

Agenda

www.oxford.gov.uk



East Area Planning Committee

Date: **Wednesday 5 February 2020**

Time: **6.00 pm**

Place: **The Old Library - Oxford Town Hall**

For any further information please contact the Committee Services Officer:

Jennifer Thompson, Committee and Member Services Officer

Telephone: 01865 252275

Email: democraticservices@oxford.gov.uk

If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

East Area Planning Committee

Membership

Chair	Councillor Sian Taylor	Northfield Brook;
Vice-Chair	Councillor John Tanner	Littlemore;
	Councillor Shaista Aziz	Rose Hill and Iffley;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Stef Garden	Headington;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Christine Simm	Cowley;
	Councillor Roz Smith	Quarry and Risinghurst;

The quorum for this meeting is five members. Substitutes are permitted. Substitutes for the Chair and Vice-chair do not take on these roles.

Copies of this agenda

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

All agendas, reports and minutes are available online and can be:

- viewed on our website – mycouncil.oxford.gov.uk
- downloaded from our website
- viewed using the computers in the Customer Services, St Aldate's, or
- subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

Pages

Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the search box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

1 Apologies for absence and substitutions

2 Declarations of interest

3 19/02453/FUL: Kassam Stadium And Land Adjacent , Falcon Close, Oxford, OX4 4XP

11 - 22

Site address: Kassam Stadium and Land Adjacent, Falcon Close, Oxford, OX4 4XP

Proposal: Temporary use of part of car park for motorcycle testing/training and part of stadium for storage and office at The Kassam Stadium for three years.

Recommendation: East Area Planning Committee is recommended to:

1. approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission.
2. delegate authority to the Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

4 19/02984/CT3: Bullingdon Community Centre, Peat Moors, Oxford OX3 7HG

23 - 38

Site address: Bullingdon Community Centre, Peat Moors, Oxford

Proposal: Demolition of the existing Bullingdon Community Centre and erection of a new Community Centre.

Recommendation: East Area Planning Committee is recommended to:

1. approve the application for the reasons given in the report and

subject to the required planning conditions set out in section 12 of the report and grant planning permission.

2. delegate authority to the Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

5 19/03192/VAR: 9 Pauling Road, OX3 8PU

39 - 50

Site address: 9 Pauling Road, Oxford, OX3 8PU

Proposal: Variation of condition 2 (Develop in accordance with approved plans) of planning permission 19/01272/CT3 to allow additional installation of PV panels.

The application has been made by Oxford City Housing Limited. 19/01272/CT3 gave permission for the demolition of existing single storey side extension and erection of a single storey rear extension to existing house, erection of a two storey building to create a 1 x 3-bed dwelling (Use Class C3), provision of private amenity space, car parking and bin and cycle storage.

Recommendation: East Area Planning Committee is recommended to:

1. approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission.
2. delegate authority to the Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

6 19/02159/FUL: Hill View Farm, Mill Lane, Marston, Oxford, OX3 0QG

51 - 66

Site address: Hill View Farm, Mill Lane, Marston, Oxford

Proposal: Retention of 16 storage containers.

Recommendation: East Area Planning Committee is recommended to:

1. approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and
2. delegate authority to the Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

7 19/02745/CT3: Barton Neighbourhood Centre, Underhill Circus, Oxford, OX3 9LS

67 - 74

Proposal: Display of 1 non-illuminated mural.

Site address: Barton Neighbourhood Centre, Underhill Circus, Oxford.

Recommendation: East Area Planning Committee is recommended to:

1. approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission;
2. delegate authority to the Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

8 Minutes

75 - 76

Recommendation: to approve the minutes of the meeting held on 15 January 2020 as a true and accurate record.

9 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

16/02549/FUL: Land Adjacent 4 Wychwood Lane, OX3 8HG	Non-delegated application
17/01519/FUL: 55 Collinwood Road Oxford OX3 8HN	Called in
18/03180/FUL: 108 Temple Road, Oxford, OX4 2HA	Called in
18/03405/FUL: Holy Family Church, 1 Cuddesdon Way, Oxford, OX4 6JH	Committee level decision
19/00779/FUL: Land at 1-7 Jack Straw's Lane/ 302-304 and 312 Marston Road, Oxford, OX3 0DL	Committee level decision
19/02247/VAR: John Radcliffe Hospital, Headley Way, Oxford, OX3 9DU	Committee level decision
19/02620/FUL: 17, 17A, 17B and 19 Between Towns Road, Oxford, OX4 3LX	Committee level decision

19/02691/FUL: Land At The Junction Of Hosker Close And Merewood Avenue, Oxford	Called in
19/02767/FUL: 4 Eastern Avenue, Oxford, OX4 4QS	Called in
19/03224/FUL: 16 Windmill Road Oxford OX3 7BX	Called in
19/03236/FUL: Oxford Retail Park , Ambassador Avenue, Oxford, OX4 6XJ	Committee level decision
<i>19/01059/CT3: 56 Dashwood Road, Oxford, OX4 4SH</i>	<i>Council application</i>
<i>19/03276/CT3: Even, 42-136 Barton Road, Oxford</i>	<i>Council application</i>
<i>19/03279/CT3: Even, 42-136 Barton Road, Oxford</i>	<i>Council application</i>
<i>19/03297/CT3: 1-7 Birchfield Close (Odds), 49-55, 57-63, 65-71 Pegasus Road (Odds), Oxford</i>	<i>Council application</i>
<i>19/03299/CT3: Site of 21-55 Birchfield Close, Oxford, OX4 6DL</i>	<i>Council application</i>
<i>19/03328/CT3: Barns House, 162 - 184 Barns Road, Oxford</i>	<i>Council application</i>
<i>19/03329/CT3: Morris House, 153 - 183 Barns Road, Oxford</i>	<i>Council application</i>
<i>20/00051/CT3: 1 - 32 Henry Taunt Close, Oxford</i>	<i>Council application</i>
<i>20/00103/CT3: Odd 49A To 53D, Fettiplace Road, Oxford</i>	<i>Council application</i>

10 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on

2020

4 March

1 April

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 by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

Written statements from the public

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. 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

7. 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

8. 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.
9. 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

10. 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.
11. 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 Constitution changes agreed at Council in April 2017.
Unchanged in last Constitution update agreed at Council November 2018.**

This page is intentionally left blank

East Area Planning Committee

2nd February 2020

Application number: 19/02453/FUL

Decision due by 4th February 2020

Extension of time

Proposal Temporary use of part of car park for motorcycle testing/training and part of stadium for storage and office at The Kassam Stadium for three years.

Site address Kassam Stadium And Land Adjacent , Falcon Close, Oxford, OX4 4XP – see **Appendix 1** for site plan

Ward Littlemore Ward

Case officer Sarah Orchard

Agent: Mr Mark Jackson **Applicant:** DVSA

Reason at Committee Major development

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the proposed use of part of the Kassam Stadium car park to the west of the site for a further three years following the expiration of application 16/01357/FUL on 16th August 2019. The report considers the principle of development, impact on design, amenity and parking and the risk of flooding on the site. It is concluded that the proposal has an acceptable impact in regard to these considerations and a further 3 year use should be granted.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

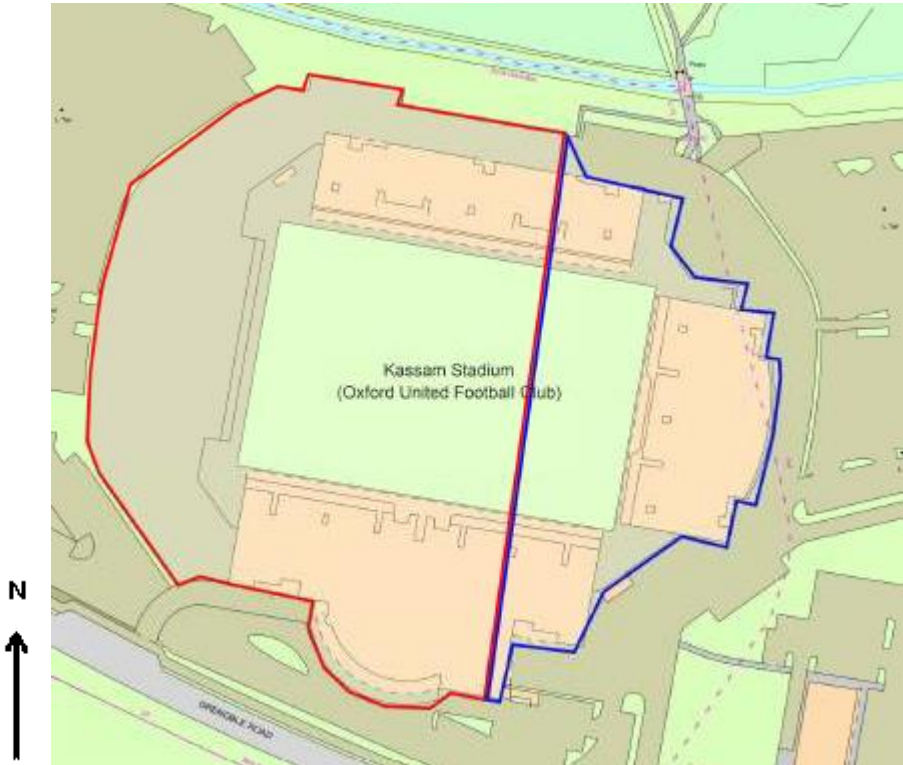
4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The application site encompasses a large proportion of the Kassam Stadium site, adjacent to Grenoble Road to the south-west of Blackbird Leys and south-east of Littlemore. The site covers a large area, containing the stadium itself and extensive areas of car parking that surround it. There are a number of different land uses on adjacent sites, including a Holiday Inn to the east and the Ozone Leisure Complex to the west. Beyond the site to the north-east there is open space (including land around Northfield Brook) and beyond that there is residential development in Blackbird Leys (Spindleberry Close and Knights Road). Beyond the site to the south-east there is residential development in Greater Leys (Emperor Gardens and Acacia Avenue).

5.2. The stadium is home to Oxford United Football Club but other uses have taken place on the land around the stadium or within the facilities when matches do not take place, including car boot sales and conferences.

5.3. See site location plan below:



© Crown Copyright and database right 2019.
Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the use of the car park to the west of the stadium for use by the Driving and Vehicles Standards Agency (DVSA) to provide on-site testing and training for motorcycles. The current use has been ongoing since a

temporary grant of planning permission for that use in 2008. The temporary planning permission was granted for three years which expired, and then a further three years in 2016, which has also now expired. Planning permission is sought to retain the existing use for a temporary period of an additional three years. Details have been submitted with the application which set out what the existing and proposed use of the site is. The proposals would provide the ongoing use of a Multi-Purpose Test Centre (MPTC) which was developed by the Driving Standards Agency (DSA) to provide a safe environment to carry out the new and more demanding motorcycle exercises required by EU legislation; crucially, some of this testing needs to be carried out before riders are allowed on the highway. The new testing regime was initiated in September 2008 and prior to the commencement of the use at the application would have meant that Oxford would have been unable to provide a suitable motorcycle test centre (the nearest would have been Swindon).

- 6.2. It is proposed to operate the site between the hours of 8am and 10pm, from Monday to Friday and it is not proposed to operate the site for motorcycle tests on match days or events. Currently, approximately 900 tests take place at the site each year.
- 6.3. The proposed use would enable part of the existing car parking area and office/storage space within the stadium to be used for a limited amount of license testing. An off-road test route can be set up within the application site on the extensive car parking area; this provides a safe area for testing to take place (which is not used by cars and is very visible to pedestrians and cyclists crossing through the site).
- 6.4. A temporary planning permission is sought because the DVSA are in the process of trying to find an alternative site (but have been unable to find one to date); the applicant is therefore reluctant to seek a permanent planning permission for the current use.

7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

08/01873/FUL – Temporary use of part of car park for motorcycle testing/training and part of stadium for storage and office. In association with the main use. Approved 22nd October 2008.

16/01357/FUL - Temporary use of part of car park for motorcycle testing/ training and part of stadium for storage and office at The Kassam Stadium for three years. Approved 16th August 2016.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Emerging Oxford Local Plan 2036
Design	118, 127,	CP1, CP6 CP8,	CS18			RE2, DH1
Natural environment						
Social and community		CP13				
Transport		TR6			Parking Standards SPD	
Environmental	163, 180	CP10, CP21, CP19	CS11			RE3, RE4, RE7, RE8
Miscellaneous	8			SP24, MP1		SP15

There is an emerging Oxford Local Plan 2036. More significant weight is now given to the emerging policies within this plan. Where relevant they are addressed in the report below and any conflict with existing policy is identified.

