

Agenda

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West Area Planning Committee

Date: **Tuesday 8 November 2016**

Time: **6.00 pm**

Place: **Council Chamber, Town Hall**

For any further information please contact the Committee Services Officer:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: democraticservices@oxford.gov.uk

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

West Area Planning Committee

Membership

Chair	Councillor Louise Upton	North;
Vice-Chair	Councillor Tom Landell Mills	St. Margaret's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Jean Fooks	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Jennifer Pegg	Northfield Brook;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;
	Councillor Marie Tidball	Hinksey Park;

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

HOW TO OBTAIN A COPY OF THIS AGENDA

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AGENDA

	Pages
1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS	
2 DECLARATIONS OF INTEREST	
3 OXFORD CITY COUNCIL- OXFORD HIGH SCHOOL - BELBROUGHTON ROAD (NO.1) TREE PRESERVATION ORDER 2016	11 - 22
Site address: Oxford High School, Belbroughton Road, Oxford	
Proposal: To confirm the 'Group' designation Order, which includes and protects 2 groups; Group 1 (G1) is composed of x 2 Norway maples, x 1 walnut, x 10 silver birch; x 2 white willows form Group 2 (G2). The two groups are located along the southeastern boundary of Oxford High School as indicated on the Tree Preservation Order map (Appendix 1).	
Officer recommendation: That the West Area Planning Committee confirm: Oxford City Council – Oxford High School - Belbroughton Road (No.1) Tree Preservation Order 2016 without modification.	
4 16/01046/FUL: 30 WARNBOROUGH ROAD, OXFORD	23 - 30
Site address: 30 Warnborough Road, Oxford (site plan: appendix 1)	
Proposal: Erection of three storey side extension and part two, part three storey rear extension (Amended Plans)	
Officer recommendation:	
The West Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to the following conditions on its completion and for the reasons detailed in the report.	
Conditions:	
1. Development begun within time limit	
2. Develop in accordance with approved plans	
3. Samples in Conservation Area	
4. Tree Protection Plan (TPP) 1	

5. Arboricultural Method Statement (AMS) 1

Legal Agreement

To restrict the commencement of development for this application until such time as the planning permission (16/01691/FUL) for the adjoining property at 31 Warnborough Road has been completed.

5 16/02139/RES: WESTGATE CENTRE AND ADJACENT LAND

31 - 40

Site address:

Westgate Centre And Adjacent Land Encompassing The Existing Westgate Centre And Land Bounded By Thames St, Castle Mill Stream, Abbey Place, Norfolk St, Castle St, Bonn Square, St Ebbes St, Turn Again Lane And Old Greyfriars St (**site plan: appendix 1**)

Proposal:

The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters for the appearance, landscaping, layout and scale of part of the rooftop garden space of Building 3.

Officer recommendation:

The West Area Planning Committee is recommended to **grant** planning permission for the reasons stated in the report and subject to the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Materials as specified
4. No amplified music within Kitchen Quad and Pavilion

6 16/02218/CT3: 85/85A ALDRICH ROAD, OXFORD, OX2 7SU

41 - 46

Site address: 85/85A Aldrich Road Oxford (**site plan: appendix 1**)

Proposal: Erection of garden shed.

Officer recommendation: The West Area Planning Committee is recommended to approve planning permission for the reasons stated in the report and subject to the following conditions:

Conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Sustainable Drainage measures
4. Materials as specified Treated Timber Frame - Softwood, Ref:

7 MINUTES

Minutes from the meeting on 11 October 2016

Recommendation: That the minutes of the meeting held on 11 October 2016 are approved as a true and accurate record.

8 FORTHCOMING APPLICATIONS

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

16/01896/CT3: 21, 23, 25 and 27 Chatham Road and 10 to 40 Fox Crescent, Oxford

16/01883/CT3: 17 Jericho Street, Oxford, OX2 6BU

Chiltern Line - East West Rail link - all applications

16/02377/FUL: 134 Wytham Street, OX1 4TW

16/02676/FUL: 48 Ridgefield Rd, Oxford, OX4 3BX

16/01413/FUL: Land Adjacent 279 Abingdon Road, Oxford

16/01909/FUL: Linton Lodge Hotel, 11-13 Linton Road, OX2 6UJ

16/02293/FUL: 40 St Thomas Street, Oxford, OX1 1JP

16/02296/CT3: Car Park, Walton Well Road, Oxford

16/00882/FUL: 135 - 137 Botley Road, Oxford

16/02177/FUL: Land Adjacent Summertown Church Hall, Portland Road, Oxford, OX2 7EZ

16/01725/FUL and 16/01727/LBC: St Edward's School, Woodstock Road, OX2 7NN

16/01352/FUL: 164 Marlborough Road, Oxford, OX1 4LT

15/03524/FUL: Oxford Spires Four Pillars Hotel, Abingdon Road, Oxford, OX1 4PS

16/02620/RES: Westgate Centre and Adjacent Land, Oxford, OX1 1NX - Encompassing The Existing Westgate Centre And Land Bounded By Thames St, Castle Mill Stream, Abbey Place, Norfolk St, Castle St, Bonn Square, St Ebbes St, Turn Again Lane And Old Greyfriars

16/02152/CT3: 161 - 161B Iffley Road, Oxford

16/02405/FUL: 79 Harefields, OX2 8NR

16/02271/FUL 24 Rosamund Road (related to 16/00391/FUL)

16/01220/FUL & 16/01221/FUL: 16 Northmoor Road, OX2 6UP

16/02687/FUL: 265 - 279 Iffley Road and Garages, Percy Street, Oxford, OX4 4AH

16/01541/FUL: The Honey Pot, 8 Hollybush Row, OX1 1J

15/01601/FUL: 26 Norham Gardens, Oxford, OX6 6QD

9 DATES OF FUTURE MEETINGS

The Committee will meet at 6.00pm on the following dates:

13 Dec 2016

24 Jan 2017

21 Feb 2017

14 Mar 2017

11 Apr 2017

9 May 2017

COUNCILLORS 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. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

At the meeting

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 (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may 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.

Preparation of Planning Policy documents – Public Meetings

4. 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.

Public requests to speak

5. 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.

Written statements from the public

6. Members of the public and councillors can send the Democratic Services Officer written statements and other material to circulate to committee members, and the

planning officer prior to the meeting. Statements and other material are accepted and circulated by noon, two working days before the start of the meeting.

7. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give 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. Any such material will not be displayed or shown at the meeting.

Exhibiting model and displays at the meeting

8. 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 by noon, two working days before the start of the meeting so that members can be notified.

Recording meetings

9. 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 place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
10. 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.

Meeting Etiquette

11. 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.
12. 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.

Code updated to reflect changes in the Constitution agreed at Council on 25 July 2016

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West Area Planning Committee

8 November 2016

Order Name: Oxford City Council- OHS- Belbroughton Road (No.1) Tree Preservation Order 2016

Decision Due by: 25.11.2016

Site Address: Oxford High School Belbroughton Road Oxford

Ward: St Margarets Ward

Recommendation:

To confirm the: Oxford City Council- OHS- Belbroughton Road (No.1) Tree Preservation Order 2016 without modification.

