

# Agenda

www.oxford.gov.uk



## East Area Planning Committee

Date: **Wednesday 4 March 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](mailto: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

<b>Chair</b>	Councillor Sian Taylor	Northfield Brook;
<b>Vice-Chair</b>	Councillor John Tanner	Littlemore;
<b>Members</b>	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](http://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](http://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 Tree Preservation Order: 11 Forest Road, Oxford

9 - 26

**Site address:** 11 Forest Road, Oxford

**Order Name:** Oxford City Council - 11 Forest Road (No.1) Tree Preservation Order 2019

**Reason at Committee:** Two representations making objections have been received to the Individual' designation Order, which specifically includes a common beech tree, shown in a black circle on the Tree Preservation Order (TPO) plan as T1

**Recommendation:** East Area Planning Committee is recommended to:

**confirm the Oxford City Council – 11 Forest Road (No.1) Tree Preservation Order 2019 with modification to correct the position of the tree on the TPO map.**

### 4 19/03236/FUL: Oxford Retail Park, Ambassador Avenue, Oxford, OX4 6XJ

27 - 32

**Site address:** Oxford Retail Park, Ambassador Avenue, Oxford, OX4 6XJ

**Proposal:** Replacement of existing south west and north west elevations - modernise and update the façade of retail units 1 to 5 as part of a programme of refurbishment.

**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 Minutes

33 - 36

**Recommendation:** to approve the minutes of the meeting held on 5 February 2020 as a true and accurate record.

## 6 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
19/03050/FUL Karam House 84A Crescent Road Oxford OX4 2PD	Called in
19/03051/FUL: Fatima House 84B Crescent Road Oxford OX4 2PD	Called in
19/03224/FUL: 16 Windmill Road Oxford OX3 7BX	Called in
19/03361/FUL: 139 Oxford Road Old Marston, Oxford, OX3 0RB	Called in
19/03361/FUL: 139 Oxford Road, Old Marston	Called in
20/00128/VAR: 9 Binswood Avenue, Oxford, OX3 8NY	Committee level decision
20/00184/FUL: 20 Osler Road, Oxford, OX3	Committee level

9BJ	decision
20/00221/VAR: 96 Blackbird Leys Road, Oxford, OX4 6HS	Called in

## 7 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on

### **2020**

1 April

### **Post-election**

May – no meeting

3 June

1 July

5 August

## **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; licences 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.

## **Procedure 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 interests is available from the Monitoring Officer.

### **The following minimum standards of practice will be followed:**

1. All members of the Committee will have pre-read the officers' report. Committee 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 guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:
  - (a) the planning officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant officers and/or other speakers); and
  - (f) voting members will debate and determine the application.
4. In determining an application Committee 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 overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; 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.

### **Public requests to speak**

**Members of the public wishing to speak must notify the Committee 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 via e-mail or telephone, to the Committee and Member Services Officer (whose details are on the front of the Committee agenda).

### **Written statements from the public**

**Any written statement that members of the public or 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 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**

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee and Member Services Officer 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.

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**

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.

**This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in January 2020.**

---

## EAST AREA PLANNING COMMITTEE

4 March 2020

<b>Order Name:</b>	Oxford City Council – 11 Forest Road (No.1) Tree Preservation Order 2019
<b>Decision due by</b>	13 May 2020
<b>Extension of time</b>	n/a
<b>Site address</b>	11 Forest Road, Oxford – see <b>Appendix 1</b> for site plan
<b>Ward</b>	Quarry And Risinghurst Ward
<b>Tree officer</b>	Chris Leyland
<b>Reason at Committee</b>	Two representations making objections to the TPO have been received

---

### 1. Recommendation:

1.1 East Area Planning Committee is recommended to:

**confirm the Oxford City Council – 11 Forest Road (No.1) Tree Preservation Order 2019 with a modification to correct the position of the tree on the TPO map.**

### 2. Background:

2.1 The Oxford City Council – 11 Forest Road (No.1) Tree Preservation Order 2019 was made on 13<sup>th</sup> November 2019. It is an ‘Individual’ designation Order, which specifically includes a common beech tree, shown in a black circle on the Tree Preservation Order (TPO) plan as T1 (Appendix 1).

2.2 The TPO was made following a customer (tree surgeon) enquiry as to whether there were any planning constraints to removing the subject tree. A Tree Officer visited the site to make an amenity assessment of the tree and decided that a TPO that took immediate effect should be made to prevent its imminent removal.

### 3. Reasons for making order:

3.1 To protect, in the interests of public visual amenity, a tree that makes a significant positive contribution to the landscape in views gained from Forest Road, Ridgeway Road and London Road.

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

4.1 19/01064/FUL - Erection of two storey side extension and single storey front extension (amended description): Approved.

