007/NONDET	DEL	PER	W	3B Chapel Row Squitchey Lane Oxford Oxfordshire OX2 7LB	SUMMT	Erection of conservatory
15/03073/CPU	16/00004/REFUSE	DEL	REF	W	8 Nunnery Close Oxford Oxfordshire OX4 6EG	NORBRK	Application to certify that the proposed use of the land for siting a mobile home / garmny annex incidental to the main dwelling is lawful (resubmission).

**Total Received: 7**

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## MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 9 February 2016



**COUNCILLORS PRESENT:** Councillors Upton (Chair), Gotch (Vice-Chair), Benjamin, Coulter, Darke<sup>1</sup>, Gant, Henwood, Hollingsworth<sup>2</sup>, Price and Tanner.

**OFFICERS PRESENT:** Fiona Bartholomew (Principal Planner), Patsy Dell (Head of Planning & Regulatory Services), David Edwards (Executive Director City Regeneration and Housing), Mai Jarvis (Environmental Quality Team Manager), Michael Morgan (Lawyer), Edward Oteng (Principal Planner Team Leader), David Stevens (Environmental Health Officer), Jeremy Thomas (Head of Law and Governance) and Jennifer Thompson (Committee and Members Services Officer)

### 97. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Cook submitted apologies and Councillor Coulter substituted for him. Councillor Hollingsworth stepped down from the committee for the application at Minute 99 and Councillor Darke substituted for him for this item only as permitted in the Council's constitution.

### 98. DECLARATIONS OF INTEREST

Councillor Hollingsworth declared that as an allotment holder and committee member of Cripley Meadow Allotments Association, given the proximity of this development and the Association's comments, he would step down from the meeting for the Castle Mill application (Minute 99) to avoid any appearance of bias.

### 99. CASTLE MILL, ROGER DUDMAN WAY: 11/02881/FUL - 14/03013/FUL AND 14/03013/CONSLT

Councillor Hollingsworth, having declared he would withdraw to avoid the appearance of bias, left the table and withdrew to the public gallery for this item. Councillor Darke, as permitted in the Council's Constitution, substituted for him for this item.

The Committee considered a report referring to development approved under planning permission reference: 11/02881/FUL at Castle Mill, Roger Dudman Way, Oxford, specifically the University's Voluntary Environmental Statement (VES) reference 14/03013/FUL and 14/03013/CONSLT (for the ES Addendum

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<sup>1</sup> For Minute 99 only

<sup>2</sup> For all items except Minute 99

and additional substantive information) and supporting documentation published with the agenda.

The development was approved in 2012 as an extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate flats , consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 parking spaces.

The Head of Planning and Regulatory, the committee's legal adviser, and the Executive Director introduced the report and outlined the matters for consideration. A representative from Environmental Services answered questions.

#### **Updates and clarifications during the introduction:**

- The council had received a unilateral undertaking setting out the timetable for implementing Option 1. This would be the subject of a separate application and conditions regarding completion and maintenance should be applied to this.
- Section 106 obligations and compliance with planning permission went with the land and created obligations on whoever owned the land.
- Should there be no permission granted after two submissions of elevational treatment and landscaping, then the issue of discontinuance could be revisited if necessary.
- Further advice was given in relation to section 12 of the NPPF in relation to considerations around the significance of heritage assets and councillors were also referred to policies HE3 and HE7 of the Local Plan 2001 – 2016 on the same matter.
- The implications and scope of discontinuance, including the substantial financial costs, were outlined.
- Automatic blinds were installed in the communal areas; offsite planting had been agreed; and occupancy was 98%.

#### **Speaking**

The Chair varied the rules to permit 15 minutes speaking time for each group.

Robert McCracken (Queen's Counsel for CPRE), Sushila Dhall, Toby Porter and Peter Oppenheimer (local residents) spoke objecting to the application.

Nick Brown (Chairman, OU Estates and Buildings Committee) and Nick Cooper (OUSU postgraduates vice-president) spoke in support of the application. During questions Nik Lyzba (planning agent) came to the table.

#### **Debate**

During questions to officers, speakers, and other relevant parties as invited to speak by the Chair, and during debate the Committee

### 1. **clarified and confirmed:**

- the Voluntary Environmental Statement was as satisfactory as it could be given its retrospective nature;
- there were no outstanding concerns about the conditions in paragraphs 4.6 and Appendix B raised by the speakers and the Council's environmental services' professional advice was that the site was adequately remediated and there was no residual risk from contamination;
- that the University had changed its consultation processes so that a minimum of two public consultations should be carried out;
- Queens' Counsel for the Council had been involved in the writing of the report and there was no separate written advice;
- the mechanism, scope, effect on both parties, and appeal rights of discontinuance.

