

Agenda

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West Area Planning Committee

This meeting will be held on:

Date: **Tuesday 13 April 2021**

Time: **3.00 pm**

Place: **Zoom - Remote meeting**

For further information please contact:

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

📞 01865 252402

✉️ democraticservices@oxford.gov.uk

Members of the public can attend to observe this meeting and.

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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All public papers are available from the calendar link to this meeting once published

Committee Membership

Councillors: Membership 9: Quorum 5: substitutes are permitted.

Councillor Colin Cook (Chair)	Jericho and Osney;
Councillor Michael Gotch (Vice-Chair)	Summertown;
Councillor Tiago Corais	Littlemore;
Councillor Alex Hollingsworth	Carfax;
Councillor Richard Howlett	Carfax;
Councillor Dan Iley-Williamson	Holywell;
Councillor Richard Tarver	Iffley Fields;
Councillor Louise Upton	North;
Councillor Elizabeth Wade	Wolvercote;

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX

Agenda

		Pages
Planning applications - background papers and additional information		
<p>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 <input type="text"/> box.</p> <p>Any additional information received following the publication of this agenda will be reported and summarised at the meeting.</p>		
1	Apologies for absence and substitutions	
2	Declarations of interest	
3	21/00220/FUL: 37 Templar Road, Oxford, OX2 8LS	13 - 34
	<p>Site address: 37 Templar Road, Oxford, OX2 8LS</p> <p>Proposal: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Alterations to roof to form hip to gable, formation of 1no. dormer to rear roofslope and insertion of 2no. rooflights to front roofslope in association with loft conversion. Demolition of existing rear garden shed and erection of a part single, part two storey rear extension and single storey side extension. Dropped kerb, one additional parking space and improvement to existing parking spaces. (Amended Plans and description)</p> <p>Reason at Committee: Called in by Cllrs Wade, Gotch, Goddard, Roz Smith, Landell Mills and Garden</p> <p>Recommendation: The West Area Planning Committee is recommended to:</p> <p>1. approve the application for the reasons given in the report and</p>	

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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:

- 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
- issue the planning permission.

4 21/00079/FUL: 67 Argyle Street Oxford OX4 1ST

35 - 46

Site address: 67 Argyle Street, Oxford, OX4 1ST

Proposal: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Provision of bin and bike stores (Retrospective).

Reason at Committee: The application is before the committee because it was called in by Councillors Pressel, Turner, Clarkson, Fry, Tanner, Kennedy, Tarver, Rowley and Munkonge.

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:
 - 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
 - issue the planning permission.

5 21/00142/FUL:75 Botley Road, Oxford, OX2 0EZ

47 - 64

Site address: 75 Botley Road, Oxford, OX2 0EZ

Proposal: Change of use of garden outbuilding to

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office (Use Class E (g)).

Reason at Committee: This application is before the committee because it has been called in by Councillors Cook, Pressel, Kennedy, Tanner, Lygo and Fry

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:
 - 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
 - issue the planning permission.

6 20/03109/LBC: Godstow Weir B, Godstow Road, Oxford, OX2 8PN

65 - 82

Site address: Godstow Weir B, Godstow Road, Oxford, OX2 8PN

Proposal: Replacement of existing weir with new concrete weir including new fish pass and stairs.

Reason at Committee: Called in by Councillors Wade, Garden, Goddard, Gant, Roz Smith and Landell Mills due to concerns about potential harm to archaeological remains at the Trout Island and at Godstow Abbey, the latter being a scheduled ancient monument.

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 listed building conditions set out in section 12 of the report and grant listed building consent; and

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2. **Agree to delegate authority** to the Head of Planning Services to:

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

7 Minutes

83 - 88

Recommendation: to approve the minutes of the meeting held on 9 March 2021 as a true and accurate record.

8 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.

20/00549/LBC: Town Hall, St Aldate's, Oxford, OX1 1BX	Committee decision
20/01276/FUL: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	Committee decision
20/01277/LBC: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	Committee decision
20/02417/FUL: Development of 76 & 78 Banbury Road, Oxford, OX2 6JT	Called in
20/02651/FUL: 152 Godstow Road, Oxford, OX2 8PG	Committee decision
20/02884/VAR: Site Of Oxford University Science Area, South Parks Road, Oxford	Committee decision
20/03109/LBC: Godstow Weir B, Godstow Road, Oxford, OX2 8PN	Called in
21/00142/FUL: 75 Botley Road, Oxford, OX2 0EZ	Called in
21/00110/FUL: The Clarendon Centre, Cornmarket Street, Oxford, OX1 3JD	Committee decision
21/00345/FUL: Wheatsheaf Yard, The Wheatsheaf, High Street, Oxford OX1 4DF	Called in
21/00335/FUL: Aldi, Botley Road, Oxford, OX2 0HA	Committee decision
21/00269/VAR: The Lodge, 122 Banbury	Called in

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9 Dates of future meetings

Council, on 17 February 2021, agreed that after Annual Council the two area planning committees will be replaced by a single Oxford City Planning Committee.

This will meet on:

2021	2022
Wednesday 26 May	Tuesday 25 January
Tuesday 15 June	Tuesday 15 February
Tuesday 13 July	Tuesday 8 March
Tuesday 10 August	Tuesday 12 April
Tuesday 7 September	
Tuesday 12 October	
Tuesday 9 November	
Tuesday 7 December	

Information for those attending regulatory committees - Remote meetings guidelines

Regulations passed in April 2020 enable the Council to hold meetings without some or all Members being physically present together in a room. To ensure the smooth running of remote meetings the Council has agreed a Protocol for Remote Meetings and everyone is asked to follow these guidelines which are based on that Protocol.

Attendance at remote meetings

Members (councillors) are “in attendance” provided that they can hear and be heard by the other participants. Any loss of visual connection does not give rise to non-attendance but a loss of audio connection does.

Should you lose connection to the meeting try to reconnect immediately. If you cannot immediately re-join the meeting by video link, please dial in to the meeting using the telephone number provided in the joining instructions.

If a Councillor loses connectivity to this meeting they will be prohibited from participating in the debate and voting on that agenda item unless the discussion is paused for the period of their non-attendance.

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If other participants lose connection, this does not affect the debate or vote.

Remote meetings etiquette

All participants are asked to:

- Stay visible on camera while your video feed is on. Turn the camera off if you stand up or leave your seat.
- Keep your microphone muted unless speaking. Un-mute / mute your own microphone before and after speaking.
- Use the “raise hand” icon to indicate a wish to speak. This is located in the “Participants” tab. Please be patient, the Chair will call you to speak and has absolute discretion to determine the order in which participants speak. Please lower your virtual hand after speaking.
- Not speak over other participants.
- Keep contributions relevant and concise.
- Councillors and officers must use the Chat function only to assist with the smooth administration of the meeting, e.g. to alert officers to a loss of audio connectivity.

Voting at remote meetings

When determining an application the voting will be by a roll call.

When called by the Clerk, Councillors are asked to state how they are voting on the proposal (e.g. “for”, “against” or “abstain”). Any Member who has not been in attendance to hear the full presentation and debate on an agenda item will be required to abstain from voting on that matter.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

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Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt 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, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". 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 may 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 Services Officer (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

This is covered in the general information above.

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

13th April 2021

Application number: 21/00220/FUL

Decision due by 29th March 2021

Extension of time 21st April 2021

Proposal Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Alterations to roof to form hip to gable, formation of 1no. dormer to rear roofslope and insertion of 2no. rooflights to front roofslope in association with loft conversion. Demolition of existing rear garden shed and erection of a part single, part two storey rear extension and single storey side extension. Dropped kerb, one additional parking space and improvement to existing parking spaces. (Amended Plans and description)

Site address 37 Templar Road, Oxford, OX2 8LS, – see **Appendix 1** for site location plan

Ward Wolvercote Ward

Case officer Tobias Fett

Agent: Mr John Thornton **Applicant:** Mr Hameed Razaghi

Reason at Committee This application is before the Committee because it has been called in by Cllrs Wade, Gotch, Goddard, Roz Smith, Landell Mills and Garden

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; and
- issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers a proposal for extensions to a house in the north of the city and its conversion to a house in multiple occupation occupied by up to six people (Use Class C4).
- 2.2. The main considerations are with regards to the concentration of HMOs in the neighbourhood and the quality of accommodation provided as well as the design and impact on amenity of the proposed extensions. The proposals include the provision of car and cycle storage that meets the Council's requirements.
- 2.3. The concentration of properties within the defined 100m vicinity of the application site falls below the threshold concentration of HMOs identified in Policy H6 of the Oxford Local Plan (2036).
- 2.4. Officers consider that the proposed extensions are quite large but consider that they are acceptable in design terms. Officers have carefully considered the impact of the proposed development on neighbouring amenity and sought amendment to the proposals, including reducing the depth of the proposed single storey element of the extension along the boundary with 35 Templar Road. Officers have concluded that the development would be acceptable in amenity terms, including impact on sunlight, daylight and privacy to neighbouring occupiers.
- 2.5. The concerns raised in public consultation have been carefully considered and are addressed in the officer report.
- 2.6. Overall it is considered that the development is acceptable in planning terms and aligns with the relevant provisions of the Oxford Local Plan (2036) and National Planning Policy Framework (NPPF).

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

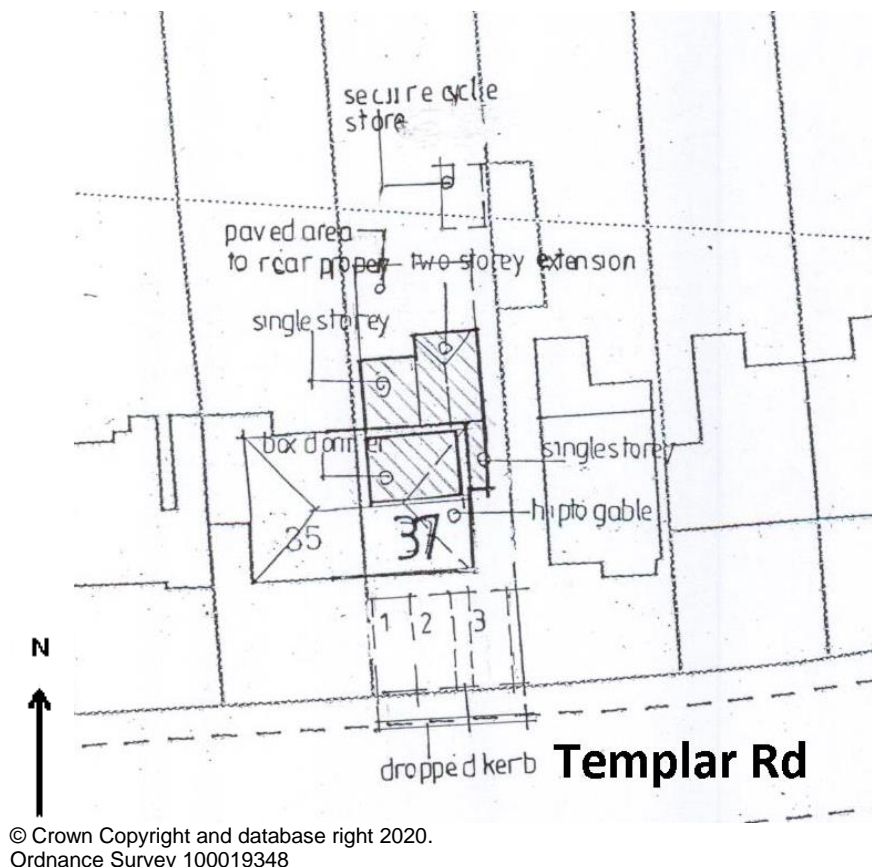
- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within the Cutteslowe residential area north of the ring road on the northern side of Templar Road. This part of Templar Road is characterised by larger inter-war semi-detached houses, the application site is situated on the northern side of the road. The properties have long rear gardens of approximately 30m. To the north and west of the application site the pattern of residential development reflects the application property, being larger semi-detached dwellings in generous plots with long rear gardens. Further to the south and east of the application site there is the mid-twentieth century Cutteslowe Estate with a range of dwelling types including bungalows, smaller semi-detached properties and town houses. With the exception of the

small rank of shops in Kendell Crescent which lies approximately 300m from the site the predominant land use is houses and this gives rise to an established suburban residential character.

