

# Agenda

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## West Area Planning Committee

Date: **Tuesday 10 March 2020**

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Time: **6.00 pm**

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

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For any further information please contact the Committee  
Services Officer:

**Catherine Phythian, Committee and Member Services Officer**

Telephone: 01865 252402

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

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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.

# West Area Planning Committee

## Membership

<b>Chair</b>	Councillor Colin Cook	Jericho and Osney;
<b>Vice-Chair</b>	Councillor Michael Gotch	Summertown;
<b>Members</b>	Councillor Tiago Corais	Littlemore;
	Councillor Alex Donnelly	Hinksey Park;
	Councillor Paul Harris	St. Margaret's;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Louise Upton	North;
	Councillor Dick Wolff	St. Mary's;

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

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# 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  box.

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

#### 1 Declarations of interest

#### 2 19/02749/FUL:46 and 47 St Clement's Street, Oxford, OX4 1AG

11 - 28

**Site address:** 46 and 47 St Clement's Street, Oxford, OX4 1AG

**Proposal:** Amalgamation of No 46 St Clements (currently a C4 House in Multiple Occupation (HMO) in use as student accommodation) and No 47 St Clements (currently a large HMO (sui generis) in use as student accommodation) to form one property in use as sui generis student accommodation. Demolition of existing single storey rear extensions and erection of a new single storey rear extension, replacement windows and existing render to be repainted. Erection of single storey extension to existing outbuilding. Alterations to roof and installation of roof mounted photovoltaic panels to existing outbuilding. Insertion of windows and provision of access to first floor, re-render existing brickwork and installation of timber cladding to existing outbuilding. Provision of bin and cycle store and formation of access from Caroline Street. (Amended Description).

**Reason at Committee:** The application has been called into Committee at the request of Councillors Hayes, Clarkson, Rowley, Tanner and Azad due to concerns relating to the use of the site, amenities provided and impact on neighbouring amenity.

### **Recommendation:**

The West 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. **agree to delegate authority** to the Head of Planning Services to:
  - a. 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.

## **3 19/03188/CT3: 32 Union Street, Oxford, OX4 1JP**

29 - 40

**Site address:** 32 Union Street, Oxford, OX4 1JP

**Proposal:** Erection of a two storey side extension and part single, part two storey rear extension (Amended plans and description).

**Reason at Committee:** The application is before the committee because the applicant is the Council's housing company.

### **Recommendation:**

The West 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. **agree to delegate authority** to the Head of Planning Services to:
  - a. 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 Minutes**

41 - 48

**Recommendation:** to approve the minutes of the meeting held on 11 February 2020 as a true and accurate record.

## **5 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.

19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	Committee decision
19/01662/FUL: 75 Botley Road, Oxford, OX2 0EZ	Called in
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ (Bartlemas Nursery)	Committee decision
19/02306/FUL: Castle Hill House, 9 New Road, Oxford, OX1 1LT	Committee decision
19/02307/LBC : Castle Hill House, 9 New Road, Oxford, OX1 1LT	
19/02531/FUL: St Pauls House , Walton Street, Oxford, OX2 6ER	Committee decision
19/02578/OUT: Land Forming The Site Of Former Cold Arbour Filling Station, 281 Abingdon Road, Oxford, OX1 4US	
19/02601/FUL: Frewin Quad, New Inn Hall Street, Oxford, OX1 2DH	
19/02815/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	Called in
19/02816/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	
19/02817/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	
19/02926/FUL: Land Adjacent The Old School, Gloucester Green, Oxford, OX1 2BU	Committee decision
19/03013/FUL: 8 Hollybush Row, Oxford, OX1 1JH	
19/03378/FUL: 8 Hollybush Row, Oxford, OX1 1JH	
19/03149/FUL: Site Of Oxford University Science Area, South Parks Road, Oxford	
19/03106/FUL: Lucy Faithfull House, 8 Speedwell Street, Oxford, OX1 1PX	
19/02723/FUL: 20 Blenheim Drive, Oxford, OX2 8DG	
19/02366/OUT: 472-474 Banbury Road, Oxford, OX2 7RG	
20/00166/FUL: Rhodes House, South Parks Road, Oxford, OX1 3RG	
20/00167/LBC: Rhodes House, South Parks Road, Oxford, OX1 3RG	
20/00116/FUL: Fairfield, 115 Banbury Road, Oxford, OX2 6LA	
20/00182/VAR: Oxford Railway Station, Park End Street, Oxford, OX1 1HS	Major application

20/00259/FUL: 33-37 Offices, Stockmore Street, Oxford, OX4 1JT	Major application
19/03388/FUL: 70 Abingdon Road, Oxford, OX4 4PL	Called in

## 6 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on:

2020		2021
7 April	8 September	19 January
9 June	13 October	9 February
7 July	10 November	9 March
11 August	8 December	13 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; 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.**

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## WEST AREA PLANNING COMMITTEE

10<sup>th</sup> March 2020

**Application number:** 19/02749/FUL

**Decision due by** 25 December 2019

**Extension of time** 21 February 2020

**Proposal** Amalgamation of No 46 St Clements (currently a C4 House in Multiple Occupation (HMO) in use as student accommodation) and No 47 St Clements (currently a large HMO (sui generis) in use as student accommodation) to form one property in use as sui generis student accommodation. Demolition of existing single storey rear extensions and erection of a new single storey rear extension, replacement windows and existing render to be repainted. Erection of single storey extension to existing outbuilding. Alterations to roof and installation of roof mounted photovoltaic panels to existing outbuilding. Insertion of windows and provision of access to first floor, re-render existing brickwork and installation of timber cladding to existing outbuilding. Provision of bin and cycle store and formation of access from Caroline Street. (Amended Description).

**Site address** 46 And 47 St Clement's Street, Oxford, Oxfordshire, OX4 1AG – see **Appendix 1** for site plan

**Ward** St Clement's Ward

**Case officer** Jennifer Coppock

**Agent:** Natasha Ireland **Applicant:** Mr Simon Walshaw

**Reason at Committee** The application has been called into Committee at the request of Councillors Hayes, Clarkson, Rowley, Tanner and Azad due to concerns relating to the use of the site, amenities provided and impact on neighbouring amenity.

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## 1. RECOMMENDATION

1.1. West 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 proposal to amalgamate No. 46 (currently a C4 House in Multiple Occupation (HMO) in use as student accommodation) and No. 47 St Clement's Street (currently a large HMO (sui generis)) in use as student accommodation) to form one property in use as sui generis student accommodation. Demolition of existing single storey extensions and replacement with 1no. single storey rear extension. Single storey side extension and alterations to the existing outbuilding to the rear. The scheme would provide bin and cycle storage and a relocated access from Caroline Street.
- 2.2. Planning permission for this same proposal (but with a slightly amended description) remains extant until 1<sup>st</sup> August 2020. Since permission was granted in 2017, there has been no material change in planning policy although some weight can be afforded to the emerging Oxford Local Plan 2036 which is considered in this report. The extant planning permission is a material planning consideration.
- 2.3. Whilst the proposal would result in the loss of a C4 HMO, in conflict with Policy HP1 of the Sites and Housing Plan, Officers have taken into consideration the planning history of the properties. In relation to no. 46, a lawful development certificate was granted in 2006 for the use as a House in Multiple Occupation (accommodating 5 student residents) and in 1994, planning permission was granted for the change of use of no. 47 from use as a shop with residential above to student accommodation (incorporating 8 study bedrooms). Most recently, planning permission for this same proposal was granted in 2017 and remains extant until August 2020. It is considered, in any event, that the nature of the proposed use does not differ from the existing lawful use of both properties as they are both currently occupied by students. The amalgamation of the properties would create a more efficient use of land.
- 2.4. Policy HP5 of the Sites and Housing Plan states that planning permission will be granted for student accommodation located adjacent to the main thoroughfares set out at Appendix 3; of which St Clement's Street is one.
- 2.5. The proposed development is considered acceptable in principle.
- 2.6. It is considered that the visual impact of the proposed development is acceptable and would not harm the character of the existing properties and surrounding area and would lead to a low order of less than substantial harm on the character of the Conservation Area. Officers consider that the less than substantial harm is outweighed by public benefits which makes the impact on Conservation Area acceptable in planning terms, specifically for the purposes of Paragraphs 192-196 of the NPPF.