#### **5. Representations Received:**

Two representations making objections to the TPO have been received; from the property owners and residents of 11 Forest Road, and from the adjacent neighbours at 9 Forest Road. The objections were duly made and therefore the decision whether to confirm the Order and thereby make it permanent became a non-delegated decision to be made by the East Area Planning Committee.

#### **6. Officers Assessment:**

##### Site:

6.1 The site is a two-storey semi-detached dwelling on the north side of Forest Road. The property has previously been extended with a side dormer, as well as a single storey rear extension and rear box dormer. The site has a front drive and garage (Permission 19/01064/FUL has not been implemented at this time). There is a rear garden that is approximately 18.5m in length.

##### Tree and amenity:

6.2 The beech tree is a mature specimen (80-100 Yrs), approx. 18m tall with a broad spreading multi-stemmed form from the crown break at 2.5m above ground level. It has a crown spread of approx.9 metres. The tree is in good (normal) physiological condition. Based on tree condition, species longevity and its location, it is estimated to have a remaining useful contribution of 40+ years (BS.5837:2012 (classification)).

6.3 The tree is an attractive mature landscape feature in the street-scene. The tree makes a significant positive contribution to views from Forest Road, Ridgeway Road and London Road where it can be seen over the roofs of intervening houses. It has added prominence because of the relative absence of any other significant large trees in the local vicinity, which increases its amenity significance as something of a landmark.

#### **7. Public Comments:**

7.1 The two objections to the TPO have been summarised below.

- (1) The tree is not on highway land and is only seen in glimpsed views, and therefore it makes minimal contribution to the landscape.
- (2) The tree constantly sheds leaves or nut husks, which require clearing up, and which is a source of antagonism with neighbours who are also affected.
- (3) Concerns about safety affecting the use of the gardens. Branches are reported to have fallen from the tree allegedly damaging a shed and striking a neighbour.
- (4) Pigeons and squirrels use the tree and their faeces causes a hygiene concern for the use of the gardens.
- (5) Pruning the tree would be expensive and this would also represent a biannual expense.
- (6) The tree was not protected by a Tree Preservation Order when the owners bought the property. Plans to build an out-building at the bottom of the garden under

permitted development rights have been stymied.

(7) The tree impairs good TV reception outside of the winter months.

(8) The tree overhangs neighbouring gardens and causes shading in the summer.

## **8. Officer's response to the objections:**

8.1 The tree is visible in public and private views from surrounding roads and from other nearby properties. It is correct that the public views are partial or glimpsed, but this is the nature of the contribution that most trees in private ownership make to the public realm. Trees seen between and over buildings give diversity and depth to these views and soften the hard massing and texture of the built environment generally. Mature trees provide a mature and naturalistic setting to urban landscapes.

8.2 Trees are biological organisms that regularly shed ephemeral structures such as leaves, flowers and fruit. It is accepted that this represents an inconvenience for the maintenance of gardens and gutters. However, the ubiquity of these and other minor nuisances, such as imperfect TV reception or bird mess, implies that these minor nuisances should be an expected and normal part of property ownership in suburbs with gardens and trees. The contribution that trees provide in terms of benefits to wider society are now well documented; these are Social (amenity and wellbeing), Environmental (flood mitigation, particulate trapping, carbon sequestration and storage etc) and Economic (house prices uplifts, increased inward investment), and these can be argued to outweigh and compensate for the minor negative characteristics associated with living in proximity to trees.

8.3 The tree stands back from the middle of the rear garden on the eastern boundary side. Due to the position of the tree relative to the arc of the sun, it causes shade to approximately half of the garden where the tree stands and to the garden to the west. This effect will diminish during the latter part of the day as the sun dips towards the northwest. This leaves about half the garden (approx. 10m in length) unaffected by shade from the tree at any time of the day. The garden was observed to have a reasonable lawn which indicated that there was sufficient light for its maintenance.

8.4 The TPO does not necessarily hinder further appropriate development of the site providing that tree constraints are taken properly into account. Trees are a material consideration in the planning process whether they are legally protected or not. The TPO does however prevent any pre-emptive removal of the tree as a constraint, and provides legal weight to any tree protection condition that may be applied to a planning consent; or if it is permitted development, an application under the TPO may be required if construction works involve excavations within the tree's Root Protection Area.

8.5 The tree has been inspected recently by the Tree Officer to confirm that it was in an appropriate condition for the TPO to be confirmed. The tree is in good physiological and structural condition. A small number of little dead branches (less than 3 cm in diameter) were observed which is quite normal; the production of such deadwood is a natural process associated with the growth and development of a tree's crown. Trees, even large and mature specimens, are generally extremely safe in relative statistical terms. It is still prudent for tree owners in locations close to people or property to have them inspected from time to time in order to ensure that they are not in a dangerous state, as they owe a duty of care to others. Any works involving the

removal of deadwood does not require consent under a TPO to undertake. For any other prescribed works, an application can be made under the TPO at any time, and this will be determined on the basis of the strength of the arguments and evidence presented in support of it.