- 5.2. The existing property is a semi-detached dwelling and is constructed with external walls that are painted render and a hipped roof with concrete tiles. In many respects the external appearance of the property is fairly typical of this part of the Templar Road where houses typically have hipped roofs and rendered or pebble-dashed walls.
- 5.3. At the side of the property there is an attached garage and to the rear of the house there are two attached storage outbuildings. At the front of the house there is a low wall and paved parking area with space to park approximately two cars. An existing dropped kerb provides access onto Templar Road.
- 5.4. At the rear of the property there is a large garden laid to lawn. There are some mature trees to the rear of the application site. To the front of the site there are currently no large trees or vegetation.
- 5.5. Many properties in this part of Templar Road have been extended; with box dormers, rooflights and rear extensions being fairly commonplace. The front boundary treatment varies with many properties having a degree of hedging, wall or fence in place but most properties have got some hardstanding and parking available to the front of their houses.
- 5.6. See block plan below:



6. PROPOSAL

- 6.1. The application proposes a two storey rear extension and single storey rear and side extensions, as well as the demolition of a rear garden shed. It is also proposed to alter the loft through a hip-to gable conversion and a box dormer extension,
- 6.2. The application also includes rooflights to the front roof slope and a skylight to the single storey rear extension as well as changes to the parking layout at the front of the dwelling to provide space for three cars.
- 6.3. This application additionally seeks planning permission for the change of use of the house from occupation by a single household to a house occupied by between three and six unrelated people; a house in multiple occupation (Use Class C4). The proposed dwelling as extended would provide six bedrooms and it is indicated in the submitted design and access statement that the property would be occupied by up to six people.
- 6.4. The single storey rear extension would project into the rear garden by 3 metres from the original rear wall at the western boundary with 35 Templar Road. The extension would have an overall height of 3 metres and a flat roof and with a lantern style skylight. The extension would measure 3.3 metres in width and join the proposed two storey extension. The proposal would be set back from the boundary wall by 300mm.
- 6.5. The proposed two storey rear extension would project 5.3 metres from the existing rear wall and would project a further 2.3 metres from the rear of the proposed single storey rear extension. The two-storey element would be 4 metres wide with an eaves height of 4.8 metres and a ridge height of 6.8 metres.
- 6.6. The single storey side extension would project 1.2 metres towards the eastern boundary with a depth of 3 metres. And an eaves height of 2.5 metres with a sloping roof pitch of 3.5 metres.
- 6.7. The loft conversion and dormer window would create a box dormer with a length of 6 metres. The box dormer would be set down from the ridge and set back from the eaves by approx. 300mm as well as set in from the new gable and semi-attached roof section by circa 300mm. Therefore the dormer would be located within the roof plane.
- 6.8. The front garden and parking area currently provides hardstanding, a section of dropped curb and parking for two cars. The applications seeks to enlarge the area to provide two car parking spaces and make use of the existing access onto the highway. The parking area would be improved as part of the proposals and a small area of landscaping provided. There would be a 1.2 metre wide side access passage along the boundary with 39 Templar Road to provide access to the rear of the property.

- 6.9. There would be space provided for bin storage and access to the side/rear which would be facilitated by the demolition of the existing garage.
- 6.10. The proposals includes communal areas and laundry facilities on the ground floor. Also on the ground floor there would be two en-suite bedrooms, three en-suite rooms on the first floor and one en-suite room in the proposed loft conversion.

7. RELEVANT PLANNING HISTORY

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

71/24424/A_H - Demolition of existing outbuildings and erection of extension to kitchen and form larder and lavatory.. PDV 22nd June 1971.

21/00220/FUL - Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Alterations to roof to form hip to gable, formation of 1no. dormer to rear roofslope and insertion of 2no. rooflights to front roofslope in association with loft conversion. Demolition of existing rear garden shed and erection of a part single, part two storey rear extension and single storey side extension. Dropped kerb, one additional parking space and improvement to existing parking spaces. (Amended Plans and description). PDE .

21/00629/CPU - Application to certify that the proposed demolition of existing garage, erection of part single part two storey rear extension and a single storey side extension, alterations to windows on south elevation, insertion of 2no. windows and alteration to 1no. window on east elevation, hip to gable roof extension and formation of 1no. dormer to rear roofslope, insertion of 2no rooflights to front roofslope in association with loft conversion is lawful development.. PCO .

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1 - High quality design and placemaking RE7 - Managing the impact of development		BEC2 - Layout of Buildings on New Developments

Conservation/ Heritage				
Housing	59-76	H6 - Houses in Multiple Occupation (HMO) H14 - Privacy, daylight and sunlight H16 - Outdoor amenity space standards		
Commercial	170-183			
Natural environment	91-101	G1 - Protection of Green/Blue Infrastructure		
Social and community	102-111			
Transport	117-123	M1 - Prioritising walking, cycling and public transport M2 – Assessing and managing development M3 - Motor vehicle parking M5 - Bicycle Parking	Parking Standards SPD	
Environmental	117-121, 148-165, 170-183	RE7 – Impact of development RE8 - Noise	Energy Statement TAN	
Miscellaneous	7-12	S1 - Sustainable development	External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 11th February 2021 and revised plans were re-advertised on 4th March 2021 on Templar Road and Harbord Road.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. Oxfordshire County Council as Local Highway Authority have raised no objection subject to conditions requiring details of cycle storage and a revised parking plan to provide less than the originally proposed three car parking spaces on the frontage as they did not consider that the arrangements proposed were safe (having had regard to the size of the front garden). Officers have included the conditions suggested in the recommendation.

Thames Valley Police Chief Constable (Operations):

- 9.3. Objection received – comments were made relating to security measures, ‘designing out crime’, and cycle storage.

Public representations

- 9.4. 70 local people commented on this application from addresses in Godstow Road, Harbord Road, Harefields, Hayward Road, Latimer Road, Linkside Avenue, Lovelace Road, Marriott Close, Osberton Road, Rowland Close, Salisbury Crescent, Talbot Road, Templar Road and Cheyne Way – Farnborough, The Sycamores – Milton and Victoria Court – County Antrim.
- 9.5. The above includes comments from the Wolvercote Neighbourhood Forum and the Civic Society
- 9.6. In summary, the main points of objection (70 residents) were:
- Access
 - Amount of development on site
 - Effect on adjoining properties
 - Effect on character of area
 - Effect on pollution
 - Effect on privacy
 - Height of proposal
 - Information and inaccuracies
 - Light/day light issues
 - Local ecology & biodiversity
 - Traffic, on street parking and parking layout
 - Site safety
 - Planning process and consultation process

Officer response

- 9.7. Officers have carefully considered the matters raised in public consultation and noted that a large number of objections have been received. Officers

sought amendments to the depth of the proposed rear extension to reduce its impact on neighbouring occupiers and the parking layout and landscaping to the frontage and these amendments now form the basis of the scheme that is before the committee.

- 9.8. Conditions have been included to deal with car parking and highways issues as well as neighbourliness. Revised plans were sought and received to reduce the car parking provision on-site from three spaces to two; as part of these changes an area of landscaping is also proposed at the front of the property.
- 9.9. Many of the comments that have been raised in objection relate the management of an HMO in terms of noise, anti-social behaviour and providing good quality accommodation. These concerns (if they arise if planning permission is granted) are matters for the police, environmental health and the HMO licensing team to resolve.
- 9.10. The Police's comments relating to security measures are noted and a condition is included to ensure that a secure gate is provided at the rear to prevent the theft of bicycles from the rear garden.
- 9.11. This application has been advertised twice and thus enabled community input, which has been quite substantial. There has been some site clearance and preparations which do not require planning permission.
- 9.12. Officers received reports of safety concerns on site, which have been

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- I. Principle of development and Use
- II. Design
- III. Impact on Neighbouring Amenity
- IV. HMO amenities
- V. Transport

I. Principle of development and Use

- 10.2. Policy S1 of the Oxford Local Plan 2036 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning

applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.

- 10.3. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.
- 10.4. As of 24th February 2012 planning permission is required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple Occupation (Use Class C4), due to the removal of permitted development rights under an Article 4 Direction.
- 10.5. Policy H6 of the Oxford Local Plan 2036 states that planning permission will only be granted for the change of use of a C3 dwellinghouse to a C4 House in Multiple Occupation (HMO) where the proportion of buildings used in full or part as an HMO within 100 metres of street length either side of the application site does not exceed 20%. The proposed HMO must also comply with the space standards set out in Policy H15 and the City Council's good practice guidance on HMO amenities and facilities.
- 10.6. Within 100m either side of 37 Templar Road, there are a total of 49 buildings, including the host property. The proposal would result in 1 of these buildings being classed as a HMO. The proposed HMO at 37 Templar Road would result in a total of 2.04% which means that the concentration of HMOs within the area would fall below the identified 20% threshold as set out in Policy H6 of the Oxford Local Plan (2036) which makes the development acceptable in principle.
- 10.7. The application site is a residential dwelling within a very large plot, and the increase in floor space and high quality accommodation would reflect an efficient use of the size, while not adversely harming amenities of the area in line with OLP policies S1 and RE2.

II. Design

- 10.8. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.9. Policy DH7 of the Oxford Local Plan 2036 states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council's Technical Advice Note on bin storage.
- 10.10. Revised plans have been submitted to show a reduction of the rear projection of the single storey element which also minimises the visual impact to the rear

elevation. The two storey element is centrally located within the large plot with a pitched roof to minimise its scale and bulk.

- 10.11. The extensions have been designed sympathetically to ensure the least visual impact, while clearly designed as subservient additions to the host dwelling.
- 10.12. The box dormer has been designed in a way to achieve the biggest increase of the loft conversion while still allowing the original roof to be visible all around, as the dormer is set down from the ridge, set back from the eaves, and set in from both sides.
- 10.13. Officers have also had regard to the Wolvercote Neighbourhood Plan Policy BEC2 – Layout of Buildings on New Developments. As this policy is a community policy it is not a material consideration in itself, but Officers note the compliance of the proposal with the policy as the layout is acceptable for future occupiers and existing neighbours.
- 10.14. The proposal is of a size and scale that would be visible from neighbouring gardens, but due to its siting, would have a limited impact on the street scene along Templar Road as the extensions are proposed to be located at the rear. It is noted that many dwellings in the area have been altered in a variety of ways and, as a result, the proposals would not be considered to be out of character. Officers consider that the proposed development would be acceptable in design terms and would meet the requirements of Policies S1 and DH1 of the OLP 2036.

III. Impact on Neighbouring Amenity

- 10.15. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

Impact on 39 Templar Road

- 10.16. The eastern boundary of the application site is shared with 39 Templar Road. The two properties are not connected, and there would be a 1.2 metre passage between the proposed rear and side extension and the boundary, as well as a 2.5 metre passage between the boundary fence and the side elevation of 39 Templar Road, which has a single storey extension that is accessed by a side door at this location.
- 10.17. Officers have assessed the impact of the proposed development on the property and had regard to Policy H14 of the Oxford Local Plan (2036). The proposed extensions would not have a detrimental impact on light conditions for 39 Templar Road and would accord with the 45/25 degree code guidelines as outlined in Policy H14.
- 10.18. There is an existing shed at the application site that is situated along the boundary with No. 39 Templar Road. The proposed cycle store would be

located adjacent to the outbuilding in the rear garden of No. 39 Templar Road; the location of the shed in this part of the application site would minimise the impact of that aspect of the development on occupiers of No. 39 Templar Road.

- 10.19. In terms of privacy impacts, the proposals include three windows at ground floor level (one of which would be obscure glazed). Officers consider that these windows would be acceptable in terms of their impact on the neighbouring property at No. 39 Templar Road as a proposed 2m fence would be in place along the boundary. The proposed fence would prevent overlooking into the side windows of No. 39 Templar Road. There is currently a lower fence of 1.8 meters in place, and the proposed new fence would be conditioned to be in place prior to occupation of the HMO.
- 10.20. At first floor level the proposals include three windows; all of these windows would be obscure glazed. Officers recommend that the windows are also made to be non-opening when measured from a height of 1.7m from the floor level; subject to a condition to ensure that this is provided then the windows would not give rise to an adverse impact on privacy to No. 39 Templar Road.
- 10.21. On the basis of the above, the proposals would not have a harmful impact on the amenity of No. 39 Templar Road and the development would comply with the requirements of Policy H14 of the Oxford Local Plan (2036).

Impact on No. 35 Templar Road

- 10.22. The adjacent neighbour to the west of the application site is 35 Templar Road, which forms the other half of this semi-detached building.
- 10.23. The proposal has been revised to include a single story rear extension along the boundary that would only extend 3m into the rear garden of the application site. This reduction in depth of the rear extension means that it now would not exceed the size as defined for an extension that would be permitted development. While there is a slight impact of overshadowing, especially in the first part of the day, the impact would be considered acceptable as it could be erected without planning permission as suggested above.
- 10.24. The proposed two storey extension would have an acceptable impact on the neighbouring property at No. 35 Templar Road with regards to the sunlight and daylight impact. In making this assessment officers have had regard to the 45/25 degree code as outlined in Policy H14 of the Oxford Local Plan (2036) and the development complies with those requirements. The two storey element of the proposals would be more than 3 metres away from the common boundary with No. 35 Templar Road and this would ensure that it would not give rise to an overbearing presence when viewed from the rear aspect of No. 35 or the rear garden of that property.
- 10.25. The proposed development does not include any windows on the west elevation (facing towards No. 35 Templar Road and the garden of that property). As a result there would no direct overlooking from the proposed extension into the rear garden or rear aspect of No. 35 Templar Road.

- 10.26. On the basis of the above, the proposals would not have a harmful impact on the amenity of No. 35 Templar Road and the development would comply with the requirements of Policy H14 of the Oxford Local Plan (2036).

Impact on Properties to the North (including 30 and 32 Harbord Road)

- 10.27. There is a distance of approximately 25 metres from the rear-most portion of the proposed extension to the boundary with the properties to the north (No.s 30 and 32 Harbord Road). As a result of this significant distance there would be no impact on privacy or sunlight/daylight conditions for these properties arising from the proposed extensions.
- 10.28. It is noted that there are windows proposed on the northern elevation of the proposed extension; these would provide oblique views into neighbouring properties to either side of the application site (including 35 and 39 Templar Road). But this is a relationship that already exists between the properties and is commonplace for houses where there are windows facing over a rear garden. As a result, this impact cannot be a basis for refusing planning permission.