- 2.7. The development is considered to be acceptable in terms of its impact on neighbouring amenity, having had regard to the concentration of activity on the site and the requirements of Policy HP14 of the Sites and Housing Plan (2013).

### **3. LEGAL AGREEMENT**

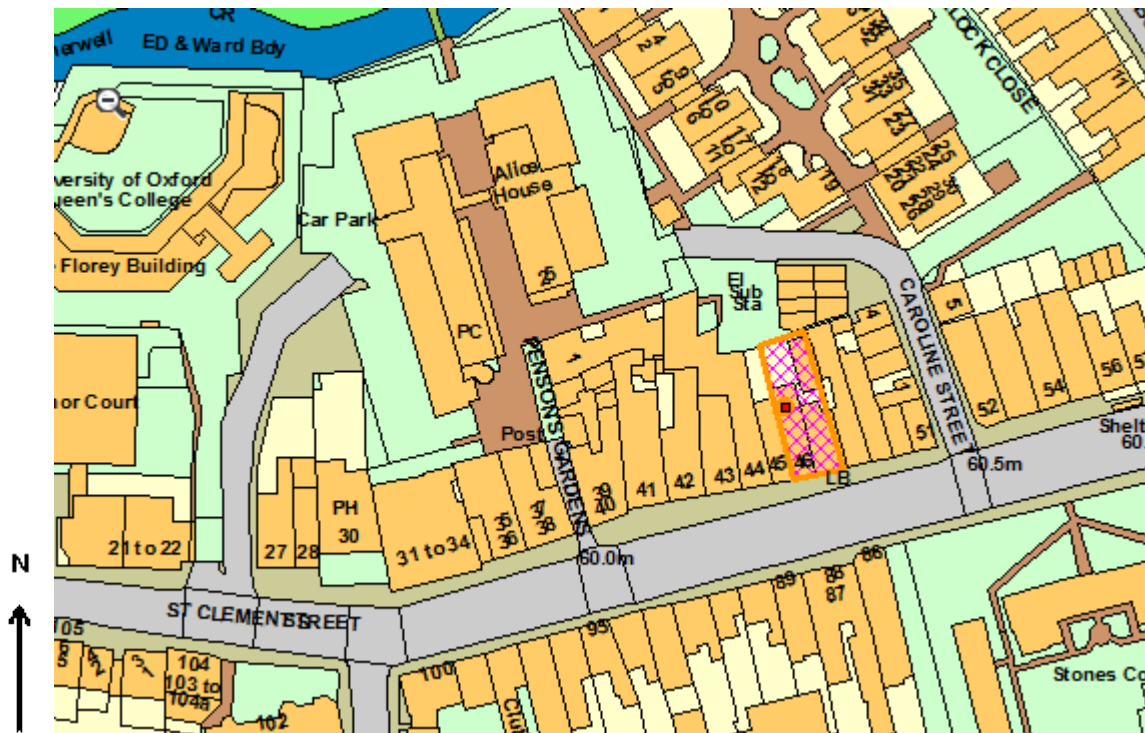
- 3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is not liable for CIL

### **5. SITE AND SURROUNDINGS**

- 5.1. The application site comprises 2no. three storey terraced properties with a two storey outbuilding to the rear. The properties are located on St Clement's Street, an arterial road providing access into the City. The main entrance to the properties front directly onto the highway. St Clement's Street is within a Controlled Parking Zone (CPZ), on-street permit parking is not provided within the immediate vicinity of the properties. Time restricted parking bays are available along parts of the street. Parking areas to the rear are not associated with the properties.
- 5.2. The largely paved amenity space to the rear is accessed through the properties and via Caroline Street to the rear. The space currently provides informal cycle parking.
- 5.3. The application site forms part of the St Clement's and Iffley Road Conservation Area. Within the Conservation Area Appraisal, the properties have been identified as buildings of local interest.
- 5.4. Surrounding land uses include a mix of student accommodation, residential, retail and restaurants.
- 5.5. See site location plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application seeks planning permission to amalgamate nos. 46 and no. 47 St Clement's and change the use of no. 46 St Clement's from a House in Multiple Occupation (HMO) occupied by students (Use Class C4) and no. 47 St Clement's from a large HMO occupied by students (sui generis) to student accommodation (sui generis) with 15 en-suite study rooms, caretaker's suite and common room. The application also proposes to demolish the existing single storey rear extensions at both properties and erect a new single storey rear extension. Render to be repainted, alterations to the rear fenestration, replacement heritage sash windows to the front elevation and infilling of the entrance to no. 46 with a 'dummy door' to be installed. With regard to the existing outbuilding, the application proposes a single storey side extension, lowering of the roof, installation of roof mounted photo-voltaic panels, insertion of windows, provision of access to the first floor, render of existing brickwork and installation of timber cladding. The scheme would provide bin and cycle storage and a relocated pedestrian and cycle relocated access from Caroline Street.

## 7. RELEVANT PLANNING HISTORY

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

<p>17/01230/FUL - Change of use from a House in Multiple Occupation (Use Class C4) and Housing in Multiple Occupation (Sui Generis) to Student Accommodation (Sui Generis). Demolition of existing single storey rear extensions and erection of a new single storey rear extension, Replacement windows and existing render to be repainted. Erection of single storey and two</p>
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storey extension to existing outbuilding. Alterations to roof of existing two storey outbuilding. Insertion of windows and provision of access to first floor, Re-render existing brickwork and installation of timber cladding. Provision of bin and cycle store and formation of access from Caroline Street. (Amended Description) (Amended plans). Approved 1st August 2017.

#### 46 St Clement's

06/01359/FUL - Demolish single storey rear extension and new rear wall. Erection of single and two storey building to rear and in use with 47a St Clements to provide 3 additional study bedrooms and new kitchen/living room. Refused 25th August 2006.

05/02308/CEU - Application to certify existing use as multiple occupation by students as lawful. Approved 11th January 2006.

#### 47 St Clement's

06/01359/FUL - Demolish single storey rear extension and new rear wall. Erection of single and two storey building to rear and in use with 47a St Clements to provide 3 additional study bedrooms and new kitchen/living room. Refused 25th August 2006.

94/00860/NFH - Change of use from shop and residential to student accommodation incorporating 8 study bedrooms (Amended Plans). Approved 23rd January 1995.

## **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	Neighbourhood Plans:
Design	Paragraphs 124, 127, 130	CP1 CP6 CP8 CP10	CS18	HP9		
Conservation / Heritage	Paragraphs 193, 195, 196, 200	HE7				
Housing	Paragraph 59		CS25	HP1 HP5 HP13	National space standards	

<b>Commercial</b>	Paragraph 85	TA5				
<b>Natural environment</b>	Paragraph 170		CS9 CS10			
<b>Social and community</b>	Paragraphs 91 and 92		CS19			
<b>Transport</b>	Paragraphs 102, 109 and 110	TR12	CS13	HP15 HP16	Parking Standards SPD	
<b>Miscellaneous</b>	Paragraph 11			MP1		

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 15th November 2019 and an advertisement was published in The Oxford Times newspaper on 28th November 2019. Following an amendment to the description of development, pink site notices were displayed around the application site on 12<sup>th</sup> February 2020 and an advertisement was published in The Oxford Times newspaper on 12<sup>th</sup> February 2020.

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

#### Oxfordshire County Council (Highways)

- 9.2 The proposals include 12 cycle parking spaces. This complies with policy and provides 1 additional space for the caretaker. The location of the cycle parking at the rear of the property is not ideal however in this instance it is deemed appropriate due to the lack of space at the front of the property. The proposals are advertised as being "car free" and do not offer any off street car parking. As such 46 and 47 St Clement's Street must both be excluded from obtaining residents parking permits in order to protect existing on street parking and ensure the car free nature of the development is maintained. Oxfordshire County Council do not object to the granting of planning permission, subject to a condition excluding the property from eligibility for parking permits prior to occupation.