Background

The Oxford City Council- OHS- Belbroughton Road (No.1) Tree Preservation Order 2016 was made on 25th of May 2016. The Tree Preservation Order (TPO) currently has provisional status until Order 25.11.2016, after which time it will lapse unless confirmed by this committee.

It is a 'Group' designation Order, which includes and protects 2 groups; Group 1 (G1) is composed of x 2 Norway maples, x 1 walnut, x 10 silver birch; x 2 white willows form Group 2 (G2). The two groups are located along the southeastern boundary of Oxford High School as indicated on the Tree Preservation Order map (Appendix 1).

The TPO was made in accordance with the City Council's statutory responsibilities as Local Planning Authority (LPA) to make Tree Preservation Orders if it appears to them to be in the interests of public amenity. The designation of the Order follows a Pre-application submission (Pre-App) in respect of potential redevelopment options within the school that had implications for the trees included in the TPO.

Reasons for making order:

1. To protect in the interest of public amenity, trees which make a valuable contribution to the appearance of the public scene in views gained from Charlbury Road in the North Oxford Conservation Area; and acting as a boundary demarcation to the conservation area and screen to school buildings from Charlbury Road in the conservation area.
2. To prevent the potential removal of some or all of the trees (which would result in harm to public visual amenity) and pre-empt appropriate consideration of the trees as a material consideration in any forthcoming planning application.

Relevant Site History:

Pre-application advice was sought for a new Art and Design and Sixth Form Centre with associated temporary teaching units at the Oxford High School's Belbroughton Road campus.

Statutory and Internal Consultees:

Oxfordshire County Council as Local Highway Authority
-No comments or objections

Representations Received:

The Council received 5 individual letters in support for the Tree Preservation Order and a petition in favor of it which was signed by 28 individual names.

A representation made in objection to the Tree Preservation Order was made on behalf of the school by Turnbury Planning consultants (Appendix 2)

Officer's Assessment:**Site location and description:**

Oxford High School is situated on the northern side of Belbroughton Road and Charlbury Road in North Oxford. The frontage (south) of the site abuts the boundary of the North Oxford Victorian Suburb Conservation Area. The western boundary of the site flanks the rear boundaries of properties in Cunliffe Close, the northern boundary abuts Marston Ferry Road and the eastern boundary adjoins the site of Cherwell School. Oxford High School was founded in 1875 and has occupied its present site since the 1950's. The provisional Tree Preservation Order relates to the southwestern boundary of the school site abutting Charlbury Road.

Trees and their amenity:

The trees within G1 form a contiguous canopy belt along the northern side of Charlbury Road. The group is composed of a range of mostly native deciduous trees of varying ages, individual condition and quality. The trees' inclusion with a 'Group' designation reflects their collective nature as a landscape feature, and their cumulative benefits to public amenity. The group provides a green back drop in local views, screening the massing of the school buildings beyond; the group also act as a demarcation and green buffer to the North Oxford Victorian Suburb Conservation Area (NOVSCA), insulating its suburban character from visually discordant elements. This section of Charlbury Road is also part of Cycle Route 51.

The two mature white willows of G2 stand close together, and in most views appear as one cohesive feature, hence their designation as a Group in the TPO. The willows are actually a cultivar of white willow known as the coral bark willow (*Salix alba* var. *vitellina* 'Britzensis'); the common name is due to the dramatic effect produced in early spring when the shoots become an orange/red colour, which make the still unclothed trees appear particularly vibrant on clear bright days in March and April. The group is over 20m tall and is a prominent local landscape feature in views along the north eastern end of Charlbury Road, visible as part of the tree line over houses or in direct views from opposite the south eastern corner of the school boundary. The group screen and soften views towards the school from these locations.

Submissions in support of the TPO:

The points made in submissions in support of the TPO can be summarised in the following terms; the trees make an important contribution to local views, provide wildlife habitat, and make a contribution to the eco-system services that trees confer; including rain run-off attenuation, particulate entrapment, city temperature modulation and carbon sequestration.

Officer's response to support comments:

Officers agree with the comments submitted. The relatively high degree of public support for the TPO is notable and demonstrates the public interest in the preservation of the trees. The range of issues identified by contributors demonstrates the public's understanding and appreciation of the multiple benefits that trees can confer to 'amenity', which go beyond the simple visual contribution to a locality.

Submission in objection to the TPO:

Turnberry Planning summarise their objection to the TPO under the following grounds;

- a) Insufficient information has been gathered by the LPA prior to making the area subject to a TPO.
- b) The Council has not provided justification that all trees included within the Order have sufficient amenity value to merit statutory protection.
- c) The TPO is an unnecessary duplication of considerations which would be otherwise dealt with through the statutory planning process.

Officer's response to objection comments:

- a) Turnberry state that a full assessment of the trees was not been carried out because the site was not entered by officers of the Council, and therefore insufficient information was gathered prior to making the TPO, which is contrary to The Government's Planning Practice Guidance (PPG): *Tree Preservation Orders and trees in conservation areas*. Before making the provisional TPO the Tree Officer made a site visit on 09.03.16 to assess the pre-application development proposal. This visit enabled an evaluation of the amenity contribution of the trees to the local area, and the potential implications posed by the development proposals; i.e. the removal of the two white willows (G2) and indirect impacts that would probably require the removal of a number of other individual trees from G1, which would detract from the quality and function of this group. Due to the proximity of the subject area to Charlbury Road access into the site was not required to make an amenity assessment; however, the Tree Officer was also able to refer to a tree report produced for the Pre-App, which included detailed information about each tree within the two groups. A further site visit was made on 24.08.16 when the Tree Officer accessed the site accompanied by a member of the school's bursary staff.
- b) Turnberry suggest that the trees were included within 'Group' designations in the TPO as a means to avoid any detailed individual assessment; and that many of the trees do not merit statutory protection, being only Category U or C under the assessment criteria of BS.5837:2012- *Trees in relation to design, demolition and construction -Recommendations*. This statement is incorrect on both points; The Government's PPG: *Tree Preservation Orders and trees in conservation areas*, states at Paragraph: 027 that; '*The group category should be used to*

protect groups of trees where the individual category would not be appropriate and the group's overall impact and quality merits protection.' That the trees should be considered as two groups rather than a series individuals is self-evident in photographs of the site's boundary. With regard to the second point, the Pre-App submission included a tree survey that documented the individual conditions of the trees and their associated Quality Categories under the criteria of BS.5827:2012. This survey identifies that of the 16 trees included within the two TPO groups, only 6 are C-Category and 9 are B-Category trees (as individuals); furthermore this fails to consider the trees as two groups, as it should do according to the recommendations of BS.5837:2012; i.e. under Paragraph 4.4.2.3, which states that '*Trees growing as groups or woodland should be identified and assessed as such where the arboriculturist determines that this is appropriate.*' And '*The term "group" is intended to identify trees that form cohesive arboricultural features either aerodynamically (e.g. trees that provide companion shelter), visually (e.g. avenues or screens) or culturally, including for biodiversity.*' In this context G1 and G2 could be considered as meriting the 'A²' categorization; i.e. '*Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features*'

