

West Area Planning Committee

14 September 2011

Application Number: 11/01928/EXT

Decision Due by: 19 October 2011

Proposal: Application to extend the time limit on planning permission 08/02720/FUL for "Amendments to planning permission 07/02903/FUL (Demolition of existing building, erection of 4 storey building to form 34 bedroom guest house with underground parking area), comprising various alterations to the building approved. Removal of third floor communal roof garden (amended description and plans)

Site Address: 376 Banbury Road (**Appendix 1**)

Ward: Summertown Ward

Agent: John Philips Planning
Consultancy

Applicant: Mr R Swailes

Recommendation: The West Area Planning Committee is recommended to be minded to grant planning permission but to delegate authority to officers the power to issue the notice of permission on completion of the legal agreement for the following reasons:

- 1 The principle of redeveloping the application site was established by the previous planning permission reference 08/02720/FUL and 07/02903/FUL. This application seeks to extend the permission and in the light of there having been no changes to the policy context or other circumstances the proposals remain appropriate and in accordance with the policies of the Oxford Local Plan and the Oxford Core Strategy.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Tree protection measures
- 8 Details of car ramp
- 9 Means of Access
- 10 Car Parking
- 11 Visibility Splays
- 12 Bin storage
- 13 Restaurant for residents use only
- 14 Construction no mud on highway
- 15 Construction Travel Plan
- 16 Scheme for treating cooking fumes
- 17 Details of terrace screens
- 18 Controlled barrier system
- 19 In accordance with NRA
- 20 Variation of parking order
- 21 No air conditioning systems
- 22 No access to wild flower garden
- 23 Traffic management measures

Planning Obligations:

The following contributions are required in accordance with the Planning Obligations SPD to mitigate the impact of the proposals on City and County Services and infrastructure. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment.

£31,275 towards traffic management measures in the vicinity of the development

Main Local Plan Policies:**Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP18** - Natural Resource Impact Analysis
- TR1** - Transport Assessment
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS19** - Privacy & Amenity
- TA4** - Tourist Accommodation

Oxford Core Strategy 2026

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS17_ - Infrastructure and developer contributions

CS18_ - Urban design, town character, historic environment

CS32_ - Sustainable tourism

Other Material Considerations:

PPS 1 – Delivering Sustainable Development

PPG 13 – Transport

Regional Spatial Strategy for the South East

Parking Standards Supplementary Planning Document

Planning Obligations Supplementary Planning Document

Relevant Site History:

11/00755/FUL - Demolition of existing building. Erection of 5 storey building providing 3 x 3 bedroom and 6 x 2 bedroom flats, with 18 car parking spaces, cycle parking and bin store at basement level accessed from Hernes Road. (Amended plans) - refused

08/02720/FUL - Amendments to planning permission 07/02903/FUL (demolition of existing building. Erection of 4 storey building to form 34 bedroom guest house with underground parking area.) Comprising various alterations to the building approved. Removal of third floor communal roof garden (Amended description and plans) - approved

07/02903/FUL - Demolition of existing building. Erection of 4-storey building to form 34-bedroom guesthouse with underground parking area – approved

07/02723/ADV - Retention of 1 logo advertisement and 2x non-illuminated adverts on hoardings. (Amended description) - refused

07/02722/FUL - Retention of hoardings to Banbury Road and Hernes Road frontage. (Amended description) – refused

Representations Received:

Statutory and Internal Consultees:

Thames Water – No objection

Third Parties

Three letters of comment has been received. The issues raised can be summarised as follows:

- Proposal would result in substantial increase in volumes of traffic
- Dangerous junction, proposal would only exacerbate this

- Not obvious that guest house is needed at this location
- Increase in temporary visitors would destroy sense of community
- Construction of underground car parking would be disruptive in terms of noise and vibration. Risk to foundations
- Overdevelopment
- Not a commercial area
- If permission granted it should be for minimum length of time

Officers Assessment:

Site Description and Proposal:

1. The application site comprises No 376 Banbury Road, a two storey building (with accommodation in the roof space) situated on the corner of Banbury Road and Hernes Road. The property is currently used as a student hostel.
2. The area is characterised by residential development, with the application site forming part of triangle of land bounded by Banbury Road, Hernes Crescent and Hernes Road, which with the exception of No 376 Banbury Road has been intensively redeveloped.
3. Planning permission is sought to extend the consent granted under reference 08/02720/FUL for the demolition of the existing building and erection of a 4 storey building to form a 34 bedroom guest house with underground parking area. That consent was an amendment to an earlier planning permission reference 07/02903/FUL. The Committee reports for both applications are attached as **Appendix 2 and 3**.