#### Thames Valley Police

- 9.4. No objections, providing a condition requiring the attainment of Secured by Design accreditation prior to the commencement of development.

### **Public representations**

- 9.6. One local resident from Jeune Street commented on this application.
- 9.7. In summary, the main point of objection (1 resident) was:



- Effect on character of area.

### **Officer response**

- 9.8. The local resident raised concerns regarding the quality of the development and the impact it would have on the character of the property and surrounding area. In order to ensure a high quality design, conditions have been recommended to control the colour of render and require details of the replacement heritage sash windows and new doors to the front and future external lighting (in line with Secured by Design guidelines) to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design & impact on historic environment
- iii. Living conditions
- iv. Impact on neighbouring amenity
- v. Vehicular & cycle parking
- vi. Boundary treatment

### **i. Principle of development**

- 10.2 The proposal would result in the loss of a C4 HMO and a Sui Generis HMO. Whilst a change of use from a Sui Generis HMO to a dwellinghouse occupied by a single household (Use Class C3) would require planning permission, a change of use from a C4 HMO to a dwellinghouse occupied by a single household would not require planning permission. In this respect, the principle of development when considering the change of use is assessed differently in the context of No. 46 (a C4 HMO) and No. 47 (a Sui Generis HMO). Policy HP1 of the Sites and Housing Plan (2013) requires that there should not be a loss of dwellings; No. 46 would be considered a dwelling that is capable of use as a family house and in this regard the proposals would arguably have a deleterious effect on the City's housing stock, contrary to Policy HP1. Officers have taken into consideration the planning history of the properties. In relation to no. 46, a lawful development certificate was granted in 2006 for the use as a House in Multiple Occupation (accommodating 5 residents) and is currently occupied by students. In 1994, planning permission was granted for the change of use of no. 47 from use as a shop with residential above to student accommodation (incorporating 8 study bedrooms). Both properties are currently occupied by students. Most recently, planning permission for this same proposal was granted in 2017 and remains extant until August 2020.
- 10.3. Notwithstanding this extant planning permission, the existing properties, by virtue of their internal layout and poor quality shared amenity space, are not considered suitable for the use as family dwellings. Furthermore, the proposed

development would make more efficient and appropriate use of the site in accordance with Policy CP6 of the Oxford Local Plan.

- 10.4. Policy HP5 states that planning permission will only be granted for student accommodation located adjacent to the main thoroughfares set out at Appendix 3 of the Sites and Housing Plan; of which St Clement's Street is one.
- 10.5. Further to the above, planning permission will only be granted for student accommodation if: a management regime has been agreed with the City Council that will be implemented on first occupation of the development and the developer undertakes to prevent residents from parking their cars anywhere on the site, and anywhere in Oxford. This would be secured by a planning condition. Also a condition would be imposed to restrict occupation; during term time the development shall be used for student accommodation occupied by students on full time courses, outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates.
- 10.6. It is acknowledged that the proposal does not comply with emerging Policy H8 (student accommodation). Policy H8 deals with the locational criteria for new student accommodation and provides a more restrictive set of requirements than the existing adopted Policy HP5 of the Sites and Housing Plan (2013). However, limited weight can be afforded to these policies because although the plan has been through the local plan examination, the final Inspector's report and changes to the plan have not been received. Notwithstanding this policy position, significant weight must be given to the extant permission for the same proposal on the site.
- 10.7. In light of the above, it is considered that the principle of the proposed development is acceptable.

## **ii. Design & Impact on the Historic Environment**

- 10.8. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP8 of the adopted Oxford Local Plan and Policy DH1 of the emerging Local Plan require that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.9. Policy HE7 of the Oxford Local Plan and Policy DH3 of the emerging Local Plan refer to Conservation Areas and states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the Conservation Areas or their setting.
- 10.10. When determining an application affecting a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and Chapter 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

- 10.11. The proposed single storey extension would extend the width of both properties to the rear. The extension would be stepped, projecting a maximum of 3.7m from the original rear wall, approximately 4.6m shallower than the existing single storey extensions proposed to be demolished. The extension would be 2.7m in height with a flat roof. The extension would accommodate 2no. study rooms. It is considered that the proposed extension would create a cohesive form, improving the existing appearance to the rear of the properties.
- 10.12. A single storey side extension is proposed to the existing outbuilding measuring approximately 4.2m in depth, 3.3m in width and a maximum of 3.6m in height at the lowest ground level. The extension would accommodate an additional study room. A number of other alterations to the outbuilding are proposed including; a new timber staircase to the side of the outbuilding, the roof level is to be lowered by approximately 0.6m and 21no. solar PV roof mounted panels are to be installed. Contemporary alterations and additions are also proposed, including timber cladding and rendering to external walls. It is considered that the modest extension, lowering of the roof line and modernisation of the outbuilding would be acceptable and in fact, enhance the visual appearance of the building.
- 10.13. The alterations to the fenestration to the rear of the properties would create a more cohesive appearance and are sympathetic to the character of the terrace.
- 10.14. It is proposed to install timber sash windows to the front elevation which is considered acceptable and would enhance the appearance of the properties. A 'dummy door' to no. 46 would retain the existing rhythm of the terrace along St Clement's. A condition has been recommended, requesting that details of the proposed sash windows and front doors are submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. Given the need to ensure that the proposed development includes the installation of the windows to the betterment of the streetscene and Conservation Area this will be a requirement recommended by condition.
- 10.15. Overall, the visual impact of the proposed development, due to its design, size and scale, is considered to be acceptable and would not be harmful to the character of the existing properties. The proposals are considered to comply with policies CP1, CP6, CP8, CP10 of the Oxford Local Plan 2001-2016, CS18 of the Core Strategy 2026 and HP9 of the Sites and Housing Plan. The proposals are also considered to be in compliance with Policy DH1 of the Emerging Oxford Local Plan 2036, noting that it carries only limited weight at this time.
- 10.16. The proposals would not materially impact on the streetscene of St Clement's Street, Caroline Street or the wider Conservation Area. There would be some glimpsed views of the extensions from Caroline Street. As a result, the proposals would give rise to a low order of less than substantial harm to the Conservation Area but would give rise to public benefits through the more efficient use of the site and improved fenestration. As required by paragraph 193 of the NPPF, great weight has been given to the conservation of the Conservation Area when carrying out the balancing exercise required by paragraph 196 of the NPPF but the public benefits are considered to outweigh

the low order of less than substantial harm caused by the proposal. The proposal is considered to be acceptable in the context of Paragraph 193-196 of the NPPF.

### **iii. Living conditions**

- 10.17. The proposed layout of the site would be improved through the amalgamation of the units with the existing HMO and student accommodation on the site being brought up to a better standard. This would provide an improved amenity for occupiers. Each study room would comply with nationally prescribed space standards for bedrooms and would provide en-suite washing and WC facilities. The study rooms would also have an acceptable outlook. The common areas would be provided at the ground floor level of the main building and a laundry room is provided at the first floor level.
- 10.18. In terms of outdoor space there is relatively little scope to provide a quality area of outdoor amenity space on the site. Policy HP5 of the Sites and Housing Plan (2013) only makes prescriptive requirements for outdoor space provision on student accommodation sites of more than twenty rooms. It is important to note that the site is in close proximity to excellent public outdoor space at South Park and Angel and Greyhound Meadow.
- 10.19. It is considered that the proposal provides acceptable living conditions and complies with the requirements of Policy HP5 of the Sites and Housing Plan (2013).