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 18th November 2019 and an advertisement was published in The Oxford Times newspaper on 14th November 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection subject to conditions requiring access from Grenoble Road only and motorcycle training not to take place alongside match events.

Oxfordshire County Council (Education and Property)

9.3. No comments received.

Oxfordshire County Council (Drainage and Flooding)

9.4. Originally advised that insufficient drainage, flood risk, SuDS usage information provided to enable full technical assessment of the proposal. Site is shown to be

at potentially high risk of flooding from river. No evidence of consent to discharge to watercourse. Not aligned with Local or National Standards.

9.5. On further consideration of the relevant flood zone and the nature of the proposal, the objection was removed.

Thames Water Utilities Limited

9.6. No comments received.

Natural England

9.7. No comment.

Environment Agency

9.8. No objection. The site lies in Flood Zone 1 and is at low risk from fluvial flooding.

Littlemore Parish Council

9.9. No objection.

Historic England

9.10. No comments received.

Public representations

9.11. No neighbour comments received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Use
- Impact on Amenity
- Access and Parking
- Flooding and Surface Water Drainage

a. Principle of Development

10.2. The application site lies within a defined area specific to planning policy SP24 of the Sites and Housing Plan (2013) (to become policy SP15 of the Oxford Local Plan 2036). This policy seeks to deal with the opportunity to provide additional development on parts of the Kassam Site including residential, commercial and open space. It states that adequate car parking should be retained as well as the Kassam Stadium. The proposed development would not prejudice the requirements of this policy and would represent a small-scale level of development that would be acceptable in policy terms which does not prevent

current uses operating and given the temporary nature of the use that it would not prejudice the site coming forward for other uses. Given a temporary use is proposed this is an appropriate proposal provided the longer term delivery of other uses is not prejudiced.

- 10.3. The development would allow for the continued presence of a motorcycle training facility in Oxford which would negate the need for local residents to have to travel further afield for motorcycle testing and training as the next nearest test facility is in Swindon.
- 10.4. Paragraph 17 of the NPPF promotes mixed use development and recognises that there can be multiple benefits from the use of land in urban areas. The proposal is also considered to make a more efficient use of the site.
- 10.5. The NPPG states that it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale). In this case the site is allocated under SP24 of the Sites and Housing Plan which encourages further development of the site for commercial and residential uses. At this stage there is still no indication of these developments coming forward. There is therefore no harm in granting a future temporary use of three years, however a permanent permission could prevent development in the future which is identified under the site allocation policy. Three years would allow the Local Authority to reassess the situation.
- 10.6. The proposal is therefore acceptable in principle as it would not result in a permanent change of use of the entire site or prevent future development of the site in accordance with policy SP24 of the Sites and Housing Plan.

b. Design and Use

- 10.7. The proposals would involve fairly small-scale changes of use of parts of the stadium site to provide office, storage and training areas. The office area would be located in the main building with storage in a cupboard accessed externally. These changes would be sought on a temporary basis, would be small scale in the context of the site and would not prejudice the principal use of the site as a stadium. As a result, Officers would recommend that this aspect of the development would be acceptable.
- 10.8. Overall there are no physical changes proposed to the site which would have any material impact on the appearance or function of the site. The proposal is therefore considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan and CS18 of the Core Strategy which are to become policies RE2 and DH1 of the Oxford Local Plan 2036.

c. Impact on Amenity

- 10.9. The application site lies over 100m from the nearest residential property; the development is therefore unlikely to give rise to noise and disturbance to nearby residents. During testing, a motorcycle is normally in operation with two examiners for both off road and on road testing so the activity is low key. There is also some mature vegetation around parts of the site which would screen the

activity and reduce noise impact. The stadium also sits between the off road testing in the Kassam car park and properties to the east in Acacia Avenue and roads leading off this avenue.

- 10.10. There are hotels to the east and west of the site but the hours of operation of testing would be restricted to between 8am and 8pm and would therefore be unlikely to give rise to an unacceptable impact on hotel customers.
- 10.11. The site has been in operation from 2008 and no objections have been received from neighbouring properties therefore the use is not known to cause a nuisance with regards to noise and disturbance to neighbouring occupiers.
- 10.12. The proposal is therefore considered acceptable in relation to policies CP10, CP19 and CP21 of the Oxford Local Plan which are to become policies RE7 and RE8 of the Oxford Local Plan 2036.

d. Access and Parking

- 10.13. The proposals state that there would only be two instructors visiting the site during training and testing days and there would be limited numbers arriving for instruction. There would be up to 898 tests per year which would equate to less than 2.5 tests on average per day. There is ample parking and accessibility for staff and customers and Officers recommend that this is a practical location that has already operated successfully for a number of years. The proposals make use of the vast areas of car parking when the stadium is not in its primary use on match days. To avoid conflict between this use and the main use of the site, a condition is suggested to ensure that the motorcycle testing does not take place on match days or other similar events. Such a condition has been imposed on the previous temporary permissions and the site has operated successfully for some time on this basis.
- 10.14. The proposed development would be accessed from the existing point of access off Grenoble Road. A condition is included in the recommendation that would require no other point of access for the use proposed in line with County Highway comments.
- 10.15. The proposal is therefore not considered to be detrimental to the highway network in accordance of policy CP1 of the Oxford Local Plan and the NPPF.

e. Flooding and Surface Water Drainage

- 10.16. An objection was initially received from the Lead Local Flood Authority (Oxfordshire County Council) due to the lack of flood risk assessment and sustainable drainage proposals. On further reflection this objection was removed given that it would be the continuation of a previously approved use, is use of an existing hard standing where no works are proposed and the proposal falls within Environment Agency Flood Zone 1 and is therefore at low risk from flooding.
- 10.17. The proposal is therefore considered to comply with policy CS11 of the Core Strategy which is to become policies RE3 and RE4 of the Oxford Local Plan 2036.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.1. In summary it is considered that the proposal would result in a more efficient use of the site without prejudicing the main or other uses at the Stadium site and without causing harm to the amenity of neighbouring occupiers, highway network or drainage in accordance with the policies referred to throughout the report.
- 11.2. Officers would advise members that having considered the application carefully that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend that the East Area Planning Committee grant planning permission for the proposed development subject to the conditions as set out in the report.

12. CONDITIONS

- 1 This permission shall be for a limited period of three years only, starting from the date of this decision. After that date the use hereby permitted shall be discontinued and any equipment, debris and materials arising therefrom removed from the site unless prior to that date the Local Planning Authority have approved a renewal of the permission in writing.

Reason: To enable the Local Planning Authority to assess the impact of this use on the surrounding area and for alternative sites to be investigated in order that the development complies with Policy CP1 of the Oxford Local Plan 2001-2016.

- 2 The use of the car park for motorcycle testing and training shall be restricted to between the hours of 08:00 and 20:00 only and shall not operate if the stadium is in use for a first team football match or any other similar event requiring full use of the car park.

Reason: To ensure that the approved use does not impact on the principal use of the site as a football stadium and to ensure that sufficient car parking is provided for football matches in order that the development complies with Policy CP10 of the Oxford Local Plan 2001-2016.

- 3 The area for motorcycle testing and training shall be restricted to the land shown on the approved plan (Drawing No. PL03 REV A) and all vehicles and equipment used in association with the approved use and brought onto the land in exercise of this permission shall be removed from the site at the conclusion of that days operation.

Reason: In the interest of visual amenity and to otherwise ensure the land is available for parking and use in association with the stadium as required by Policy CP10 of the Oxford Local Plan 2001-2016.

- 4 Means of vehicular access to the site shall be from Grenoble Road only unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of highway safety as required by Policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

INFORMATIVES :-

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
2. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

13. APPENDICES

- **Appendix 1 – Site plan**

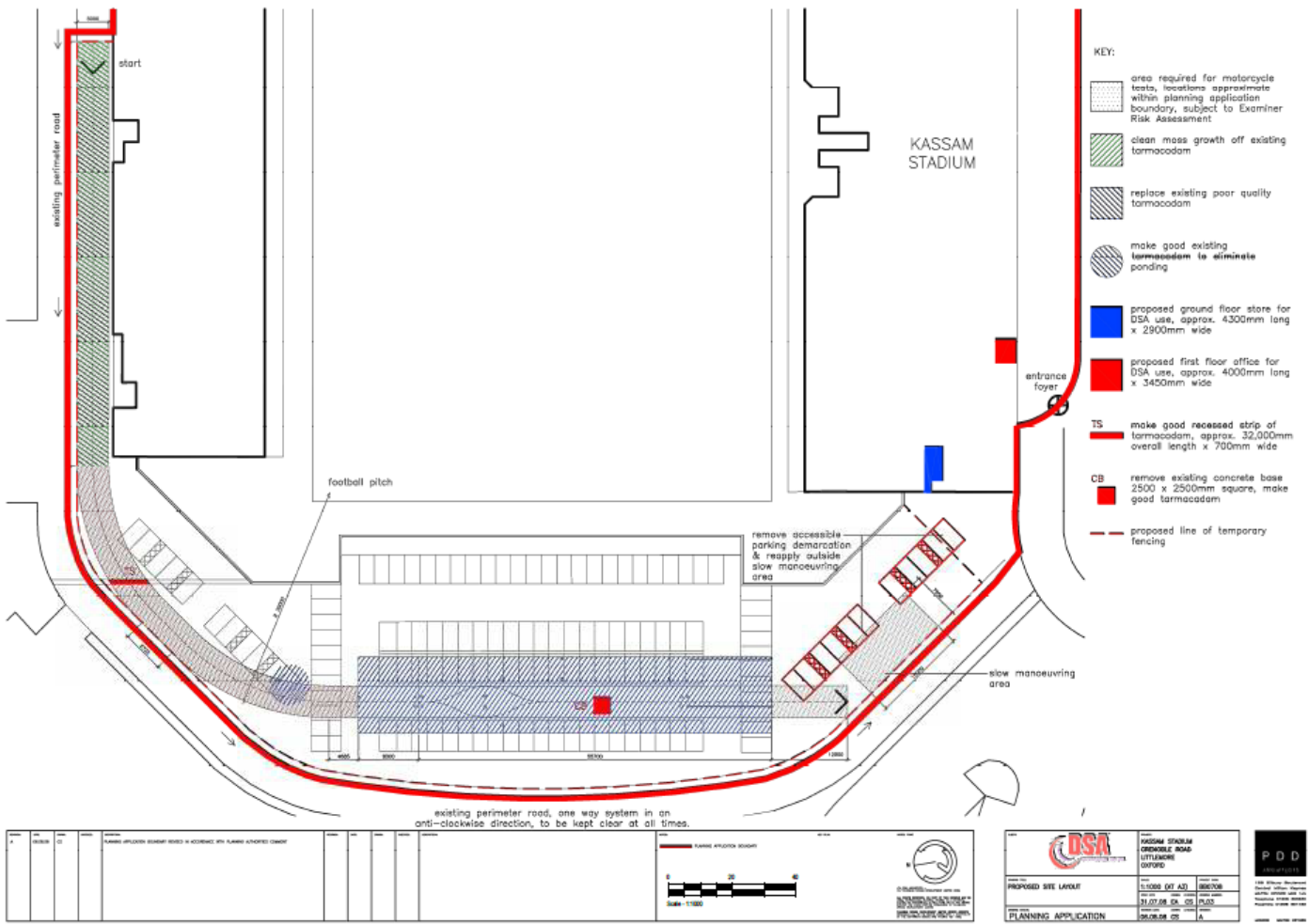
14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

15.1. 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.

Appendix 1 – Site Plan



This page is intentionally left blank

EAST AREA PLANNING COMMITTEE

5th February 2019

Application number:	19/02984/CT3		
Decision due by	20th January 2020		
Extension of time	14 th February 2020		
Proposal	Demolition of the existing Bullingdon Community Centre. Erection of a new Community Centre.		
Site address	Bullingdon Community Centre, Peat Moors, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Lye Valley Ward		
Case officer	Sarah Orchard		
Agent:	Ms Juliet Burch	Applicant:	Oxford City Council
Reason at Committee	Council Application		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of the entire Bullingdon Community Centre and erection of a replacement community centre to provide improved community facilities. The proposed development is considered to provide much needed improved community facilities without causing harm to the amenity of the area or of the neighbouring occupiers, trees, biodiversity or the adjoining Lye Valley SSSI in accordance with the policies listed throughout the report and the NPPF.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL payment.

5. SITE AND SURROUNDINGS

5.1. The site is located within the Lye Valley Ward of Oxford to the east of the city centre. To the east of the site the application site adjoins residential properties. To the west of the site is a recreation ground, the Lye Valley SSSI and the car park which serves the community centre. The community centre sits within its own area separated from the play area and residential properties by fences.