Principle of Development

4. The proposal before Committee is an application to extend the extant planning permission. In response to the current economic climate the Government in October 2009 formalised a mechanism for Local Planning Authorities to extend the period for implementation of a planning permission beyond the normal 3 year period where it was appropriate to do so.
5. Local Planning Authorities are advised that they should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application to extend a planning consent will have already been judged to be acceptable in principle when permission was originally granted. Whilst Planning Authorities must consider these applications against the policies of the Development Plan, the Government advises that in making a decision the Authority should focus their attention on development plan policies and other material considerations which may have changed significantly since the granting of the original permission. In other words if the circumstances have not changed to a significant extent

then there is a presumption towards granting permission to extend the period of consent.

6. Since granting the original planning permission the Oxford Core Strategy 2026 has been adopted. The Core Strategy, like the Oxford Local Plan, is supportive of providing new short stay tourist accommodation and states that they should be focused on the City centre or along main arterial routes. In this regard the proposal remains acceptable in planning policy terms, and as there have been no other changes in circumstances officers would therefore raise no objection to the extension of the planning consent.

Conclusion: In the light of the above, officers would recommend that the Committee support the planning application subject to the above conditions and accompanying legal agreement.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 11/01928/EXT, 08/02720/FUL, 07/02903/FUL

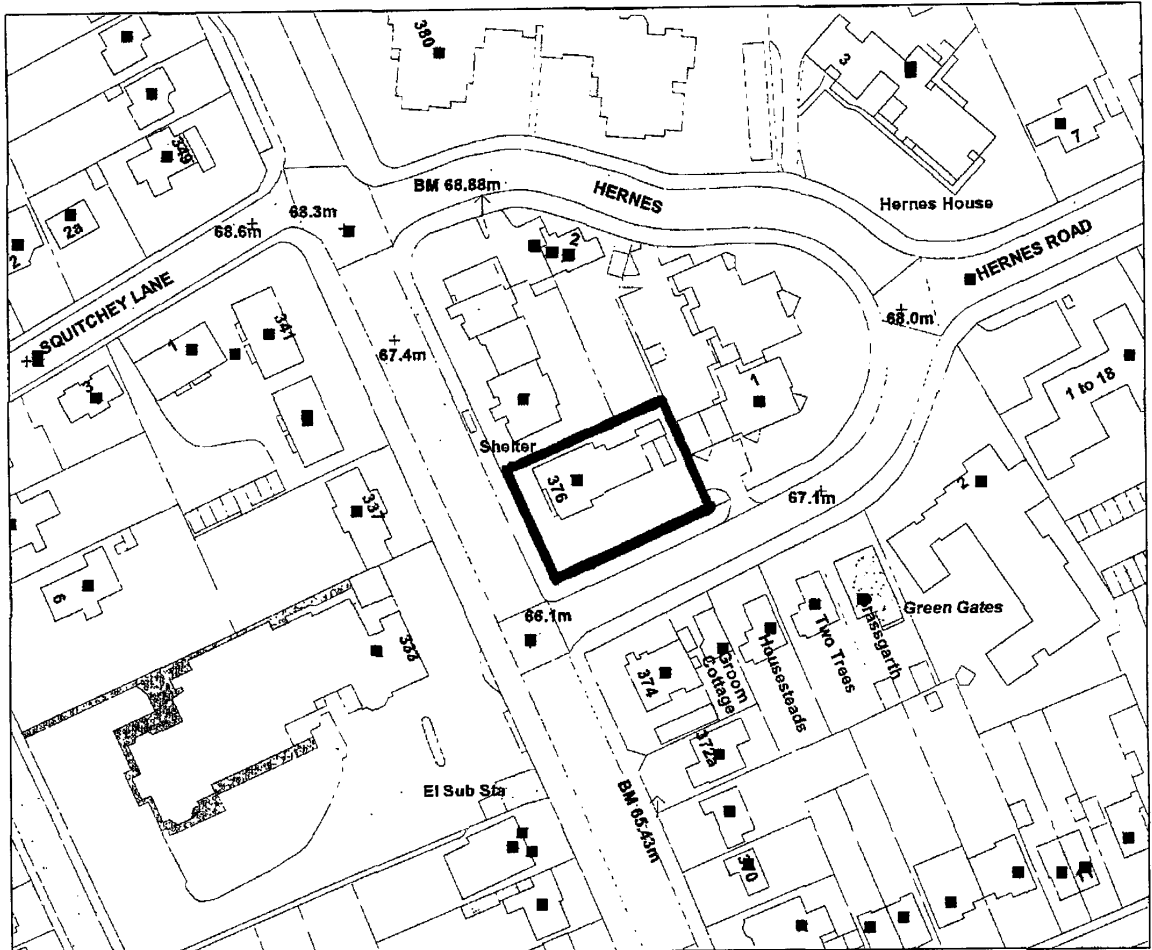
Contact Officer: Steven Roberts

Extension: 2221

Date: 31 August 2011

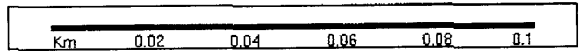
Appendix 1

376 Banbury Road



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	29 February 2008
SLA Number	Not Set

APPENDIX 2

North Area Committee

- 6th March 2008

Application Number: 07/02903/FUL

Decision Due by: 21st March 2008

Proposal: Demolition of existing building. Erection of 4-storey building to form 34-bedroom guesthouse with underground parking area.

Site Address: 376 Banbury Road Oxford (**Site Plan: Appendix 1**)

Ward: Summertown Ward

Agent: Riach Architects

Applicant: Mr Swailes

Recommendation:

Resolve to **approve** subject to completion of legal agreement for the following reasons:

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

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Samples
- 3 Boundary details before commencement
- 4 Landscape plan required
- 5 Landscape carry out after completion
- 6 Landscape management plan
- 7 Tree protection
- 8 Further access info
- 9 Mean of access
- 10 Parking
- 11 Vision splays
- 12 Bin store
- 13 Breakfast only
- 14 Restaurant for resident use only
- 15 Construction no mud on highway

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- 16 Construction restriction on times
- 17 Construction Travel Plan
- 18 Treatment of cooking fumes
- 19 Details of terrace screening