2. **discussed** the option of requiring a green/living wall and the challenges of constructing this and concluded that this was not something that could be reasonably required or sought.

### 3. **decided:**

- a) to change the timeframe for delivery of proposed mitigation measures set out in paragraph 4.20 of the report to
  - commencement of the mitigation works within 6 months of the date of planning permission (not 18 months from grant)
  - if the first application is refused, the second is to be submitted within 12 months of that refusal (not 18 months)  
(so as not to unduly delay mitigation given that the work could reasonably commence shortly after permission was granted)
- b) that the works in the submitted scheme/application are to include roofing treatment (to reduce the reflectivity by changing the patina to reduce impact of reflections from the roof)
- c) to note that should the first round of public consultation show satisfaction with the proposed design then it may be possible to dispense with the second round in the interests of bringing the timetable forward.
- d) to ask the University to consider installing window treatments to study bedrooms to reduce or eliminate light pollution from internal lights.
- e) to require the University to submit the revised unilateral undertaking within 3 weeks of the date of this meeting.
- f) on voting, not to pursue discontinuance action and to agree recommendations as set out below, including the details above.

### **Decision**

On taking separate votes on each recommendation, the Committee **resolved**:

1. to **confirm** that the submitted Voluntary Environmental Statement meets the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as far as possible given that the assessment is retrospective and should be taken into account and inform the Council's decisions as set out in paragraph 3.26.
2. to **agree to discharge and approve** the outstanding planning conditions as set out in paragraphs 4.6 and Appendix B.
3. to **determine that enforcement action should not be taken** (as set out in paragraphs 4.8 in the report '*Consistent with the individual officer assessment of the discharge of conditions with the benefit of the full environmental information, officers do not consider that there is any reasonable basis for taking enforcement action*').
4. having assessed the mitigation options put forward by the University, to note the unilateral legal agreement proposed as a commitment to **bring forward option 1 as set out in paragraph 4.33 of the report, but this to be amended by the Committee to include roofing treatment and reduced timescales as set out above.**
5. having considered whether it is appropriate to recommend discontinuance action for consideration by Council as set out in paragraphs 5.6, 5.48, 5.49 and 5.53 & 5.54, **to agree the recommendation in paragraph 5.54 not to pursue discontinuance action .**

#### **100. EAST WEST RAIL LINK S I1 NOISE MITIGATION -15/03503/CND**

Councillor Hollingsworth resumed his seat and Councillor Darke left the meeting.

The Committee considered an application setting out details submitted in compliance with condition 19(2) (Noise - Section I1) of TWA ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990) for Section I1 of the Chiltern Railway from Oxford to Bicester.

The Planning Officer reported that since the publication of the agenda a representation had been received from Nicola Blackwood MP reiterating local concerns; and a representation concerning the methodology and data used in the Schemes of Assessment, and the lack of mitigation proposed in respect of a crossover some 250 metres north of Cox's Ground known as crossover 9180 which was considered in advance of the meeting.

She reminded the Committee that as with similar applications the Schemes of Assessment generate theoretical predictions by putting current baseline measurements, together with information on the proposed number and pattern of train movements ('the reasonable planning scenario') into an agreed prediction methodology but cannot measure actual operational noise and vibration because the trains are not yet running. They are used to enable any required mitigation to

be determined and built into the scheme before the new rail services start. The reasonable planning scenario, and the acceptable noise and vibration thresholds, and monitoring requirements were decided by the Secretary of State in granting the original planning permission, and are set out in the approved Noise and Vibration Mitigation Policy (included as Appendix 5 to both reports). The prediction methodology and the approach to mitigation employed in the Schemes of Assessment for route section I1 are the same as those employed for route section H. Both Schemes of Assessment for route section I1 have been judged to be robust by the relevant Independent Experts. She outlined the details of the proposed 2.5m high barriers and showed the approximate line of these and confirmed the exact locations would be submitted and agreed.

Adrian Olsen, a local resident, spoke of his concerns over the application.

Andy Milne, representing Network Rail, spoke in support of the application.

The Committee asked questions and debated this and the following application together. They noted Network Rail's likely challenges to the conditions on permissions on Section H.