### **iv. Impact on neighbouring amenity**

- 10.20. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes.
- 10.21. Due to the existing built form at the application site and adjoining properties and the brick wall boundary, at 2.8m in height (level with the proposed flat roof extension), it is considered that the proposed extensions would not impact on neighbouring properties in terms of loss of light, overbearing impact or outlook. Notwithstanding this, it is considered that the proposed outbuilding door at first floor level could result in some overlooking; therefore a condition is recommended to require the door to be solid. Officers have carefully considered the impact of having the steps from the ground level to the first floor level of the outbuilding and the opportunity that this would provide in terms of overlooking towards the rear windows of adjacent properties. Despite there being some overlooking that would be created by these glimpsed views when accessing the two student rooms at first floor this would not be sufficiently materially harmful to warrant refusing planning permission. Given the distance between properties, existing overlooking and recommended condition, it is not considered that the proposed alterations and the proposed change of use would be unacceptable in terms of neighbouring amenity.

10.22. The development is considered to be acceptable in terms of its impact on neighbouring amenity, having had regard to the concentration of activity on the site and the requirements of Policy HP14 of the Sites and Housing Plan (2013).

**v. Vehicular and cycle parking**

10.23. The Sites and Housing Plan stipulates that for student accommodation, only operational and disabled parking would be permitted. The proposed scheme is car free which is accepted by the Council in such a sustainable location. St Clement's Street is currently within a Controlled Parking Zone, a condition has been recommended, excluding the property from eligibility for parking permits prior to occupation.

10.24. Policy HP15 of the Sites and Housing Plan requires at least 3 cycle parking spaces for every 4 study rooms. All residential cycle storage must be secure, undercover, preferably enclosed, and provide level, unobstructed external access to the street. The application proposes 12 covered cycle parking spaces which complies with policy and provides an additional space for the caretaker. Access to the street is provided to Caroline Street at the rear. A condition has been recommended to require the details of the cycle store to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development; this will ensure that a covered, secure storage is provided as required by the Council's Policies.

**vi. Boundary treatment**

10.25. A relocated pedestrian and cycle access is proposed from Caroline Street to the rear of the properties, replacing an existing access. A condition has been recommended to require the details of the access and boundary treatment to be submitted and approved by the Local Planning Authority prior to the commencement of development.

**11. CONCLUSION**

11.1. On the basis of 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 it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. In the context of all proposals, paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.3. The proposed amalgamation of the properties complies with Policies HP1 and HP5 of the Sites and Housing Plan as established in 2017 when Officers granted planning permission for the same proposal.
- 11.4. Due to its design, scale and size, it is considered that the visual impact of the proposed extensions and alterations would not materially harm the character of the properties, surrounding area or Conservation Area in line with local policies. Indeed, it is considered that the proposal would in fact enhance the visual appearance of the site and immediate surrounding area.
- 11.5. The proposed indoor and outdoor space are considered acceptable and in compliance with national and local standards. The site is within close proximity to open green spaces, including South Park and Angel and Angel and Greyhound Meadow.
- 11.6. It is considered that the proposal would not impact on the amenity of neighbours, in compliance with Policy HP14 of the Sites and Housing Plan.
- 11.7. The proposed cycle parking is in compliance with Policy HP15 of the Sites and Housing Plan and the car free nature of the development is accepted by the Council. A condition has been recommended to ensure details of the proposed cycle and bin store are acceptable prior to the commencement of development.
- 11.8. It is recommended that the Committee resolve to grant planning permission subject to the conditions below.

## **12. CONDITIONS**

- 12.1. Officers recommend that conditions would be required relating to the following matters but that the wording is delegated to the Head of Planning.
  - 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 the commencement of development, details of the proposed sash windows and front doors shall be submitted and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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

4. The proposed doors in the two storey rear building shall be solid.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 of the Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan 2013.

5. The colour of the render shall be neutral off white or cream, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016.

6. Prior to the commencement of the approved development, details of the design of the covered refuse and recycling store and details of the cycle store as identified on the location shown on the approved site plan (Drawing No. 302) shall be submitted to and approved in writing by the Local Planning Authority. The details provided in relation to the design of the refuse and recycling and cycle stores shall include elevations showing the appearance of the stores as well as the materials to be used in its external construction. The approved stores shall be provided prior to the first occupation of the approved building unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure there is adequate provision of refuse and recycling facilities as required by Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP13 of the Sites and Housing Plan (2013) and in the interests of the amenities of future occupiers in accordance with the requirements of policies HP7, HP13 and HP15 of the Sites and Housing Plan 2011-2026

7. Prior to the first occupation of the approved development, details of the wording of a tenancy agreement clause that requires occupiers of the approved development not to bring cars to Oxford shall be submitted to and approved in writing by the Local Planning Authority. The approved tenancy clause shall be included within all tenancy agreements and signed by each occupier of the approved development prior to the commencement of their occupation of the approved building 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, TR12 of the Oxford Local Plan 2001-2016 and Policies HP5 and HP16 of the Sites and Housing Plan (2013).

8. During term time the development hereby permitted shall be used for student accommodation occupied by students on full time courses as specified in the submitted application and accompanying details and for no other purpose without the prior written approval of the Local Planning Authority. Outside term

time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation, in accordance with Policy HP5 of the Sites and Housing Plan (2013).

9. The development hereby permitted shall not be occupied until the Order governing parking at St Clement's Street; has been varied by the Oxfordshire County Council as highway authority to exclude the site, the subject of 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.

10. Prior the first occupation of the approved development, details relating to the arrangements for a phased drop off of occupiers at the approved development at the start and end of term shall be submitted to and approved in writing by the Local Planning Authority. The submitted details will include information relating to the different periods of arrival and departure for occupiers of the building in the form of a timetable and corresponding plan indicating the time periods for drop off and collection of occupiers and their possessions from each of the student rooms. The information provided will also include the identified areas within the vicinity of the application site that shall be used as drop off or collection zones and how these spaces will be managed to minimise the impact of inconsiderate parking on nearby residential roads. The approved details and timetable shall be adhered to throughout the year unless agreed otherwise 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, TR12 of the Oxford Local Plan 2001-2016 and Policies HP5 and HP16 of the Sites and Housing Plan (2013).

11. Details of the day to day management of the student accommodation permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The details as approved shall be brought into operation upon first occupation of the development and remain in place at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.



Reason: To avoid doubt and in order to ensure the development is appropriately managed so as to protect the amenities of neighbouring occupiers, in accordance with policy CS25 of the Oxford Core Strategy 2026.

12. Prior to the commencement of the approved development, details of any external or outdoor lighting to be installed on the application site shall be submitted to and approved in writing by the Local Planning Authority. The details of the lighting to be provided will include information about the specific location of any lighting, its output and type. Only the approved lighting shall be installed and no additional external or outdoor lighting shall be installed unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure adequate provision of lighting in order to reduce the risk of crime and to prevent the installation of unsuitable outdoor lighting that would have an adverse impact on the amenity of the area as required by Policy CP1 and CP20 of the Oxford Local Plan 2001-2016 and Policy CS19 of the Oxford Core Strategy (2011).

13. Prior to the commencement of development, details of the new access and boundary treatment to the rear of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

14. All impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water shall be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably practical, the design of the surface water drainage system shall be carried out in accordance with Approved Document H of the Building Regulations. The drainage system shall be designed and maintained to remain functional, safe, and accessible for the lifetime of the development. Oxford City Council SuDS Design Guide can be found at [www.oxford.gov.uk/floodriskforplanning](http://www.oxford.gov.uk/floodriskforplanning)

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with Policy CS11 of the Oxford Core Strategy 2011-2026