**Main Local Plan Policies:
Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP7** - Urban Design
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP15** - Energy Efficiency
- CP16** - Renewable Energy
- CP2** - Planning Obligations
- TA4** - Tourist Accommodation
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR1** - Transport Assessment
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

Other Material Considerations:

- PPS 1 – Delivering Sustainable Development
- PPG 13 – Transport
- Oxfordshire County Structure Plan 2016

Relevant Site History: None

Representations Received: 23 letters of comment have been received the issues can be summarised as follows:

- Increase in traffic
- Inadequate parking
- Intensification of access
- Noise and disturbance from new access to basement parking area
- Use not in keeping with residential area
- Deliveries and traffic
- 34 bedroom guesthouse too much
- Loss of light
- Loss of privacy
- Excessive overshadowing
- Scale and bulk of building too much
- Too high
- Out of keeping with the character of the area

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- Overly dominant on prominent corner

Statutory and Internal Consultees:

Oxford Association Of Hotels And Guest Houses – no comments received

Thames Water Utilities Limited – no objection

Environment Agency Thames Region – no objection, low risk

Oxfordshire Fire Service – no comments received

North Oxford Community Association – no comments received

Apsley Road Resident's Association – no comments received

Summertown Trade & Business Association – no comments received

Victoria Road Group – no comments received

Oxford Civic Society – height of building overbearing, roof gables not characteristic of area. The scheme should be excluded from the CPZ

Environmental Health – No objection subject to a condition dealing with cooking odours

Highways And Traffic - A Transport Statement was submitted as part of the planning application. The site is located in a controlled parking zone on the north side Hernes Road restricted to permit holders only Mon-Fri 10 am to 4.00pm. The south side is subject No Waiting at any time.

The Highways Authority comments are set out in full below

The site is only 400m from the Cutteslow Roundabout and the A40 with direct access to the ring road etc. The existing use has a private access point that serves approximately 3 spaces, back to back with no turning facility. Banbury Road at this location is 3-lanes wide including a bus lane southbound into the city. A Cycle lane exists on the opposite side of the road and parking is prohibited on both sides. A bus stop on Banbury Road is directly outside the proposal with good links to and from the city centre. The accident data for the area shows that 5 personal injury accidents have occurred in the previous five years at the Hernes Road junction and all involved either motor cycles or pedal cycles. None were serious accidents.

The proposal is for 34-bed guesthouse with basement parking for 17 cars and 16 bicycle stands for staff and guests. There would not be any significant ancillary facilities ie. No conference facilities, restaurant or bar. The previous use was a children's home catering for 20 children. The applicant estimates the home would have one or two resident staff, 3 or 4 part time staff, two cleaners and a cook.