5.2. See site location plan below:



© Crown Copyright and database right 2019. Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the entire demolition of the existing community centre and erection of a replacement community centre comprising of 109m2 main hall, kitchen office and storage with a central atrium and entrance lobby which is approximately 21 metres deep with a 10 metre wide frontage. The proposals also include shifting existing parking spaces away from the entrance in order to provide better pedestrian access to the front of the building and bicycle storage. This results in the provision of an additional parking space.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

49/00567/A_H - Recreation Ground Peat Moors - Community centre. Temporary permission 15th June 1949.
--

51/01624/A_H - Social Club Peat Moors - Store. Refused 13th February 1951.

52/02577/A_H - Dressing room. Temporary permission 14th October 1952.

62/00567/A_H - Recreation Ground Peat Moors - Community centre building. Approved 13th March 1962.

62/11455/A_H - Extension of a new additional building. Approved 13th March 1962.

84/00484/GF - Demolition of part of existing building and erection of new enlarged single storey extension and extension to car park. Deemed Consent 20th July 1984.

90/00963/GF - Erection of timber storage shed. Deemed Consent 3rd January 1991.

10/01832/FUL - Removal of existing timber storage shed. Erection of larger timber storage shed as extension to community centre. Approved 13th August 2010.

10/02606/CND - Details of sustainable drainage scheme submitted in compliance with condition 3 of planning permission 10/01832/FUL. Approved 27th October 2010.

17/03426/CT3 - Part demolition of existing community centre. Erection of part single part double height front and side extension. Approved 16th March 2018.

17/03426/CND - Details submitted in compliance with conditions 3 (Samples), 4 (Tree Protection Plan), 5 (Biodiversity enhancements), 6 (Drainage) and 8 (Cycle storage) of planning permission 17/03426/CT3. Withdrawn 18th February 2019.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Oxford Local Plan 2036
Design	7	CP1, CP6, CP8,	CS18_		DH1
Natural Environment	9, 11, 94, 100, 103, 109	CP11, NE15, NE21, NE23,	CS11_ CS12_		G1, G2, G8, G9, RE3, RE4

Social and community	74	SR2	CS20_ CS21_		G5, V7
Transport		TR3, TR4,			M3, M5
Environmental	17	CP10, CP22			RE7, RE9
Misc				MP1	S1

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 2nd December 2019 and an advertisement was published in The Oxford Times newspaper on 5th December 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The proposed cycle storage is above the required standard. Unlikely to be a detrimental impact on the highway network. No objection subject to a small scale construction traffic management plan being provided by condition.

Thames Valley Police

9.3. No objection. Some of the pre-application advice has been incorporated into the proposals. Disappointed that a commitment has not been made to achieve a Secured By Design accreditation. A condition is recommended that this is achieved. This would require:

- lighting of the car park (avoiding low level lighting).
- the bin store is relocated within the fenced area.
- removal of the canopy to the front of the building.
- redesigning of rainwater goods and to prevent climbing.
- external lighting at the point of entry and egress.
- an anti-climb feature to the top of fences.

Natural England

9.4. No objection subject to a drainage maintenance scheme being provided by condition. It is also advised that a form surface water interceptor is utilised to trap silt entering the car park drainage system in order to reduce silt or pollutants entering the Lye Valley SSSI via the surface water drain.

Bullington Community Association

9.5. No comments received

Public representations

9.6. No third party comments received.

Officer response

9.7. The issues raised above are addressed in the report below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design including Secured By Design
- iii. Neighbouring amenity;
- iv. Trees
- v. Biodiversity
- vi. Drainage
- vii. Parking
- viii. Ecology

i. Principle of Development

10.2. Policy CS20 of the Core Strategy (which is to become policy V7 of the Oxford Local Plan 2036) supports the enhancement of new community facilities. Demolition of community facilities is allowed where equivalent or new and improved facilities are being provided. In this case improved facilities are being provided on the same site. This is furthermore supported by paragraph 70 of the NPPF which states that decisions should guard against the loss of valued facilities and services

10.3. Policy SR2 of the Oxford Local Plan protects open air sports facilities. In relation to this site, the play area to the south west of the application site boundary and the recreation site and car park to the west fall within protected SR2 land. The proposed replacement of the community centre does not result in the loss of any of the play area and is contained within the existing fenced off Community Centre site. The proposal repositions some parking within the car park to enhance the entrance area to the community centre but does not result in the loss of any green open space. The requirements of policy SR2 are echoed by policy CS21 of the Core Strategy (which are to become policy G5 of the Oxford Local Plan 2036) which also supports retention of sports and leisure facilities. This is further supported by paragraph 74 of the NPPF.

10.4. The proposal is therefore considered to comply with policies SR2 of the Oxford Local Plan, CS20 and CS21 of the Core Strategy and the NPPF.

ii. Design and Impact on Character of Surrounding Area

10.5. Permission was granted in March 2018 for demolition of the original hall (approximately half of the site) and erection of a new extension. This has not been implemented due to viability reasons. It is therefore now considered that if substantial works need to be carried out to the site, the most viable option would be to replace the whole building. The original building is substandard, there is also evidence of subsidence and the building is of limited architectural merit. The

proposed replacement building is designed to secure the future of the site and ensure it remains available for community use.

- 10.6. The proposed building is designed as two pitched roof elements, the smaller of which is to be finished with grey brick slips and the larger to be clad in matt leaf green metal cladding. The use of two different elements and two different materials breaks up the overall massing of the building and keeps it relatively low in height. The use of brick is common in the area, however the residential buildings are commonly red brick. A different colour has been chosen to contrast the existing buildings in the area in order for the building to stand out and read as a community use. The colourful use of cladding makes the building inviting and is reflective of the activities which would take place inside.
- 10.7. In terms of scale and massing, the replacement building is on a similar scale to the existing building (12m² larger) as it needs to provide all the same facilities as the existing building to support the many users of the building. The roof pitch is also designed to support the optimum installation of solar panels to help the energy efficiency of the building.
- 10.8. The scale of the building is comparable to both the existing building and the previously approved alterations to the community centre. The previously approved extension was designed to reflect the character and materials of the 1960s community centre. Since it is no longer viable to partially replace the community centre, the proposal is seen as an opportunity to create a community centre, which is brighter and more appealing and reads as a contrast to the surrounding residential buildings.
- 10.9. The above approach is considered acceptable and the proposal is therefore considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan and CS18 of the Core Strategy (which are to become policy DH1 of the Oxford Local Plan 2036).

Secured by design

- 10.10. Advice from Thames Valley Police was received at pre-application stage which has been considered and included in the design proposals. In particular the new proposed fence which will be weld mesh, a robust but visually permeable boundary in the areas where security is required. The windows in the main hall enable natural surveillance over the playground and the playing fields. The south west boundary along the children's playground continues the playground fence (including gates) to create a friendly, inclusive boundary.
- 10.11. Thames Valley Police have provided further comments on the proposal, following submission of the application picking up on elements which have not been amended. Thames Valley police requested lighting the car park (avoiding low level lighting) to help prevent crime and anti-social behaviour and help police identify offenders. However, the car park is currently unlit, due to the proximity to the Lye Valley SSSI and it is not wise to create additional lighting as it could harm biodiversity. They also requested that the bin store is relocated within the fenced area to make it inaccessible to arsonists. Unfortunately there isn't

sufficient space with the garden area to accommodate the bin store without compromising the level of amenity space. To prevent arson, the store would be fire treated and secured. Another request was that the canopy/overhang to the front of the building should be removed to stop people congregating and facilitate anti-social behaviour. The canopy is relatively small, provides shelter for buggy parking and is overlooked by the kitchen window. The canopy is also instrumental in breaking up the massing of the front elevation and creating visual interest. Additionally, it was suggested rainwater goods could be redesigned to prevent climbing. If the rainwater goods are not hidden within the building design, the proposed rainwater goods could be fitted with anti-climb guards in the future. It was also requested that external lighting at the point of entry and egress is provided. The applicant has had discussions with Thames Valley Police and is willing to provide two stage dusk to dawn lighting to satisfy this request. Finally it was requested that an anti-climb feature to the top of fences is installed. This could be added at any point if necessary but the applicant does not want to propose this initially as it would appear that there is a lack of trust and it would not be attractive. If required this could be added in the future.

10.12. Officers consider that the applicant has taken reasonable steps to prevent crime and the fundamental design concerns at pre-application stage have been overcome by ensuring the building design incorporates windows overlooking the play area as well as the many other measures mentioned above to deter crime in accordance with policy CS19 of the Core Strategy. Any of the outstanding matters can be addressed at a later date if necessary if they are proven to be problematic and would not form any basis for withholding planning permission given that they are detailed matters in Officer's opinion.

iii. Impact on Neighbouring Amenity

10.13. The proposed community centre sits on a similar footprint to the existing community centre. It is stepped away from the boundaries with neighbouring residential properties to the east of the site. The existing centre sits 2.7 metres from the eastern boundary at its closest point and 9.6 metres at its furthest point. The proposed building would be 7.2 metres from the eastern boundary of this site, thus having a similar impact in comparison to the existing building and indeed would represent an improvement in part.

10.14. In relation to the northern boundary of the site, the proposal would sit approximately 2 metres from the northern boundary of the site, which is similar to the existing situation. At present the Orinoco area to the rear is 3 metres from the boundary. To ensure that the proposed building would not have a detrimental impact on neighbours to the north of the site, the eaves of the building have been kept to 2.7 metres which is the same as the existing building. Whilst the Orinoco area would become closer to the boundary by approximately a metre, this area predominantly sits at the rear of gardens on Bulan Road which are approximately 20 metres deep and would not contribute to the sense of enclosure of the rear garden of 59 Peat Moors.

10.15. In relation to the height of the proposal, it would be 4.3 metres total height on the lower gabled section and 5.8 metres on the higher section of the building which

would sit further south than 59 Peat Moors to the north of the site. The highest point of the building would be the same as the highest point of existing building overall.

- 10.16. With regard to privacy the openings have been kept to similar locations to the existing openings which are primarily located to overlook the play area to the south west, the car park to the north west and the amenity space to the south east. There are limited openings (three doors only, one window and two high level rooflights) to the north east with the shared boundary with 59 Peat Moors. These would be largely obscured by the existing boundary treatment. They would also serve smaller meeting rooms with larger and potentially noisier activities in the south of the building adjoining the play area, as per the current situation.
- 10.17. Overall, the proposed development is considered to have a neutral impact on the amenities of neighbouring occupiers with regard to sense of enclosure, overbearing impact, privacy and daylight and sunlight. The proposal is therefore considered acceptable in relation to policies CP1 and CP10 of the Oxford Local Plan.

iv. Trees

- 10.18. The proposals include removal of existing trees along the boundary with Dene Road. These trees are low quality and value trees and have short life expectancies, while they have some visual/screening value that will be lost this can be mitigated by new tree planting that will enhance amenity in the area in the medium and longer term in accordance with adopted local Plan policies CP1, CP11 and NE15 (which are to become policies G1 and G8 of the Oxford Local Plan 2036). A detailed landscape plan would also be secured by condition.

v. Biodiversity

- 10.19. The application involves the demolition of an existing building which contains features suitable for bats and is located near prime bat habitat (The Lye Valley). Officers have reviewed the Bat Survey Report produced by Ecoconsult (July 2019) and are satisfied that the potential presence of protected species has been given due regard and no evidence of bats were found.
- 10.20. In accordance with Core Policy CS12: Biodiversity of the Core Strategy for Oxford City: *“Opportunities will be taken (including through planning conditions or obligations) to: ensure the inclusion of features beneficial to biodiversity (or geological conservation) within new developments throughout Oxford.”* In addition to local policy, the NPPF sets out that *“The planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible”* and *“opportunities to incorporate biodiversity in and around developments should be encouraged.”*
- 10.21. The application has been accompanied by a scheme of biodiversity enhancements which proposed 131m² of amenity grassland, replacement of an

elder tree in decline, bat and bird boxes on the new building which would be secured by condition.

10.22. Subject to the above condition, the development is considered to comply with the requirements of policy NE23 of the Oxford Local Plan and CS12 of the Core Strategy (which are to become policies G2 and G9 of the Oxford Local Plan 2036) and the NPPF.

vi. Drainage

10.23. The site is not at significant risk of flooding; however it does lie within the catchment zone for the Lye Valley Fen SSSI, which is sensitive to changes in water quantity and quality. Therefore, a Sustainable Drainage scheme has been submitted with the application. This has been reviewed by both officers and Natural England who have found the proposal for soakaway crates acceptable subject to a maintenance plan being put in place. This scheme would protect the sensitive SSSI from pollutants and provide a sustainable flow of water. As the surface water leaches to the ground, it would pass through a bedrock of limestone and would diffuse limestone content into the Lye Valley SSSI. This would leach limestone concentrations in the Lye Valley SSSI whereas the current drainage regime does not pass through any limestone formation and it discharges directly into the Lye Valley SSSI via a pipe gravity outlet. The proposed scheme is therefore an improvement of the current situation.