- 8.6 During the recent inspection it was noticed that the position of the tree as indicated on the provisional TPO map was not accurate. The tree is actually set further back towards the rear of the garden (north). This minor inaccuracy can be corrected as a modification to the TPO Map if the Committee decides to confirm the Order.

## **9. Conclusion:**

9.1 The beech tree covered by the TPO provides significant visual amenity benefit to the street-scene in views from Forest Road, Ridgeway Road and London Road. The tree appears to be a source of inconvenience and irritation to the tree's owners and one neighbour. However these impacts are relatively minor in scale and are considered to be outweighed by the tree's positive contribution to public visual amenity and to wider ecosystem service provision.

9.2 The TPO does not hinder appropriate development of the site. Trees are a material consideration in the planning process whether they are legally protected or not. Confirming the TPO makes permanent the planning controls that require consent for tree removal, pruning or any other damaging activity. An application can be made under the TPO at any time for any prescribed works, and such an application will be determined on the strength of the arguments and evidence presented in support of it.

## **10. Recommendation:**

10.1 Taking into account the objections that have been received to the Order, officers recommend that the Oxford City Council – 11 Forest Road (No.1) Tree Preservation Order 2019 be confirmed with a modification to correct the position of the tree on the TPO map (relocate closer to the rear boundary).

## **11. Human Rights Act 1998**

11.1 Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to confirm this Tree Preservation Order with a modification. They consider that the interference with the human rights of the land owner 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.

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

12.1 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 confirm this Tree Preservation Order with a modification, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

## **13. Background Papers:**

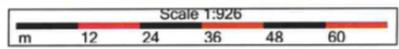
1. Oxford City Council – 11 Forest Road (No.1) Tree Preservation Order, 2019.
2. Letters of objection to TPO from the house holder and neighbours.

# APPENDIX 1

## Oxford City Council - 11 Forest Road (No.1) Tree Preservation Order 2019



Scale : 1:925



Organisation	Oxford City Council
Department	Business Improvement
Comments	Not Set
Date	12 November
SLA Number	10019348

© Crown Copyright and database right 2013. Ordnance Survey 100019348.

This page is intentionally left blank

## TOWN AND COUNTRY PLANNING ACT 1990

### Oxford City Council - 11 Forest Road (No.1) Tree Preservation Order 2019

The Oxford City Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

#### **Citation**

1. This Order may be cited as the Oxford City Council - 11 Forest Road (No.1) Tree Preservation Order 2019.

#### **Interpretation**

2.—(1) In this Order “the authority” means the Oxford City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### **Effect**

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made, that being 13th November 2019.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### **Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

## SCHEDULE 1

### SPECIFICATION OF TREES

#### **Trees specified individually** (encircled in black on the map)

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
T1	Common Beech	Standing in the rear garden of 11 Forest Road, Oxford.

#### **Trees specified by reference to an area** (within a dotted black line on the map)

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
		(None)

#### **Groups of trees** (within a broken black line on the map)

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
		(None)

#### **Woodlands** (within a continuous black line on the map)

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
		(None)

Dated this 13th day of November 2019

Signed under delegated powers  
**Adrian Arnold**

Acting Head of Planning Services

### **CONFIRMATION OF ORDER**

This Order was confirmed by the Council without modification on

Area Committee of the Oxford City

**OR**

This Order was confirmed by the Council, subject to the modifications indicated by on

Area Committee of the Oxford City

---

Acting Head of Planning Services

### **DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by the Oxford City Council on

Committee of the

---

Acting Head of Planning Services

### **VARIATION OF ORDER**

This Order was varied by the

Committee of the Oxford City Council on

---

Acting Head of Planning Services

### **REVOCATION OF ORDER**

This Order was revoked by the

Committee of the Oxford City Council on

---

Acting Head of Planning Services

**CONFIRMATION OF ORDER**

This Order was confirmed by Oxford City Council using delegated powers under Section 101 of The Local Government Act 1972, without modification

on.....

**OR**

This Order was confirmed by Oxford City Council, using delegated powers under Section 101 of The Local Government Act 1972, subject to the modifications indicated by

on.....

\_\_\_\_\_  
Acting Head of Planning Services

**DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by Oxford City Council, using delegated powers under Section 101 of The Local Government Act 1972 on.....

\_\_\_\_\_  
Acting Head of Planning Services

**VARIATION OF ORDER**

This Order was varied by the Oxford City Council, using delegated powers under Section 101 of The Local Government Act 1972 on.....