Impacts of the Proposed Use

- 10.29. Many of the objections relating to the proposed development relate to the use of the application site as an HMO. The Council's policies relating to HMOs seek to address the impact of intensification of properties through their use as HMOs by ensuring that there is not an overconcentration of HMOs in the vicinity (as dealt with above in relation to the principle of development and the requirements of Policy H6 of the Oxford Local Plan (2036) and through the appropriate requirements of amenities within the HMO (which is set out in more detail below). Issues relating to the necessary provision of bicycle, refuse and recycling storage as well as car parking are also resolved in the following sections. The assessment of these aspects of the proposals adequately addresses the impact of the proposed use on neighbouring properties. As already indicated above, issues relating to noise and the management of the HMO are resolved by other legislation including the HMO licensing and environmental health.

IV. HMO amenities

Internal Space

- 10.30. Policy H6 states that the change of use of dwelling to an HMO will only be granted where the development complies with Policy H15 and the City Council's good practice guidance on HMO amenities and facilities. Policy H15 states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use.
- 10.31. The proposed HMO would be set over three storeys. The ground floor would comprise of a kitchen/living room, utility and two en-suite bedrooms. The first floor comprises of three en-suite bedrooms and one en-suite bedroom in the roof level. All of the rooms in the property meet the space requirements set

out in Oxford City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation.

- 10.32. All bedrooms, except bedroom 4, would be over 12.5 sqm and therefore large enough to accommodate two people, and bedroom 4 could accommodate one person at 10.5 sqm. However the occupation of the property would be controlled through the licensing regime and the use of the HMO would be limited to 6 people as a result of the application seeking permission for a C4 HMO (where the maximum number of occupiers is limited to six). If the number of occupiers exceeds six people then planning permission would be required to change the use of the property to a large HMO (sui generis use).
- 10.33. The proposals would involve the creation of additional floorspace and internal changes to create new bedrooms that would be occupied by multiple households. As a result there is a potential for the proposals to give rise to noise between the rooms and it is necessary to include a condition to deal with this impact to ensure that the development meets the requirements of Policies RE7 and RE8 of the Oxford Local Plan (2036).
- 10.34. The revised proposal for the front car parking area also includes some soft landscaping/planting which would create a more attractive street facing frontage.
- 10.35. The development is considered to comply with Policies H6 and H15 of the Oxford Local Plan.

Outdoor Space

- 10.36. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.
- 10.37. The proposed outdoor space measuring 25 metres in length and 9 metres in width would also be sufficient to meet the policy requirements and provide future occupants with high quality of private outdoor amenity space that would be adequate for clothes drying with reasonable circulation and amenity and leisure space.
- 10.38. The proposal would therefore offer sufficient amenity to future occupiers and accord with Policy H16 of the OLP 2026.

Bin storage

- 10.39. The plans provided show that bins are currently accommodated on the hard standing at the front of the property. The proposed plans show sufficient space to the side of the property on the area freed up by demolishing the garage to accommodate all waste bins in a location that is convenient for occupiers and screened from the public realm. Officers are satisfied that the proposal would comply with Policy DH7 of the Oxford Local Plan.

V. Transport

Car traffic

- 10.40. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In relation to proposals for redevelopment or intensification of an existing site then regard will be had to the existing parking provision; with a reduction sought to decrease the provision of on-site parking in line with maximum standards identified in Appendix 7.3 of the Oxford Local Plan (2036).
- 10.41. 37 Templar Road is located within a Controlled Parking Zone. The property currently has two existing off-street car parking spaces located on the hardstanding at the front of the property. The proposals for a change of use represent an intensification of the site that could give rise to an increase in the need for car parking in association with 37 Templar Road. However, given that the application site is within a Controlled Parking Zone and is in a highly sustainable location with excellent access to public transport (including Oxford Parkway Station that is approximately 1 mile from the site as well as a regular bus service on nearby Banbury Road) and a nearby convenience shop and doctor surgery within close proximity, the site is suitable for a lower car parking provision. Officers consider that a maximum provision of two car parking spaces on the site would represent an acceptable level of parking provision and this meets the requirements of Policy M3 of the Oxford Local Plan (2036) as this is not an increase in the existing provision on site.
- 10.42. The proposals originally sought to enlarge the access onto Templar Road and provide three car parking spaces in the front garden area. Following advice from the County Council's highway team, officers sought amended plans that reduced the parking provision on-site to two spaces. As part of these changes a small area of landscaping is also proposed at the front of the site. The proposed car parking area would meet the required dimensions of 2.5m in width and 5m in length as required by the County Council. As a result of the reduction of on-site car parking provision there would be no requirement to enlarge the access onto Templar Road. The proposals therefore represent no increase to car parking at the property above the existing provision and there would no impact on highway safety. The proposed parking area would be constructed in a permeable surface so that there would no impact on surface water drainage. Officers are satisfied that the proposed development would be acceptable in parking and highways terms.
- 10.43. Further to the above, the use of permeable paving and the proposed area of landscaping would represent improvements to the existing front aspect of the site which is currently completely paved in hardstanding and does not contain any vegetation.
- 10.44. Despite the reduction in car parking provision being required to meet the criteria of Policy M3 of the Oxford Local Plan (2036) it is acknowledged that the low car parking provision on-site could give rise to an adverse impact on

on-street parking stress if future occupiers of No. 37 Templar Road made use of resident parking permits. This matter has been raised as a concern as part of public consultation. Officers have therefore recommended that a condition is included that removes eligibility for residents' parking permits.

- 10.45. It is worthwhile noting that in the event that additional car parking is required by residents of the HMO then there is a public car park at the nearby Cutteslowe Park car park in Harbord Road; this is approximately half a mile from the application site.
- 10.46. On the basis of the above, subject to the recommended conditions the development would be acceptable in highway and parking terms and meets the requirements of Policy M3 of the Oxford Local Plan (2036).

Cycle parking

- 10.47. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be well designed and well-located, convenient, secure, covered (and where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as facilities for electric charging infrastructure.
- 10.48. Details have been provided of a covered bike store with space for storing eight bicycles. The shelter would include Sheffield Stands that would allow bikes to be locked. The location of the proposed bicycle store in the rear garden would mean that it would be in a secure and safe location where occupiers of the application site would be able to conveniently access their bikes and then use the side access around the house to enter the highway. The proposed cycle store would not be fully enclosed but it would be possible to install a gate at the side of the property that could be bolted to prevent bicycles being stolen from the rear garden; given the open nature of the proposed bicycle store it is recommended that a condition is included to provide a lockable gate to the side access as it is a requirement of Policy M5 of the Oxford Local Plan (2036) that secure cycle storage is provided.
- 10.49. Subject to that condition, Officers are satisfied that the proposal would comply with Policy M5 of the Oxford Local Plan.

11. CONCLUSION

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

- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be acceptable additions to the site. The proposed change of the dwelling to a HMO would be an acceptable use of the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.5. Therefore officers consider that the development accords with the development plan as a whole.

Material considerations

- 11.6. The principal material considerations which arise are addressed in the report.
- 11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where 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; or 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.
- 11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.

- 11.11. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions outlined in section 12.

12. CONDITIONS

Time Limit

- 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.

Build in Accordance with Approved Plans

- 2 Subject to conditions 8 and 9, 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 DH1 of the Oxford Local Plan 2036.

Materials

- 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 Policies S1 and DH1 of the Oxford Local Plan 2036.

Noise

- 4 Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise as required by Policies RE7 and RE8 of the Oxford Local Plan (2036).

Parking Area

- 5 Prior to the commencement of the approved use, the approved parking area as shown on the approved block plan (received 30.03.2021) shall be completed and laid out in accordance with the details and specifications of that plan. The parking area shall be maintained and retained thereafter for that use with the maximum of two car parking spaces retained for the occupiers of No. 37 Templar Road.

Reason: In the interest of highway safety in accordance with Policies M1, M3 and RE7 of the Oxford Local Plan 2036.

Cycle Parking

- 6 Prior to the commencement of the approved development the approved cycle store (BDS Cycle Store 8 Space Cycle Shelter and Bike Stands) shall be installed in the location shown on the approved block plan. The cycle store shall be retained thereafter for the purpose of providing secure cycle storage.

Reason: To encourage the use of sustainable modes of transport in line with the requirements of Policy M5 of the Oxford Local Plan (2036).

Parking Permits

- 7 The development hereby permitted shall not be occupied until the Order governing parking at 37 Templar Road has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for residents' 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 S1, M3 and RE7 of the Adopted Oxford Local Plan 2036.

Obscure Glazing

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or the approved plans, all windows on the first floor side elevation of the approved dwellinghouse shall be obscure glazed and non-opening (below a height of 1.7m when measured from the finished floor level). The first floor side windows shall remain obscure glazed and non-opening (below a height of 1.7m when measured from the finished floor level).

Reason: In the interests of the privacy of neighbouring occupiers as required by Policy H14 of the Oxford Local Plan (2036).

Secure Gate on Side Entrance

- 9 Notwithstanding the approved plans and the provisions of Class A in Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order replacing and re-enacting those provisions with or without modification) prior to the commencement of the approved use a gate shall be installed that is located along the side passage that connects the front and rear gardens of the application site. The gate installed shall not exceed 2m in height when measured from the natural ground level adjacent to the side of the house to the highest part of the gate. When installed, the gate shall also have the provision of a lock that allows it to be secured from either side of the gate with a key. The gate shall be retained and maintained thereafter.

Reason: The proposed cycle store would be open and therefore would provide relatively limited security for the occupiers of the approved HMO to store their pedal cycles, the provision of a gate would allow for the safe, convenient and secure storage of pedal cycles as required by Policy M5 of the Oxford Local Plan (2036).

Fence

- 10 Prior to the commencement of the approved use the 2m high close boarded timber fence shall be installed along the common boundary with No. 39 Templar Road as shown on the approved plans.

Reason: To protect the amenity of the neighbouring occupier at No. 39 Templar Road as required by Policy H14 of the Oxford Local Plan (2036).

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

- 2 Your attention is drawn to the attached leaflet, produced by Oxford City Council, on front garden parking guidelines.
- 3 Your attention is drawn to the provisions of the Party Wall Act 1996. A copy of an explanatory booklet is available to download free of charge from the following website
<http://www.communities.gov.uk/publications/planningandbuilding/partywall>
- 4 This permission relates only to the granting of planning permission. The use of the property as an HMO also requires a separate Houses in Multiple Occupation Licence.
- 5 No materials, plant or temporary structures of any kind should be deposited on, or adjacent to the path that may obstruct or dissuade the public from using the route while development takes place. Where this is unavoidable a temporary closure or diversion should be obtained prior to work proceeding. Further advice should be sought from Kidlington Highways office on 0845 310 1111.
- 6 Security measures in the detail suggested by Thames Valley Police are not material planning considerations which can be taken into account for this type of planning application. However the applicant's attention is drawn towards the comments submitted by the police to ensure measures are addressed in the realisation of the plans and the subsequent management of the HMO.

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 – Location Plan

21/00220/FUL



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West Area Planning Committee

Application number:	21/00079/FUL		
Decision due by	22nd March 2021		
Extension of time	21 st April 2021		
Proposal	Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Provision of bin and bike stores (Retrospective).		
Site address	67 Argyle Street, Oxford, OX4 1ST, – see Appendix 1 for site plan		
Ward	Iffley Fields Ward		
Case officer	Stacey Harris		
Agent:	Mr Jonathan Longden	Applicant:	Barkat Ahmed
Reason at Committee	The application is before the committee because it was called in by Councillors Pressel, Turner, Clarkson, Fry, Tanner, Kennedy, Tarver, Rowley and Munkonge.		

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; and
- issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers the retrospective change of use of the property from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4). The application also considers the installation of refuse, recycling

and cycle stores associated with the change of use. The application is retrospective as the use of the property as a HMO has commenced.

- 2.2. The development would be acceptable in principle having had regard to the concentration of HMOs within the area. Officers have had specific regard to the percentage of properties that are already in HMO use within 100m of the application site. As a result of this being below 20%, the development meets the requirement of Policy H6 of the Oxford Local Plan 2036.
- 2.3. The internal space and facilities provided within the HMO meet the Council's standards. Other functional requirements including refuse, recycling and cycle storage can be adequately addressed by condition.
- 2.4. The application site does not provide any on-site car parking but the application site can be excluded from eligibility for car parking to ensure that there is not an adverse impact on car parking provision within the locality. As a result, the development would comply with the requirements of Policy M3 of the Oxford Local Plan (2036).
- 2.5. Officers have had regard to the suitability of the change of use and have addressed all other material considerations in the report below, including issues raised in public consultation.