10.24. Subject to compliance with the submitted drainage strategy, the proposal is considered to comply with policy CS11 of the Core Strategy (which is to become policies RE3 and RE4 of the Oxford Local Plan 2036).

vii. Parking

10.25. The Local Highway Authority has reviewed the application and raised no concerns with the proposed development. The proposals provide 16 covered and secure cycle parking spaces, this is above policy requirements which require 1 space per 20m² of assembly space. 165m² of assembly/hall space would be provided triggering a requirement of 9 spaces. The proposals are of a similar floor area to the existing building so the retained parking area of 14 spaces (plus two disabled spaces) is considered acceptable and in line with the maximum standard of 16.5 spaces (1 space for 10m² or assembly/hall space). Given that the proposals are of a similar floor area to the existing building and will serve the same use, the development is unlikely to have any detrimental impact on the local highway network from a traffic and safety point of view. Oxfordshire County Council do not object to the granting of planning permission, subject to a condition requesting a small scale construction traffic management plan in the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

10.26. The proposal is therefore considered to comply with policies TR3 and TR4 of the Oxford Local Plan (which are to become policies M3 and M5 of the Oxford Local

Plan 2036) and requirements of the NPPF in relation to sustainable development and transport.

viii. Energy Efficiency

- 10.27. The new building will need to comply with Regulation 25B and therefore must be nearly zero energy. Therefore an Energy Strategy Report has been produced which demonstrates that this will be achieved. The new building will be fully electric and the design enables it to be built using a closed panel system, which is an offsite form of construction using timber. The proposed south facing roofslope would also be fitted with solar panels. This Building Regulations requirement is considered to be higher than the requirements of policy CS9 of the Core Strategy. This states that for developments (which are not qualifying sites i.e. less than 2000m²) to incorporate sustainable design and construction methods and are not required to generate 20% of energy needs on site through renewable and low carbon energies.
- 10.28. The proposal is therefore considered to exceed the requirements of policy CS9 of the Core Strategy (which is to become policy RE1 of the Oxford Local Plan.

ix. Land Quality

- 10.29. Officers have reviewed the submitted ground investigation reports and are satisfied with the scope of the investigation and conclusions within the report. No significant contamination risks were identified within soils at the site, although no ground gas monitoring occurred. In the absence of any ground gas monitoring data, a precautionary approach is recommended to protect against potential ground gas ingress to the proposed building. As such a condition is recommended to secure remediation and validation of the ground gas protection measures.
- 10.30. Subject to this condition the proposal is considered to comply with policy CP22 of the Oxford Local Plan which is to become policy RE9 of the Core Strategy.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary it is considered that the proposal would provide a new community centre which would be an asset to the local community without causing harm to the character and appearance of the area, neighbouring amenity, trees or drainage into the Lye Valley SSSI.
- 11.5. Officers would advise members that having considered the application carefully that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend that the East Area Planning Committee grant planning permission for the proposed development subject to the conditions as set out in the report.

12. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Prior to their installation on site, samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

The Phase 1 (Desk Study) and Phase 2 (intrusive site investigation) have been completed and approved by the local planning authority.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use. This should include details on the measures to be adopted for the protection of the building against potential ground gas ingress, unless appropriate ground gas monitoring demonstrates that such measures are not required.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 5 The development shall not be occupied until all approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 6 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 7 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 8 A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. This should identify;
- The routing of construction vehicles,
 - Access arrangements for construction vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

The development shall then be carried out in accordance with the approved plan.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policy CP1 of the Oxford Local Plan.

- 9 The development shall be undertaken in accordance with the Scheme of Ecological Enhancements Report (Ecoconsult, April 2019). The report provides the minimum accepted ecological enhancements to enable a net gain in biodiversity to be achieved.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

- 10 The development shall be carried out in accordance with the revised drainage strategy '2001/TN004-REV C' unless otherwise agreed in writing by the Local Planning Authority. Any aggregate/fill used within the drainage system shall be inert materials.

Reason: In the interests of flooding and the Lye Valley Site of Special Scientific Interest in accordance with policy CS11 of the Core Strategy

- 11 Prior to the occupation of the development, a drainage maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority and the drainage shall be retained and maintained in accordance with the approved scheme thereafter.

Reason: In the interests of flooding and the Lye Valley Site of Special Scientific Interest in accordance with policy CS11 of the Core Strategy

13. APPENDICES

- **Appendix 1 – Site plan**

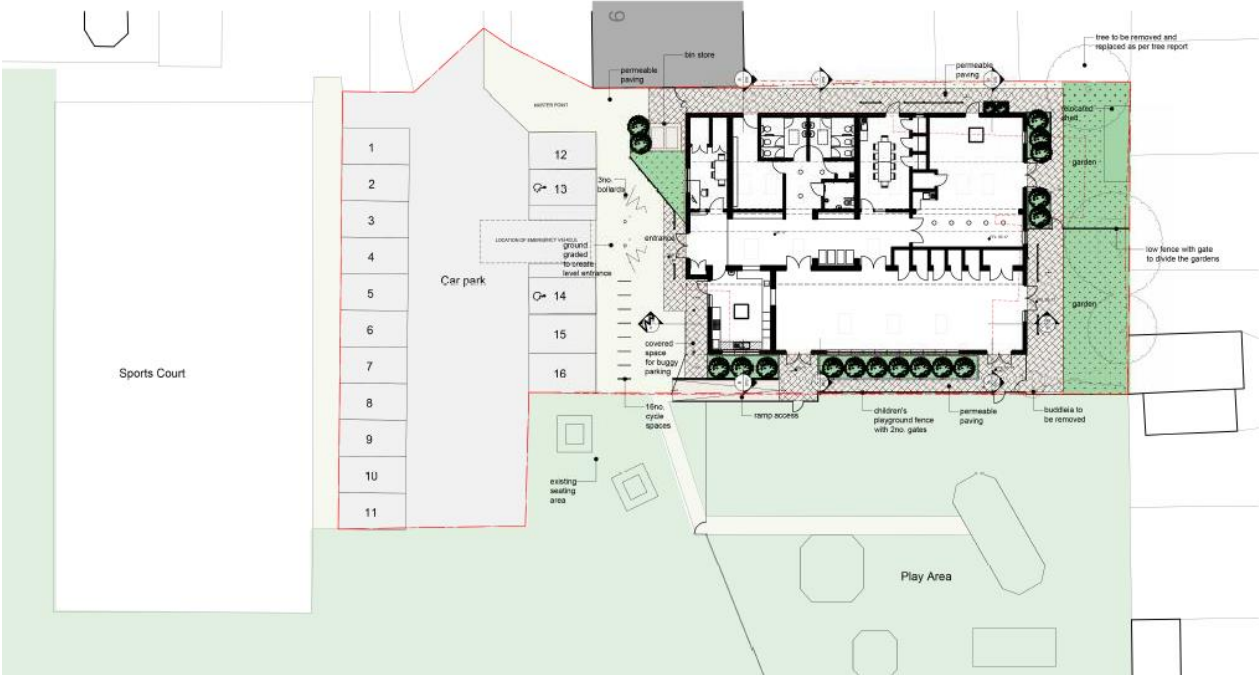
14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. 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.

Appendix 1 – Site Plan



This page is intentionally left blank

East Area Planning Committee

5th February 2019

Application number: 19/03192/VAR

Decision due by 30th January 2020

Extension of time

Proposal Variation of condition 2 (Develop in accordance with approved plans) of planning permission 19/01272/CT3 (Demolition of existing single storey side extension and erection of a single storey rear extension to existing house. Erection of a two storey building to create a 1 x 3-bed dwelling (Use Class C3). Provision of private amenity space, car parking and bin and cycle storage) to allow additional installation of PV panels.

Site address 9 Pauling Road, Oxford, OX3 8PU, – see **Appendix 1** for site plan

Ward Churchill Ward

Case officer Sarah Orchard

Agent: Jessop and Cook Architects **Applicant:** Oxford City Housing Ltd

Reason at Committee The application has been made by Oxford City Housing Limited

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. Planning permission was granted under application 19/01272/CT3 in August 2019 for the erection of a single storey rear extension to the existing house and erection of a two storey building/extension to the south of the existing dwelling to

create a 1 x 3-bed dwelling (Use Class C3) with provision of private amenity space, car parking and bin and cycle storage.

2.2. It is now proposed to add solar panels to front roof slope of the dwelling as a minor material amendment to the scheme to meet energy efficiency standards. The report considers the impact of the differences between the permitted scheme and that now put forward, focussing on the solar panels proposed and considering the design on the character and appearance of the host dwelling and the surrounding area, energy efficiency and impact on neighbouring occupiers.

2.3. The report concludes that the proposal would not detrimentally harm the character and appearance of the proposal or significantly affect the other material considerations in assessing the scheme as a whole in accordance with the policies identified.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

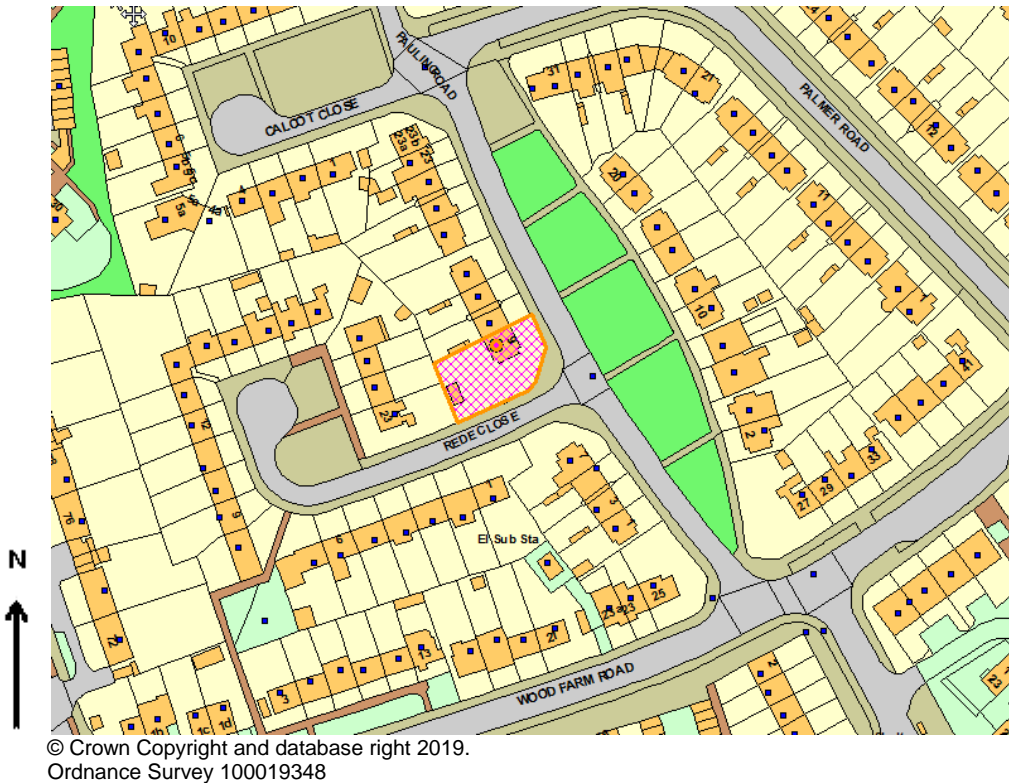
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located within the Wood Farm area of Oxford to the east of the city centre. The area is characterised by terraces and pairs of semi-detached dwellings which are fairly plain in character. There is also a significant and attractive area of open space opposite. The application site is an end of terrace dwelling which fronts Pauling Road and forms a corner plot on the northern side of Rede Close. The property benefits from a generous side and rear garden, the majority of which is currently inaccessible to the tenant due to maintenance reasons. Planning permission has been granted for a new three bedroom end of terrace dwelling for which work has not yet commenced.

5.2. See site location plan below:



6. PROPOSAL

6.1. The application proposes a variation of condition 2 (the approved plans list) of application 19/01272/CT3 to allow the installation of 2no. solar panels to the front (east facing) roofslope of the new property. Each panel would measure approximately 5.5 by 4 metres and would provide 0.75kwp.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

51/01745/A_H - 116 Easiform houses Wood Farm Estate. Approved 22nd May 1951.