- c) The argument that the TPO is an unnecessary duplication of considerations which would be otherwise dealt with through the statutory planning process is erroneous. The TPO was made because of the implied loss of trees under (Pre-App) development proposals, and because the tree belt is considered to have significant public visual amenity benefit. Therefore an expediency to make the TPO arose as there was a perceived potential threat that some trees could be felled quite lawfully to remove a constraint upon development prior to a full planning application being made. The TPO simply creates a planning control, which requires that anyone wishing to carry out any tree work must obtain the written consent of the Council as Local Planning Authority (no fees apply). Essentially the TPO enables the Council to prevent the removal of trees (or any other forms of works that would be harmful to public visual amenity) without there being good reason, or lawful exemption, such as a valid planning permission. In fact a TPO has no legal affect if a full planning permission is granted and removal, pruning or any other prescribed operation is required in order to implement that planning permission; this is because the public amenity value of trees (as a statutory material consideration under Sec. 197 of the Town and Country Planning Act 1990) are considered in the planning application process, and any harmful impacts are balanced against other material considerations in accordance with the Council's adopted Local Plan Policies.

Conclusions:

The two groups designated under the TPO provide significant visual amenity benefit to the street-scene in local views and act as a green buffer to the northern boundary of the North Oxford Victorian Suburb Conservation Area

The TPO does not hinder appropriate development of the site. Trees are a material consideration in the planning process whether they are legally protected or not; however, the TPO prevents preemptive removal of any trees as a constraint, and provides legal weight to tree protection measures required under any conditions that may be applied to any planning consent.

Recommendation:

Taking into account the objections that have been received to the Order, officers recommend that the Oxford City Council – OHS (No.1) Tree Preservation Order, 2016 be confirmed without modification.

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

Oxford City Council – OHS (No.1) Tree Preservation Order, 2016
Letters of Support
Letter in of objection

Contact Officer: Chris Leyland

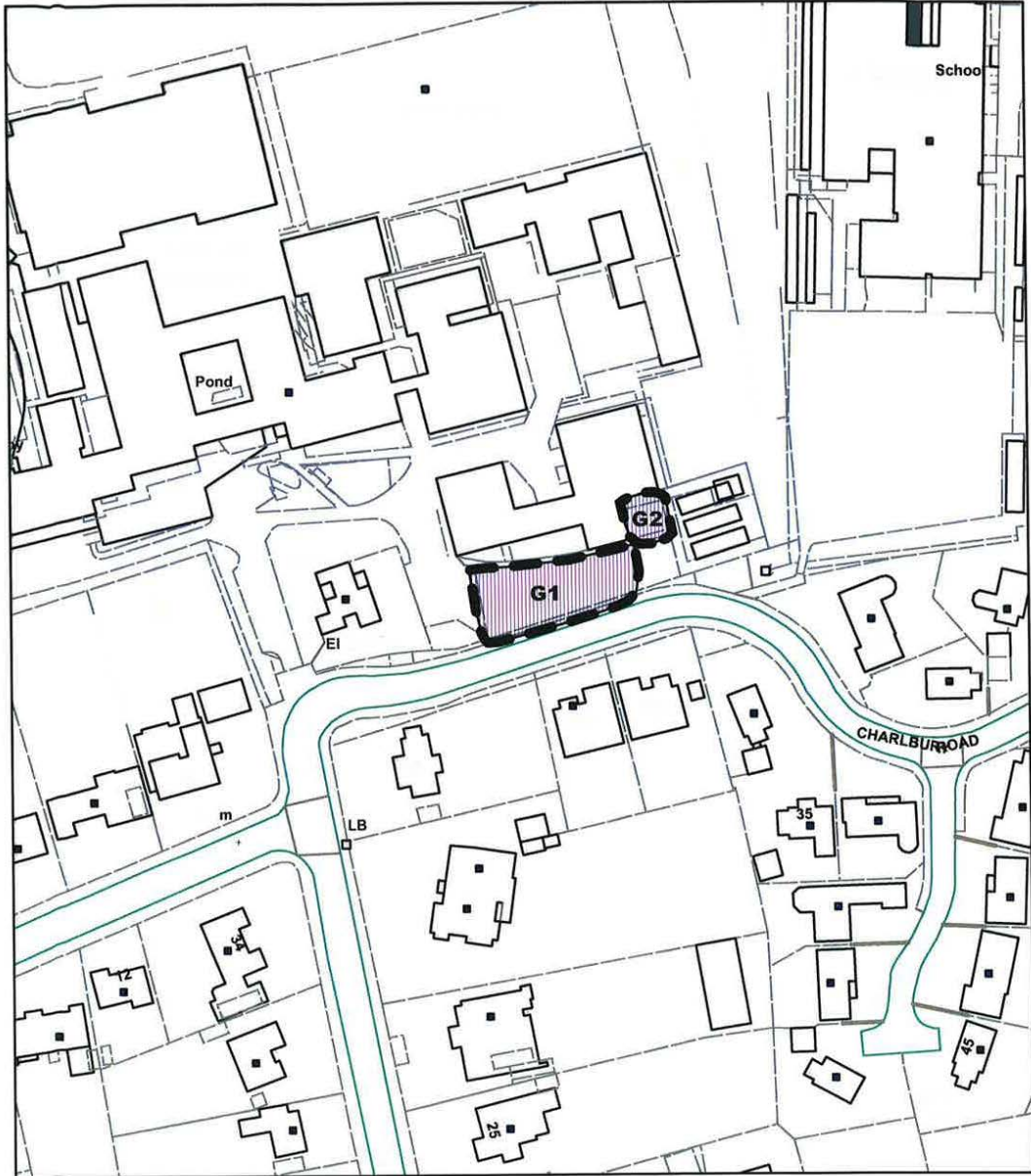
Extension: 2149

Date: 13 October 2016

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Tree Preservation Order Map

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Planning and Regulatory Services
St Aldate's Chambers
109-113 St Aldate's
Oxford
OX1 1DS

Turnberry

Our ref: OCC 20 06 2016 GDST-OHS
Your ref: 16/00004/ORDER

20th June 2016

Dear Sir/Madam,

Oxford City Council – OHS-Belbroughton Road (No.1) Tree Preservation Order 2016

On behalf of our client, the Girls' Day School Trust, we wish to object to the above Tree Preservation Order (the Order) imposed on the trees within the Oxford High School Belbroughton Road Campus, adjacent to Charlbury Road (ref: 16/00004/ORDER).

Background

The designation of the Order follows a pre-application submission in respect of potential redevelopment options within the school. Due to the very early stages of the proposals (indeed, such redevelopment has yet to receive internal approval), the level of detail available to the Council was relatively limited. Regardless, given the site's proximity to residential properties within the adjacent Conservation Area, the school wished to engage with the planning authority at the earliest stage possible in order to identify any issues and develop mitigation strategies if required.