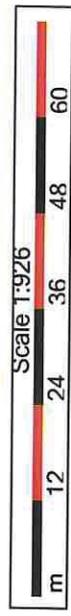
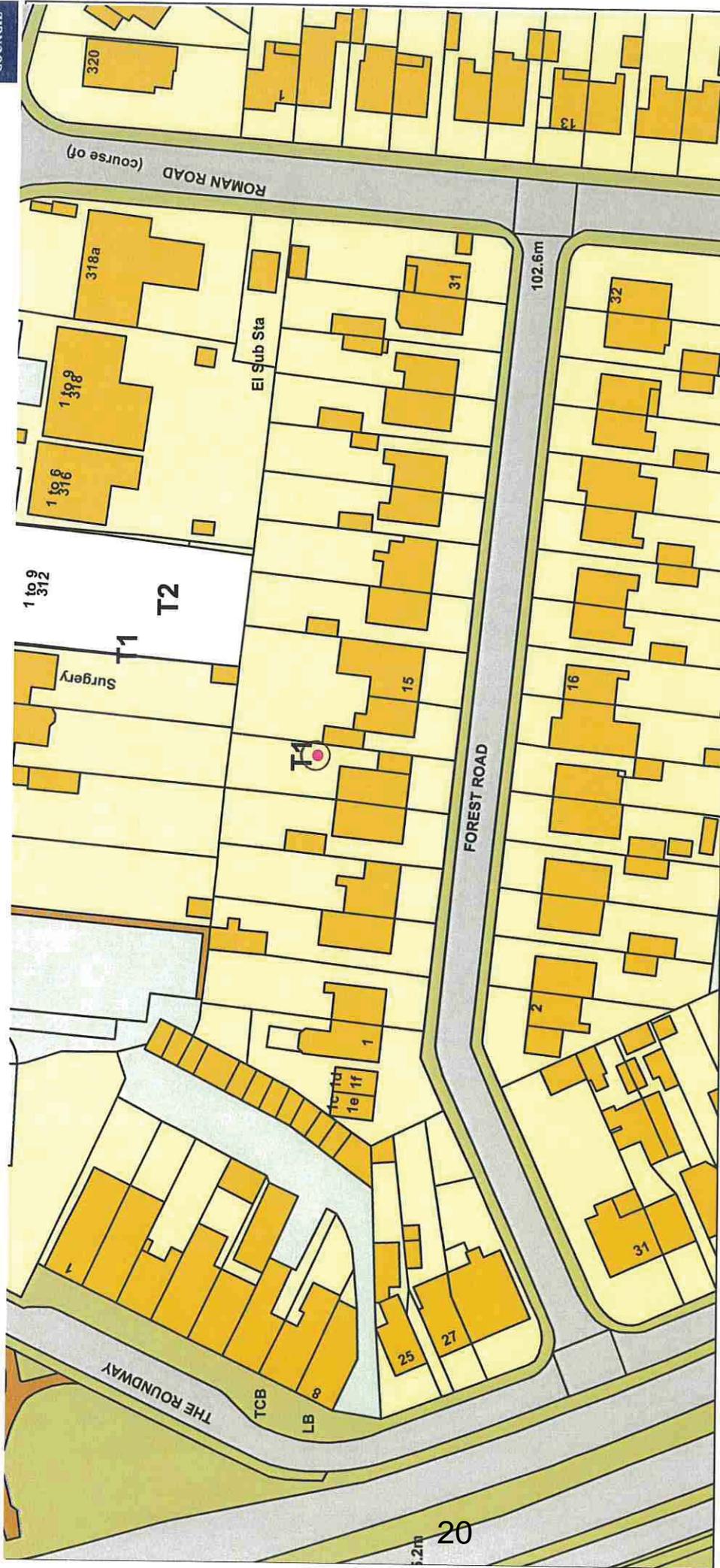
\_\_\_\_\_  
Head of Planning, Sustainable Development and Regulatory Services

**REVOCACTION OF ORDER**

This Order was revoked by Oxford City Council, using delegated powers under Section 101 of The Local Government Act 1972 on .....

\_\_\_\_\_  
Acting Head of Planning Services

# Oxford City Council - 11 Forest Road (No.1) Tree Preservation Order 2019



Scale : 1:925

Organisation	Oxford City Council
Department	Business Improvement
Comments	Not Set
Date	12 November
SLA Number	10019348

9 Forest Road  
Headington  
Oxford  
OX3 8LF

18<sup>th</sup> November 2019

Dear Chris Leyland

11 Forest Road (No.1) Tree Preservation Order 2019

Ref 19/00007/ORDER

I would like to object to the tree preservation order being placed on T1 Common Beech standing in the rear garden of 11 Forest road, based on the followings:

I do not consider this to be a significant positive contribution to the landscape in views gained from Forest Road, Ridgeway Road and London Road. There is a limited number of people who would be able to view the tree. It is situated in a back garden backed on with houses. It is not on a public highway, it is not in any public space.

The location of the tree is as such it is visible to persons who travel up Forest Road and look in between the properties. The crown of the tree can be seen over the roof tops.

The tree is slightly visible for those who travel along the London Road – they would catch a quick glance of the tree as they look between large flat complexes and the two single houses. Like-wise the crown of the tree can only be seen over the house on the London Road.