19/01272/CT3 - Demolition of existing single storey side extension and erection of a single storey rear extension to existing house. Erection of a two storey building to create a 1 x 3-bed dwelling (Use Clas C3). Provision of private amenity space, car parking and bin and cycle storage. Approved 9th August 2019.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Emerging Policy (Oxford Local Plan 2036)
Design	7, 8, 117, 118, 124, 127	CP1 CP6 CP8	CS2_ CS18_	HP9_ HP10_		DH1, G6, G7, RE2
Housing				HP2_		H10
Natural environment	7, 8, 170	CP11 NE15				G1, G8, G9
Transport				HP15_ HP16_	Parking Standards SPD	M3, M4, M5
Environmental	127	CP10 CP22	CS9_ CS11_	HP11_ HP12_ HP13_ HP14_		RE1, RE3, RE4, RE7, RE9, H14, H15, H16
Miscellaneous				MP1		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 16th December 2019 and an advertisement was published in The Oxford Times newspaper on 12th December 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No impact on the highway network from the proposal.

Bullington Community Association

9.3. No comments received.

Natural England

9.4. No comment.

Public representations

9.5. No third party comments received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development and energy efficiency
- Design
- Neighbouring amenity

a. Principle of development and energy efficiency

10.2. The principle of erecting a new dwelling on the site has already been established by application 19/01272/CT3, approved in August 2019. A requirement of the application (requested by condition) was to meet a sustainability level equivalent to at least ENE1 level 4 of the Code for Sustainable Homes. In order to achieve this, the applicant wishes to provide solar panels on the front roofslope of the dwelling. Energy efficiency measures are supported by policies HP11 of the Core Strategy, CS9 of the Core Strategy and the NPPF subject to the material considerations set out in this report below. Subject to these, the application is considered acceptable in principle.

b. Design

10.3. Solar panels can appear as fairly dominant features on the roof of a property, especially on the front roofslope, as they appear more prominent in the streetscene. In this case the solar panels have been located on this roofslope to ensure that the optimum viable use of the solar panels is achieved. Despite the visual concerns with the proposal, there are however permitted development rights for solar panels on roofslopes under Class A of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The dwelling would not benefit from these permitted development rights until it is lawfully occupied, however once this has occurred the panels could be installed without the need for planning permission.

10.4. It is therefore not considered reasonable to object to the appearance of the solar panels given the potential permitted development fall back position. There are some other limited examples of roof alterations locally with rooflights for example. The development is also not assessed on design alone and it is considered that the benefit of the solar panels to the occupiers and the environment would outweigh any concern with their visual appearance.

10.5. The proposal is therefore considered acceptable in relation to policies CP1 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan (which are to become policy DH1 of the Oxford Local Plan 2036).

c. Impact on neighbouring amenity

10.6. The proposal is not considered to impact on the amenity of neighbouring occupiers in terms of loss of light, overbearing impact or glare. The front roofslope would be located over 40 metres from directly facing properties which would be considered adequate distance from the panels and the neighbours would also not look directly down onto them being two storey properties as well.

10.7. The proposal is therefore considered to comply with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan (which are to become policies RE7 and H14 of the Oxford Local Plan 2036).

d. Other matters

10.8. The proposal is not considered to affect any other material considerations made in the original assessment of the proposal and which remain valid and up to date. Since the conditions have not yet been satisfied it is recommended that they are re-imposed as recommended below.

11. CONCLUSION

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.

11.4. In summary it is considered that the proposal would allow the proposed development for a dwelling to comply with energy efficiency standards which would outweigh any design concerns without causing harm to the amenity of neighbouring occupiers in accordance with the policies referred to throughout the report.

11.5. Officers would advise members that having considered the application carefully that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend that the East Area Planning Committee grant planning permission for the proposed development subject to the conditions as set out in the report.

12. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date permission of application 19/01272/CT3.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Prior to their installation samples of the exterior materials to be used shall be submitted to or be made available on site for inspection by the Local Planning Authority and approved in writing and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 The new dwelling shall not be occupied until the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

- 5 The new dwellings shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Home have been met and the details of compliance provided to the local planning authority.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

- 6 The new dwelling shall not be occupied until the Building Regulations Part G sanitation, hot water safety and water efficiency, Category G2 water efficiency, Optional requirement G2 36 (2) (b) has been complied with.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

- 7 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The works shall only be carried out in accordance with the approved details.

The plans, calculations and drainage details submitted shall demonstrate that;

- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in100 year storm event with a 40% allowance for climate change.
- II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.
- IV. Where sites have been previously developed, discharge rates should be at greenfield rates. Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved in writing by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11.

- 8 Prior to the commencement of development, a SuDS maintenance plan shall be submitted and approved in writing by the LPA. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDs maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The drainage shall be maintained in accordance with the approved plan thereafter.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11.

- 9 Unless otherwise agreed in writing by the Local Planning Authority 2no. new bird cherry (*Prunus padus*) trees, shall be planted in locations to be approved in writing by the Local Planning Authority along the boundary of the application site with Rede Close during the first planting season (i.e. between November and March) following substantial completion of the approved new dwelling. Both of the new trees shall be at least extra heavy standard specimens with a minimum stem girth of 14-16cm at the time of planting and they shall be container grown. If either of the trees dies or fails to become established for whatever reason within 5 years of planting it shall be replaced within the next planting season.

Reason: To mitigate the impact on public amenity that will result from removing existing trees in accordance with policies CP11 and NE15 of the Oxford Local Plan.

- 10 The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 11 Prior to the occupation of the new dwelling details of the bin and bicycle storage including the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, provided on site in accordance with the approved details and retained thereafter for the storage of bins and bicycles only.

Reason: In the interests of the character and appearance of the streetscene and promotion of sustainable modes of transport in accordance with policies HP13 and HP15 of the Sites and Housing Plan.

- 12 Prior to the occupation of the new dwelling the proposed parking shall be laid out in accordance with the approved plans and retained thereafter for the parking of private motor vehicles only.

Reason: To ensure that sufficient provision is made for off-street parking in the interests of highway safety in accordance with policies CP1 of the Oxford Local Plan and HP16 of the Sites and Housing Plan.

- 13 Prior to occupation of the new dwelling visibility splays measuring 2m by 2m shall be provided to each side of the access. This visibility splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with policy CP1 of the Oxford Local Plan.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and enacting that Order with or without modification) no structure including additions to the new dwelling house as defined in Classes A and B of Part 1 of Schedule 2, of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 and the amenities of the occupiers and neighbours in accordance with policies CP10 of the Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan.

- 15 The new dwelling hereby permitted shall not be occupied until the Order governing parking at the application site has been varied by the Oxfordshire County Council as highway authority to exclude the new dwelling, the subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

13. APPENDICES

- **Appendix 1 – Site plan**

14. HUMAN RIGHTS ACT 1998

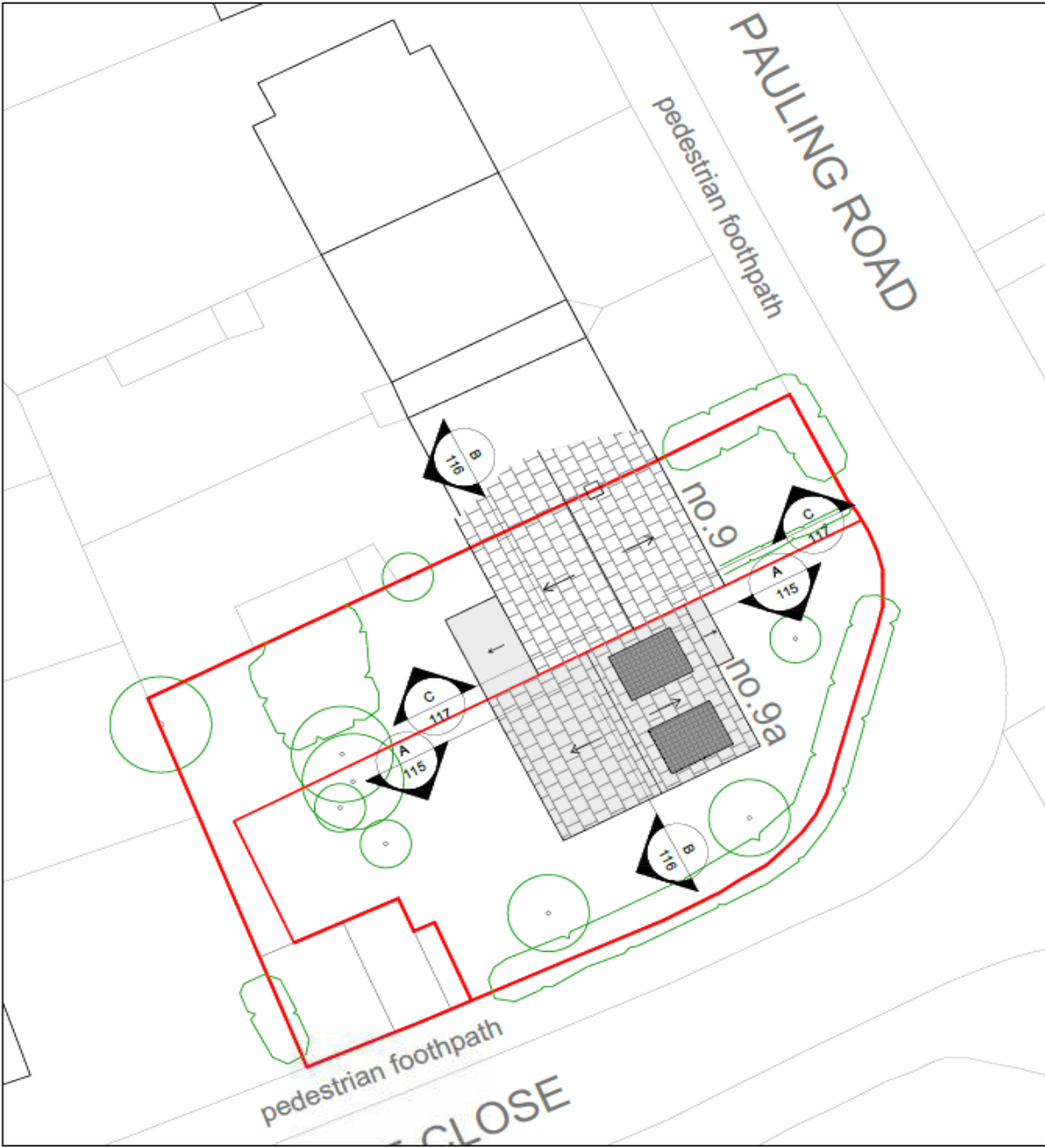
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and

freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

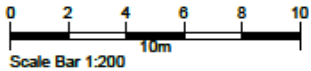
15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers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

Appendix 1 – Site Plan



KEY PLAN

Scale 1:200



This page is intentionally left blank

EAST AREA PLANNING COMMITTEE

05.02.2020

Application number:	19/02159/FUL		
Decision due by	4th February 2020		
Extension of time	14 th February 2020		
Proposal	Retention of 16no. storage containers.		
Site address	Hill View Farm, Mill Lane, Marston, Oxford – see Appendix 1 for site plan		
Ward	Marston Ward		
Case officer	Sarah Chesshyre		
Agent:	Mr N Turner	Applicant:	Mr M Dogar
Reason at Committee	Major development		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission; and

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the retention of 16 storage containers on land occupied by former agricultural buildings within Hill View Farm, which is located within the Green Belt.

2.2. Officers consider that the development on a temporary basis would be acceptable in principle, would not constitute inappropriate development within the Green Belt, and would be acceptable in terms of design and highways impacts. The proposals are considered to comply with CP1, CP6, CP8, CP10, HE2, NE13, NE15, CP19, CP21 and CP22 of the Oxford Local Plan 2001-2016; CS2, CS4, CS11, CS12 and CS18 of the Core Strategy and the NPPF, as well as DH1, DH4, SP26, G2, G3, G8, RE3, RE7, RE9 and D1 of the emerging Oxford Local Plan 2036, noting that it cannot be given full weight at this time.