Notification of the proposed Order was received shortly after these initial pre-application discussions. On behalf of our client, we would like to register their disappointment that a TPO should be served on them without prior notification and after Tree Officers declined to attend a site meeting to discuss potential proposals. This approach is at odds with our Client's values and unhelpful when we are seeking to establish a dialogue with the City Council over the future development of the site.

Turning to the specifics of the Order, the grounds for objection are as follows:

- a) Insufficient information has been gathered by the Local Authority prior to making the area subject to a TPO.
- b) The Council has not provided justification that all trees included within the Order have sufficient amenity value to merit statutory protection.

c) The TPO is an unnecessary duplication of considerations which would be otherwise dealt with through the statutory planning process.

a) *Insufficient Information has been gathered by the Local Authority prior to making the area subject to a TPO*

Paragraph 21 of the Planning Practice Guidance "*Tree Preservation orders and trees in conservation areas*" states that "Before making an Order a local planning authority officer should visit the site of the tree or trees in question and consider whether or not an Order is justified". Although the trees are partly visible from the street, it is necessary to enter the site to fully view the extent of the trees and assess their value and this visit has never taken place.

Therefore, insufficient information has been independently gathered by the Local Authority contrary to Planning Practice Guidance.

b) *The Council has not provided justification that all trees included within the Order have sufficient amenity value to merit statutory protection*

The Order designation is for two groups of trees as opposed to identifying individual specimens which may or may not offer amenity value to the adjacent Conservation Area. We suggest that this may be as a result of a thorough site visit not having been undertaken. Although a small number of the trees within the group may be considered of reasonable quality, many of the trees are assessed as C and U category and therefore do not merit statutory protection. It should be noted that none of the trees are assessed as having A1 or A2 (High) Categories, as set out in the attached Tree Survey which follows the British Standard BS5837.

c) *The TPO is an unnecessary duplication of considerations which would be otherwise dealt with through the statutory planning process.*

The formal notice received by our client dated the 25th May 2016 that the Council has made the Order "*To prevent the potential removal of some or all of the trees (which would result in harm to visual public amenity) to pre-empt appropriate consideration of the trees as a material consideration in a forthcoming planning application*".

Trees and visual amenity are a material planning consideration and specifically referenced within the Oxford Local Plan. In particular, all planning decisions must consider policies CP1 *Development Proposals* and NE15 *Loss of Trees* which states that planning permission will not be granted for proposals "*which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest*". To impose a TPO in order to "pre-

empt appropriate consideration” is therefore unnecessary and unwarranted. The proposed loss of trees as part of a planning application would be suitably dealt with through the determination process, and assessed against policies in the Local Plan.

The proposed Order 16/00004/ORDER at Belbroughton Road has been applied to our client’s site without reference to them, or undertaking a site visit contrary to Planning Practice Guidance. The proposed Order is a duplication of local planning policy regarding trees which would be considered as part of the statutory approvals process, and is therefore not necessary to ensure that the Council meets its objective of sustainable development as required by the National Planning Policy Framework.

Based on the above, we respectfully request the Order is not confirmed.

Yours sincerely,

Turnberry Planning

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West Area Planning Committee

8th November 2016

Application Number: 16/01046/FUL

Decision Due by: 15th June 2016

Proposal: Erection of three storey side extension and part two, part three storey rear extension (Amended Plans)

Site Address: 30 Warnborough Road Oxford (**site plan: appendix 1**)

Ward: North Ward

Agent: Thomas Man

Applicant: Mr & Mrs A Bischoff

Application called in by Councillors Fry, Pressel, Price and Hollingsworth over concerns about the bulk and mass of the proposal

Recommendation:

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

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

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Tree Protection Plan (TPP) 1
- 5 Arboricultural Method Statement (AMS) 1

Legal Agreement

- To restrict the commencement of development for this application until such time as the planning permission (16/01691/FUL) for the adjoining property at 31 Warnborough Road has been completed

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

NE16 - Protected Trees

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

HP16_ - Residential car parking

MP1 - Model Policy

Other Material Considerations:

- National Planning Policy Framework
- This application is within the North Oxford Victorian Suburb Conservation Area.
- Planning Practice Guidance

Relevant Site History:

15/01739/CPU - Application to certify that the proposed change of use from flats to dwellinghouse is lawful: Approved

15/03123/FUL - Erection of part single, part two storey side extension at lower and upper ground floor levels and erection of three storey rear extension. Formation of 1no. rear dormer in association with loft conversion. Conversion from 4 x flats into single dwellinghouse (Use Class C3): Withdrawn

Representations Received:

8 Letters of representation received with objections relating to:

- The amount of development
- Effect on adjoining properties
- Effect on the character of the area

- Access
- Effect on Traffic
- Daylight Angles

Statutory Consultees:

Highways Authority: no objection subject to conditions

Officers Assessment:

Site description

1. The property is a large Victorian semi-detached house located in the North Oxford Victorian Suburb Conservation Area (**site plan: appendix 1**).
2. The dwellinghouse is arranged over four floors. The property has a long garden that backs onto the development of flats on Butler Close.

Proposal

3. The application is seeking permission for a contemporary three storey side extension and part two, part three storey rear extension.
4. This is considered in conjunction with neighbouring property 31 Warnborough Road which has received planning permission for a part single storey / part two storey extension under ref 16/01691/FUL. If this scheme is implemented prior to the construction of the proposal at number 31 then this would impact on daylight serving habitable rooms, however the applicant has agreed to enter into a legal agreement that work on their property if approved will not begin until the consented scheme at number 31 is complete, thereby satisfying this potential objection to the scheme.
5. Officers consider that the principle determining issues in this case are as follows
 - Design and impact on conservation area
 - Residential amenity
 - Trees

Design and impact on conservation area

6. The contemporary addition to the rear of the property makes a clear visual distinction between the old and new. The scale, detailing and choice of materials will result in an appropriate, subservient addition to the house. The proportions and rhythm of the building are considered to have been respected. This is consistent with surrounding properties and considered in keeping with these and the street scene in general, maintaining building lines, mass and scale.
7. Samples of external materials will be required by condition.
8. Overall, officers consider that the proposed extension would be acceptable in terms of design and would preserve the appearance of the conservation area.

Residential amenity

9. In consideration of the approval of the rear extension at number 31 Warnborough Road (16/01691/FUL). The proposed scheme at number 30 will satisfy 45-degree guidance and would therefore not result in a harmful loss of daylight to windows to the rear. A legal agreement will be conditioned that the extension cannot be occupied until works at no 31 are built and complete.
10. Due to the siting of the proposed extension there will be no harmful impact to windows serving the rear of number 29 Warnborough Road, the proposed side extension will not overlap windows serving habitable rooms on the ground floor of number 29 and is therefore also considered to comply with guidance.
11. Overall the proposal is considered acceptable in terms of neighbouring amenity.

Trees

12. In terms of the potential implications associated with the proposed rear extension the design has been developed through consultation with Council officers and advice from an independent arboricultural consultant.
13. On the basis of these details and the accompanying arboricultural Tree Protection Plan, officers are satisfied, subject to appropriate conditions for tree protection that the proposal would not be in conflict with Council policies on good design and retention of protected trees; Oxford Local Plan Policies CP1, CP11, NE15 and NE16.