3. LEGAL AGREEMENT

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

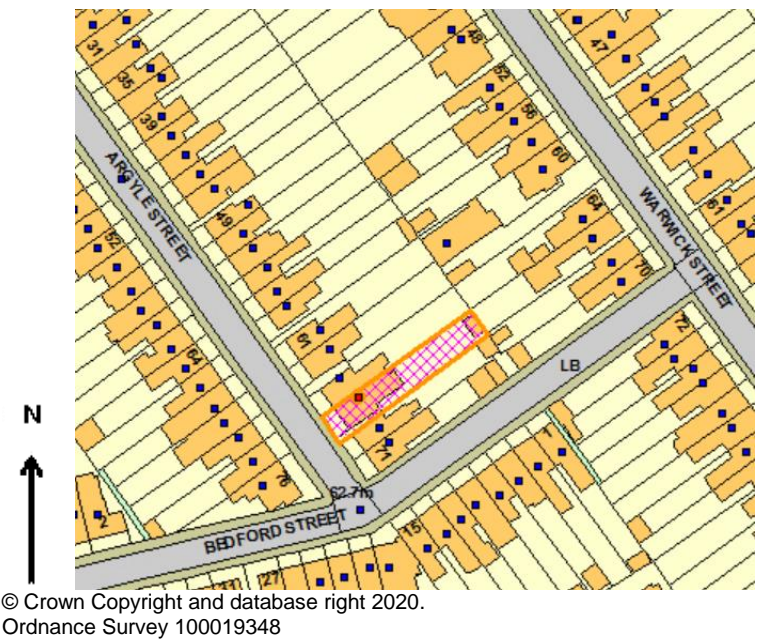
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. 67 Argyle Street is a two storey semi-detached property located close to the Iffley Road in the Iffley Fields area of the City. The property has a small front courtyard setting the property back from the street, and a modest sized rear garden with side access. The house has been extended at the ground floor at the rear. There is no provision for off-street carparking.
- 5.2. Iffley Fields is characterised by Victorian terrace properties with fairly narrow roads. The houses are set back from the road with smaller front gardens, mostly separated from the public realm by low brick walls. The houses themselves are largely constructed with red bricks but some are finished in buff bricks (including the application property). Whilst the area lies within East Oxford and is close to Iffley Road it has a quieter and more suburban character. As a result of being situated on higher ground above the river there are some views from the streets towards the historic core of Oxford and the meadows which contributes further to the unique character of the area.
- 5.3. Aside from the primary school and a public house, nearly all properties within the immediate context of the site and surrounding part of Iffley Fields are in residential use.

5.4. The site location plan is set out below:



6. PROPOSAL

6.1. The application concerns the retrospective change of use from a family dwellinghouse (Use Class C3) to a House in multiple Occupation (Use Class C4). Based on the number and size of bedrooms provided, this application has a restricted use for up to a maximum of 6 people. A courtyard that forms part of the rear access from the front of the house to the garden is proposed to provide space for covered, secure cycle storage and refuse and recycling provision. An HMO license was issued for this property in 2020 and it is currently occupied by up to six people.

7. RELEVANT PLANNING HISTORY

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

16/02001/H42 - Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, for which the maximum height would be 2.80m, and for which the height of the eaves would be 2.60m. Prior Approval Not Required. 23rd August 2016.
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8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
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Design	117-123, 124-132	DH1, DH7		
Housing	59-76	H6, H15, H16		
Transport	117-123	M3, M5		
Miscellaneous	7-12	S1		

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 17th February 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

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

Cycle Parking - The property demonstrates provision for 6 cycle parking spaces for a 6 bed HMO. This provision is in line with 2036 local plan policy and is considered acceptable.

Car Parking - The proposals do not include any off-street parking. This can be mitigated against by excluding the property from obtaining residential parking permits. This will enforce the low car nature of the development and protect existing parking from the impact of the development.

The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission, subject to a condition to exclude occupiers from eligibility for parking permits.

Public representations

Iffley Fields Residents' Association

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

- No communal space, insufficient in size
- Anti-social behaviour
- Noise
- Criminal damage

Officer response

- 9.4. Issues relating to noise, anti-social behaviour and criminal damage would typically be addressed through the management of the property and through HMO licencing and environmental health teams. Officers have specifically addressed the concerns relating to the size of the property and therefore its suitability as a house in multiple occupation.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- I. Proportion of HMOs
- II. Amenities & Facilities
- III. Cycle Parking
- IV. Bin Store/Outdoor space
- V. Car parking

I. Proportion of HMOs

- 10.2. Policy H6 of the Oxford local Plan 2036 states that planning permission will only be granted for the change of use of a Use Class C3 dwellinghouse to a Use Class C4 House in Multiple Occupation (HMO), where the proportion of buildings used in full or part as a HMO within 100 metres of street length either side of the application site does not exceed 20%.
- 10.3. A calculation of the street length as set out in Appendix 3.6 of the Oxford Local Plan 2036 has been undertaken and the percentage of HMOs within 100 metres of the application site will remain below 20% at 12%. The proposal would therefore not result in an over concentration of houses in multiple occupation within the relevant 100m area, which would therefore not be considered to have a detrimental impact upon the balance and mix of dwelling types within the surrounding area, and retain the objective of creating balanced and sustainable communities. The development proposed is therefore considered to comply with policy H6 of the Oxford Local Plan 2036 and not be considered to impact on the character of the area.

II. Amenities & Facilities

- 10.4. Policy H6 of the OLP 2036 further states that planning permission will only be granted for the change of use of a dwelling house in Use Class C3 to a Use Class C4 HMO, where the applicant has demonstrated compliance with the City Council's Good Practice Guide "Amenities and Facilities for House in Multiple Occupation", and that the development would not therefore have a detrimental impact upon the living conditions for the future occupants. The proposed HMO must also comply with the space standards set out in policy H15 of the Oxford Local Plan 2036.

- 10.5. The floor plans show a total of 6 bedrooms. The bedrooms all exceed the minimum space standard of 6.5m² for 1 occupant for HMOs. The property has a kitchen/living area that complies with the minimum requirements of 10m², and in this case, given the property is only 2 storeys and all bedrooms exceed 8.5m², no additional communal living space is required, with bedroom sizes sufficient to accommodate personal living space. The property has a shared bathroom at first floor, a separate toilet at ground floor and bedroom 6 has its own ensuite. The property is therefore considered to provide acceptable living accommodation in line with the Councils 'good practice guide'.

III. Cycle Parking

- 10.6. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.4. Bicycle parking should be well designed, conveniently located, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as facilities for electrical charging infrastructure.
- 10.7. The application proposes three Sheffield cycle stands to serve 6 bicycles, these are proposed to be secure and covered by a weather proof cover. These are to be located on the existing hardstanding to the rear of the property adjacent to the boundary with No.69 Argyle Street. They would have easy unobstructed access to the street via the side access to the property. The property is occupied by 6 people, as such this would be the appropriate amount of cycle parking for the property. No details of the weather proof cover have been submitted with the application, as such the proposal is acceptable subject to the condition of these details, and subject to compliance with the condition this would make the development acceptable for the purposes of Policy M5 of the Oxford Local Plan (2036).

IV. Bin Store/Outdoor Space

- 10.8. Policy DH7 of the Oxford Local Plan states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council's Technical Advice note on bin storage.
- 10.9. The storage of bins are to be located to the rear/side of the property accessed via the side passage, and located close to the access from the kitchen. These would not be visible to the street, but would be easily accessible when needed, as such their location is considered to satisfy policy.
- 10.10. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have a direct and convenient access to an area of private open space.
- 10.11. The property has a modest sized rear garden with direct access out at ground floor from the kitchen and bedroom's 5 and 6. This space is sufficient for

outside dining and the main requirements of the occupiers. In addition to this the property is conveniently located close to public parks and recreation ground within the city. This space would be considered more than sufficient for the occupiers of the property and would be considered acceptable with regards to policy H16.

V. Car Parking

- 10.12. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car, where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development that is car-free. In all other locations, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.
- 10.13. There is no provision for off-street carparking, the property is however in a highly sustainable location with good access to public transport and local amenities. The property is also located within a controlled parking zone. Oxfordshire County Council have commented on the application and not raised objections. The County Council have recommended that to enforce the low-car nature of the development and protect existing on-street parking from the impact of the development, the proposal would be acceptable subject to excluding the property from eligibility for parking permits. As a result, officers have included a condition as part of the recommendation to exclude occupiers from permits. The development therefore complies with the requirements of Policy M3 of the Oxford Local Plan (2036).

VI. Other Matters

- 10.14. Comments have been raised relating to the suitability of the use of the property. These concerns relate to the layout and size of the property having had regard to the number of occupiers. Officers consider that the proposals are acceptable having had regard to the layout and the development meets the prescribed requirements in terms of space provision and shared facilities required to meet Policy H6 of the Oxford Local Plan (2036).
- 10.15. Concerns have also been raised in public consultation relating to noise from the property and anti-social behaviour. The concerns raised are not matters that can be considered as a basis for refusing planning permission. Issues relating to noise and anti-social behaviour are most appropriately dealt with by the police, environmental health and HMO licensing.
- 10.16. The proposed development would not have a materially harmful impact on neighbours in terms of loss of light or privacy.
- 10.17. In reaching a recommendation to grant planning permission officers were mindful of the comments raised in public consultation.

11. CONCLUSION

- 11.1. The development is considered acceptable having had regard to the concentration of HMOs, quality of accommodation, cycle and refuse storage and impact on highway safety.
- 11.2. It is recommended that the West Area Planning Committee resolve to grant planning permission for the development proposed subject to the conditions below.

12. CONDITIONS

Time Limit

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.

In accordance with approved plans

2. The development permitted shall be carried 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 DH1 of the Oxford Local Plan 2036.

Removal of Parking Permits

3. Within six months of the date of this decision the Order governing on-street parking at 67 Argyle Street shall be varied by the Oxfordshire County Council as highway authority to exclude the application site from eligibility for residents' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the low car nature of the development and 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 policy M3 of the Oxford Local Plan 2036.

Cycle Storage

4. Within 6 months of the decision, the secure cycle parking for a minimum of 6 bicycles as identified on drawing 'PLAN-003' shall be provided within the

curtilage of the dwelling and retained thereafter for the storage of bicycles. Details of the weatherproof cover to the cycle storage as indicated on drawing 'PLAN-003' 'Proposed Site Plan' shall be submitted to and approved in writing by the local planning authority. This should be retained for the covering of the cycle parking area thereafter.

Reason: To encourage the use of sustainable modes of transport in line with policy M5 of the Oxford Local Plan 2036.

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.

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Appendix 1 – Location Plan

21/00079/FUL- 67 Argyle Street



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West Area Planning Committee

13th April 2021

Application number:	21/00142/FUL		
Decision due by	23rd March 2021		
Extension of time	21st April 2021		
Proposal	Change of use of garden outbuilding to office (Use Class E (g)).		
Site address	75 Botley Road, Oxford, OX2 0EZ, – see Appendix 1 for site plan		
Ward	Jericho And Osney Ward		
Case officer	Tobias Fett		
Agent:	Mrs Linda Lyzba	Applicant:	Nikolas Lyzba
Reason at Committee	This application is before the committee because it has been called in by Councillors Cook, Pressel, Kennedy, Tanner, Lygo and Fry		

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; and
- issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers an application for a change of use of an residential home office outbuilding to a non-residential office unit in use class E(g) with associated cycle storage.

2.2. The main considerations for this application revolve around the impact of the change of use on the residential amenities of the area, including traffic and flooding.

2.3. The change of use of the existing vacant unit is considered acceptable as the use would not be contrary to the character of the area, as required by the NPPF.

2.4. There is no detrimental impact on local amenities, but an improvement as there is a shortage of small scale office units that enable more sustainable communities.

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 to CIL.

5. SITE AND SURROUNDINGS

5.1. The application site is 75 Botley Road which is on the southern side of Botley Road. It is on a prominent street corner with Oatlands Road, and opposite Binsey Lane.

5.2. 75 Botley Road was originally built as a semi-detached property but was converted into three one bedroom flats following a grant of planning permission in 2001.

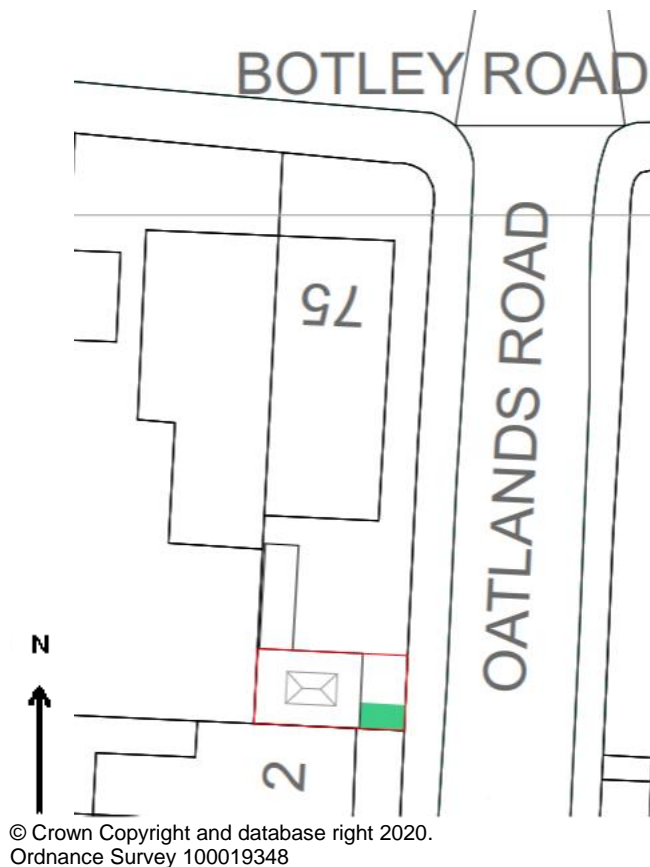
5.3. The outbuilding that is the subject of this application is located at the entrance of Oatlands Road, set back from the road with a small front yard area in front of the building.