2.3. Officers consider that the proposals would be acceptable on a temporary basis and the development would accord with the policies of the development plan when considered as a whole and the range of material considerations and support the grant of planning permission for a temporary period of three years.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

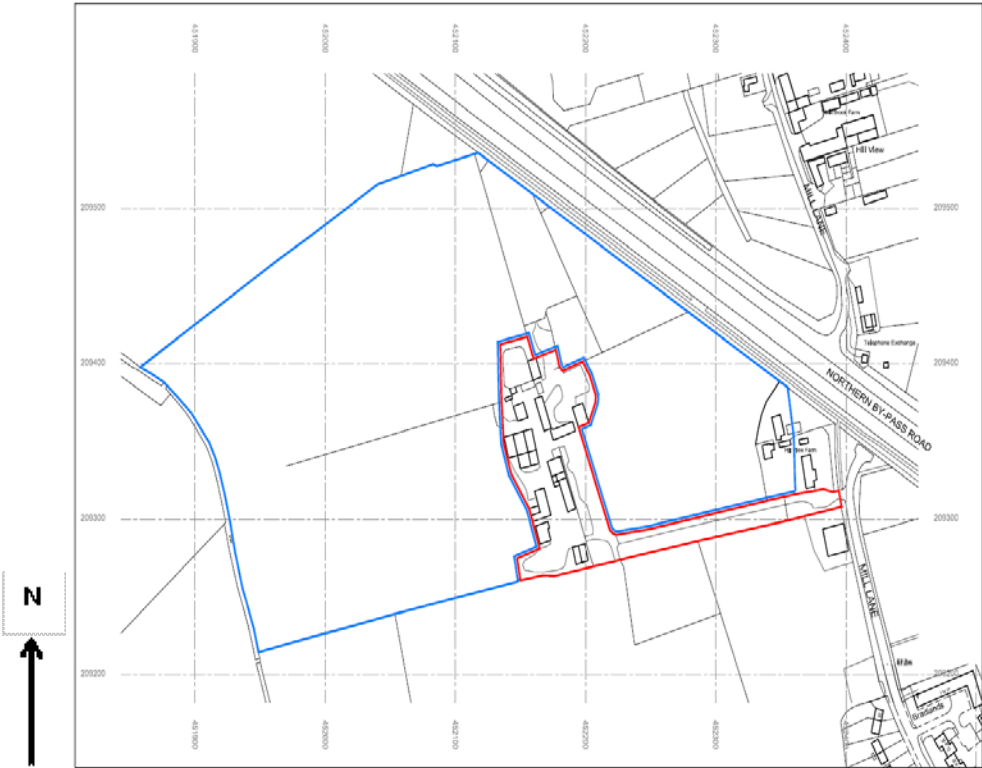
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located within the Marston Ward of Oxford to the north east of the city centre. The site is accessed via a track reached from the northern end of Mill Lane, close to where it terminates at the northern bypass road. The site comprises groups of former agricultural buildings situated within a larger area of land. The site is situated some distance from the residential buildings which form the main built edge of Old Marston, although residential buildings associated with Hill View Farm are located adjacent to the site's access from Mill Lane. The site is located within the Green Belt.

5.2. See site location plan below:



© Crown Copyright and database right 2019.
Ordnance Survey 100019348

6. PROPOSAL

6.1. The application seeks permission for the retention of sixteen storage containers. The containers are sited amongst existing structures which were formerly used in association with the agricultural use of the land, but have for a substantial period of time been used informally for storage and associated uses. The storage containers supplement these existing uses of the site by providing additional floorspace. Each container measures 6.06 metres by 2.44 metres and has a height of 2.29 metres. The containers are standard metal shipping containers finished in a variety of colours.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

13/02011/CPU - Application to certify that change of use of barn and stables from agricultural use to multi-purpose hall (use class D2) is lawful. REFUSED 13th September 2013.

The application was refused for the following reasons :

1 : The proposal fails to meet the requirements of "Permitted Development" in respect of Class M; of Schedule 2 Part 4; of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment)(England) Order 2013.

Reason:- According to the information submitted with the application the building was not in agricultural use on and since the 3rd July 2012 and therefore the proposal does not benefit from the permitted development rights under Class M.

2 : The application describes associated parking by the barns but does not include it in the red area. This lack of information and clarity is another reason for refusal. If additional area is included in the curtilage of the buildings for parking, the total area is likely to exceed 150 square meters and therefore need Prior Approval, a different procedure where highways and other issues are considered.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Emerging Oxford Local Plan 2036
Design	124-132	CP1 Development Proposals CP6 Efficient Use of Land & Density	CS18 Urban design, townscape, character, historic environment	DH1 High quality design and placemaking

		CP8 Designing Development to Relate to its Context CP10 Siting Development to Meet Functional Needs		
Conservation/heritage		HE2 Archaeology		DH4 Archaeological remains
Housing				SP26 Hill View Farm
Commercial		EC1 Sustainable Employment	CS27 Sustainable economy CS28 Employment sites	
Natural environment	133-147 148-169 170-183	NE13 Water Quality NE15 Loss of Trees and Hedgerows	CS4 Green Belt CS12 Biodiversity	G2 Protection of biodiversity and geodiversity G3 Green Belt G8 Protection of existing Green Infrastructure Facilities
Transport	102-111	CP1 Development Proposals		
Environmental	117-121 155-165	CP19 Nuisance CP21 Noise CP22 Contaminated Land	CS2 Previously developed and greenfield land CS10 Waste & Recycling CS11 Flooding	RE3 Flood risk management RE7 Managing the impact of development RE9 Land quality
Miscellaneous	38, 47, 48			D1 Presumption in favour of sustainable development

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 13th November 2019 and an advertisement was published in The Oxford Times newspaper on 14th November 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms, Oxfordshire County Council does not object to the granting of planning permission.

Thames Water

9.3. No comments received.

Natural England

9.4. No objection.

Environment Agency

9.5. No comment.

Historic England

9.6. No comments received.

Old Marston Parish Council

9.7. No objection.

Oxford Preservation Trust

9.8. Oxford Preservation Trust (OPT) welcomes the opportunity to comment on the above application which deals with land adjacent to that owned by the Trust, in the Oxford Green Belt at Marston. Given that the shipping containers have been in situ for over three years (since March 2013 according to the application form), and that the design statement calls for the regularisation of an existing use, OPT assumes that the application is for a permanent use of the site.

9.9. OPT is concerned that this application fails to present any “very special circumstances” which are required to allow for development in the Green Belt. Whilst there is an assessment of “exceptional circumstances” which is the process for plan making (which is required for changes to the green belt boundary) this is the wrong assessment for an application for development within the Green Belt. The assessment of exceptional circumstances is irrelevant, and furthermore the reference to the Housing and Economic Land Availability Assessment is erroneous. There is no presentation of very special circumstances as set out in National Planning Policy Framework (NPPF) paragraphs 143 and 144.

9.10. NPPF paragraph 143 identifies that: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF goes on to explain that: A

local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

9.11. There are, however, some exceptions which can be considered to not be inappropriate development in the Green Belt. These are also listed at NPPF paragraph 145 as follows:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.**

9.12. OPT can see nowhere in the application documentation where there is a reference to the scheme fulfilling one of these exception criteria. Neither has the applicant attempted to suggest that the application might fall under other “not inappropriate development” as described at NPPF paragraph 146:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location; d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order*

9.13. OPT must therefore conclude that the applicant has accepted that the development is inappropriate as described in NPPF paragraph 143 and that very special circumstances are required.

9.14. However, OPT has reviewed the application form and the “Design Statement” for the scheme and cannot see any reference to NPPF paragraph 144, which states the

following: *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

9.15. Nowhere in the application or its supporting documents is there an attempt to assess the level of harm to the openness and the permanence of the Green Belt. Clearly the proposal is to retrospectively allow for the siting of containers which by their very existence will have an effect on openness. There is also no convincing attempt to assess any other potential harm. The only comment in the design statement is an unjustified: *"the storage containers do not harm the neighbouring context."*

9.16. Moreover, there is no assessment of the benefits of the scheme against which the harms can be balanced to ascertain whether there are in fact any very special circumstances to allow development. This application fails to fulfill requirements of the National Planning Policy Framework. OPT reserves its right to respond to this application once the very special circumstances case is put forward.

Public representations

9.17. No third party comments received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a. Principle of development
- b. Green Belt
- c. Design
- d. Highways
- e. Amenity
- f. Other matters

a. Principle of development

Storage use

10.2. The existing buildings on the site have not been in agricultural use for well over 10 years, and for a number of years have been in various uses falling within Use Class B8 (Storage and Distribution). The principle of the storage use is already established on the site, and the storage containers would provide approximately 230 sqm of additional floorspace to complement existing uses on the site. Policies EC1 of the Oxford Local Plan 2001-2016, and CS27 and CS28 of the Core Strategy do not restrict the location or scale of new development for uses falling within Class B8. Policy E1 of the emerging Oxford Local Plan 2036 states that planning permission will only be granted for new or expanded B8 uses (on any category site) where it can be shown that the B8 use is essential to support the operational requirements of a Category 1 employment site but not otherwise. As such the proposed development would be contrary to policy E1 of

the emerging Oxford Local Plan 2036. However, until such time as the plan is adopted, this policy cannot be given full weight. It is also noted that the proposed development represents a relatively small increase in floorspace to an existing B8 use, which would be granted permission for a temporary period only, and on this basis the development is considered acceptable.

10.3. Policy SP26 of the emerging Oxford Local Plan 2036 allocates the site for release from the Green Belt for residential development. Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of relevant policies with the NPPF. Hearings for the Local Plan examination were held in December 2019; the Inspectors state in their Interim Conclusions that the scale of overall housing need and other significant factors constitute exceptional circumstances for the release of Green Belt to accommodate the identified housing need. As such there are no unresolved objections to the proposed release of Green Belt land including in relation to policy SP26, and there are no further unresolved objections specifically in relation to site allocation policy SP26. Noting the findings of the Inspector's Interim Conclusions in relation to the release of Green Belt land the site allocation policy can be considered consistent with the NPPF, including Chapter 13 Protecting Green Belt Land. Noting that the plan is at an advanced stage of preparation, and that policy SP26 is consistent with the NPPF and is not subject to unresolved issues, it is considered that substantial weight can be given to policy SP26. Therefore development should not be permitted on the site that would prejudice the potential for the site to be developed in accordance with SP26. Oxford City Council Sites Trajectory December 2019 (Inspector's Correspondence OCC.8 Appendix 1) submitted as part of the Local Plan examination anticipates that housing would be delivered on the site in 2025-26. As such, it is considered that the granting of permission for a temporary period of three years would ensure that the retention of the storage containers would not prejudice the future redevelopment of the site. The principle of allowing temporary buildings is considered in more detail below, but subject to a condition limiting the permission to a temporary period of three years, it is considered that the retention of storage containers for uses falling within Use Class B8 would be acceptable in principle and compliant with policies EC1 of the Oxford Local Plan 2036, CS27 and CS28 of the Core Strategy, and E1 of the emerging Oxford Local Plan 2036.

Temporary buildings

10.4. Officers consider that the granting of permission for a temporary period of three years would be appropriate having regard to the other detailed material considerations. Policy CP25 of the Oxford Local Plan 2001-2016 specifies that planning permission will only be granted for temporary or portable buildings where short-term need has been clearly demonstrated, such as on sites already allocated for permanent development, buildings to house short-term or trial projects, to meet seasonal or peak demands, for urgent operational requirements, or in connection with major site development work.

10.5. In relation to the above criteria, officers consider that a short term need has been demonstrated. The site is allocated for release from the Green Belt for

residential development by policy SP26 of the emerging Oxford Local Plan 2036. As such, until such time as the plan is adopted, it is considered that there is justification for the temporary use of the site for storage, and that granting temporary permission for the storage containers to facilitate this use is reasonable.

10.6. On the basis of the above, officers consider that the application has demonstrated a short term need having regard to the allocation of the site for permanent development in the emerging Oxford Local Plan 2036. Subject to a planning condition ensuring the removal of the storage containers after a maximum period of three years has elapsed, the proposals are considered to comply with the requirements of policy CP25 of the Oxford Local Plan 2001-2016.

b. Green Belt

10.7. The NPPF at paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 144 states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. At paragraph 145 the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate, apart from in certain circumstances that can be considered exceptions to this, which includes limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

10.8. Policy CS4 of the Core Strategy states that within the Green Belt, planning permission will not be granted for inappropriate development, in accordance with national policy. Policy G3 of the emerging Oxford Local Plan also states that proposals for development in the Green Belt will be determined in accordance with national policy, and that planning permission will not be granted for inappropriate development within the Green Belt, in accordance with national policy.

10.9. A collection of former agricultural buildings occupy the site. These buildings have not been in agricultural use for significant period of time. A previous application on the site (ref. 13/02011/CPU) for prior approval for the change of use of one of the agricultural buildings to a multi-purpose hall established that, at the time of the application, the buildings had not been in agricultural use since 2000. Since the time of that application, Council records indicate that there has been no agricultural use of the site. As such, the application site can therefore be considered to be previously developed land.