The applicant estimates that for the proposed hotel only 5 guests would drive to the site and the total number of vehicle trips per day would be 32 with 70 being by non-car modes. This is based in part on surveys undertaken for an extension to Marlborough House Hotel 321 Woodstock Road, which found that 21% guests drove to the hotel. It also assumes 72% occupancy

It is estimated that the previous use as a children's home would have generated about 6 vehicle trips in the peak hour. From reference to TRICS for similar size hotels (Travel Inn and Comfort Inn based on a 40 or 41 bed hotel type) it is estimated the number of vehicular trips to the site would be about 10 trips in the morning peak hour and 20 in the evening peak. It is accepted however that the location and market being addressed may make the actual levels different from the TRICS data but it provides a robust estimate.

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Average peak hour trips therefore= 15 trips.

Additional trips taking in to account the existing use as 6 trips =15 – 6 =Additional 9 trips in the peak hour.

According to the city SPD on Obligations a contribution of £3,325 per trip = £29,925 towards traffic management measures together with infrastructure improvements to encourage alternative modes of transport other than the private car.

The access point as shown on the layout requires part of the controlled parking zone bay to be altered and an amendment to the order etc to be made. This contribution is a £1300 to include physical measures to alter the bay and also the cost of advertising the traffic order. The proposal must also be excluded from the zone.

As far as the layout is concerned the first 5.0m of the car park ramp nearest the highway should be a maximum gradient of 1 in 20. This ensures that vehicles can slow down after accelerating up the ramp and cross the footway with care. Any gates to the parking should be set back 5.0m from the highway. The access is proposed as 4.5m wide which allows two movements into and out of the site. However the existing telegraph pole adjacent to the existing access will require moving to accommodate the new access.

A construction travel plan must also be submitted and conditioned etc

In principle the highway authority have no objections to the proposal subject to a legal agreement securing the appropriate contributions.

Issues:

- Principle of development
- Design/appearance
- Impact on neighbouring properties
- Parking/highway issues

Sustainability: The application site is situated on an arterial route and seeks to redevelop a brownfield site. The application is committed to providing a building that contributes to the reduction of greenhouse gas emissions. The application includes a Natural Impact Resource Assessment and proposes solar water heating and electricity generation systems. A roof garden is also proposed to further enhance the green credentials of the development. The materials are also proposed to be sourced locally.

Officers Assessment:

Site Description and Proposal:

1. The application site is situated on the corner of Banbury and Hernes Road to the north of Summertown. The site comprises a two-storey building, which operates as a children's care home (though this use has now ceased).

2. The site is adjacent to Randolph House to the east and No 378 Banbury Road (Poets Place) to the north, both of these buildings are large three storey structures.
3. The application comprises the demolition of the existing building and the erection of a 4-storey building to provide a 34-room guesthouse, with basement level car parking for 17 cars.

Principle of development:

4. The existing building is a two-storey 1950/60's building, which despite its address fronts onto Hernes Road. The building is not listed or within a conservation area and is of little architectural value. Officers would therefore have no objection to its demolition.
5. The use that resides within the building, that of a children's care home, is not protected by the Oxford Local Plan and as such there are no policy reasons to resist the loss of the current use. Again officers would not object to this element of the proposal.
6. With reference to the guesthouse use, policy TA4 of the Oxford Local Plan 2001–2016 states that planning permission will be granted for development that maintains, strengthens and diversifies the range of short-stay accommodation subject to the following criteria:
 - a) it is located on a main route into the city, with excellent alternatives to the car (Banbury Road is one of the routes specified by the policy),
 - b) it is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements
 - c) part of the existing dwelling is retained for residential use (in this case the existing use not of a dwelling house so this criterion is not applicable)
 - d) it will not result in an unacceptable level of noise and disturbance to nearby residents (this element will be discussed in a later section)
7. The OLP identifies the need for short stay accommodation and in terms of the principle of the land use proposed, the guesthouse would be acceptable and in keeping with TA4.

Design/appearance:

8. Policies CP1, CP7 and CP8 of the OLP indicate that the siting, massing and design of proposed development should create an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area, development proposals should demonstrate good urban design and respect the character and appearance of the area
9. The area is characterised by a mix of two, three and four storey buildings. Banbury Road exhibits a number of larger and higher buildings, and

developments such as 378 Banbury Road to the north and Randolph House to the east of the application site both stand at a full three storeys with large frontages incorporating gables with high ridge lines. These buildings and these design elements are very prominent within the area.