5.4. The outbuilding is located adjacent to 2 Oatlands Road, which is an end of terrace house forming part of a long row of Victorian houses set back from the pavement with small front yards, often accommodating bin or cycle storage. Despite being in close proximity to a major arterial road the application site's immediate context in Oatlands Road has a strongly residential and suburban character despite the fairly dense pattern of terraced housing and the fairly narrow road. Whilst there are a number other uses including retail and commercial buildings in close proximity to the application site on Botley Road it is important to note that Oatlands Road has only residential properties (reflecting the aforementioned established suburban character). The houses in Oatlands Road are a uniform type of Victorian red brick terrace houses with natural stone bay windows and slate roofs. The views along Oatlands Road towards the recreation ground beyond and mature vegetation contribute positively to the suburban characteristics of the streetscene.

5.5. The application property itself has a flat on the ground floor at the rear of No. 75, a flat that occupies the front of the ground floor and part of the first floor and a third flat that occupies parts of the first and all of the second floor.

Background

- 5.6. The application site is subject to recent planning permissions which are relevant when considering the context of this application.
- 5.7. Planning permission was granted in 2018 (reference 18/01562/FUL) to carry out improvements to the flats including the insertion of additional windows and the demolition of a garage at the rear so that larger car, cycle and refuse storage areas could be provided. During the course of that application other improvements to some shared outdoor amenity spaces were also approved. Planning permission was granted subject to conditions.
- 5.8. Conditions attached to planning permission (18/01562/FUL) required details to be submitted prior to the commencement of work. As a result of work commencing on the site prior to the approval of some of the details reserved by condition it was no longer possible to lawfully comply with all the conditions of the planning permission (18/01562/FUL). As a result, an application was made to vary conditions (reference 19/02782/VAR) relating to cycle parking and car parking areas associated with the original grant of planning permission for the improvements to the flats (18/01562/FUL). The variation application (19/02782/VAR) was approved.
- 5.9. In addition to the variation application two applications were submitted that related to the garage (that had been proposed to be removed as part of application 18/01562/FUL). One of these applications sought planning permission for the development of an office on the site of the garage (reference 19/01662/FUL); this application was withdrawn. A second application was made (reference 19/02104/FUL) that sought the development of an outbuilding connected with the occupation of the flats at No 75; this application was approved in February 2020. The outbuilding approved as a home office occupied the same amount of space as the garage.
- 5.10. The development of the home office on the site has been completed; along with the aforementioned improvements to the flats at No. 75. The building has an area of approximately 18m and a height of approximately 3m. The building was constructed of block with white render (the same as no. 75 Botley Road) with a flat roof and lantern style rooflight. The internal layout of the outbuilding contains a room which is indicatively shown to provide desk space and two separate small rooms containing shower and a WC. The entrance into the building is from a bay window that combines a door and opens onto a small front yard space.
- 5.11. The application site is not within a Conservation Area and would not impact on the setting of any listed buildings.
- 5.12. See block plan below (outbuilding is edged in red):



6. PROPOSAL

- 6.1. The application proposes the change of use of the residential garden office outbuilding to a standalone office unit within Use Class E(g) (an office in a residential area). The layout and external appearance of the building would be unaltered by the proposals which relate principally to the aforementioned change of use.
- 6.2. In association with the proposed change of use the application includes the provision of two bicycle parking spaces.

7. RELEVANT PLANNING HISTORY

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

01/00627/NF - Conversion of property from multi-occupation (5 bedsits) to 3 self-contained 1 bed flats. Provision of 3 parking spaces (including existing garage) accessed from Oatlands Road. (Amended Plans). PER 17th January 2002.

82/00540/U - use for multiple occupation for no more than five persons. PER 21st September 1982.

18/01562/FUL - Alterations to apartments' entrance doors, insertion of new rooflight openings, enlarged dormer window, demolition of existing garage and

provision of bin and bike storage facilities. (amended plans).. APPROVED 14th August 2018.

19/01662/FUL - Demolition of existing garage and erection of a single storey office building (Use Class B1a) and bin and cycle storage. Alterations to entrance doors, insertion of 2no. windows and alterations to 1no. window to east elevation. Formation of 3no. rooflights to east elevation, enlargement of dormer and replacement of 1no. dormer window to 1no. rooflight to south elevation. Formation of bin and cycle store to north elevation.. WITHDRAWN 8th July 2020.

19/02104/FUL - Demolition of existing garage, erection of a single storey outbuilding to be used as garden outbuilding/storage in conjunction with use of flats and erection of new bin and cycle stores. (amended description) (amended plans).. APPROVED 21st February 2020.

19/02782/VAR - Variation of conditions 4(Cycle Parking) and 6(Details of hard standing) of planning permission 18/01562/FUL(Alterations to apartments' entrance doors, insertion of new rooflight openings, enlarged dormer window, demolition of existing garage and provision of bin and bike storage facilities. To allow rewording of the conditions (amended plans) (amended description).. APPROVED 21st February 2020.

20/00726/VAR - Variation of condition 7 (Variation of local traffic order) of planning permission 19/02104/FUL (Demolition of existing garage, erection of a single storey outbuilding to be used as garden outbuilding/storage in conjunction with use of flats and erection of new bin and cycle stores. (amended description) (amended plans)) to allow to continue excluding eligibility to the flat 75A only.. APPROVED 14th May 2020.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1 - High quality design and placemaking DH7 - External servicing features and stores		

Conservation/ Heritage				
Housing	59-76	H14 - Privacy, daylight and sunlight		
Commercial	170-183	E1 - Employment sites - intensify of uses V1 – Ensuring the vitality of centres		
Natural environment	91-101	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface		
Social and community	102-111			
Transport	117-123	M1 - Prioritising walking, cycling and public transport M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD	
Environmental	117-121, 148- 165, 170-183	S1 - Sustainable development RE1 - Sustainable design and construction RE2 - Efficient use of Land	Energy Statement TAN	
Miscellaneous	7-12	RE7 - Managing the impact of development	External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 4th February 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The highways authority has no objection to this application. The location is within a CPZ and well connection to public transport network. Cycle storage details should be conditioned.

Public representations

9.3. Three (3) local people commented on this application from addresses in Oatlands Road.

9.4. In summary, the main points of objection (3 residents) were:

- Effect on character of area
- Effect on traffic
- On-street parking
- Parking provision
- Effect on adjoining properties
- Amount of development on site
- Effect on pollution
- Effect on privacy
- Local plan policies
- Noise and disturbance
- General dislike or support for proposal

Officer response

9.5. Officers have carefully considered the points raised in public consultation that will be dealt with in the officer report. There are some concerns about the planning history, the process and evolution of the proposal. The planning history has been stated in the relevant sections above and serves as important background to this application. Officers can only consider the application at hand on its own merits as an existing garden building and the impact of the proposed change of use.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- I. Principle of Development
- II. Impact on Neighbouring Amenity
- III. Transport and Highways
- IV. Flooding

I. Principle of Development

- 10.2. The existing and approved use for the outbuilding is uses incidental to the flats at 75 Botley Road. The applicant has confirmed that the existing flats have been offered the use of the office outbuilding but none of the occupiers have taken the outbuilding on and it has remained vacant.
- 10.3. Since the granting of planning permission in February 2020 for the outbuilding the government has introduced amendments to the Use Classes Order. One of the key changes to the use classes order has been the introduction of the 'E' Use class which replaces some commercial uses including the previous 'B1' use class which related to offices. These changes came about in September 2020. Whilst the introduction of the amended Use Classes Order brings about greater flexibility in terms of the uses of buildings (including those in commercial use) it also identifies subclasses within Class E, with Use Class E(g) including the following uses:
- (i) an office to carry out any operational or administrative functions,*
 - (ii) the research and development of products or processes, or*
 - (iii) any industrial process,*
- being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*
- 10.4. Planning permission is sought to change the use of the outbuilding from a use that is incidental to the enjoyment of the flats at 75 Botley Road to Use Class E(g) use as described above. Specifically, it is sought to use the building as an office. The applicant's agent has suggested in their planning statement that if planning permission is granted that a condition could be imposed that restricts the use of the building to a Use Class E(g) use only and precludes the use of the outbuilding for any other Use Class E use (which would prevent it from being used for a retail, café or medical use for example).
- 10.5. Having had regard to the above, Officers consider that essentially the only difference between the approved lawful use of the outbuilding (which was envisaged to be a home office) is that the tenants of the office would not be living at No. 75 Botley Road but would instead travel to the application site to work there. In all other respects the use of the outbuilding would not change.
- 10.6. The Council's adopted planning policy relating to office development is contained within Policy E1 of the Oxford Local Plan (2036). This policy principally seeks to retain existing employment sites and intensify uses on these sites. The Oxford Local Plan (2036) also allocates new sites for employment and mixed uses (that would include office development). The Oxford Local Plan (2036) is essentially silent on the development of new office accommodation outside of existing employment or allocated sites. As a result, when considering the acceptability of the proposals in planning terms officers have had regard to the National Planning Policy Framework. The principle of

development with regards to the proposed change of use is assessed on this basis below.

10.7. In terms of a new development within Use Class E(g), Policy V1 is relevant. This Policy aims to direct new town centre uses, including offices, to the city centre and district centres. This is to ensure the vitality of these centres. It also ensures that town centre uses, which are uses that people travel to, are accessible by walking, cycling and public transport. New town centre uses outside these areas should pass the sequential test. This location is highly accessible by these means. The nature of the proposed development means that it cannot be located elsewhere. The November 2013 Starter Unit Review Report produced by Oxford City Council states that there is no mention of the availability of small office premises in this area of the City which is not considered to have changed.

10.8. Officers have had regard to Paragraph 86 of the NPPF which requires that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. In this case, the proposals for an office would be considered to be a main town centre use for the purposes of Paragraph 86 of the NPPF and this site is located outside of the existing centres that are identified in the Oxford Local Plan (2036); being the City Centre and District Centres (that include Cowley Centre, Summertown and others). Policy V1 of the Oxford Local Plan (2036) directs main town centre uses to existing centres:

Proposals for development of town centre uses outside a centre must demonstrate compliance with the 'sequential test' (that is: development should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered).'

10.9. The application site is in an out of centre location. The planning statement that accompanies the application does not set out a sequential test relating to the availability of sequentially preferable centres for the development proposed; explaining why the development could not be located within an existing centre or on the edge of an existing centre. However, the submitted planning statement comprehensively argues that the proposals relate to an existing outbuilding that can lawfully be used as a home office and the only difference between the lawful use of the building and the use that is sought as part of this application would be that the tenants of the office would not be residing at No. 75 Botley Road but would travel to the site. This point has already been advanced by officers above; despite this it should be acknowledged that in the context of the locational criteria of office development as a main town centre use the proposals do not meet the requirements of Paragraph 86 of the NPPF and Policy V1 of the Oxford Local Plan (2036).

10.10. Paragraph 80 of the NPPF places significant weight on supporting the need for economic growth and productivity and opportunities for development. Officers have also considered the requirements of Paragraphs 117-118 of the NPPF which promotes more effective use of land; this is also reflected in Policy RE2 of the Oxford Local Plan (2036). Officers have had regard to the

aforementioned paragraph of the NPPF and Local Plan policies which would arguably add some support to the better use of the existing outbuilding that currently lies vacant and the opportunity to use the site in a more efficient way.

10.11. Further to the above, the application site lies within an area with excellent access to public transport being within half a mile of Oxford Railway Station and regular bus services on Botley Road. As a result, despite its presence in a residential road there are merits associated with considering an increased intensity of the use of the site which makes the proposals more acceptable in principle having had regard to the broad principles the Oxford Local Plan (2036) and the NPPF (specifically Policies S1 of the Local Plan and Paragraph 11 of the NPPF).

10.12. In conclusion, officers have had regard to the merits of the scale of the proposals representing a relatively small-scale change of use of an existing home office and incidental outbuilding into an office (Use Class E(g)). It is considered that whilst the proposals would fail to meet the criteria of Policy V1 of the Oxford Local Plan (2036) and Paragraph 86 of the NPPF the proposals represent a form of a sustainable development that would make more efficient use of the site and would be acceptable in this location having had regard to the close proximity to the railway station, accessibility to bus services and relatively close proximity to the City Centre. On balance, it is therefore considered that the proposals would be acceptable in principle having had regard to the policies in the Oxford Local Plan (2036) and NPPF when taken as a whole subject to the amenity impacts of the proposed use being carefully considered in the context of the use that is sought; these matters will be addressed in the following paragraphs of the report.

II. Impact on Neighbouring Amenity

Noise and Disturbance

10.13. Officers have had regard to the proposed use for an office having considered the context of the existing use of the building as a home office or incidental building. The proposed development would involve the office being used by people who do not live at No. 75 Botley Road (the three flats within the building). Given the size of the building it is unlikely that that a large number of people would be able to work inside the building and at most it would be occupied by a small company. Despite the small size and comparable small difference between the use sought and the existing lawful use of the building it is necessary to carefully examine the amenity impacts of the development in terms of likely noise and disturbance associated with the proposed use. If planning permission was granted then the majority of the noise and disturbance from the premises would likely arise from people arriving and leaving the building to work. It is important to consider that this building is directly adjacent to a residential property at No. 2 Oatlands Road (and is near to the houses in the immediate vicinity of the site including the flats at No. 75 Botley Road). It is acknowledged that there would be some impact on these properties as a result of people going to the building to work but given that the proposed development does not provide car parking and there is no on-site provision for car parking associated with these proposals then any people

arriving would likely be by foot or bike (possibly having accessed the wider area by public transport). As a result, it is unlikely that the proposals would give rise to any significant greater level of disturbance than the existing lawful use of the building as a home office.