Conclusion:

14. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation to the committee is to approve the development subject to the conditions listed above.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

Contact Officer: Graeme Felstead

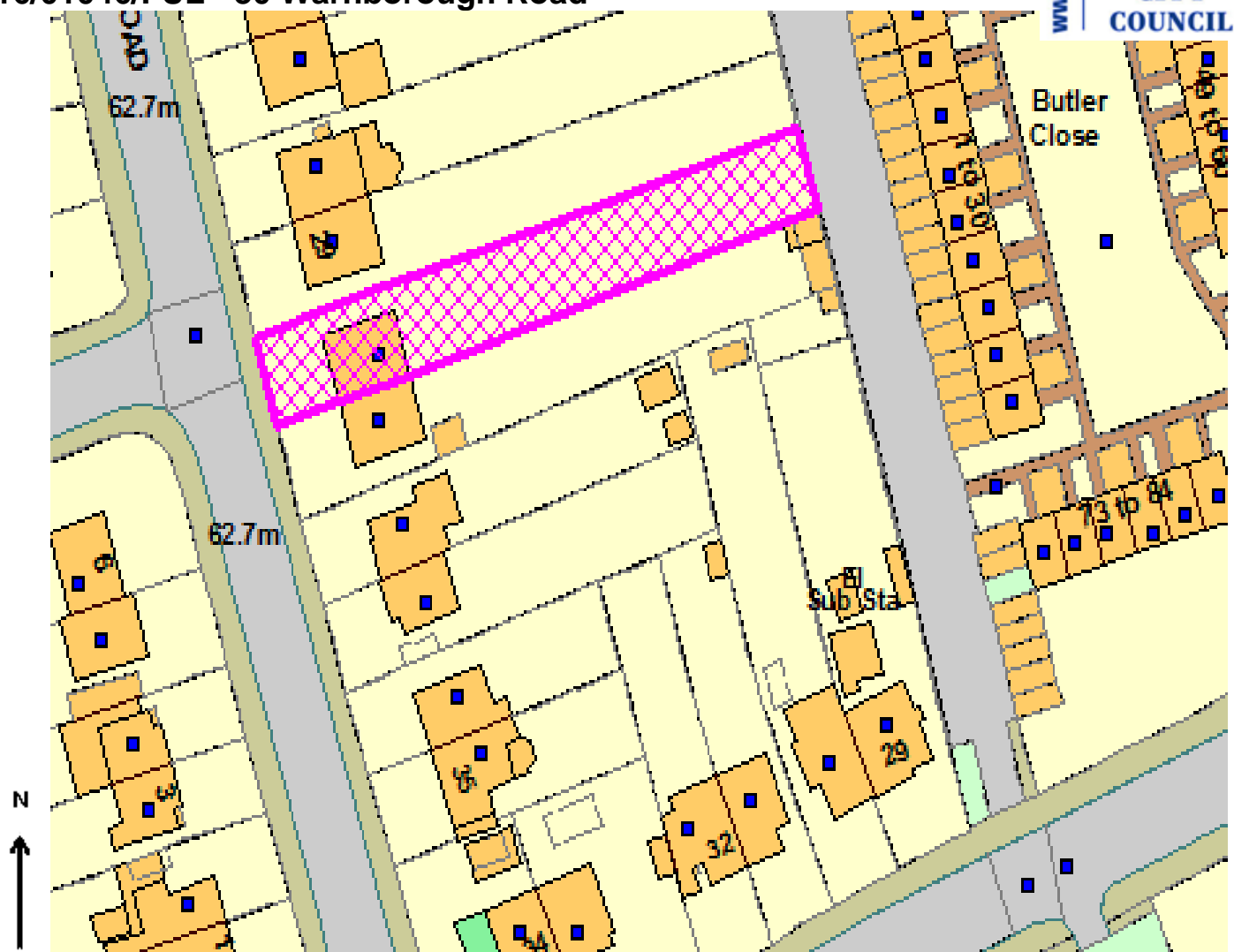
Extension: 2160

Date: 12th October 2016

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Appendix 1

16/01046/FUL - 30 Warnborough Road



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Ordnance Survey 100019348

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West Area Planning Committee

8th November 2016

Application Number: 16/02139/RES

Decision Due by: 11th November 2016

Proposal: The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters for the appearance, landscaping, layout and scale of part of the rooftop garden space of Building 3.

Site Address: Westgate Centre And Adjacent Land Encompassing The Existing Westgate Centre And Land Bounded By Thames St, Castle Mill Stream, Abbey Place, Norfolk St, Castle St, Bonn Square, St Ebbes St, Turn Again Lane And Old Greyfriars St (**site plan: appendix 1**)

Ward: Carfax Ward

Agent: Mr Jon Bowen

Applicant: Westgate Oxford Alliance

Recommendation:

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

Reasons for Approval

- 1 The Kitchen Quad and Pavilion which would make best use of this rooftop space and provide a pleasing environment that sits comfortably with the other rooftop district areas developed through the masterplan and is of a size, scale, and design that creates and appropriate visual relationship with the character and appearance of the rest of the Westgate Oxford development in accordance with the aims of the above-mentioned policies. The type of activities associated with the space are consistent in terms of potential noise levels assessed as part of the outline and reserved matters application in terms of impact upon the adjoining residential properties and the proposed lighting of the space would also not give rise to any adverse light spillage. The proposal would therefore accord with the aims and objectives of the relevant policies of the Oxford Core Strategy, Oxford Local Plan and West

End Area Action Plan.

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

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 No amplified music within Kitchen Quad and Pavilion

Principal Planning Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP19** - Nuisance
- CP20** – Lighting
- CP21** - Noise
- HE7** - Conservation Areas

Core Strategy

- CS18_** - Urban design, town character, historic environment

West End Area Action Plan

- WE10** - Historic Environment
- WE12** - Design & construction
- WE1** - Public realm

Other Planning Documents

National Planning Policy Framework

Public Consultation

The consultation period for the application has not expired at the time of writing this report. Any further comments received up to the date of the committee will be reported verbally at the meeting.

Statutory Consultees

- Historic England: No comments to make. The application should be determined in accordance with national and local policy guidance and on the basis of the specialist conservation advice.

- Oxford Preservation Trust: Oxford Preservation Trust is very aware of the considerable time taken to understand and mitigate against the impact of the new Westgate development on the views from the western_hills at the time of the outline application and permission. We watch with interest as the development goes up and remain hopeful that the care taken will pay dividends and that the impact of the development will not overly damage the views of the spires from the various public viewing points, as shown in the photomontages at the time.

When the outline permission 13/02557/OUT was granted there were a number of reserved_matters. The one of particular interest here relates to the treatment of the rooftop areas. We are keen that what is able to happen at roof level is done with the same care and attention as at the outset and that there is no inadvertent harmful impact within the views.