10. Officers consider these large buildings, along with various others within the immediate vicinity, to form part of the context of the area which policy CP8 of the OLP indicates as being important in assessing the visual impact and design merits of an application.
11. The footprint of the proposed building is not greatly increased from that of the existing building, however this is an issue that has been raised by objectors to the scheme.
12. The proposed building will project a maximum of 4.6m closer to the Hernes Road boundary than that of the existing building. This is still some 6.2m from the Hernes Road boundary and this element of the building is a glazed corner feature. There are large areas around the building on all road frontages and as such the building remains set well within the site. The proposed building, will for example, be set further off the footway than Easter Cottage to the north, and as a result of the areas of landscaping can allow the planting of trees to soften the visual impact as has been successfully achieved at Ritchie Court. These areas of green space around the proposed building and other tall buildings in the locality serve to absorb what could otherwise be an overly dominant visual impact.
13. Policy CP8 of the OLP also states that while development should relate to its context it should not necessarily replicate local characteristics, and should not rule out innovative design. The proposed building does not follow the traditional appearance of the adjoining developments but instead reflects the language of these buildings. Visually the proposed building is contemporary but it incorporates a series of gable and vertical features that links it to the architectural uniformity of the surrounding buildings where that occurs.
14. In proposing a contemporary design the building has four floors, which in traditional form would stand above the adjoining properties. Instead the modern appearance allows the overall height to be kept to that of Randolph House and although higher than No 378 Banbury Road, it does not exhibit a traditionally strong, consistent and visually prominent ridgelines like its traditional neighbours. The proposal uses a series of gables and variations in height, successfully achieved by the contemporary design, which soften the visual appearance of the building. These design elements make the proposed building fair less stark than adjoining properties and would positively and sympathetically contribute to the character of the area.
15. Policy CP6 of the OLP seeks to achieve the efficient use of land. While this is generally applied to residential development it is equally applicable to this application in that the policy indicates that in achieving an efficient use

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of land the scale of development, including building heights and massing, should be at least equivalent to the surrounding area. The policy goes on to state that larger scale proposals will be encouraged in appropriate locations. Officers are of the opinion that the site and locality are suitable for a development of this scale, massing and height, and while the proposal, due to its appearance, would form a prominent building, this would not be to the visual detriment of the area. Officers do not have any objections to the design or appearance of the proposed building.

Impact on neighbouring properties:

16. Policy HS19 of the OLP states that new development should not compromise the amenities of existing or proposed neighbouring residential properties. Policy TA4 of the OLP states that short stay accommodation should not result in an unacceptable level of noise and disturbance to nearby residents. Throughout the pre-application discussion the impact on neighbouring properties has been an issue of concern, while the development is in an appropriate location in terms of its siting along an arterial route, it also falls within a residential area and as such the impact of the use and the building must be considered in determining this application.

Loss of light and privacy:

17. The applicants have provided sectional diagrams to show the impact of the proposed building on the rear flats of No 378 Banbury Road. These diagrams indicate that as a result of the stepping of the building at each level away from the northern boundary that the 45/25degree plane taken from the nearest rear habitable room window would pass over the proposed building. The impact of the proposed building on daylight to that flat and that building as a whole would therefore be little or no greater than at present. The mature trees along the common boundary curtail this impact further.
18. With regard to the impact on Randolph House the nearest property to the development is No 1 Randolph House, which is the western most flat and adjoins the application site. This property has a northern and southern outlook with the nearest habitable room opening onto a balcony. The proposed building does not breach the 45/24degree plane taken from this window and balcony and only a line taken at a 20degree angle from this window would hit the proposed building. The room this window serves has another outlook to the north and as such benefits from two sources of light.
19. In addition to this officers have requested shadow diagrams to be provided. These diagrams show that although some degree of overshadowing will occur this will be towards the evening when the sun has already passed behind existing buildings. The diagrams show that the proposed building would have no significantly additional impact upon the adjoining residential properties.