The Committee noted that there was no requirement to provide noise barriers at the school playground as it counted as open space, barriers should be provided along that stretch and an informative added to request this.

**The Committee resolved that:**

An informative be added that barriers should be provided along the stretch adjacent to the school playground to improve the amenity.

CONDITION 19 BE PARTIALLY DISCHARGED IN RELATION TO THE NOISE SCHEME OF ASSESSMENT FOR SECTION I1.

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

1 The development is to be carried out strictly in accordance with the documents titled "Noise Scheme of Assessment for Route Section I/1, Main Report" and "Annexes A-E and G" (ref 0221083/11.I1-07) dated 2nd December 2015; "East-West Rail: Baseline Acoustic Survey, Network Rail" (ref 5114534 2015/May/06) dated 20th July 2015; the further details contained in the report (and Appendix 1 to the report) of the Independent Expert dated 1st December 2015; and Figures 1.1 (version A01, dated 04/08/2015) 5.1a (version A02 dated 06/08/2015) 5.1b (version A02 dated 28/09/2015) and 5.2 (version A01, dated 06/08/2015). In the event of conflict between these drawings and other documents the four August/September 2015 drawings shall prevail; and as between the other documents, the later produced document shall prevail.

Reason: the Noise Scheme of Assessment has been prepared upon the basis of these details and deviation from them would not necessarily result in the standards of noise mitigation required by the Noise and Vibration Mitigation Policy (January 2011) being achieved.

2 Within three months of this partial approval under condition 19 of the deemed planning permission, proposals shall be submitted for the written approval of the local planning authority showing how at-source noise attenuation by rail dampening to at least the standard achievable by the use of Tata Silentrack can be incorporated into the scheme. The development to which this approval relates shall not be brought into operation EITHER without that written approval having been obtained and other than in accordance with such approved details OR without the Council having given written confirmation that it is satisfied that the provision of such rail dampening is not reasonably practicable.

Reason: The local planning authority is not satisfied that rail dampening as an at source mitigation measure has been shown to not be reasonably practicable in the absence of any attempt on the part of the applicant to secure approval for the use of such a measure.

3 Passenger train movements on Section I1 between 0700 hours and 2300 hours shall not be in excess of 8 movements per hour. Freight train movements between 2300 hours 0700 hours on the following day shall not exceed 8.

Reason - to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

4 Section I1 shall not be made available for use by trains until provision for continuous monitoring of noise has been effected for noise sensitive properties throughout section I1 in accordance with a scheme previously approved in writing by the Council. The results of such monitoring shall be provided to the Council on each of six months, eighteen months, thirty months, forty-two months, fifty-four months, sixty-six months and seventy-eight months from the date on which Section I1 is first made available for use for trains. In the event that the monitoring results provided to the Council exceed the noise thresholds in the Noise and Vibration Mitigation Policy then additional mitigation measures shall be effected within six months in order to ensure that those levels are not again exceeded.

Reason: to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

#### **101. EAST WEST RAIL LINK SECTION I1 VIBRATION MITIGATION: 15/03587/CND**

The Committee considered an application setting out details submitted in compliance with condition 19(2) (Vibration - Section I1) of TWA ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990) for Section I1 of the Chiltern Railway from Oxford to Bicester.

The presentation, speakers, and discussion for Minute 100 had also covered the matters in this application.

**The Committee resolved that:**

CONDITION 19 BE PARTIALLY DISCHARGED IN RELATION TO THE VIBRATION SCHEME OF ASSESSMENT FOR SECTION I1.

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

1 The development is to be carried out strictly in accordance with the documents titled:

a. Plain Line Vibration Assessment and Mitigation Report (ref 5114534-ATK-VIB-RPT-80001 rev P07);

b. Vibration from Switches & Crossings - Assessment and Mitigation Report (ref 5114534-ATK-VIB-RPT- 80003 rev A01);

c. Cover letter dated 28th November 2013 that sets out the monitoring scheme;

d. Report by Chris Jones (Independent Expert, Vibration) on Schemes of Assessment for Plain Line and Switches and Crossings, Report-on-the-vibration-schemes-of-assessment-CJCJ-15-05-2014-final.doc; and,

e. Atkins Technical Note: Predicted Vibration Levels at Section I, Estimated Vibration Levels at Section I Rev 05 (issue) (3).docx.