We refer to Condition 14 which required the applicants to provide a "Roof Level Outdoor Furniture, Plant and Awnings Guide". This Guide was submitted to Oxford City Council and approved on 8_August 2016. We understand that the current application (16/02139/RES) deals with the Kitchen Quad sitting alongside this earlier guide, which specifically excluded this area. Oxford Preservation Trust is concerned to ensure that the treatment here and elsewhere on the roofs do not adversely impact on the views. In particular we draw attention to the proposed canopy, some 4.15m in height, which surely has the effect of adding an additional storey to Building 3 described as a "theatrical platform" with accompanying lighting. Can we ask that the impact of this on views is fully understood before the condition is approved

- Oxfordshire County Council: No comment to make on the application
- Natural England: No comment to make on the application
- Environment Agency: No comment to make on the application

Third Parties

Letters received from the following addresses

- 11 Dale Close; 10 Falcon Close; 9 Sedge Way, Carterton

Individual Comments:

The main points raised were:

- The idea of using the roof space in principle is a great one
- This is a wonderful idea IF the space and the views are available to all
- The mention of restaurants at this level raised the concern that access might be restricted to patrons of the restaurants
- There must be a lift to this level so that nobody is excluded by limited mobility
- The opportunity should be taken to 'green' as much of the roof as possible and attract in particular pollinators such as bees and butterflies
- The submission shows that alongside the bar there could be events attracting 200 seated or 400 standing. This could give rise to adverse noise pollution which will have an adverse impact on neighbours
- How will the various activities be controlled – and importantly impact from

amplified music and flashing lights.

- There is a large community immediately alongside the development in Greyfriars Street and south of Thames Street and the potential disruption to these residents needs to be considered.

St Ebbes New Development Residents' Association

- Concerned that the proposal could cause undue disturbance to surrounding and nearby households. What controls and restrictions are placed on volume, light, and vibration levels
- The idea of a performance space is a good one but not if the impact of the selected performances is negative in relation to those living in the surrounding area
- There are already agreed restrictions regarding timing, notification and sound levels in relation to the occasional use of Oxpens Meadow (Field in Trust between mill Stream and the Ice Rink) and perhaps a similar approach is warranted in this case.

Officers Assessment:

Background to Proposals

1. The site relates to the Westgate Oxford development which measures approximately 5.9ha, and extends from Bonn Square in the north to Thames Street in the south and from Castle Mill Stream in the west to Old Greyfriars Street and Pennyfarthing Place in the east (**appendix 1**).
2. In March 2014 outline planning permission with all matters reserved was granted by the West Area Planning Committee for a retail-led mixed use development of the former Westgate Shopping Centre, Multi-Storey and Surface Level Car Park and Abbey Place Car Park under reference 13/02557/OUT. The reserved matters for the layout, scale, appearance, and landscaping of the development was subsequently approved under reference number 14/02402/RES by the West Area Planning Committee meeting on the 25th November 2014. The outline permission and reserved matters are currently being implemented on site.
3. The rooftop level of the Westgate provides access to the cinema, rooftop restaurants and their external dining areas, and flexible events space. The reserved matters application (14/02402/RES) approved the initial design of garden spaces throughout the public realm at rooftop level including the space on the southern edge of the Building 3 rooftop. The Landscape Masterplan set out the concept for three distinct but connected areas - The Kitchen Garden; Kitchen Quad and Pavilion; and Garden Court and Garden Terraces – in these spaces. The specification and materials for these spaces have already been approved as part of condition 5 (Details of Public Realm) of the reserved matters application. This included the specification for the Kitchen Quad area along the southern edge of Building 3 rooftop.
4. This application is an additional reserved matters application which is seeking permission for the landscaping, layout, and scale of the Kitchen Quad and Pavilion area of the rooftop.

5. The scheme includes the provision of a pavilion structure which would enclose the western area of the artificial grass area. The pavilion would be formed from a steel frame with four supporting posts with an integral retractable fabric roof at a height of 4.15m. The pavilion will also have retractable fabric side panels, lighting, and heaters. There would also be a large moveable table to be used as a bar during events and a table for use by the public at other times. At the eastern end of the artificial grassed area there would be a number of modular blocks which can be arranged in different configurations for seating as well as a stage to support events in the quad.
6. In terms of events it is anticipated that these would include yoga classes; temporary art installations; book signings; food and craft fairs; summer garden lunches; seasonal pop up bars; and small acoustic music performances.
7. The principle determining issues in this case would therefore relate solely to the impacts of the proposed canopy as follows
 - Site Layout and Built Form
 - Environmental Impacts – noise and lighting disturbance
 - Conformity to the Environmental Statement and its addendum

Site Layout and Built Forms.

8. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; attractive public realm; and high quality architecture.
9. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area. While Policy HE7 requires proposals to preserve and enhance the special character and appearance of the conservation area.
10. The Design and Access Statement states that the Kitchen Quad has been designed for maximum flexibility in order to create a garden area framed by attractive planters and incorporating places to sit around a central lawn in a similar fashion to an Oxford college quad. The central space is designed to be adaptable and capable of hosting events. The design of the pavilion structure was influenced by the arch which can be found throughout Oxford's college architecture and helps to frame views of the lawn. The pavilion would be a lightweight steel structure with retractable roof and side panels made from a fabric. A long table will be provided in the pavilion. The quad would also include a modular / stackable bench system which can be used to provide a stage or seating areas.
11. In terms of visual impact, the pavilion structure has a height of 4.15m from the floor level of the rooftop which would be comfortably within the maximum height parameter for Block 3 as set out on the parameter plan 16 approved under the

outline planning permission. The design of the Kitchen Quad would sit comfortably within the space at rooftop level, and given it would be sited to the western end of the space would mean that it would not be readily visible from the public realm. Any views would be restricted to high level buildings in the surrounding area, but in this instance the pavilion would be viewed against the backdrop of the South Square roof and the rooftop restaurants of Block 3.

12. The pavilion structure would also not have a material impact on any long range views from the surrounding view cones given its location within the rooftop and the fact that views of this structure would be obscured by other parts of the development (i.e. Block 2) and the South Square roof
13. Officers would therefore support the landscape concept for the Kitchen Quad and Pavilion which would make best use of this rooftop space and provide a pleasing environment that sits comfortably with the rest of the rooftop areas and creates an appropriate visual relationship with the character and appearance of the rest of the Westgate Oxford development in accordance with the aims of the above-mentioned policies.
14. During the consultation process, concerns have been raised as to whether this space would be accessible for all, including those with mobility problems. The rooftop is meant as a fully publically accessible space, with access via lift, escalators, stairwells.

Impact on Amenities

15. The Kitchen Quad is located above the residential properties on the eastern side of Old Greyfriars Street. Therefore the impact of the use of this space on these properties needs to be considered under Oxford Local Plan Policies
16. The outline and reserved matters application approved the principle of rooftop areas with restaurants, external seating areas and public spaces. These elements of Block 3 are set well back from the edge of the building in order to minimise any impact on the residential properties on Old Greyfriars Street.
17. The Design and Access statement indicates that the events space is to be used for yoga classes; temporary art installations; book signings; food and craft fairs; summer garden lunches; seasonal pop up bars; and small acoustic music performances. This is consistent with the types of activities and potential noise levels considered as part of the outline and reserved matters application and as such it is considered that the use of this space would not give rise to any significant adverse impacts. The Design and Access Statement does indicate that non-amplified music will be played within the space, and as such this should be secured by condition.
18. The pavilion structure will be lit by a flexible lighting system that has festoon and spotlighting located in the arches. This will allow the lighting to be focussed and avoid undue spillage beyond the pavilion itself. The proposal would therefore accord with the aims of Oxford Local Plan policy CP20 which seeks to prevent unacceptable levels of light pollution and spillage.