Persons who travel along Ridgeway road would only catch a glimpse of the crown.

The issues that this tree has caused over the number of years I have lived at 9 Forest road has been many. In my view going from importance:

- Large branches have fallen into my garden, one actually hitting me and putting me to the ground.
- The soakaway to the rear garden constantly has to be cleared due to leaf fall and of recent years every time there is a large amount of rainfall the soakaway backs up and floods my patio.
- Considerable number of smaller branches regularly fall into my garden.
- Lack of TV signal in the late spring/ summer and early autumn months when the tree is in full leaf. Even though I have had the TV aerial upgraded in the last couple of years the signal is beginning to fail again.

- The garden is in shade for the majority of the summer months – causing the grass to die off each year.
- Massive leaf fall, seed fall and shell/husks that occur through-out the seasons.

The previous owner regularly cut back the branches to maintain some form of control but within a year of the new occupants the tree is already spreading over 25% of my garden.

It is a major concern to me that if the Tree Preservation Order becomes official then I would be left with a major battle to try and keep the above concerns in check.

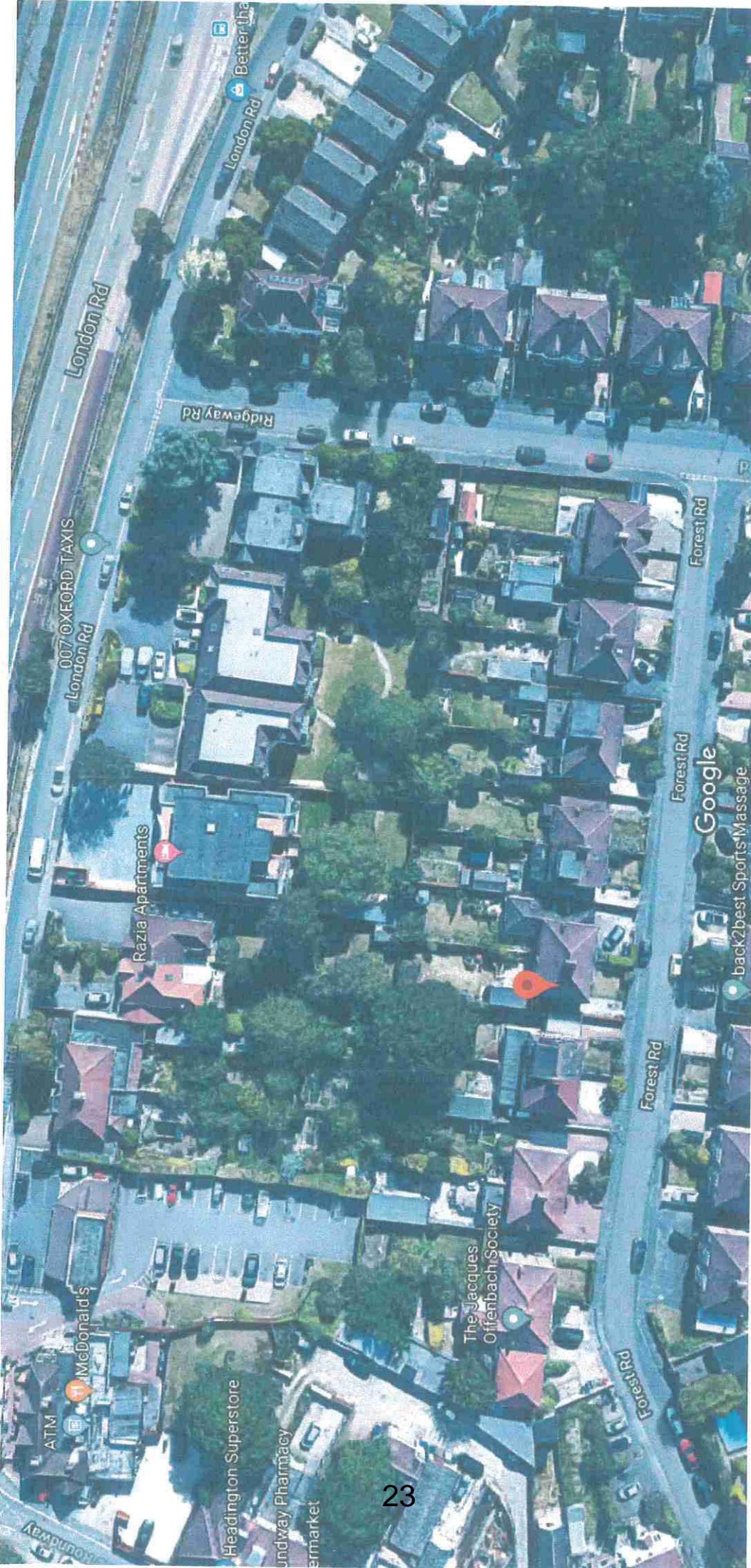
I appreciate that you are aiming to protect this tree, but this is not the only tree in the back gardens to London Road, Forest Road, as you can see in the attached Google printout from 18.11.19, and I do not think it has a significant impact to the public visual amenity. Please would you consider removing the order.