Reason: the vibration scheme of assessment has been prepared upon the basis of these details and the potential for deviation from them would not result in the achievement of the standards of vibration mitigation required by the Noise and Vibration Mitigation Policy (January 2011).

2 Passenger train movements on Section I1 between 0700 hours and 2300 hours shall not be in excess of 8 movements per hour. Freight train movements between 2300 hours 0700 hours on the following day shall not exceed 8.

Reason - to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

3 Section I1 shall not be made available for use by trains until provision for continuous monitoring of vibration has been effected for vibration sensitive properties throughout section I1 in accordance with a scheme previously approved in writing by the Council. The results of such monitoring shall be provided to the Council on each of six months, eighteen months, thirty months, forty-two months, fifty-four months, sixty-six months and seventy-eight months from the date on which Section I1 is first made available for use for trains. In the event that the monitoring results provided to the Council exceed the vibration thresholds in the Noise and Vibration Mitigation Policy then additional mitigation measures shall be effected within six months in order to ensure that those levels are not again exceeded.

Reason: to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

**102. ST ALDATE'S CHAMBERS, 109 - 113 ST ALDATE'S: 15/03660/CT3**

The Committee considered an application for alterations to window at ground floor level on north elevation to incorporate door and installation of staircase from new fire exit door down to ground floor; removal of existing spiral staircase and metal mesh enclosure from south elevation and installation of new dog-legged staircase from first floor to ground floor with metal mesh enclosure at ground floor level; increase width of fire exit door openings onto the existing staircase at first, second and third floor levels; re-configure door openings to rear of ground floor offices, infill one door opening, increase width of remaining door opening and fit new fire exit at St Aldate's Chambers, 109 - 113 St Aldate's, Oxford.

The Committee resolved to approve application 15/03660/CT3 subject to the following conditions:

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

**103. 33 ST EBBE'S STREET: 15/03077/FUL**

The Committee considered an application for change of use from Employment Agency (Use Class A2) to Betting Shop (Sui Generis) at 33 St Ebbe's Street Oxford OX1 1PU.

The Committee resolved to refuse planning permission for application 15/03077/FUL for the following reasons:

The proposed change of use would result in a loss of a Class A Use that would reduce the proportion of Class A Uses within the secondary frontage and, as such, would upset the mix of uses to the detriment of the vitality and viability of this shopping frontage and set an undesirable precedent for similar proposals. The proposal would therefore be contrary to policy RC5 of the Oxford Local Plan 2001-2016 and CS31 of the Oxford Core Strategy 2026.

**104. 8 RICHMOND ROAD: 15/03306/FUL**

The Committee considered an application for the erection of a part single, part 2 storey rear extension from lower ground floor, insertion of 2 windows to side elevation, and alterations to rear landscaping at 8 Richmond Road Oxford OX1 2JJ

The Committee resolved to approve application 15/03306/FUL subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.



4. Amenity – obscure glazing.

#### **105. 15 ROSAMUND ROAD, WOLVERCOTE: 15/03027/VAR**

The Committee considered a retrospective application for the variation of conditions 2 (approved plans) and 3 (materials) of planning permission 14/03042/FUL to allow an increase in overall height for rainwater runoff and change in materials of flat roof at 15 Rosamund Road, Oxford.

Oliver Crofts and Victoria Crofts (local residents) spoke against the application.

Simon Sharp (the agent) and Christian Lang (the applicant) spoke in support of the application.

Notwithstanding the officer's recommendation of approval and the ward member's view that the amended plans were now acceptable to him, the Committee were of the view that the increased height of the wall built, even if adequately painted, still resulted in a height, bulk, and design that was overbearing and unneighbourly with respect to the neighbouring property. This was contrary to policies CP1 and CP8 of the local plan. The Committee in coming to this view were mindful of the extant permission. They were of the view that this application should be refused on those grounds.

The Committee resolved to **refuse** planning permission for application for the following reasons, to be expanded on in the decision notice:

the development as constructed and as set out in this application results in a built form which by reason of its height, bulk, and design is overbearing and unneighbourly.

#### **106. PLANNING APPEALS**

The Committee noted the report on planning appeals received and determined during December 2015.

#### **107. MINUTES**

The Committee resolved to approve the minutes of the meeting held on 5 January 2016 as a true and accurate record.

#### **108. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications.

## **109. DATES OF FUTURE MEETINGS**

The Committee noted the date of the next meeting.

**The meeting started at 6.30 pm and ended at 9.20 pm**