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

#### **14. HUMAN RIGHTS ACT 1998**

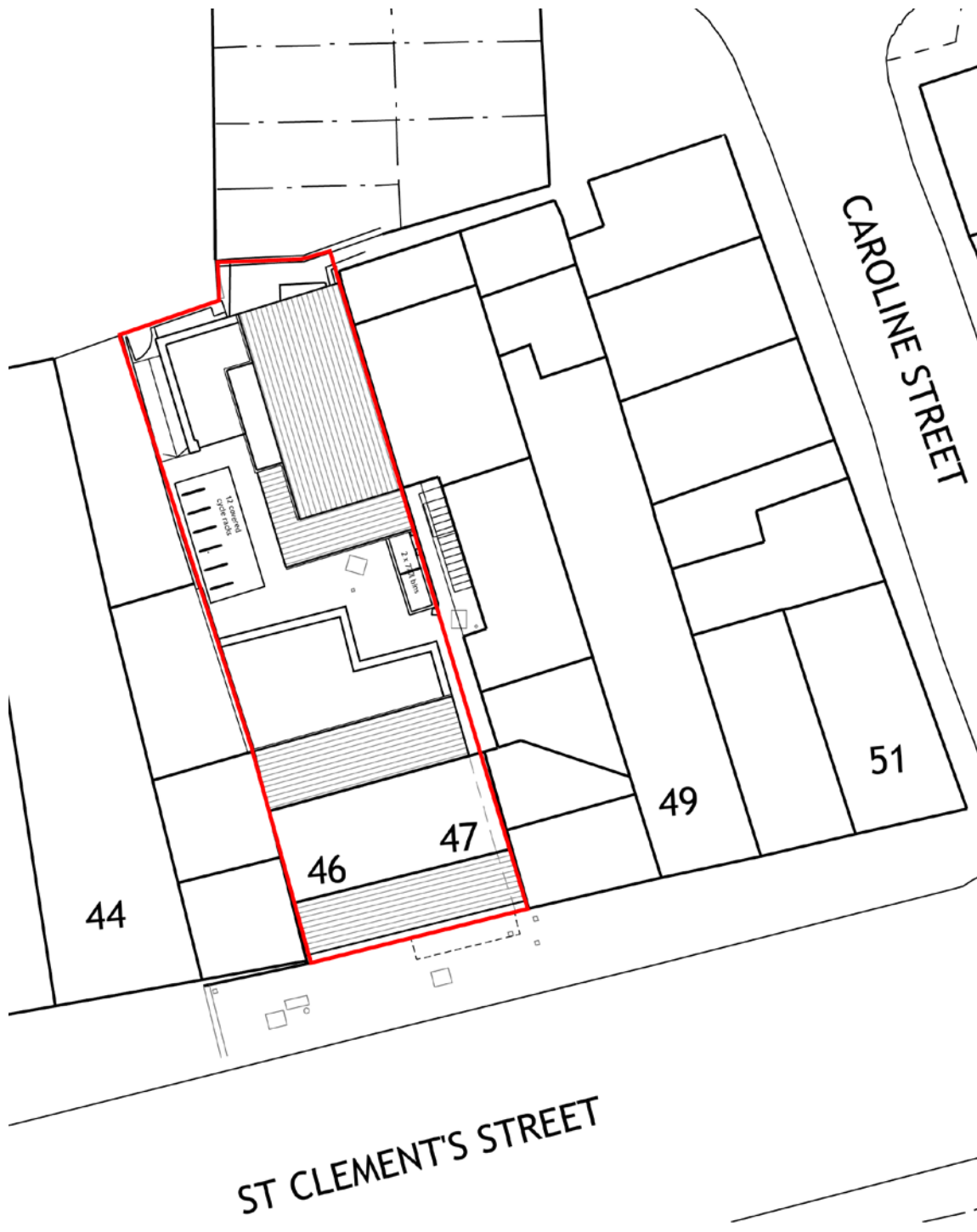
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

19/02749/FUL – 46 & 47 St Clement's Street



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## WEST AREA PLANNING COMMITTEE

10<sup>th</sup> March 2020

<b>Application number:</b>	19/03188/CT3		
<b>Decision due by</b>	4th February 2020		
<b>Extension of time</b>	20th March 2020		
<b>Proposal</b>	Erection of a two storey side extension and part single, part two storey rear extension (Amended plans and description).		
<b>Site address</b>	32 Union Street, Oxford, OX4 1JP, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	St Clement's Ward		
<b>Case officer</b>	Jennifer Coppock		
<b>Agent:</b>	Jessop and Cook Architects Jessop and Cook Architects	<b>Applicant:</b>	Oxford City Housing Limited
<b>Reason at Committee</b>	The application is before the committee because the applicant is the Council's housing company.		

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## 1. RECOMMENDATION

1.1. West 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. The application seeks planning permission for two storey and single store extensions to the property. Officers consider that the design, scale and size of the proposals are acceptable and would not materially impact on the character of the pair of semi-detached dwellings (nos. 32 and 33) or the surrounding area. Further, it is considered that the proposal would not impact on the amenity of neighbours. The proposal is considered it compliance with adopted

local planning policy, specifically Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011) and Policy HP14 of the Sites and Housing Plan (2013).

### **3. LEGAL AGREEMENT**

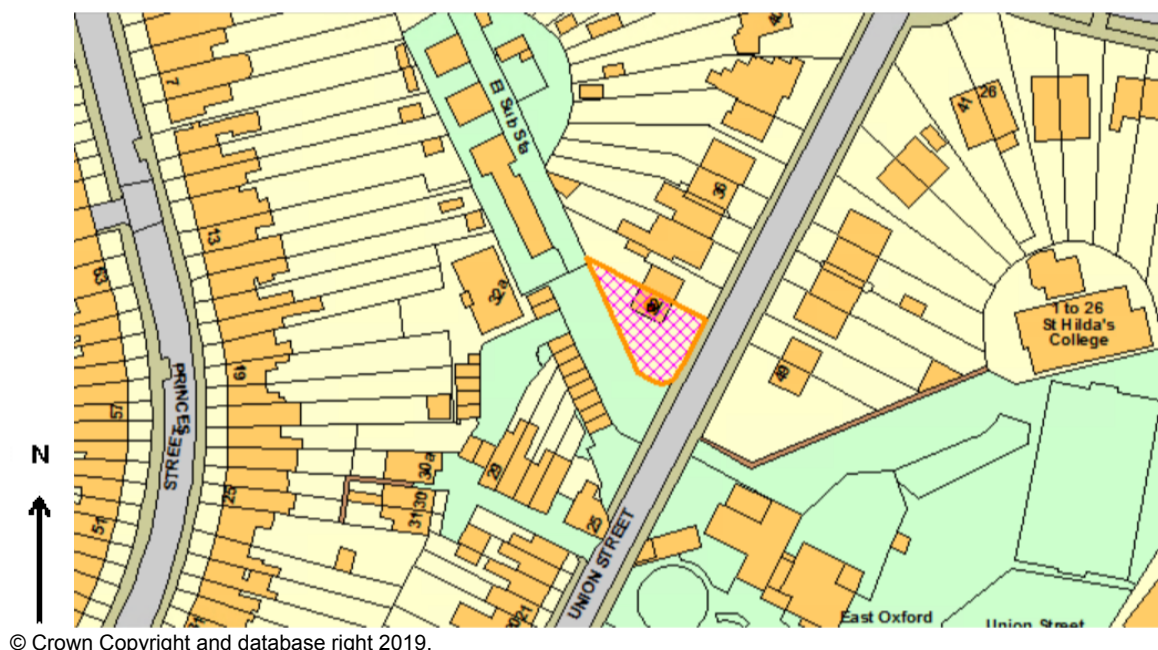
- 3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is not liable for CIL.

### **5. SITE AND SURROUNDINGS**

- 5.1. The application site comprises a two storey brick built semi-detached dwelling under a tiled roof with a lawned garden to the front and rear. Accommodation includes a living room, kitchen and bathroom on the ground floor and two bedrooms on the first floor. The site is bound by feather board fencing. Vehicular parking is provided on-street.
- 5.2. The application site is located on the northern end of Union Street which is characterised by two storey terrace and semi-detached dwellings. Union Street is part of a Controlled Parking Zone with parking bays on both sides of the street. The majority of properties in this part of Union Street have off-street parking in the front gardens.
- 5.3. Surrounding land uses include residential properties to the north, east and west. 'The Union', which includes the Adult Learning Service, East Oxford Children's Centre, East Oxford Primary School and Early Intervention Service, is located to the south east, Council owned garages to the south west and an electrical sub-station lies to the north west.
- 5.4. See site location plan below:



## 6. PROPOSAL

- 6.1. The application proposes a two storey side extension, leading to a part two, part single storey extension to the rear. The extension would provide a bedroom, bathroom and an enlarged kitchen on the ground floor with a further bedroom and bathroom on the first floor. As a result of the extension, the main entrance would be relocated from the side of the property to the front elevation. A new ramped access to the front and raised paved area to the front, side and rear is proposed to allow level access. The proposal provides covered cycle parking.