Yours Sincerely

Owner and Occupier of 9 Forest Road

Attached: Google Map for OX3 8LF dated 18.11.19

Google Maps OX3 8LF



Imagery ©2019 Google, Imagery ©2019 Getmapping plc, Infoterra Ltd & Bluesky, Maxar Technologies, The GeoInformation Group, Map data ©2019 20 m

11 Forest Road  
Headington, Oxford  
OX3 8Lf

22/11/19

To whom it may concern.

I am writing this letter to state my formal objection against the provisional Tree Preservation Order (TPO) issued on the 13/11/19.

My reasons for objections are as follows.

Firstly, regarding the main point of concern stated in the document:

To protect, in the interests of public visual amenity a tree that makes a significant positive contribution to the landscape in views gained from Forest Road, Ridgeway Road and London Road.

The positive contribution to the landscape that the tree provides is minimal at best. The tree is of unknown age and has yet to strike locals or passers by as so visually appealing that they have felt the need to place a TPO on it. Also given that the tree is not situated on a public highway, view of it are limited to glimpses between houses or by standing in one of the gardens which backs onto my property. Furthermore, I feel that the impact of the tree and the preservation order or rather lack thereof of is evidenced by the fact that only myself and the neighbouring properties on either side of mine have been notified of the order or been given the opportunity to object.

Further arguments

- Heath issues/upkeep of tree – . The tree constantly sheds leaves and husks (mast nuts) – the resulting upkeep of raking and sweeping l
- Concerns about property damage – previously falling branches from the tree have caused damage to the shed in the garden of 13 Forest Road. This resulted in the shed being removed. The resident of 9 Forest Road has also informed us that debris/leaves from the tree are causing issues with the drainage at the rear of the property.
- Concerns about public safety – the resident of 9 Forest Road has informed us that she has been struck by a branch which fell from the tree. I am concerned that with

the upcoming winter/rainy season this will present further risks to both the residents of ours and our neighbours' property. I feel that these risks limit the use of our outdoor space and prevent me from using my garden. Not to mention the future risk

- **Animal faeces/hygiene concerns** – the tree attracts a number of different wildlife including pigeons and squirrels. This results in a large amount of animal faeces being deposited in our garden, meaning that is not hygienically sound for me to let visiting children play outside.
- **Social issues** – unfortunately this is also causing discord between my family and our neighbours, this is due to the leaf litter and debris which fall into their gardens for the majority of the autumn and winter. Needless to say, this creates a less than friendly and quite uncomfortable environment to live in. Given that my family and I view this as our forever home we are really disappointed that this issue continues to cause a rift between us. Furthermore, due to the husks that are shed, you are not even able to walk barefooted in the garden due to the stabbing nature and pain caused by stepping on these husks. I find it regrettable that I am not able to use my garden to the full potential due to the argument of 'public amenity'.
- **Unforeseen and unaffordable costs** – when purchasing the property, we carried out checks as to whether the tree was protected, it was not. Given that the tree continues to spread across the neighbouring properties we have no option but to trim it back or face further hostility. We have made enquiries as to the cost of this and have received various quotes. The overall consensus is that we will need to pay approximately one thousand five hundred every other year to maintain the tree in such a manner that is will not cause a nuisance to our neighbours. This cost was not part of our financial plan when purchasing the property and to be honest it is not an affordable option for us.
- **Unforeseen planning and development issues** – again as above when purchasing the property there was no TPO in place. One of the main reasons we decided to purchase this property was the large outdoor area, we were planning to build a summer house/home office at the rear of the property (under the permitted development act). Needless to say, this has put a stop to these plans.

Thank you in advance for your time and consideration in this matter. I look forward to hearing from you.

Yours sincerely

This page is intentionally left blank

## EAST AREA PLANNING COMMITTEE

04.03.2020

<b>Application number:</b>	19/03236/FUL		
<b>Decision due by</b>	11th March 2020		
<b>Extension of time</b>	None		
<b>Proposal</b>	Replacement of existing south west and north west elevations.		
<b>Site address</b>	Oxford Retail Park , Ambassador Avenue, Oxford, OX4 6XJ		
<b>Ward</b>	Blackbird Leys Ward		
<b>Case officer</b>	Clare Gray		
<b>Agent:</b>	Eric Hall	<b>Applicant:</b>	HSBC Bank Pension Trust (UK) Ltd
<b>Reason at Committee</b>	The proposal constitutes 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 visual impact of the proposal on the visual amenity of Oxford Retail Park and considers that the proposal is a sympathetic modernisation of the site, which is otherwise dated in appearance. The report also considers the highway implications of the proposal, and recommends imposing a condition regarding the submission and implementation of a construction traffic management plan.