10.10. The storage containers are situated amongst the existing agricultural buildings, and do not exceed in scale these buildings on the site. The containers

also do not encroach beyond the extent of the area occupied by existing buildings and structures.

- 10.11. As such, the siting of the storage containers could be considered to constitute limiting infilling of previously developed land, and their scale, form, and positioning in relation to existing buildings is such that the additional built form would not have a greater impact on the openness of the Green Belt than the existing development. The proposal can therefore be considered an exception to the principle that the construction of new buildings within the Green Belt is inappropriate, as identified in paragraph 145 of the NPPF. Given that the development would not be considered inappropriate, the proposals would not be harmful to the Green Belt and very special circumstances are not required in order to justify approval.
- 10.12. Having regard to the existing circumstances of the site and the scale, nature and siting of the development proposed, the proposal would not be considered inappropriate development within the Green Belt in accordance with paragraph 145 g) and therefore is acceptable. The proposal would therefore also accord with the requirements of policy CS4 of the Core Strategy and G3 of the emerging Oxford Local Plan 2036, which require proposals for development to be determined in accordance with national policy.

c. Design

- 10.13. The storage containers are of a functional utilitarian appearance that would not be out of keeping with the surrounding agricultural buildings amongst which they are sited. The existing agricultural buildings are of limited architectural merit and are also in various states of dilapidation, in part due to their no longer being in agricultural use. The existing buildings have also been subject to unsympathetic and piecemeal repairs. Given this context, the form, materials and appearance of the storage containers are considered acceptable in terms of the character and appearance of the site and its surroundings. However due to their utilitarian appearance the storage containers are considered acceptable in design terms on a temporary basis only. The containers would not be acceptable on a permanent basis but regard has been had to the circumstances of the case as addressed above and a temporary planning permission strikes a suitable balance.
- 10.14. As such the proposal is considered acceptable in design terms and compliant with policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan 2001-2016, CS18 of the Core Strategy and section 12 of the NPPF, as well as DH1 of the emerging Oxford Local Plan 2036.

d. Highways

- 10.15. The use of the containers for storage and other uses falling within Use Class B8 would be consistent with other existing uses occurring on the site at the time of the application. The containers supplement this existing use and the additional floorspace that the storage containers would provide is not of a scale that would have a material impact on the number or frequency of vehicles accessing the site. The Highway Authority consider that the proposals are unlikely to have a

detrimental impact on the local highway network in traffic and safety terms and raise no objection to the granting of planning permission.

- 10.16. The proposals are considered acceptable in respect of access, highway safety and traffic generation and compliant with policy CP1 of the Oxford Local Plan 2001-2016 and paragraphs 102-111 of the NPPF, as well as RE7 of the emerging Oxford Local Plan 2036.

e. Amenity

- 10.17. As detailed above, the storage containers would supplement existing uses on the site. The storage containers are sited between existing former agricultural buildings in storage use, and are located at distance of a minimum of 140 metres from the closest residential dwelling, located at the entrance to the site off Mill Lane. Further residential dwellings are located at a distance of over 200 metres on the built up edge of Old Marston. The B8 use is already established on the site, and the storage containers would provide additional floorspace for these uses. The amount of additional floorspace (approximately 230 sqm) is such that it is not considered to materially alter the impacts arising from the existing use of the site in terms of noise and disturbance or other impacts to the amenity of nearby residential properties. The number of vehicle movements associated with the development is limited and therefore the impact to the dwelling at Hill View Farm in terms of disturbance from vehicles using the access to the site that runs to the south of the dwelling would be limited and is considered acceptable. The uses falling within Use Class B8 are such that they would not involve activities that would generate significant noise or disturbance, and the closest residential properties are at a sufficient distance for their amenity to not be harmfully impacted by the development. The proposal is considered acceptable in terms of its impact on residential amenity and compliant with CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016, as well as RE7 of the emerging Oxford Local Plan 2036.

f. Other matters

- 10.18. The development is considered acceptable in all other respects, including in terms of archaeology, flooding and drainage, trees, biodiversity and land quality, and no objection is raised by any statutory, non-statutory or internal consultees in these regards. The development is considered compliant with policies HE2, CP22, NE13 and NE15 of the Oxford Local Plan 2001-2013, CS11 and CS12 of Core Strategy, and the NPPF, as well as policies DH4, G2, G8, RE3, RE7 and RE9 of emerging Oxford Local Plan 2036.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, having regard to the allocation of the site for permanent development in the emerging Oxford Local Plan 2036, the siting of sixteen storage containers for uses falling within Use Class B8, in association with existing uses on the site, is considered acceptable. The development would make efficient use of land until such time as the emerging Local Plan is adopted in full. Officers consider that a short term need has been demonstrated and that the granting of temporary permission is justified in accordance with CP25 of the Oxford Local Plan 2001-2016 and having regard to SP26 of the emerging Oxford Local Plan 2036. The proposal is not considered to constitute inappropriate development within the Green Belt as defined in the exceptions contained within paragraph 145 of the NPPF, and therefore accords with policy CS4 of the Core Strategy and G3 of the emerging Oxford Local Plan. On a temporary basis the containers are considered acceptable in design terms and compliant with policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan 2001-2016, CS18 of the Core Strategy and DH1 of the emerging Oxford Local Plan 2036. The proposal is not considered to give rise to any unacceptable impacts to the local highway network or to the amenity of neighbouring residential properties, and is considered compliant with CP1, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016, as well as RE7 of the emerging Oxford Local Plan 2036.
- 11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

Material consideration

- 11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits

when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, and the emerging Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 of this report.

12. CONDITIONS

- 1 This permission shall be for a limited period of three years only from the date of this decision after which the use hereby permitted shall be discontinued and the building and works carried out under this permission shall be removed. The land shall be reinstated to its condition prior to the siting of the storage containers within 6 months of the date of their removal.

Reason: The nature of the buildings is such that they are considered inappropriate on a permanent basis and to enable the Local Planning Authority to assess the impact of this use on the surrounding area in accordance with CP1, CP25 and the other relevant policies of the Adopted Oxford Local Plan 2001-2016.

- 2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended (or any order revoking and re-enacting that order without modification), and Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the storage containers hereby permitted shall be used only for a use falling within use class B8 and for no other purpose without the prior written consent of the Local Planning Authority.

Reason: The approved use only has been found acceptable in this location and other uses may require further detailed consideration by the Local Planning Authority in accordance with policies EC1 of the Oxford Local Plan 2001-2106 and CS27 and CS28 of the Core Strategy.

13. APPENDICES

- **Appendix 1 – Proposed site plan**

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

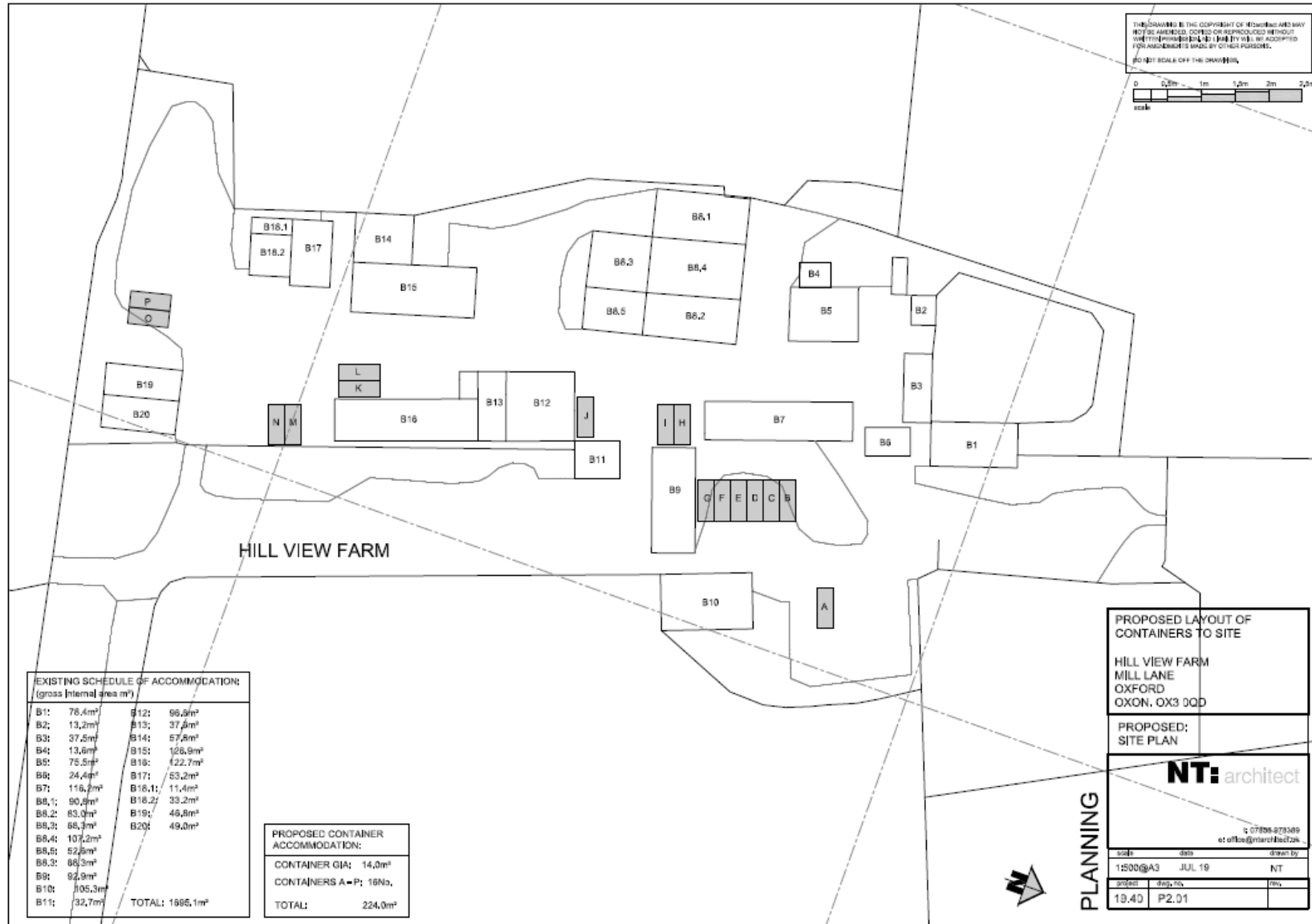
15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers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

Appendix 1

19/02159/FUL – Hill View Farm

Proposed block plan

65



This page is intentionally left blank

EAST AREA PLANNING COMMITTEE

05.02.2020

Application number:	19/02745/CT3		
Decision due by	29th January 2020		
Extension of time	14 th February 2020		
Proposal	Display of 1no. non-illuminated mural.		
Site address	Barton Neighbourhood Centre, Underhill Circus, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Barton And Sandhills Ward		
Case officer	Sarah Chesshyre		
Agent:	N/A	Applicant:	Mr Craig Morbey
Reason at Committee	The application is made by the City Council		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required conditions set out in section 12 of this report and grant advertisement consent;

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers an application for advertisement consent for the display of a non-illuminated mural on Barton Neighbourhood Centre.

2.2. The development is considered acceptable in terms of amenity and public safety. The proposal would not cause harm to amenity or public safety and is considered to comply with RC14 of the Oxford Local Plan 2001-2016, as well as DH6 of the emerging Oxford Local Plan 2036, noting that it carries only limited weight at this time.