- 10.14. Despite the acceptability of the use in the context of the above, officers have recommended a number of conditions to ensure that the use would not give rise to an unacceptable impact on neighbouring amenity in this residential location. Officers recommend that the use of the building on the site is restricted to Use Class E(g)(i) only, being *an office to carry out any operational or administrative function*. This would ensure that there would be no noise associated with the activity taking place at the application site. Officers have also recommended a condition that would restrict the opening hours of the office, this is commonplace on employment sites as it would ensure that there would not be activity taking place on the application site at times that would have a materially harmful impact on neighbouring amenity. Officers recommend that this condition should limit opening hours of the office from 7am until 10pm on Mondays to Sundays to prevent very early arrivals or late departures from the office that could disturb neighbouring occupiers.

Privacy

- 10.15. The application does not include any alterations to the existing small single storey structure. There is no overlooking from the existing structure, or loss of privacy to any neighbours due to the use or existence of the structure. Therefore there is no adverse impact from the existing use, or a proposed use within use class E(g).

Overbearing

- 10.16. The proposal does not include any physical changes to the outbuilding, and would therefore not be overbearing to nearby residents.

III. Transport and Highways

- 10.17. The proposed development would not provide car parking and as the site lies within Controlled Parking Zone (CPZ) there would be no eligibility for car parking permits (which are for residents only). As a result, the proposed development would not have an impact on car parking in Oatlands Road or adjacent roads around the application site. There is some public car parking approximately 300m from the site at the Oatlands Recreation Ground and there is the larger long-stay car parking provided at Seacourt Park and Ride that is less than half a mile from the application site. The adjacent car parking spaces at No. 75 Botley Road are available only for the occupiers of the flats.
- 10.18. The proposed development includes the provision of space for two pedal cycles. No details have been provided of the type of cycle stands to be provided; officers recommend a condition is included to ensure that suitable provision is made prior to the first use of the development if planning permission is granted. The provision of cycle parking exceeds the standards set out in Policy M5 of the Oxford Local Plan (2036).

IV. Flooding

- 10.19. The application is accompanied by a flood risk assessment that adequately reflects the site location in floodzone 3a. The existing use as a garden office (albeit vacant) is not less or more vulnerable than that of an office. The proposal would therefore not cause any more harm in terms of flooding and would therefore be acceptable, as it accords with policies RE3 of the OLP2036.

11. CONCLUSION

- 11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of the report.
- 11.2. Having regard to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary, the proposed development would be an acceptable use having had regard to the policies as a whole. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.6. Therefore officers consider that the development accords with the development plan as a whole.

Material considerations

- 11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.

- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved 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; or 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.
- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions outlined in section 12.

12. CONDITIONS

Time Limit

- 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.

Build in Accordance with Approved Plans

- 2 The development permitted shall be carried out 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 DH1 of the Oxford Local Plan 2036.

No Change of Use

- 3 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or enacting that Order) the use of the

premises shall be restricted to those uses falling within Use Class E(g)(i) only. There shall be no physical storage and sale of retail goods on the premises at any time.

Reason: To ensure residential amenities are protected and the residential character of the area is maintained in accordance with Policies S1, H14 and RE7 of the Oxford Local Plan 2036.

Hours of Use

- 4 The building shall only be used for the approved use between 7am and 10pm on Mondays to Sundays (inclusive) and shall not be used outside of those hours.

Reason: To ensure residential amenities are protected in accordance with S1, H14 and RE7 of the Oxford Local Plan 2036.

Cycle Parking Details

- 5 Before the use permitted is commenced details of the cycle parking areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies S1, DH1 and M5 of the Adopted Oxford Local Plan (2036).

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

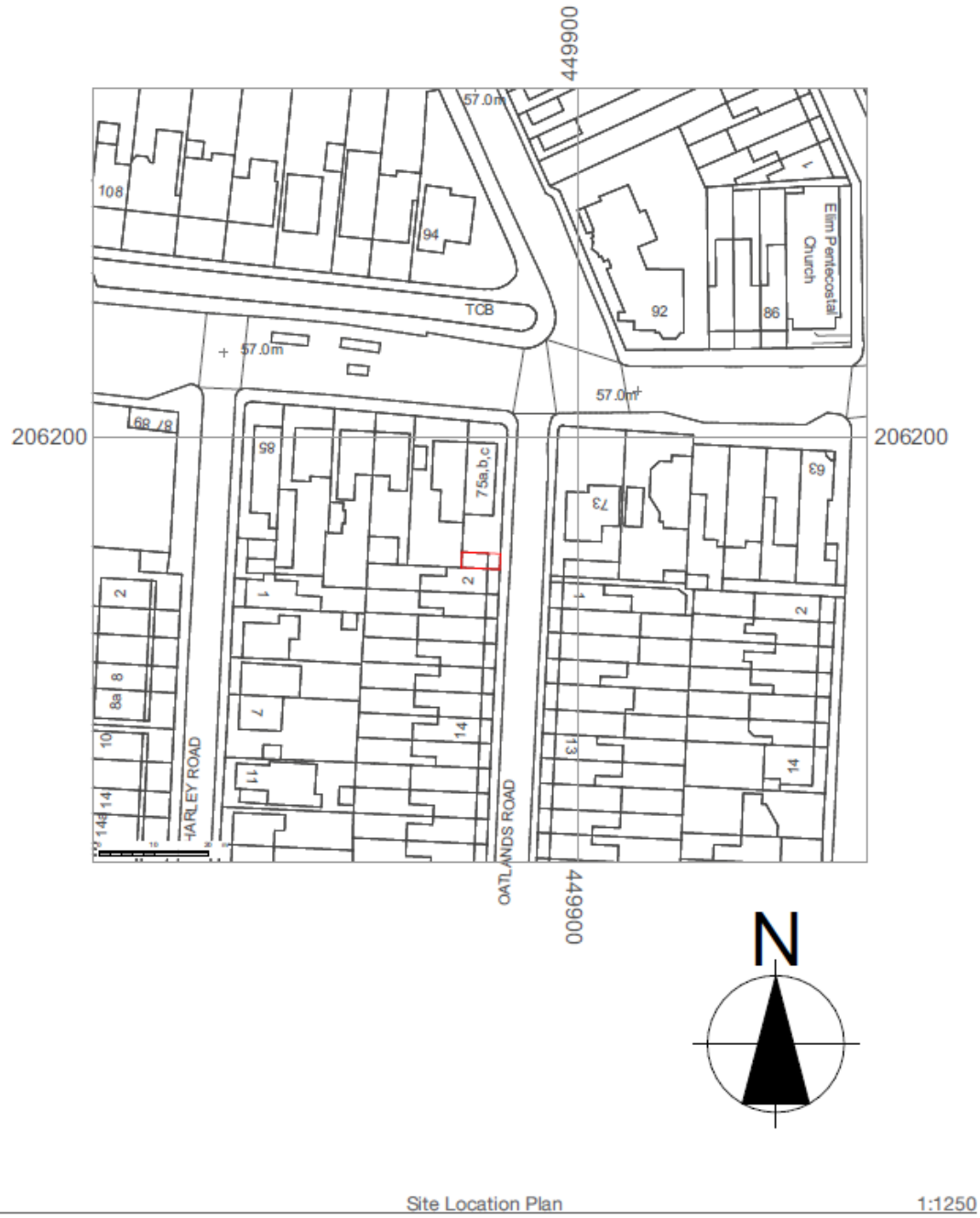
- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In

reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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Appendix 1 – Location Plan

21/00142/FUL



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WEST AREA PLANNING COMMITTEE

Application number:	20/03109/LBC		
Decision due by	15th February 2021		
Extension of time	17 th April 2021		
Proposal	Replacement of existing weir with new concrete weir including new fish pass and stairs.		
Site address	Godstow Weir B Godstow Road Oxford Oxfordshire – see Appendix 1 for site plan		
Ward	Wolvercote Ward		
Case officer	Katharine Owen		
Agent:	Mr Jonathan Mullis	Applicant:	Mr Nick Leishman
Reason at Committee	Called in by Councillors Wade, Garden, Goddard, Gant, Roz Smith and Landell Mills due to concerns about potential harm to archaeological remains at the Trout Island and at Godstow Abbey, the latter being a scheduled ancient monument		

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 listed building conditions set out in section 12 of this report and grant listed building consent; and

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

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

2. EXECUTIVE SUMMARY

2.1. This report considers the impacts of a proposed removal of Godstow Weir B which abuts the Godstow Bridge, a grade II listed structure in the Godstow with Wolvercote conservation area; the impacts on the setting of listed buildings and on heritage assets and the replacement of the weir with a new one, with an attached fish pass. Also considered are the impacts of the construction works

and any impacts on the archaeology of Trout Island where an access route is proposed.

- 2.2. It is important to state that the red line around the application site only covers the Godstow Bridge and Trout Island; the Godstow Abbey area is outside the red line area. The Abbey area is proposed to be the location of the site compound for the work. Godstow Abbey is a scheduled ancient monument and separate scheduled ancient monument consent has already been obtained for the works compound proposed there. Any works affecting the abbey are outside the scope of this listed building consent application. This application concerns the existing concrete 1930s weir.
- 2.3. There is no planning application associated with these works as they fall under permitted development.
- 2.4. The Environment Agency (EA) has responsibility for maintaining the weir (which they own) which needs to be replaced and removed downstream. The EA proposes also to construct a new fish pass abutting the new weir to allow them to pass.
- 2.5. The weir dates to 1937 with later additions and has no heritage significance in itself. It abuts the bridge and is not fixed to it. The replacement weir would be on a like for like basis but with improved mechanism.
- 2.6. The report considers the policy framework of the NPPF and that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
- 2.7. Officers consider that the archaeology at the affected heritage assets (standing and below-ground assets) would be protected and recorded to an agreed standard.
- 2.8. No harm would be caused to the listed bridge which would be protected during the works; in the event of any damage being caused, this would be made good.
- 2.9. There would be public benefits arising from the replacement weir which is an important element of water management; the weir requires repair and there would be biodiversity benefits due to the construction of a fish pass. Also, separating the weir from the bridge would mean easier access to clean out debris between the two structures.
- 2.10. Another benefit would be the separation of the weir from the bridge, thus allowing increased visibility of the bridge.
- 2.11. The setting of listed buildings would alter due to the new location of the new weir downstream and the new fish pass, however no harm would be caused to the setting of listed building and the character of the conservation area would be preserved or enhanced.

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. See block plan below:



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6. PROPOSAL

6.1. The proposal is for the replacement of Godstow Weir B which abuts Little Godstow Bridge on Godstow Road and for the installation of a fish pass with stairs. The new weir would have the same appearance as the existing degraded weir but will be modernised and a fish pass added in order to protect the river's fish and eel stocks.

6.2. The proposal does not include any works to Godstow Abbey. It includes an access track to Trout Island.

6.3. There will be a small increase in the size of the area covered by the weir structure from an increase in the concrete apron by approximately 3.5m in a downstream direction. The addition of the new fish pass will also increase the overall footprint of the weir structure.

6.4 The proposed works are as follows:

- Replacement of the existing sluice gates with gates of a similar size;
- The six manual sluice gates would be replaced with new motorised sluice gates;

- The sluice gates would be moved downstream from Little Godstow Bridge by 2.36m;
- The apron would be extended downstream by 3.67m;
- A new steel framed walkway structure across the top of the weir, would have glass reinforced plastic/metal flooring and timber handrails, and would connect the weir to Trout Island;
- New steps to the fish pass would constructed and be limestone clad;
- The fish pass would have the appearance of a chute with upstand walls;
- Cladding of the fish pass elevations which would be limestone clad; and
- The Trout Island external face and the internal faces of the fish pass would be smooth concrete as a smooth surface is required for the fish.

7. RELEVANT PLANNING HISTORY

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

20/03109/LBC - Replacement of existing weir with new concrete weir including new fish pass and stairs. PDE.

21/00436/CPU - Application to certify that the proposed replacement of failing sluice gates at Godstow Weir B, new foundation and gate structure to be installed, fish pass, kiosk area and pedestrian access assess bridge and riverbed protection works is lawful development. PCO.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Conservation/Heritage	184-202	DH1, DH3 and DH4	NPPG Historic England guidance notes

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 7 January 2021 and an advertisement was published in The Oxford Times newspaper on 2 January 2020.

Statutory and non-statutory consultees

9.2. Cllr Liz Wade and other Councillors: have called in to committee and have concerns that the creation of the main work compound which will be formed within a grass area adjacent to Godstow Abbey should require a full

archaeological survey to be done both on the area that the Environmental Agency plan to use next to the Abbey, and on Trout Island. The creation of the work compound is subject to a separate consent application by the EA 'outside the scope of the heritage statement' – however, this is the most vital area to need protection during this major reconstruction of the weir and needs protection. The clearance of vegetation on Trout Island needs to be performed with great care - the garden is overgrown at the moment but it is quite possible that there could be important archaeological evidence here. A construction method statement should be produced by EA and needs to inform the application.