Environmental Impact Assessment

19. The outline planning application for the Westgate development was accompanied by an Environmental Statement (September 2013) and Environmental Statement Addendum (January 2014). The reserved matters application was also accompanied by an Environmental Statement (August 2014) and Environmental Statement Addendum (September 2014).
20. This reserved matters application would constitute a 'subsequent application' under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. As such the likely significant effects of the proposed development need to be considered.
21. The application has assessed the impact of the proposed canopy against the baseline data in the approved Environmental Statement and its Addendum and identified that the development does not give rise to any new or different significant effects to those identified and assessed previously.

Conclusion:

22. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and West End Area Action Plan and therefore officer's recommendation to the committee is to approve the development subject to the conditions listed above.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 23rd September 2016

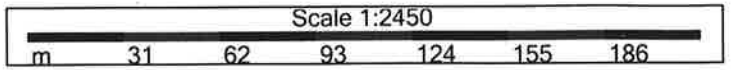
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Appendix 1

16/01495/RES Westgate Oxford



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Organisation	Oxford City Council
Department	City Development
Comments	Not Set
Date	30 September 2016
SLA Number	100019348

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West Area Planning Committee

- 8th November 2016

Application Number: 16/02218/CT3

Decision Due by: 11th October 2016

Proposal: Erection of garden shed.

Site Address: 85/85A Aldrich Road Oxford (**site plan: appendix 1**)

Ward: Summertown Ward

Agent: N/A

Applicant: Oxford City Council

Recommendation:

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

- 1 The proposed development is acceptable in design terms and would not cause unacceptable levels of harm to the amenities of the neighbouring properties. The proposal therefore accords with policies CP1, CP6, CP8, CP10 of the Oxford Local Plan; HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Sustainable Drainage measures
- 4 Materials as specified Treated Timber Frame - Softwood, Ref: BDC4184-03 DAS,

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

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

No relevant planning history.

Representations Received:

One representation letter was received from the upper floor flat resident at No. 85A, who raised the following concerns:

- The registered application address is incorrect, should be No. 85 not 85A
- Cementing over part of the garden that was meant for cultivating is not a good addition to the neighbourhood.

Statutory Consultees:

Cunliffe Close Residents' Association – No comment

North Oxford Association – No comment

Officers Assessment:

Site Description

1. The application site comprises of a semi-detached dwelling, which is split into upper and lower ground floor flats. The property site is situated along the southern part of Aldrich Road. The property is not within a Conservation Area and not a listed building.
2. The application site shares its boundary with two neighbouring dwellings no. 83 and 87 Aldrich Road. No. 83 is located to the east of the application site while 87 is located to the west boundary of the application site. The application dwelling is bounded around with a wooden fence of approximately 1.3metres high.
3. There is a tree and hedge on site, however, the rear garden has some over grown vegetation. The proposal does not involve removing a tree or hedge.

Proposal

4. The application is seeking planning permission for the erection of a single storey rear timber frame shed to the rear garden at 85/85A Aldrich Road.

Principle of Development

5. The application site is located within a row of dwellinghouses, wherein residential

development is acceptable in principle subject to compliance with all relevant local plan policies of the local plan.

Design

6. The proposed single storey timber frame shed would measure at 1.8m wide, a depth of 2.7m, with a hipped roof of maximum height of 2.2m and eaves height of 1.85m high above ground level.
7. The proposed development would be located to the rear of the application dwelling and would be screened by the main house from the street view and limit any adverse impact of the local character and the street-scene.
8. The points of objections raised during the consultation process would not constitute significant reasons to recommend refusal of the application as the proposal would not adversely impact on the residential amenities of the neighbour or any neighbouring dwellings within the close proximity of the application site.
9. Officers consider that the size, scale and design of the proposed development, would accord with Oxford Local Plan Policies CP1, CP8, CP10, CS18 and Sites and Housing Plan Policy HP9 which seeks to ensure that development is of a high standard of design, and of an appropriate size, scale and massing, which respect the character and appearance of the area and that of the host building.

Amenities

10. The proposed single storey timber frame shed is set away from the side boundaries with the neighbouring dwellings at approximately not less than 0.2m. Moreover the shed would be sited some distance from the main dwellings so as not to cause any overbearing or loss of sun or daylight to any neighbouring dwellings.
11. The proposal is not considered to result in any issue of overlooking or loss of privacy to any properties or other dwellings within the locality.
12. It is therefore considered that the proposal comply with local plan policy HP14, which ensure that adjoining properties do not lose their sense of privacy and access to daylight.

Parking

13. There is no alteration to the existing parking arrangement at the site. Therefore, the proposal would not have any parking implications, having regard to the Council standards.

Drainage

14. The proposal would not create any adverse flooding impacts subject to a condition ensuring that Sustainable Urban Drainage measures are used on site.

Conclusion:

15. The development is considered to be acceptable in terms of size, scale and design, and does not result in any detrimental impact on any amenities enjoyed by any of the neighbouring or surrounding properties. The development is therefore complied with Local Plan Policies CP1, CP6, CP8, CP10, CS11, CS18, HP9 and HP14.
16. The West Area Planning committee are therefore recommended to approve the application subject to the conditions listed in the report.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

Contact Officer: Ade Balogun

Extension: 2153

Date: 10th October 2016

Appendix 1

16/02218/CT3 – 85A Aldrich Road, Oxford, OX2 7SU



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MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 11 October 2016



COUNCILLORS PRESENT: Councillors Upton (Chair), Landell Mills (Vice-Chair), Cook, Fooks, Hollingsworth, Pegg, Tidball and Azad.

OFFICERS PRESENT: Sarah Stevens (Planning Service Transformation Consultant), Andrew Murdoch (Planning Team Leader), Sarah Orchard (Planner), Fiona Bartholomew (Principal Planner), David Stevens (Principal Environmental Health Officer), Michael Morgan (Lawyer) and Catherine Phythian (Committee Services Officer)

52. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Price (substitute Councillor Azad) and Councillor Tanner.

52. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Price (substitute Councillor Azad) and Councillor Tanner.

53. DECLARATIONS OF INTEREST

There were no declarations of interest.

54. 16/01267/FUL: CHANGE OF USE FROM COUNCIL DEPOT TO ARTISAN DISTILLERY (REVISED PROPOSAL OMITTING CAFÉ AND VISITOR CENTRE) AND 16/01480/FUL: ERECTION OF SINGLE STOREY BARN TO PROVIDE STORAGE SPACE (AMENDED PLANS) - OXFORD CITY COUNCIL DEPOT, SOUTH PARK, CHENEY LANE, OXFORD.

The Chair took this item first.