## 7. RELEVANT PLANNING HISTORY

- 7.1. There is no relevant planning history relating to the site.

## 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	Neighbourhood Plans:
Design	Paragraphs 124, 127, 130	CP6 CP8 CP10 CP13	CS18	HP9 HP14		
Natural environment	Paragraph 170	NE15 NE16 CP11				
Transport	Paragraphs 102, 109 and 110			HP15 HP16	Parking Standards SPD	
Miscellaneous		CP1		MP1		

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 20<sup>th</sup> December 2019 and an advertisement was published in The Oxford Times newspaper on 19<sup>th</sup> December 2019. Following an amendment to proposed plans, pink site notices were displayed around the site on 4<sup>th</sup> February 2020 and an advertisement was published in The Oxford Times newspaper on 6<sup>th</sup> February 2020.

### Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. The proposals are in a sustainable location with good access to local amenities and public transport. The proposals are in a CPZ.

Cycle Parking - The proposals need to provide 3 covered and secure cycle parking spaces to conform to policy requirements. The current proposal is acceptable.

Car Parking - The proposals will double the number of bedrooms from 2 to 4 and do not provide any off street car parking. Because of this, it will be necessary to exclude the property from obtaining residents parking permits. This will ensure that existing on street parking is protected from the development.

Oxfordshire County Council do not object to the granting of planning permission, subject to a condition to remove eligibility for parking permits.

### **Public representations**

- 9.5. One local resident commented on this application from an address in Church Hill Road.

- 9.6. In summary, the main points of objection were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- General dislike or support for proposal
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance

### **Officer response**



- 9.7. The local resident raised detailed concerns regarding the design of the extension and impact on the amenity of neighbours. In response to these concerns and those of Officers, amended plans were requested to reduce the width and height and set the building line of the extension behind the principal elevation of the original dwelling in order to create a more subservient and balanced addition, retaining the amenity of neighbours.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Design
- ii. Neighbouring amenity
- iii. Parking and bin storage
- iv. Trees

### **i. Design**

- 10.2. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP8 of the adopted Oxford Local Plan and Policy DH1 of the emerging Local Plan require that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.3. The proposed side extension would measure approximately 3.3m in width and would be set back from the principal front elevation by approximately 2.4m. The proposed roof ridgeline would be 1m lower than the ridgeline of the original dwelling.
- 10.4. The proposed part single, part two storey rear extension would project approximately 2.1m from the original rear wall. The two storey element would measure approximately 3.1m in width and would be set down from the roof ridgeline of the proposed side extension by approximately 0.3m. The single storey element (which would by itself constitute permitted development) would measure approximately 4.4m in width, the ridge of the mono pitched roof would measure 3.5m in height and the extension would be set away from the boundary with no. 33 by approximately 0.5m.
- 10.5. The side extension would abut the south western boundary, removing side access to the rear garden. The triangular shaped rear garden would extend a maximum of 10.3m from the rear wall of the proposed single storey extension.
- 10.6. A lean-to timber structure with a tiled roof would be erected to the side of the property to provide covered cycle storage. The size, scale and design of the structure is considered subservient to the original dwelling, respecting its form and character and would not detrimentally impact on the character of the street scene. This element of the proposals was not included as part of the original scheme and was included at the request of officers; as a relatively small-scale addition to the plans it was not subject to further consultation but

would not materially impact on the amenity of neighbouring occupiers or the visual appearance of the development.

- 10.7. The extensions would be in red facing brick and render with clay roof tiles to match the existing.
- 10.8. The extension would make more efficient use of the site, whilst retaining sufficient outdoor amenity space to the rear and respecting the form, character and appearance of the original dwelling.
- 10.9. The proposals are considered to comply with policies CP1, CP6, CP8, CP10 of the Oxford Local Plan 2001-2016, CS18 of the Core Strategy 2026 and HP9 of the Sites and Housing Plan. The proposals are also considered in compliance with Policy DH1 of Emerging Oxford Local Plan 2036, noting that it carries only limited weight at this time.

## **ii. Impact on neighbouring amenity**

- 10.10. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes.
- 10.11. The single and two storey rear extensions would not contravene the 45/25 code when applied to the windows of habitable rooms at no. 33. It is also noted that a part single, part two storey rear extension was recently approved at no. 33 which would project approximately 1.2m further than the proposed extension, subject to this application. If that scheme is implemented then the impact on neighbouring amenity would be further reduced.
- 10.12. Further, it is considered that the proposal would not be overbearing on no. 33 due to the depth of the extension and the distance of the ground and first floor extensions from the boundary with no. 33. By virtue of the distance between the proposal and Sylvia House, 32a Union Street (5 flats) to the south west, it is not considered that the extension would have an overbearing impact on these units.
- 10.13. The proposal is therefore considered acceptable in terms of its impact on neighbouring amenity, in line with Policy HP14 of the Sites and Housing Plan (2013).

## **iii. Parking**

- 10.14. The application site is within a sustainable location with good access to local amenities and public transport. As stated above, the site lies within a Controlled Parking Zone.
- 10.15. The proposal would create two additional bedrooms but does not provide any off-street parking provision. The Highways Authority has recommended that the property is excluded from the eligibility of obtaining residents parking permits, however as this is an application for an extension to an existing family

dwelling, it is not considered appropriate to impose such a restriction, particularly given that the property is within the East Oxford Controlled Parking Zone where the maximum number of car parking permits is already limited to two per household.

- 10.16. The Highway Authority has advised that the proposal should provide three covered and secure cycle parking spaces, in line with Policy HP15 of the Sites and Housing Plan. The current proposal provides acceptable cycle parking spaces in compliance with the planning policy following the submission of revised plans that include this provision to the side of the proposed development.

#### **iv. Trees**

- 10.17. It is not considered that the proposal would harm the existing 2no. trees on site if reasonable care is taken to protect them physically during the construction phase. To ensure this is the case, a condition has been recommended requiring a Tree Protection Plan to be submitted and approved by the Council prior to the commencement of development in accordance with Policies CP1, CP11 and NE16 of the adopted Local Plan 2001-2016.

### **11. CONCLUSION**

- 11.1. On the basis of 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 it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. In the context of all proposals, paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. Due to its design, scale and size it is considered that the visual impact of the proposed extensions would not materially harm the character of the pair of semi-detached dwellings or the surrounding area, in compliance with policies CP1, CP6, CP8, CP10 of the Oxford Local Plan 2001-2016, CS18 of the Core Strategy 2026 and HP9 of the Sites and Housing Plan.
- 11.4. It is considered that the proposal would not impact on the amenity of neighbours, in compliance with Policy HP14 of the Sites and Housing Plan.

- 11.5. It is considered that the proposed cycle and bin storage is acceptable in compliance with Policy HP15 of the Sites and Housing Plan.
- 11.6. It is recommended that the Committee resolve to grant planning permission subject to the following conditions.

## **12. CONDITIONS**

- 12.1. Officers recommend that conditions would be required relating to the following matters but that the wording is delegated to the Head of Planning.

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. The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by policy CP1 of the Oxford Local Plan 2001-2016.

4. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations. The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development. Oxford City Council SuDS Design Guide can be found at [www.oxford.gov.uk/floodriskforplanning](http://www.oxford.gov.uk/floodriskforplanning)

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with Policy CS11 of the Oxford Core Strategy 2011-2026

5. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

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

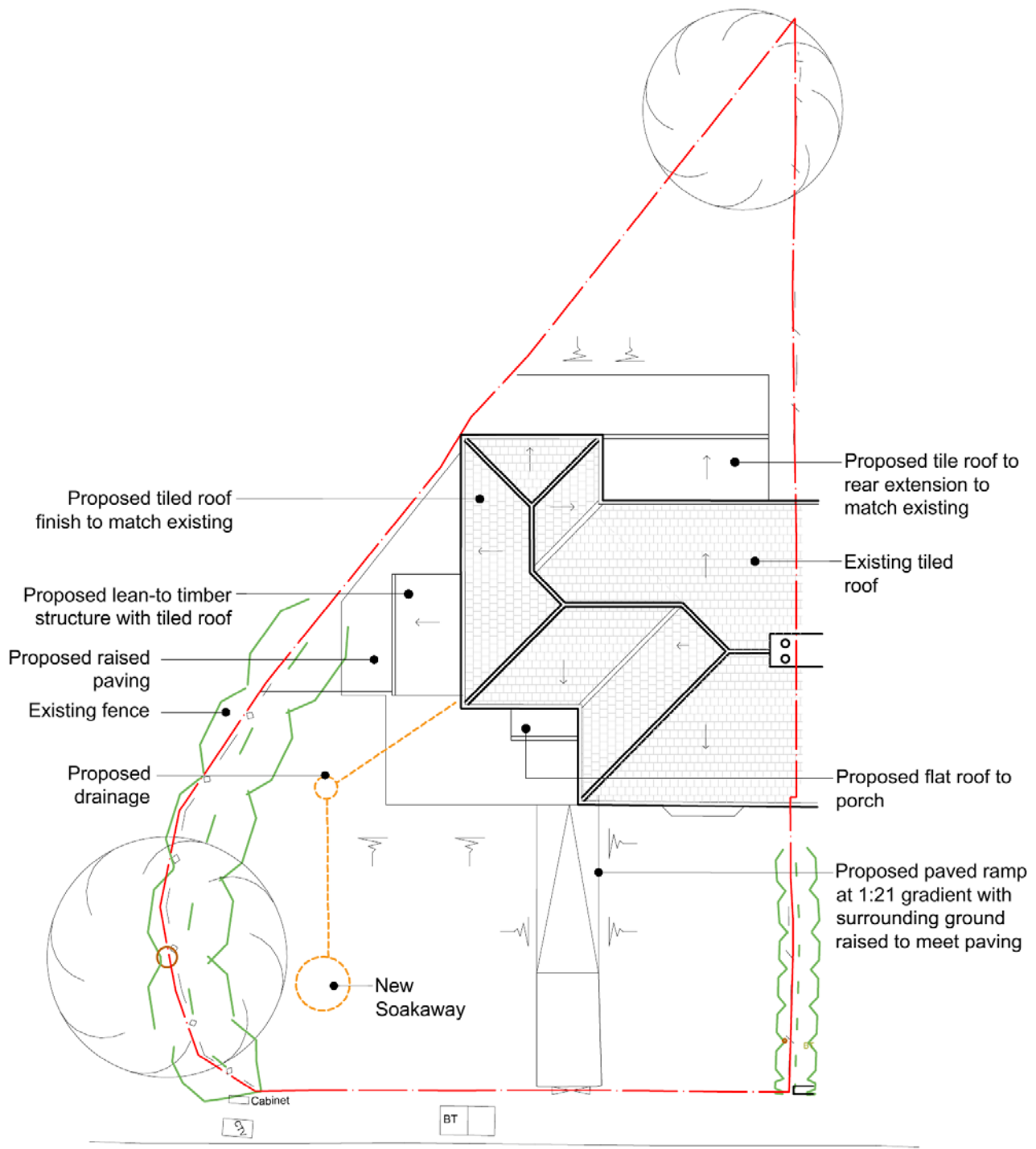
### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 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 planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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## Appendix 1 – Site Plan

19/03188/CT3 – 32 Union Street



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## **Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 11 February 2020**



### **Committee members:**

Councillor Cook (Chair)	Councillor Corais
Councillor Donnelly	Councillor Harris
Councillor Hollingsworth	Councillor Iley-Williamson
Councillor Upton	Councillor Wolff
Councillor Landell Mills (for Councillor Gotch)	

### **Officers:**

Andrew Murdoch, Development Management Service Manager  
Robert Fowler, Planning Team Leader  
Sally Fleming, Planning Lawyer  
James Paterson, Planning Officer  
Mike Kemp, Senior Planning Officer  
Amy Ridding, Senior Conservation Officer  
Catherine Phythian, Committee Services Officer

### **Apologies:**

Councillor(s) Gotch sent apologies.

## **80. Declarations of interest**

Councillor Cook stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee and that he was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Upton stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. She stated that although she was a signatory to the call-in for applications 19/02141/FUL and 19/02142/LBC she had a completely open mind and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Cllr Harris stated that although he was a signatory to the call-in for application 18/02644/FUL he had a completely open mind and would listen to all the arguments and weigh up all the relevant facts before coming to a decision. For reasons of transparency he stated that, although the owners and site of application 19/03178/FUL

were known to him, he had a completely open mind and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

### **81. 18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ**

The Committee considered an application (18/02644/FUL) for planning permission for the erection of 4 x 1 bed flats (Use Class C3) to first and second floor infills between existing block gable ends; the provision of bike storage; and retaining all car parking spaces, garages and refuse stores.

The application had been called into committee at the request of Councillors Goddard, Gotch, Harris, Garden and Smith due to concerns relating to the impact on existing residents and parking issues.

The application was previously considered by the West Area Planning Committee in November 2019, where a resolution to defer determination of the application was made to enable the correct notices to be served on the leaseholders at Millway Close and the correct certificate submitted. A request was also made to seek the comments of Thames Valley Police and the Fire Service, with a further suggestion that the proposed location of the cycle parking be amended.

The Planning Officer presented the report and gave the following verbal updates:

- Evidence had been provided to demonstrate that all correct the notices had now been served on the leaseholders of the flats.
- Amended plans had been submitted showing amendments to the position of the proposed cycle parking.
- The Police and Fire Service had been consulted and their comments were set out in full in Section 8 of the report. Overall no objections are raised.
- Comments had been received on behalf of Millway Close Leaseholders in response to the amended cycle parking proposals. In summary the comments state the view that the revised number of cycle parking spaces is considered to be sufficient, however the unanimously preferred option would be to site the cycle parking in the location of the former bin store rather than the intended locations.
- 3 additional public comments had been received objecting on the following grounds:
  - The location of the cycle parking spaces
  - No affordable housing provision
  - The loss of amenity areas owing to the location of the cycle parking
  - Concern about the dimensions of the access spaces between the flats
  - Security of the bike and bin stores
  - The design of the windows not matching the existing style
  - Natural lights to the rear facing internal spaces of the flats

The Planning Officer recommended an amendment to the wording of Condition 4, (on cycle parking) to require the provision of a cycle parking plan prior to occupation without the reference to 116 spaces.

Natasha Robinson (Millway Close Leaseholders) spoke against the application and read a statement from Nicholas Loft-Simpson (local resident).

James Gillies, the agent representing the applicant, spoke in favour of the application.

The Committee noted that the objections and concerns about security and safety would be addressed through Condition 17 which would require the applicant to obtain Secured by Design accreditation for the development. The Committee agreed to include a further condition for the provision of lighting in the access passages.

The Committee also sought assurances in relation to specific concerns raised by the public speakers about the presence of asbestos and the need for residents to vacate the properties during the construction phase. Mr Gillies, the agent, confirmed that there would be no planned requirement for the residents to vacate their properties during the construction phase and that there would be no identified need for the construction contractors to access the roof void or areas known to contain asbestos.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application, subject to the amendment to Condition 4 detailed above and the addition of a new condition relating to the provision of lighting in the access passages.

**The West Area Planning Committee resolved to:**

1. **approve** the application for the reasons given in the report and subject to the required 17 planning conditions set out in section 11 of the report and subject to the amendment to Condition 4 detailed above and the addition of a new condition relating to the provision of lighting in the access passages; 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.