9.3. Wolvercote Neighbourhood Forum: concerns about impacts on the archaeology.

9.4. Wolvercote Commoners' Committee: no objection to the weir replacement, however has concerns about harm to archaeology at Trout Island and to Godstow Abbey.

9.5. Wolvercote Residents: has concerns about impacts on the archaeology.

9.6. Natural England: originally requested a Construction Environmental Management Plan (CEMP) and consider that without appropriate mitigation the application would: have an adverse effect on the integrity of Oxford Meadows Special Area of Conservation; and damage or destroy the interest features for which Port Meadow with Wolvercote Common & Green and the Site of Special Scientific Interest; in order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: a Construction Environmental Management Plan (CEMP).

9.7. Natural England subsequently advised that the stage one assessment along with the Environmental Action Plan and Construction methodology remove any concerns they had about the possible impacts of the Godstow Weir Replacement project on the nearby designated sites.

9.8. Joint Statutory Amenity Societies, Oxford Civic Society, Oxford Preservation Trust, Oxford Urban Wildlife Group, Berks, Bucks and Oxon Wildlife Trust (BBOWT): Highways Authority, The Garden Trust: no comment.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be whether any harm would be caused to the special architectural or historic interest of the listed structure, the setting of any listed buildings and whether the character or appearance of the Conservation Area would be preserved or enhanced. Also considered is whether any harm would be caused to the above and below ground archaeology at Trout Island; although that is not an issue for the listed building consent, the island is a non-designated heritage asset and in the conservation area and archaeology conditions may be attached to a listed building consent.

Policy context

10.2. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, when considering whether to grant listed

building consent, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

- 10.3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the character or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National Trust, 18th February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).
- 10.4. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development, through meeting the three overarching objectives categorised as economic, social and environmental objectives. These objectives should be delivered in decision making and collectively form the heart of the NPPF as the presumption in favour of sustainable development.
- 10.5. This presumption in favour of sustainable development is reflected in policy S1 of the Local Plan, which states “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.” The policy goes on to state that “It will work proactively with applicants to find a solution jointly which means that the applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area.”
- 10.6. The NPPF recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
- 10.7. In determining applications, paragraph 192 of the NPPF requires local planning authorities to take account of:
 - a) “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.”
- 10.8. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires great weight to be given to the asset’s conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, with substantial harm or loss of a grade II listed building being exceptional (paragraph 194).

- 10.9. Policy DH3 of the Oxford Local Plan 2036 requires great weight to be given to the conservation of heritage assets; policy DH1 requires good quality of design and policy DH4 requires that archaeology is protected and recorded as part of development.

Assessment

Impact on the special architectural and historic special interest of the grade II listed building

Significance of the listed buildings and their setting

- 10.10. The heritage assets in the setting of the weir are the grade II listed Little Godstow Bridge, the grade II listed Trout Inn, the grade II footbridge to the island, the unlisted Trout Island and the conservation area of Wolvercote with Godstow. Also in the setting is the scheduled ancient monument of Godstow Abbey.
- 10.11. The weir is neither a designated nor a non-designated heritage asset. The weir, which had existed from at least early 19th century as a timber structure, was re-built in 1937 as a concrete weir with metal walkway, fittings, and gates and overall has a utilitarian appearance as befits its function. It abuts the bridge itself.
- 10.12. Both Little Godstow Bridge (subject of this application) and Godstow Bridge were built during the medieval period, probably in relation to the abbey. The Benedictine nunnery of Godstow Abbey was founded by Ediva, or Edith Launcelene, in c.1133 and expanded in the latter part of the 12th century. The nunnery survives as a group of ruinous structures on the west bank of the River Thames following its dissolution with standing and buried remains and associated water and drainage channels, earthworks and Godstow bridge. The abbey is a scheduled ancient monument.
- 10.13. Little Godstow Bridge was partly rebuilt in 1892, as indicated by the dated road side boundary marker on the parapet of the bridge. The Bridge has two arches, both spans having ashlar voussoirs over them, and is built primarily of coursed limestone rubble with some twentieth century repairs, replacement of capping stones and repointing. The larger Godstow Bridge is modern and unaffected by this application.
- 10.14. The significance of Little Godstow Bridge is very high due to its evidential and historic values being an important river crossing and being linked closely with Godstow Abbey. The bridge is also very aesthetically attractive, built of Bath limestone using traditional building techniques and it also has high communal values due to its function and location over the Thames.
- 10.15. The Trout Inn on the north bank of the River Thames was first recorded as being occupied as a house for fishermen and was probably first occupied as an

inn by 1625 and was altered in 1737 and in subsequent centuries. It was constructed of limestone very similar to the stone used to construct the bridge and was extended in linear manner parallel to the river; the pub terrace gives good views of the bridge and other heritage assets.

10.16. In 1780 a new river channel or 'cut' was made through the site of Godstow Abbey to the west of the old navigation stream (where there were burials) and a pound lock was built at its lower end in 1790. The 'cut' was further widened and deepened in 1884 and 1857.

10.17. The Trout Inn Footbridge is listed grade II and dates to the late 19th or early 20th centuries and spans that part of the river from the Trout Island to the Trout Inn embankment; it is an attractive timber structure, rebuilt at various stages and in a poor state of repair (it is owned by the Trout Inn's freeholders).

10.18. The Trout Island garden is a non-designated heritage asset (under the National Planning Policy Framework) and has significance from various structures and its history. The island was associated with twentieth century literary figures, CS Lewis and JRR Tolkien; the gardens are believed to date to the 1920s as the first photographs of the gardens date to 1927, however its significance has not benefitted from detailed research to date. The northern part of the island was subject to quite extensive garden landscaping work including terracing, rockeries and steps with ornamentation although this has not been maintained. The central features of the lower terrace are a dry pond and is retained by a low rubble wall with a sundial with two brass or copper plaques; an upper terrace has a curved stone seat which is formed of stone rubble with stone steps; the lion statute may be related to the lion which also features in the 'Rubaiyat', or it is based on the works of CS Lewis, who was a regular visitor to the Trout Inn, together with JRR Tolkien, or that it inspired Lewis' lion, Aslan, in his book The Lion, The Witch and The Wardrobe. The remainder of the island consists of an infilled channel, a WWII brick pillar-box and the ruins of a former boathouse, probably associated with the rowing club on the adjacent bank.

10.19. All the heritage assets combine to make a very picturesque and attractive setting by the Thames, having been enjoyed by many visitors and having high heritage significance and group value.

Assessment of impacts on heritage assets, archaeology and conservation area

10.20. The current concrete weir partly obscures the two arches of the bridge along its eastern elevation. The weir has six vertical-lift gates with a span of approximately 9 metres and includes exposed steelwork, operating gear with a walkway along the top with timber handrails. To the southern end of the weir is an exposed mass concrete abutment to the weir and there is also a large service pipe in a metal sleeve which runs along the bridge's spandrel walls behind the weir. The replacement weir would be on a like for like basis. The existing weir and associated features are not of any architectural, historic or archaeological interest.

10.21. The application red line is around Little Godstow Bridge and part of Trout Island; the red line does not include Godstow Abbey scheduled monument,

therefore the comments regarding safeguarding the Abbey remains are not relevant to this application. An explanatory note by the Environment Agency (EH) has been submitted regarding the various consents which are outside the scope of this listed building consent and outside the red line.

10.22. The EA's construction compound located within the area of Godstow Abbey Scheduled Monument was given Scheduled Monument Consent from the Secretary of State for the compound works under Ref: S00240537 on 8th December 2020. It is a condition of that consent that no topsoil stripping or ground breaking works will take place as part of the compound works adjacent to Godstow Abbey. Reference to the Godstow Abbey Scheduled Monument was included in the application documents for completeness of the assessment.

10.23. The submitted Landscape Reinstatement drawing (No. 2 of 3, ENVIMSE100195-CH2-ZZ-OO-DR-L-0005) showing topsoil removal in the Scheduled area has been superseded by the final works design submitted (22.10.20) as part of the separate Scheduled Monument Consent application, for which consent has been received; the aforementioned drawing has been withdrawn since the application was submitted.

10.24. The addition of a fish pass is required as part of the EA's sustainable planning, in order to maintain a healthy fish population in the river and allow the passage of fish upstream around modern river obstructions which hinder their movement. The replacement weir is proposed to be situated away from the bridge which would allow debris to be cleared from it; debris builds up as the weir currently abuts the bridge which is detrimentally affected by that process. The proposals would help to retain the historic structure in its current use.

10.25. The setting of the Trout Inn, Godstow Bridge, the timber footbridge to the island and the Trout Island would be altered by the new location of the weir and with the installation of the fish pass; it is considered that no harm to the settings would arise. This pass would be on the other side of the weir from the bridge and would be seen its setting particularly looking over the bridge parapet, from the Trout Inn and from the Island. The size of the fish pass is the minimum necessary to achieve the required engineering standards. The proposed natural limestone cladding of the fish pass walls would mitigate visual impact of the new character of the fish pass; however it would be a noticeable new structure in its historic setting. The new appearance of the fish pass would mellow with time as the natural limestone cladding ages as can be seen on mellowed limestone around the city. Therefore the proposals would comply with the requirement to preserve or enhance the character or appearance of the conservation area (s 72, Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and would not alter or extend in any manner which would affect its character as a building of special architectural or historic interest (s 7 of the above Act).

10.26. The new fish pass would provide easier upstream access for spawning fish and eels in order to support and increase their dwindling aquatic populations in the River Thames and this is a mitigation for the impact of the fish pass as the existing weir lacked that element.

- 10.27. Between the proposed new fish pass and Trout Island at the existing concrete abutment, new steps are proposed down to the fish pass, for access and maintenance reasons and these steps will also be faced in appropriate matching limestone cladding so as to mitigate any impact.
- 10.28. The current concrete weir has been damaged and needs to be replaced. It partly obscures the two arches of the bridge along its eastern elevation. The sluice-gates of the new weir will be situated 2.36m downstream of the existing weir sluice gates, meaning that part of the new weir will be removed from the historic fabric of the bridge, partially opening views of the elevation of Little Godstow Bridge.
- 10.29. There are benefits from the replacement of the weir, which is required because of its condition and by moving it away from the listed bridge.
- 10.30. This site has general potential for multi-period archaeological remains including:
- Features relating to the extensive late-Neolithic-early Bronze Age ritual and funerary landscape that extends across Port Meadow and the Northmoor Terrace to an unknown extent;
 - The potential for pre-alluvial (i.e. pre Late Bronze Age or more likely Iron Age) settlement on the islets of the braided Thames channels;
 - The potential for dispersed seasonal Iron Age settlement linked to stock management as evidenced by several sites in Port Meadow; and
 - Water management features along the Thames.
- 10.31. The site has specific potential for archaeological remains relating to:
- Medieval fabric that may survive within the 19th century Godstow Bridge;
 - Post-medieval occupation activity related to the 17th century Trout Inn;
 - The precinct of the Godstow Abbey, a Benedictine House of national significance. Human remains and coffin fragments recovered from the banks of the 18th century New Cut suggest that a burial ground associated with the abbey may extend onto the island, the extent of this and any other related structures are unknown. The creation of the New Cut may have led to the dumping of material onto the island, thus there is some potential for redeposited human remains and coffin fragments to be present at relatively shallow depth;
 - The garden on the island that has speculative links with contemporary literary figures;
 - The existing weir; and
 - The WWII Pill Box on Trout Island.

- 10.32. Clearance works to Trout Island will be undertaken carefully. The original preferred option of fish pass design was a fish by-pass channel across Trout Island, was changed to a fish by-pass weir, in order to preserve the archaeology of the island, the existing 20th century garden and the remaining trees.
- 10.33. The only significant ground works to Trout Island are the construction of an access track which would necessitate the removal of the central garden seating and flanking steps arrangement of the 20th century garden. These will be stored and replaced afterwards.
- 10.34. Archaeology conditions have been imposed requiring the submission of a written scheme of investigation including recording to stated Historic England standards and works of protection with a method statement for the access track on the Trout Island.

Other considerations

- 10.35. Some trees on Trout Island have been removed to allow for the works and would be replaced with native species as agreed with the Council's tree officer. This is outside the scope of the listed building legislation.
- 10.36. It should be noted that planning permission is not required for the works as they fall under permitted development and therefore the considerations under this listed building consent application are heritage considerations under the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

11. CONCLUSION

- 11.1. Great weight and importance has been given to the desirability of preserving the listed building as a designated heritage asset. The proposals, by reason of their materials and design, would not cause harm to the character, appearance or significance of the listed building or the setting of listed buildings and would preserve or enhance the character or appearance of the conservation area.
- 11.2. Subject to satisfactory discharge of conditions, the application would comply with sections 16(2) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 193 of the NPPF, Oxford City Council Local Plan 2036 policy DH1 – High Quality Design and Placemaking and policy DH3 – Designated Heritage Assets and DH4 - Archaeology.
- 11.3. Subject to satisfactory discharge of conditions, the proposals are reversible, justified and proportionate. No harm to the significance of heritage assets would be caused as a result of the applicant's requirements.
- 11.4. The special architectural and historic interest of the listed building would be preserved and not harmed. No harm would be caused to that part of the Conservation Area and its character and appearance would be preserved. Therefore, the proposals are considered to comply with national and local policies.