The Committee considered two applications relating to the site of the Oxford City Council Depot, South Park, Cheney Lane for a change of use from council depot to artisan distillery (revised proposal omitting café and visitor centre) and the erection of single storey barn to provide storage space. (Amended plans).

The Planning Officer presented the report and made the following points:

- The proposed change of use is considered to be an acceptable departure from policy SP52 of the Sites and Housing Plan
- The proposal to use the listed threshing barn as a distillery and the existing curtilage buildings as ancillary to the distillery, are considered to be uses compatible with the buildings' architectural and historic significance

David Edwards (Executive Director, Regeneration and Housing, Oxford City Council) and Tom Nicolson (The Oxford Artisan Distillery Ltd) spoke in support of the application.

In reaching their decision, the Committee considered the officers report, presentation and the address of the public speakers.

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **grant** planning permission with the following conditions, as amended, and informative:

16/01267/FUL:

- Development begun within time limit
- Develop in accordance with approved plans
- Bats
- *Develop in accordance with the Swept Path Analysis*
- *Delivery and Service Management Plan outside school hours*
- Hours of use
- *Develop storage for refuse bins*

16/01480/FUL:

- Temporary Permission
- Development begun within time limit
- Develop in accordance with approved plans
- Samples in Conservation Area
- Tree Protection Plan

Informative:

The Committee strongly encourages applicants to address the possibility of planting trees in any landscaping proposals related to future applications for the Council Depot site.

55. 16/02097/FUL: 7 CHADLINGTON ROAD

The Committee considered an application for the erection of a single storey rear extension, formation of basement and alterations to landscaping with provision of additional vehicle access from Chadlington Road.

The Planning Officer presented the report and explained that the application had been called in for the following reasons: loss of greenery, increase in ground

surface water run-off and overbearing impact on the neighbour to the north. He advised the Committee that planning permission had already been granted for a rear extension at the property and that this application relates to an amendment to the design of the rear ground floor extension. The new plans were of a more contemporary design but in all other respects the overall application was the same in size and scale to that already approved.

Rachel Bailey Williams (local resident) and Phillip Allan (Chairman, Linton Road Neighbourhood Association) spoke against the application. James Corris (Architect) spoke in support of the application.

In discussion the Committee noted that the new plans did vary from those previously approved in the following respects:

- additional glazing at ground level
- eaves extended closer towards the boundary
- increase in height by about 30cm

However, the Committee concluded that these changes did not constitute grounds for refusal.

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **grant** planning permission for the reasons stated in the report and subject to the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples in Conservation Area - North Oxford Victorian Suburb
4. Tree Protection Plan (TPP) 2
5. Arboricultural Method Statement (AMS) 2
6. Ground resurfacing - SUDS compliant
7. Amenity no balcony
8. Visibility Splays
9. On street parking

56. EAST WEST RAIL PHASE 1 - NOISE SCHEME OF ASSESSMENT (16/01634/CND) AND VIBRATION SCHEME OF ASSESSMENT FOR ROUTE I-2 (16/01635/CND)

The Committee considered two applications for Noise and Vibration Schemes of Assessment for route section 1-2 of Chiltern Railway from Oxford to Bicester.

The Planning Officer presented the report and briefed the Committee on the reasons supporting the proposal to include a condition requiring the implementation of at source noise mitigation in the form of rail damping.

John Howson (County Councillor St Margaret's Division and representative of Rewley Park Management Company) spoke against the applications. Representatives from Network Rail (Jonathan Davies and Ian Gilder) gave a presentation in support of the applications.

The Committee asked questions of the officers and Network Rail representatives about the detail of the applications.

Decisions

In reaching their decision, the Committee considered the officers report and presentation and the address of the public speakers and made the following observations:

- There was a need for consistency in determining the applications relating to sections H, I-1 and I-2
- Network Rail had not yet submitted a convincing case to demonstrate that the installation of rail damping as an at source mitigation measure was not reasonably practicable
- The Council, as local planning authority, had been placed in a very difficult position by the Secretary of State's decision to grant deemed planning permission for EWRP1

On being put to the vote the Committee agreed with the officer recommendation.

(a) 16/01634/CND: Noise Scheme of Assessment for route section I-2

The Committee resolved to **approve** the application for the following reasons and subject to the conditions listed:

1. The submitted Noise Scheme of Assessment is considered to be robust. It predicts that the operational noise from EWRP1 will cause increases of 3dB or more at a number of properties in route section I-2; but predicts no increases of 5dB or more at any properties in route section I-2. No noise mitigation is proposed. Taking into account the representations made by all parties, the adopted policies of the Oxford Local Plan 2001-2016 which seek to preserve residential amenity where properties are close to noise generating development, and the requirements of condition 19 of deemed planning permission TWA/10/APP/01, it is recommended that the application be approved subject to conditions requiring development in accordance with submitted details, and the submission of proposals for the installation of rail damping.
2. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

Conditions:

1. Development in accordance with application documents
2. Implementation of rail damping

(b) 16/01635/CND: Vibration Scheme of Assessment for route section I-2

The Committee resolved to **approve** the application for the following reasons and subject to the conditions listed:

1. The submitted Vibration Scheme of Assessment is considered to be robust and has demonstrated that the required standards of vibration mitigation set out in the Noise and Vibration Mitigation Policy will be achieved. Taking into account the representations made by all parties, the adopted policies of the Oxford Local Plan 2001-2016 which seek to preserve residential amenity where properties are close to vibration-generating development, and the requirements of condition 19 of deemed planning permission TWA/10/APP/01, it is recommended that the application be approved subject to a condition requiring development in accordance with submitted details.
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.

Condition:

1. Development in accordance with application documents

57. 16/00391/FUL: 24 ROSAMUND ROAD

The Committee considered an application for the erection of rear conservatory and garden outbuilding and alterations to windows (Amended Plans) at 24 Rosamund Road, Oxford.

The Planning Officer presented the report and explained that the application had been called in on the grounds that “the shed is over bulky and may not be located on the applicants land”. He advised the Committee that officers were of the view that this shed was in keeping with a number of other sheds in the rear gardens of properties in Rosamund Road.

In response to questions from the Committee officers advised that they were not aware of any evidence to suggest that the shed was not on the applicants land and that in any event it was not a relevant planning consideration.

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **grant** planning permission for the reasons stated in

the officer's report and subject to the following conditions:

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

58. 16/01495/RES: WESTGATE CENTRE AND ADJACENT LAND, OX1 1NX

The Committee considered an application for approval of amended reserved matters for the appearance of a proposed canopy over Bridge 13 (connecting Buildings 3 and 4) only for the Westgate Centre re-development.

The Planning Officer presented the report and referred the Committee to the illustration of the proposed canopy. He advised that the proposed canopy would have no significant visual impact.

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **grant** planning permission for the reasons stated in the officer report and subject to the following conditions:

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

59. MINUTES

The Committee resolved to approve the minutes of the meeting held on 13 September 2016 as a true and accurate record.

60. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications.

61. DATES OF FUTURE MEETINGS

The Committee noted the dates of future meetings.

The meeting started at 6.05 pm and ended at 7.40 pm