2.3. Officers consider that the proposals would be acceptable and that the advertisement would accord with the policies of the development plan when considered as a whole and the range of material considerations and on balance support the granting of advertisement consent.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

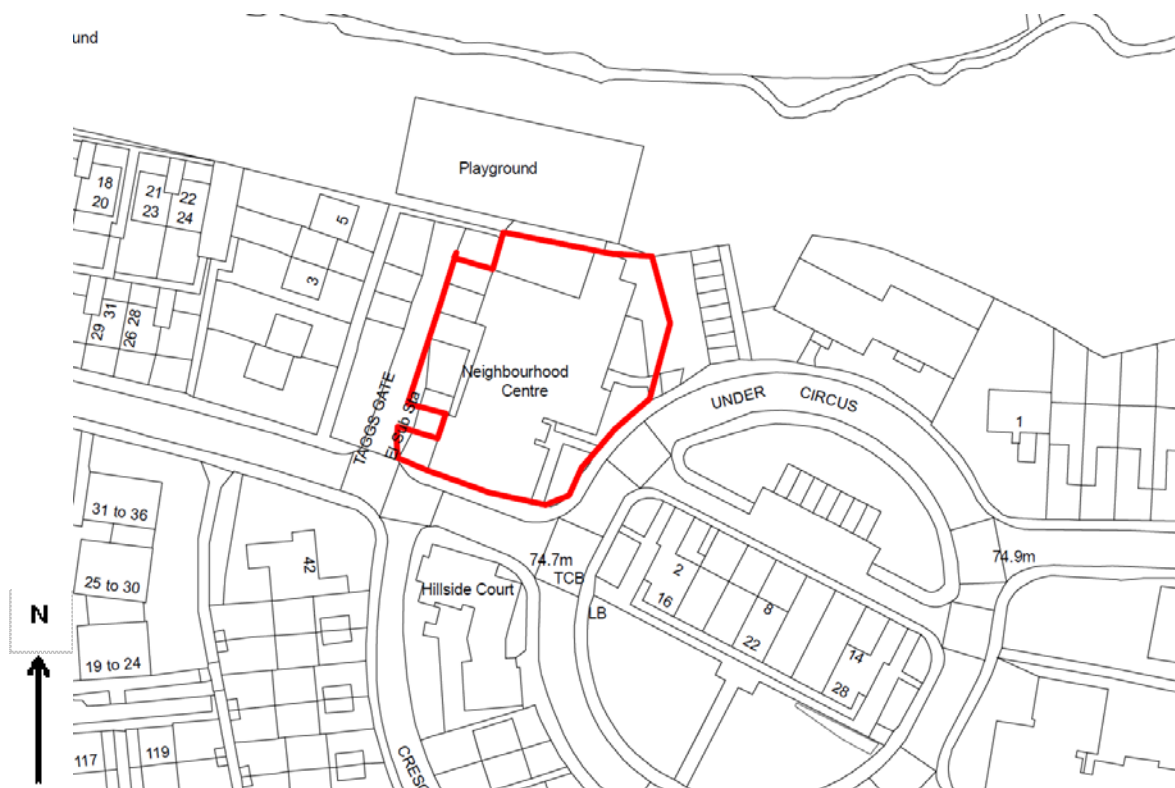
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located within the Barton and Sandhills Ward of Oxford to the east of the city centre. Barton Neighbourhood Centre is a two storey building at the north west corner of Underhill Circus.

5.2. See location plan below:



© Crown Copyright and database right 2019.
Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the display of a non-illuminated mural on the west elevation of the building. The mural would cover an area measuring 4.9 metres wide and 3.65 metres high. The mural would be positioned 2.25 metres above ground level, such that the mural would extend up to a height of 5.95 metres on the elevation. The mural would be finished in paint applied directly to the brickwork of the building.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

89/01205/GF - Demolition of existing Community Centre. Erection of Neighbourhood Centre incorporating Community Housing and Health services, creche and Youth centre. DEEMED CONSENT 27th May 1992.

10/01265/CT3 - Creation of new play areas with associated fencing, play equipment, landscaping and play pond. (Amended description). APPROVED 6th September 2010.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Emerging Oxford Local Plan 2036
Design	132	RC14 Advertisements	DH6 Shopfronts and signage

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 13th December 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No comments received.

Public representations

9.3. No third party comments were received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Amenity
- Public safety

a. Amenity

10.2. Paragraph 132 of the NPPF states that advertisements should be subject to control only in the interests of amenity and public safety. Policy RC14 of the Oxford Local Plan 2001-2016 states that advertisement consent will be granted for outdoor advertisement design proposals that suit their visual setting in terms of scale, design, appearance and materials; preserve or enhance the visual amenity of the building and do not significantly prejudice residential amenity. Policy DH6 of the emerging Oxford Local Plan 2036 states that planning permission will only be granted for the display of an advertisement where the

design, positioning, materials, colour and proportion are not detrimental to visual or residential amenity.

- 10.3. The application site is located within a predominantly residential area but with a small mix of other uses, with some retail and commercial buildings to the west within Underhill Circus. The site is not located in a conservation area and is not within the setting of listed buildings. There are limited instances of signage on buildings within the immediate context of the site, although the retail and commercial buildings within Underhill Circus benefit from typical retail signage to their south elevations. Flats located at first and second floor at the western end of Underhill Circus have windows that face towards the location of the proposed mural, but due to its appearance, lack of illumination and the separation distance of approximately 20 metres it is not considered that the mural would be harmful to the amenity of these flats.
- 10.4. The mural proposed is of a suitable scale in relation to the building on which it would be sited given that the host building is generous in size and would form an acceptable relationship with the host building and its surroundings, and is also considered suitable having regard to the community use of the building. The mural, because it is not illuminated, and because of its scale, would not be an unacceptably prominent addition to the building or to the wider street scene. It is considered that the proposed mural would not be out of keeping with the surrounding area and would form an acceptable addition to the street scene.
- 10.5. The proposals are considered acceptable in terms of their impact on amenity and are considered to be compliant with policy RC14 of the Oxford Local Plan 2001-2016 and paragraph 132 of the NPPF, as well as policy DH6 of the emerging Oxford Local Plan 2036, noting that it has only limited weight at this time.

b. Public safety

- 10.6. No objection has been raised by the Highway Authority. The mural is not proposed to be illuminated, and the appearance, scale and materials of the signage are not highly prominent. The mural is also located in such a way as to not be prominently visible in wider views and as such would not compromise highway safety by creating a visual distraction to road users.
- 10.7. The proposal is considered to be acceptable in respect of public safety and compliant with paragraph 132 of the NPPF.

11. CONCLUSION

11.1.

11.2. In summary, the proposed mural would be acceptable in respect of amenity and public safety and would comply with paragraph 132 of the NPPF, policy RC14 of the Oxford Local Plan 2001-2016, and DH6 of the emerging Oxford Local Plan 2036.

11.3. Therefore it is recommended that the Committee resolve to grant advertisement consent for the advertisement proposed subject to the conditions set out in Section 12 of this report.

12. CONDITIONS

1 The consent to display the advertisement hereby permitted is for a period of 5 years only from the date of this consent.

Reason: The advertisement hereby permitted is one that the Local Planning Authority will only permit for a strictly limited period in accordance with policy RC14 of the Adopted Oxford Local Plan 2001-2016.

2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

3 (i) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
(ii) Any hoarding or similar structure or sign, placard, board or device erected or used principally for the purpose of displaying advertisements, shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.
(iii) Where any advertisement is required under the Advertisement Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.
(iv) No advertisement is to be displayed without the permission of the owner of the site or any person with an interest in the entitled to grant permission.
(v) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: To ensure that the permitted advertisement is maintained in a safe and tidy condition in accordance with policies CP1 and RC14 of the Adopted Oxford Local Plan 2001-2016.

These conditions are imposed by the Town & Country Planning (Control of Advertisements) Regulation 2007.

4 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisement) Regulations 2007, the size, colouring and lettering of the advertisement hereby granted consent shall not be altered in any way without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and

RC14 of the Adopted Oxford Local Plan 2001-2016.

13. APPENDICES

- **Appendix 1** – Block plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

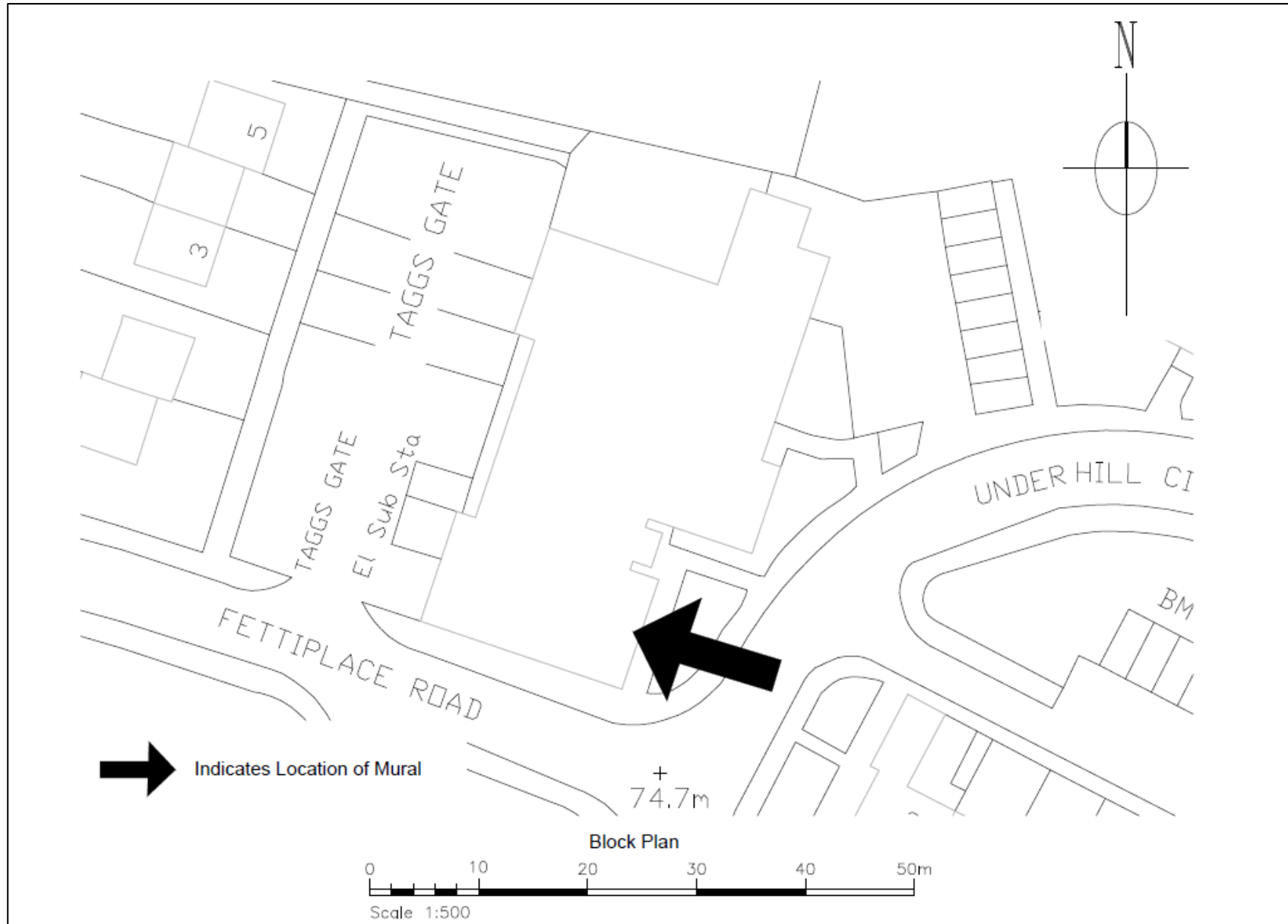
15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant advertisement consent,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

Appendix 1

19/02745/CT3 – Barton Neighbourhood Centre

Proposed block plan

73



This page is intentionally left blank

Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 15 January 2020

www.oxford.gov.uk



Committee members:

Councillor Taylor (Chair)

Councillor Tanner (Vice-Chair)

Councillor Aziz

Councillor Garden

Councillor Simm

Councillor Roz Smith

Officers:

Sally Fleming, Planning Lawyer

Hayley Jeffery, Development Management Team Leader

Mike Kemp, Senior Planning Officer

Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillors Chapman, Clarkson and Lloyd-Shogbesan sent apologies.

64. Declarations of interest

Councillors Chapman and Clarkson gave apologies as they were precluded from taking part in the only application on the agenda because of their role as part of the shareholder group of the Oxford City Housing Limited company (the applicant) which could give rise to a public perception of bias should they take part in the decision.

There were no declarations of interest.

65. 19/02660/FUL: The Royal British Legion Club, Edgecombe Road, Oxford, OX3 9HA

The Committee considered an application for the erection of 4 x 2-bed, 2 x 3-bed and 1 x 4-bed dwellings (Use Class C3) with associated access, parking, bin and cycle storage and landscaping (amended description) on the site of the former Royal British Legion Club, Edgecombe Road, Oxford, OX3 9HA.

The Planning Officer recommended and the Committee agreed the addition of a condition to the provision of a surface water drainage scheme for the site to include details of the drainage layout, SUD's design and maintenance.

James Graham, representing the applicant, and Mark Cooke, the agent spoke in support of the application.

East Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the 20 required planning conditions set out in section 11 of the report, and a further condition to secure the provision of a surface water drainage scheme for the site to include details of the drainage layout, SUD's design and maintenance, and grant planning permission.
2. **delegate authority** to the Head of Planning Services to: finalise the recommended conditions as set out in the report and listed above including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

66. Minutes

The Committee resolved to approve the minutes of the meeting held on 10 December 2019 as a true and accurate record.

67. Forthcoming applications

The Committee noted the list of applications.

68. Dates of future meetings

The Committee noted the dates.

The meeting started at 6.00 pm and ended at 6.25 pm

Chair

Date: Wednesday 5 February 2020