2.2. It is recommended that the application be approved.

### 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 relates to units 1 to 5 of Oxford Retail Park, which is located south east of the Eastern By-Pass Road. The units comprise the vacant Mothercare unit as well as the other units currently occupied by M&S, Boots, Next and Sports Direct. The units front onto a carpark that serves all 5 units. Tesco food store is located to the south west of the site's boundary and is served by its own car park.

5.2. See site plan below:



© Crown Copyright and database right 2019.  
Ordnance Survey 100019348

#### 6. PROPOSAL

6.1. The application proposes to modernise and update the façade of retail units 1 to 5 as part of a programme of refurbishment. The extent of works will apply to the north west and south west elevations which relate to the public face of the buildings.

6.2. The existing external treatment of the buildings is dark and buff brick at ground level with profile cladding of neutral colour at the upper levels. Pillars break up the façade, and over each entrance to the stores, are curved canopies, with red trim.

6.3. The proposed refurbishment programme comprises the replacement of the existing faded vertical cladding with new flat panel recessed cladding; the introduction of glazing panels, particularly over the shop frontages; the removal

of outdated low level canopies and the removal of piers. The cladding is light grey in appearance and the capping to the modified piers will be in a mid grey.

6.4. The purpose of this is to refresh and update the tired appearance of the site and to create a contemporary façade of high quality that will serve the parks needs in the longer term.

6.5. There will be no alterations to the height scale and massing of the units, and no change to the building’s floorspace.

6.6. Details of any shop signage is not the subject of this application and will need a separate advertisement consent.

## 7. RELEVANT PLANNING HISTORY

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

92/00145/NO - Demolition of all existing buildings on the site. Outline application (seeking approval for means of access only) for erection of building to provide a retail foodstore (65,000 sq ft), petrol filling station, 2 restaurants (11,000 sq ft), retail warehousing (45,000 sq ft), and units for industrial and storage/distribution use (90,000 sq ft). Construction of new flyover/roundabout, including access and exit roads from site on to Eastern Bypass and new access onto Garsington Road. Approved 27th November 1992.

93/00909/NR - 4 non food retail units totalling 45,000 sq. ft & 2 restaurant units totalling 8,000 sq. ft, with service access and 261 staff & customer parking spaces & cycle parking (part reserved matters of NO-/0145/92) (amended plans). Approved 27th October 1993.

93/01307/NF - Construction of 4 non-food retail units (47,500 square feet) and two restaurants (5,500 square feet). Provision of 266 car parking spaces, service areas and site roads (revision to reserved matters of NO-/0145/92). Approved 24th February 1994.

04/00781/ADV - Four lamp post mounted illuminated signs.. Approved 17th June 2004.

## 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	Emerging Local Plan
Design	12	CP1, CP8, CP9	CS18		DH1

<b>Commercial</b>	6	EC1			E1
<b>Natural environment</b>	15	NE15, NE20, NE21, NE23			G1 G2
<b>Transport</b>	9	TR1, TR2, TR3, TR4, TR5, TR6			M1 M2 M3 M4 M5
<b>Environmental</b>	15	CP19, CP20, CP21, CP22, CP23			RE1 RE2 RE3 RE4 RE6 RE7 RE8 RE9
<b>Miscellaneous</b>		CP.13 CP.24 CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 22<sup>nd</sup> January 2020 and an advertisement was published in The Oxford Times newspaper on 9th January 2020.

### **Statutory and non-statutory consultees**

Oxfordshire County Council (Highways)

9.2. No objection

Environment Agency

9.3. No objection

Natural England

9.4. No comments

Land Contamination

9.5. No comments

### **Public representations**

9.6. None were received

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design
- Highways

### **a. Design**

10.2. Policy CP1 of the Local Plan seeks to ensure that development proposals show a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development. Policy CS18 of the Core Strategy states planning permission will only be granted for development that demonstrates a high quality urban design through responding appropriately to the site and its surroundings.

10.3. The refurbishment of the façade is considered to deliver a whole scale upgrade to the appearance of the site, removing outdated features and providing it with a fresher contemporary look, more befitting with the use and function of the site and of a higher quality in terms of the design and materials. These alterations are considered to be acceptable in design terms and will comply with policy CP1 of the Local Plan and CS18 of the Core Strategy and will accord with policy DH1 of the emerging Local Plan.

#### **b. Highways**

10.4. Whilst the proposal will not alter the quantum of development on site or impact upon the amount of car parking or traffic generation, Oxfordshire County Highways recommend a condition that ensures that the construction of the alterations are undertaken in a manner that will not cause hazard to other highway users. This is considered reasonable and a condition to control construction traffic is included in Section 12 of the report. The development proposal is considered to comply with adopted policies of the Local Plan, the NPPF and emerging Local Plan policies with regard to transport impacts.

### **11. CONCLUSION**

11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting position for the determination of the 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. As set out in the report, the application is considered to comply with the policies identified in the current Development Plan and emerging Local Plan. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions outlined below.