- 11.5. It is recommended that the Committee resolve to grant listed building consent for the development proposed.

REASONS FOR APPROVAL:

- 11.6. The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting and, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

12.CONDITIONS

- 1 The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 2 Unless specifically excluded by subsequent conditions the works permitted shall be carried out strictly in accordance with the terms of, and subject to, the conditions attached to this consent and in compliance with the details specified in the application and the submitted/amended plans listed in this decision notice.

Reason: As Listed Building Consent has been granted only in respect of the application as approved, to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 3 This Listed Building consent relates only to the works specifically shown and described on the approved drawings. Any other works, the need for which becomes apparent as alterations and repairs proceed, are not covered by this consent and details of any other works shall be submitted to the in writing to the Local Planning Authority and approved before work continues.

Reason: For the avoidance of doubt and to protect the special interest of the historic building in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 4 After the permitted works are completed, any damage caused by such works including damage to the listed bridge, shall be made good to a standard agreed in writing by the Local Planning Authority, with detailed plans and a specification of works before the contract of works hereby approved is completed.

Reason: To preserve the character of the building in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

- 5 Notwithstanding the details on the plans hereby approved, both of the abutment walls of the proposed fish pass shall be clad with natural limestone, to the sides and to the top.

Large scale details of the proposed fish and eel pass showing the proposed natural limestone cladding to both sides and to the top of the abutments shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance to the setting of heritage assets including listed buildings and structures and to preserve the character or appearance of the conservation area; for the avoidance of doubt and so that the Local Planning Authority can agree these details in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 6 Samples of the materials proposed to be used shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of relevant work on the site and only the approved materials shall be used.

Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 7 A method statement setting out details of how the heritage assets would to be protected from damage at all stages of the development shall be submitted and approved in writing by the Local Planning Authority before the start of relevant work on the site and only the approved methods shall be used, including:

Method of protection of the listed Godstow Bridge itself;

Method of dismantling the weir;

Method of protecting the heritage asset of the garden structures at Trout Island and the metal gates and piers leading to the garden.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost or damaged during the works, to enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, to prevent harm to the special architectural or historic interest of the listed bridge, to preserve or enhance the character or appearance of the conservation area and in the interest of visual amenity, in accordance with policies DH1, DH3 and DH4 the Adopted Oxford Local Plan 2036.

- 8 Any as yet unknown features of historic interest discovered during the progress of the works shall be retained in situ and preserved to the satisfaction in writing of the Local Planning Authority.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

- 9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (including historic building and landscape recording) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

The archaeological investigation shall consist of a record of the existing weir and Godstow Bridge (including the stonework after the weir structure has been removed) to Level II standard and the Trout Island garden to Level III standard and a watching brief during any significant ground works that can be meaningfully observed (i.e. excluding sheet piling works).

The impacted parts of the garden (and immediate context) shall be adequately recorded prior to the works (by means of measured plans, drawings, and descriptions in a formatted and annotated report).

The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, medieval, post-medieval and nineteenth and twentieth century remains and in accordance with policy DH4 of the Adopted Oxford Local Plan 2036.

- 10 No development shall take place until the applicant, or their agents or successors in title, has submitted to the Local Planning Authority a method statement for the construction of the access track across the Trout Island and until that method statement has been approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

The method statement shall clarify the formation process for the access track and a targeted watching brief shall be undertaken during any ground reduction works needed in the island/garden area.

Reason: Because whilst surface works may not reach the likely depth of any burials here the presence or absence of previously disturbed disarticulated human bone in this area would be worth recording as would evidence for garden features related to or predating the current overgrown garden design. and because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, medieval, post-medieval nineteenth and twentieth century remains and in accordance with policy DH4 of the Adopted Oxford Local Plan 2036.

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.

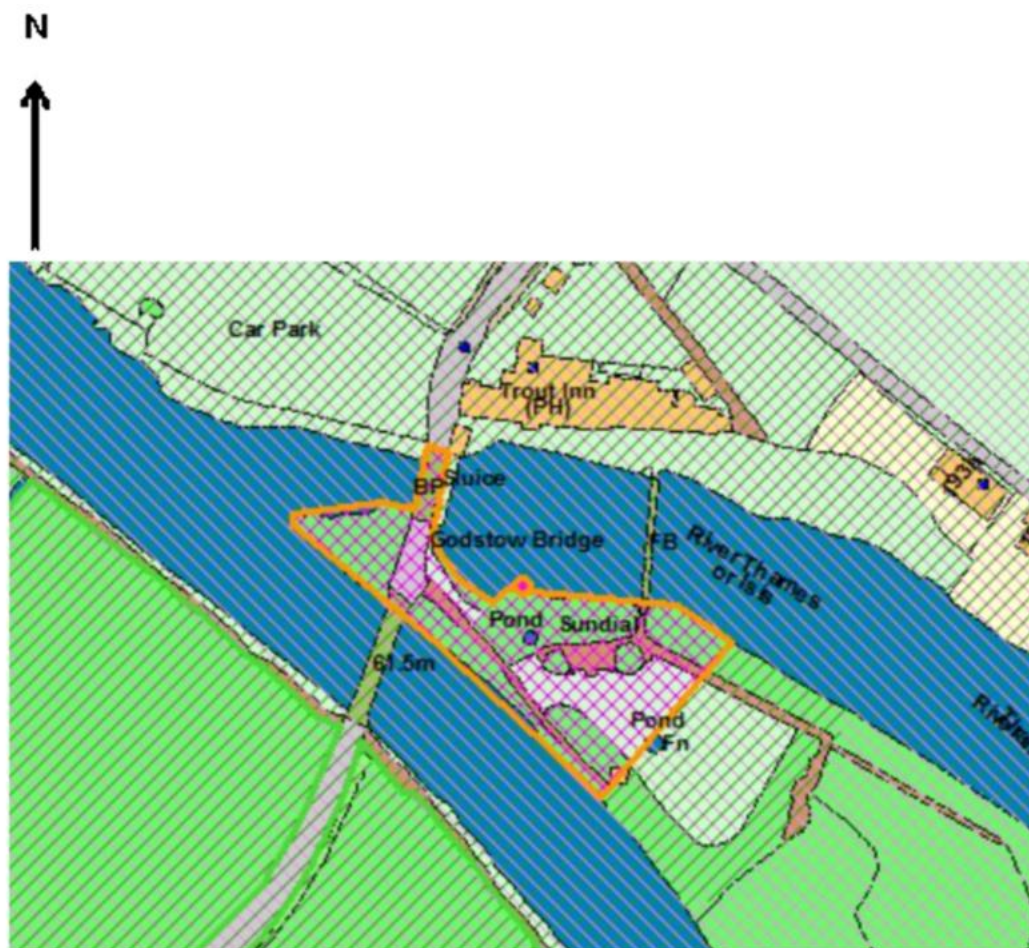
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 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 listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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Appendix 1 – Location Plan

20/03109/LBC



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Ordnance Survey 100019348

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Remote meeting

Minutes of a meeting of the West Area Planning Committee on Tuesday 9 March 2021

www.oxford.gov.uk



Committee members present:

Councillor Cook (Chair)

Councillor Hollingsworth

Councillor Tarver

Councillor Wade

Councillor Gotch (Vice-Chair)

Councillor Tanner (for Councillor Corais)

Councillor Upton

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services

Natalie Dobraszczyk, Development Manager Team Leader

Sally Fleming, Planning Lawyer

Robert Fowler, Planning Team Leader

Mike Kemp, Principal Planning Officer

Andrew Murdoch, Development Management Service Manager

Apologies:

Councillors Corais, Howlett and Iley-Williamson sent apologies.

Substitutes are shown above.

77. Declarations of interest

General

Cllr 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. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Cllr 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 said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Cllr Gotch stated that as a member of 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. He said that he was

approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Cllr Wade stated that as a member of the Oxford Civic Society, she had taken no part in the organisation's discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

78. 20/01898/FUL: The Irving Building, Hertford Street, Oxford, OX4 3AJ

The Committee considered an application for change of use to a mixed business (Use Class B1) and non-residential institutions (Use Class D1); erection of a single storey side and rear extension to create a community building (Use Class D1); erection of buildings to create 3 x 3 bed and 6 x 2 bed apartments (Use Class C3); and provision of car parking, bin and bike stores at The Irving Building, Hertford Street, Oxford, OX4 3AJ.

The Planning Officer:

- Reported that the houses and flats would be car free as expected in an area with a CPZ (controlled parking zone)
- Recommended Condition 21 amended to read '*fitted with obscured glazing **and fixed shut** to a minimum height of 1.7 metres **and this shall be retained as obscured, fixed shut glazing at this minimum height***'.

Catherine King (the headteacher at Comper School) and County Councillor Damien Haywood spoke objecting to the application.

Liz Hume (representing the applicant) and Nicky Brock (the agent) spoke in support of the application.

The Committee asked questions of the officers to clarify matters including but not restricted to the impact of the proposed church hall on the two heritage assets of the Comper School and the Irving Building and the open setting between the two buildings; the public benefit to the church and the wider community; parking and traffic related to use of the community spaces and future residents eligibility for parking permits; and overshadowing of the play spaces associated with the Comper School caused by the proposed hall.

The Committee debated the proposal, focussing on but not confined to the degree of 'less than substantial harm' caused to the designated heritage asset of Comper School and the non-designated heritage asset of the Irving Building balanced against the community benefits of the proposed side extension (hall and lift shaft) and alterations to the Irving Building.

On a proposal to accept the officer's recommendation of approval (with the conditions listed in the report, with condition 21 amended as referred to above, and an additional condition regarding non-eligibility of the new dwellings for parking permits) being seconded and put to the vote, the Committee voted **against** the proposal.

The Committee considered a proposal to refuse the application because the level of less than substantial harm which would be caused to the setting and heritage significance of the Comper School and Irving Building by the loss of the gap and change of spatial connection between the buildings was **not** outweighed by the public benefits arising from the provision of new community space within the proposed church hall and the enhancements to the provision of community and office space within the Irving Building.

On a motion to refuse the application for the reasons above being seconded and put to the vote, the Committee agreed to refuse planning permission for these reasons.

The West Area Planning Committee resolved to:

Refuse planning permission for application 20/01898/FUL for the following reason:

The proposed church hall and lift tower by reason of its scale and siting would erode the spatial connection between the Comper School and Irving Building which would result in less than substantial harm to the significance of the Comper School, a designated heritage asset and the Irving Building, a non-designated local heritage asset, and this would not be outweighed by the public benefits associated with the provision of the new community space within the church hall and the Irving Building and the provision of office space within the Irving Building, contrary to Paragraphs 196 and 197 of the NPPF and Policies DH3 and DH5 of the Oxford Local Plan 2016-2036.

79. 21/00316/POM: 8 Hollybush Row, Oxford, Oxfordshire, RG1 1JH

The Committee considered a report recommending the discharge of the legal agreement attached to planning permission 16/03189/FUL (Demolition of existing public house. Erection of a four storey building to create 7 flats (5 x 2-bed and 2 x 1-bed flats (Use Class C3)). Provision of bin and cycle store.) to modify the affordable housing contribution for the site at 8 Hollybush Row, Oxford, RG1 1JH.

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 discharge of the legal agreement for the reasons given in the report; and
2. **delegate** authority to the Head of Planning Services to:
 - finalise the recommended Deed of Release under section 106A(1)(a) of the Town and Country Planning Act 1990 and other enabling powers as set out in the report.
 - complete the Deed of Release referred to in the report.

80. 20/02303/FUL: Peacock House, Baynams Drive, Oxford, OX2 8FN

The Committee considered an application for planning permission, deferred from their meeting of 19 January 2021 for more information. This was for the change of use of the ground floor of Block C of the Wolvercote Paper Mill development from a GP surgery and business use to residential use (Use Class C3) comprising 5 x 2 bedroom flats and 2 x 1 bedroom flats; alterations to fenestration at ground floor; insertion of 3 doors to north elevation and 4 doors to south elevation. (Amended plans and additional information) at Peacock House, Baynams Drive, Oxford, OX2 8FN.

Christopher Hardman (local resident) spoke objecting to the application.

Paul Comerford (agent for the applicant) spoke in support of the application.

In reaching its decision, the Committee considered all the information put before it, including that from the Clinical Commissioning Group. 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 application 20/02303/FUL** for the reasons given in the report, subject to the required planning conditions set out in section 12 of the report 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.

81. TPO - Hawkswell Gardens (No.2) Tree Preservation Order, 2020

The Committee considered a Tree Preservation Order (TPO) to protect, in the interests of public amenity, a copper beech tree, T.1, and a cedar tree, T.2, that stand in prominent roadside locations either side of the entrance road to Hawkswell Gardens from King's Cross Road, Summertown, Oxford.

On being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to confirm without modification the tree preservation order.

The West Area Planning Committee resolved to confirm without modification the Oxford City Council – Hawkswell Gardens (No.2) TPO, 2020.

82. Minutes

The Committee resolved to approve the minutes of the meeting held on 9 February 2021 as a true and accurate record.

83. Forthcoming applications

The Committee noted the list of forthcoming applications.

84. Dates of future meetings

Noted.

The meeting started at 3.00 pm and ended at 5.00 pm

Chair

Date: Tuesday 13 April 2021

When decisions take effect:

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

Details are in the Council's Constitution.

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