**82. 19/02032/FUL: Sir Geoffrey Arthur Building, Long Ford Close, Oxford, OX1 4NJ**

The Committee considered an application (19/02032/FUL) for planning permission for the demolition of existing accommodation building and music room block to ground floor level and erection of replacement buildings to create 77 student bedrooms, 8 studio rooms and ancillary provision for Pembroke College on the Geoffrey Arthur Site in form of a Graduate building and a separate studio block, including adjustments to the public realm and pedestrian / vehicular access from Baltic Wharf.

The Planning Officer presented the report and gave the following verbal updates:

- Two objection comments had been received since the agenda was published from addresses in Trinity Street and Baltic Wharf. The matters raised in those comments have already been addressed in the officer's report.
- There was a concern about the use of the vehicular access; for clarity this is proposed to be retained as it is currently – for emergency vehicles and servicing only – specifically refuse and recycling trucks. Officers considered that this was acceptable as it would not worsen the impact of the access on local residents above and beyond the existing situation.

The Planning Officer advised that the Environment Agency had withdrawn its objections subject to conditions, the wording of which could be delegated to officers if the Committee was minded to grant planning permission. Following the removal of the Environment Agency's objections there was no longer a requirement to refer the application to the Secretary of State and complete a statutory consultation period.

The Planning Officer advised that since the application was considered by the West Area Planning Committee on 21 January 2020 further information had been supplied to demonstrate sight lines and views from the study bedrooms into the neighbouring property and evidence to support the assertion that the internal layout of the study bedrooms, which would be secured by condition, would serve as adequate mitigation. Additional obscure glazing had been proposed to mitigate against harmful overlooking of the neighbouring property, No. 4 Baltic Wharf.

Mike Naworynsky, representing the applicant, and Stuart Cade, agent spoke in favour of the application and answered questions from the Committee.

The Committee welcomed the modifications and commended the applicant for their constructive response to the previous request from the Committee to explore measures to mitigate against the overlooking of No.4 Baltic Wharf.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

**The West Area Planning Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the 32 required planning conditions and 1 informative set out in section 9 of the report with additional conditions to secure obscure glazing to the windows that would overlook 4 Baltic Wharf and to cover the matters required by the Environment Agency and grant planning permission subject to:
  - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; 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; and

- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

### **83. 19/02141/FUL: 42 Park Town, Oxford, OX2 6SJ**

The Committee considered an application (19/02141/FUL) for planning permission for the amalgamation of ground dwelling and basement flat to form one dwellinghouse, erection of a two storey side extension to basement and ground, insertion of lightwells to the front and rear, associated landscaping to front and rear gardens, replacement railings to front boundary and alterations to fenestration. (Amended Plans).

The application was called in by Councillors Fry, Munkonge, Pressel, Tanner and Upton due to concerns of overdevelopment, resulting in harm to the conservation area, and the impact on the amenity of neighbours.

The Planning Officer presented the report. He apologised for some labelling errors on the slides (referencing No.44 rather than No.42) which he corrected as he went through the presentation. He explained that the application originally included repairs and alterations to the roof which were omitted in the final proposal and that the original plans also erroneously included the replacement of the existing garage and the removal of the Lawson cypress tree in the front garden. These errors have been rectified in the final plans and did not form part of the application.

Caroline Grange spoke against the application.

Simon Sharpe, Kieron Roberts and Patrick Maguire, on behalf of the applicant, spoke in favour of the application.

The Committee was satisfied that the information set out in the officer report addressed the concerns raised in the call-in about overdevelopment, potential harm to the conservation area, and the impact on the amenity of neighbours.

The Committee discussion centred on the fact that the application, if approved, would be in contravention of Policy HP1 of the Sites and Housing Plan as it would result in the loss of the basement dwelling. The Committee acknowledged the importance of Policy HP1 but felt that on balance its significance was outweighed by the considerations set out in the officer report, in particular the fact that the existing basement flat provided poor quality accommodation and sub-standard living space and would be considered unsuitable for habitation in the current policy and legislative context. On balance the

Committee concluded that this was a balanced judgement and that, while substantial weight should be given to Policy HP1, the loss of the basement dwelling was acceptable in the overall context of the improvements resulting from the development.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

**The West Area Planning Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the 12 required planning conditions and 3 informatives 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.

**84. 19/02142/LBC: 42 Park Town, Oxford, OX2 6SJ**

The Committee considered an application (19/02142/LBC) for planning permission for the replacement of existing side extension with a two storey side extension to lower ground and upper ground floor levels. Internal alterations to include reinstatement of staircase at lower ground floor level, new openings, removal of partitions, closing up existing doorways and alterations to fenestration at lower ground floor level. Insertion of lightwells to front and rear, external renovations including replacement of render and refurbishment of existing windows. Installation of railings to front boundary and associated landscaping to the front and rear gardens. Works in association with amalgamation of existing dwellinghouse and basement flat to form one dwellinghouse. (Amended Plans) (Amended Description).

The application had been called in by Cllrs Fry, Munkonge, Pressel, Tanner and Upton because of concerns about overdevelopment of the site, an overbearing impact to neighbouring houses, and conflict with the North Oxford Victorian Suburb Conservation Area Appraisal.

The officer presentation and Committee discussion of this application for listed building consent was taken as part of the previous item.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

**The West Area Planning Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the 13 required listed building conditions and 3 informatives set out in section 12 of the report and grant listed building 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.

**85. 19/03178/FUL: 31 Charlbury Road Oxford OX2 6UU**

The Committee considered an application (19/03178/FUL) for planning permission for the demolition of an existing outbuilding and the erection of a single storey outbuilding for use as ancillary space.

A previous application was determined by the West Area Planning Committee after the Head of Planning Services decided it should not be delegated following concerns raised by the applicant about the determination of the application. This revised application was being determined by the committee for the same reasons.

The Planning Officer presented the report and apologised for the omission in paragraph 10.15 of the report: the empty brackets should contain *19/02089/FUL*. He reminded the Committee that a similar application (19/02089/FUL) was refused by the West Area Planning Committee on 11 November 2019 and that an appeal had been made against the refusal of planning permission in addition to an application for an award for costs against the Council.

He explained that the new application differed from the previous application in that it had a reduced glazed gable as the cill of the glazing had been raised by 10cm. In recommending approval Planning Officers had been cognisant of the Committee's decision on the previous application but on balance, considered that the raised cill of the window would lessen the impact on neighbours by limiting views out of the outbuilding and light spillage from the outbuilding.

Mr Daly, neighbour, spoke against the application.

Mr Crean, applicant, spoke in favour of the application.

In reaching its decision, the Committee considered all the information put before it, including the planning officer's recommendation for approval and was mindful of the permitted development rights pertaining to the application site.

A proposal to approve the application in accordance with the officer recommendation set out in the report was moved and seconded. On being put to the vote the proposal was lost.

A proposal to refuse the application for the following reasons was moved and seconded:

- i. The glazing in the gable end facing 31a Charlbury Road would impact and create light pollution to the adjoining property contrary to policies CP10 and CP20 of the Oxford Local Plan
- ii. The glazing in the gable end as a result of proximity to the boundary, and

the adjoining property at 31a Charlbury Road would result in a loss of privacy contrary to Policy CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

An amendment to that proposal to refuse the application solely on the grounds that the glazing in the gable end facing 31a Charlbury Road would impact and create light pollution to the adjoining property contrary to policies CP10 and CP20 of the Oxford Local Plan was moved and seconded.

On being put to the vote the amendment was carried on the Chair's casting vote and became the substantive proposal.

**On the substantive proposal being put to the vote the West Area Planning Committee resolved to refuse planning application (19/03178/FUL) on the following grounds with the precise wording of the reasons for refusal being delegated to the Head of Planning Services to determine:**

- i. The glazing in the gable end facing 31a Charlbury Road would impact and create light pollution to the adjoining property contrary to policies CP10 and CP20 of the Oxford Local Plan.**

## **86. Minutes**

The Committee resolved to approve the minutes of the meeting held on 21 January 2020 as a true and accurate record.

## **87. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **88. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 8.05 pm**

**Chair .....**

**Date: Tuesday 10 March 2020**