### **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 County 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: For the avoidance of doubt and to ensure an acceptable development as indicated in the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016 and policy CP18 of the Core Strategy 2026.

3. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. 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 only be carried out in accordance with the approved CTMP.

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 and to accord with guidance in the NPPF

### **13. HUMAN RIGHTS ACT 1998**

- 13.1. 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.

### **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 14.1. 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.

## Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 5 February 2020

www.oxford.gov.uk



### Committee members:

Councillor Taylor (Chair)	Councillor Tanner (Vice-Chair)
Councillor Chapman	Councillor Clarkson
Councillor Cook (for Councillor Aziz)	Councillor Garden
Councillor Hollingsworth (for Councillor Simm)	Councillor Lloyd-Shogbesan
Councillor Roz Smith	

### Officers:

Sarah Chesshyre, Senior Planner  
Sally Fleming, Planning Lawyer  
Hayley Jeffery, Development Management Team Leader  
Andrew Murdoch, Development Management Service Manager  
Sarah Orchard, Senior Planner  
Jennifer Thompson, Committee and Members Services Officer

### Apologies:

Councillors Aziz and Simm sent apologies.

## 69. Declarations of interest

### Minute 74 19/03192/VAR: 9 Pauling Road

Councillors Chapman, Clarkson and Hollingsworth said they would step down from the committee, leave the room and take no part in the debate on this item. They were precluded from taking part in this application 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.

With the agreement of the committee, the Chair varied the order of the agenda to take this item before the minutes.

## 70. 19/02453/FUL: Kassam Stadium And Land Adjacent , Falcon Close, Oxford, OX4 4XP

Councillor Clarkson arrived after the start of this item and so took no part in the debate or decision.

The Committee considered an application for permission for continuing temporary use of part of the car park for motorcycle testing/ training and part of stadium for storage

and office at the Kassam Stadium for three years, on the site of Kassam Stadium and Land Adjacent, Falcon Close, Oxford, OX4 4XP.

The Planning Officer confirmed that the hours of operation were as set out in Condition 2: 0800 to 2000 only.

**East Area Planning Committee resolved to:**

1. **approve** the application for the reasons given in the report and subject to the required four planning conditions and two informatives 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.

**71. 19/02984/CT3: Bullingdon Community Centre, Peat Moors, Oxford OX3 7HG**

The Committee considered an application for permission for the demolition of the existing Bullingdon Community Centre and construction of a new Community Centre on the site of the Bullingdon Community Centre, Peat Moors, Oxford.

Richard Bryant, representing the Bullingdon Community Association, spoke in support of the application. Daniel Wadsworth, Juliet Burch and Hagan Lewisman (representing the applicant) attended to answer questions from the committee.

**East Area Planning Committee resolved to:**

1. **approve** the application for the reasons given in the report and subject to the required 11 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.

**72. 19/02159/FUL: Hill View Farm, Mill Lane, Marston, Oxford, OX3 0QG**

The Committee considered an application for permission for the retention of 16 storage containers for a temporary period of three years at Hill View Farm, Mill Lane, Marston, Oxford.

The Planning Officer reported an amendment to the site plan, moving container N from the position on the plan to adjacent to container A.

Mazhar Dogar, the applicant, attended to answer questions from the committee.

**East Area Planning Committee resolved to:**

1. **approve** the application for the reasons given in the report and subject to the required two planning conditions set out in section 12 of the report, with the amendment to the site plan as above, 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.

**73. 19/02745/CT3: Barton Neighbourhood Centre, Underhill Circus, Oxford, OX3 9LS**

The Committee considered an application for advertisement consent for the display of a non-illuminated mural on the front wall of Barton Neighbourhood Centre, Underhill Circus, Oxford.

Craig Morbey, representing the applicant, attended to answer questions from the committee.

**East Area Planning Committee resolved to:**

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

**74. 19/03192/VAR: 9 Pauling Road, OX3 8PU**

Councillors Chapman, Clarkson, Hollingsworth left the meeting at this point. They took no part in the debate and decision on this or later items.

The Committee considered an application to vary condition 2 (Develop in accordance with approved plans) of planning permission 19/01272/CT3 to allow additional installation of PV panels at 9 Pauling Road, Oxford, OX3 8PU.

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.

Tahima Rahman, representing the applicant, attended to answer questions from the committee.

**East Area Planning Committee resolved to:**

1. **approve** the application for the reasons given in the report and subject to the required 15 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.

**75. Minutes**

The Committee resolved to approve the minutes of the meeting held on 15 January 2020 as a true and accurate record.

**76. Forthcoming applications**

The Committee noted the list of applications.

**77. Dates of future meetings**

The Committee noted the dates.

**The meeting started at 6.00 pm and ended at 6.45 pm**

Chair .....

**Date: Wednesday 4 March 2020**