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20. These diagrams indicate that No 1 Randolph House and its private balcony would not suffer from any greater degree of overshadowing than exists at present. Officers would consider that due to the distance between the balcony and proposed building, and in particular the element that protrudes forward of the building line of Randolph House, the additional impact upon No 1 Randolph House would be minimal and reasonable.
21. No 1 Randolph House also has a west facing roof light that due to the step plane of the roof acts more as a normal window than a roof light. The proposed building does not breach the 45degree vertical plane taken from this side facing roof light and as such officers would consider the relationship between the proposed building and No 1 Randolph House is acceptable both in terms of maintaining adequate light and outlook.
22. The shadow diagrams show the impact of the proposed development on the entirety of Randolph House, due to the orientation, the stepping and height of the building and its contemporary design, would be minimal, the relationship with Randolph House is therefore both acceptable and reasonable. Officers do not therefore consider the proposed building to adversely affect the daylight to or privacy of adjoining properties.
23. The main outlook of the proposed building orientates onto Banbury Road and Hernes Road, though there are some rooms within the development that face north onto No378 Banbury Road. These rooms are few and open onto small terraces that have 1.8m high screens to prevent overlooking. As a result of the screens the doors and windows of these rooms would look directly onto the terrace and the screen would prevent any overlooking of the adjoining flats. In light of this officers have no objection to the development on loss of privacy grounds, though officers would recommend that if the Committee are minded to approve the application (subject to the legal agreement) a condition be attached requesting further details of the privacy screens are submitted and agreed prior to any work commencing on site.

Noise and disturbance:

24. Policy TA4 indicates that short stay accommodation should be sympathetic to and not result in an unacceptable level of noise and disturbance to nearby residents. Banbury Road is a busy arterial route into the City Centre, with Hernes Road being a main route Islip Road and adjoining residential roads. It is not therefore uncommon to see high levels of vehicular movements in this area.
25. The Highways Authority have indicated that the proposed 34 room guesthouse will have only 9 additional peak hour trips than the existing use. This additional level of activity is not considered to be unreasonable, and although comments have been made in relation to vehicle drop off this would be situated at the proposed main entrance which is some 20m away from the nearest residential property. Unlike residential or employment

developments where vehicle movements are generally at the same time of day, a guesthouse use can expect arrivals throughout the day and as such the level of vehicular movement would be irregular and therefore far less noticeable.

26. The access to the underground car park is adjacent to Randolph House, however the Highways Authority have requested that the ramp be a 1 in 20 plane in order to ensure adequate visibility and also this will prevent the excessive revving of engines. Officers appreciate the concerns raised about this access but like the drop off point the level of traffic movements associated with a guesthouse can be expected to be infrequent. Officers would not therefore consider the proposed guesthouse to have an adverse impact upon residential amenity.

Legal Agreement:

27. The Local Highways Authority has requested a contribution of £29,925 towards traffic management measures together with infrastructure improvements to encourage alternative modes of transport other than private car. The applicants have indicated that they are prepared to pay the contribution that will be secured by a section 106 Agreement following the approval of the planning application.

Highway and parking issues:

28. The application proposes 17 car parking spaces, which is in accordance with appendix 3 of the OLP. The development proposes 16 cycle parking spaces at basement level and 8 further spaces at ground level, this also accords with the OLP. The applicant proposes to run a scheme that allows residents to loan a bicycle while at the guesthouse to further reduce car use while in the city. The Highways Authority has no objections to the scheme, their comments are set out above.

Conclusion:

The application accords with the policies within the OLP in that it provides much needed short stay accommodation within a highly accessible location. The design and appearance of the building while contemporary is sympathetic to both visual and residential amenity and the development promotes sustainability and energy efficiency. Officers would therefore recommend that the Committee approve the application subject to the above conditions and completion of the legal agreement.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers

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of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 07/02903/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 22nd February 2008

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APPENDIX 3

North Area Committee

5th March 2009

Application Number: 08/02720/FUL

Decision Due by: 23rd March 2009

Proposal: Amendments to planning permission 07/02903/FUL (demolition of existing building. Erection of 4 storey building to form 34 bedroom guesthouse with underground parking area.) Comprising various alterations to the building approved. Removal of third floor communal roof garden. (Amended description and plans)

Site Address: 376 Banbury Road Oxford Oxfordshire OX2 7PW

Ward: Summertown Ward

Agent: Riach Architects

Applicant: Mr Robin Swailes

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

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

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Samples
- 3 Boundary details before commencement
- 4 Landscape plan required
- 5 Landscape carry out after completion
- 6 Landscape specified protection to trees

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- 7 Additional access information
- 8 Means of access
- 9 Parking spaces
- 10 Vision splays
- 11 Bin stores
- 12 Restaurant for use by residents only
- 13 Construction no mud on highway
- 14 Construction Travel Plan
- 15 Extraction equipment
- 16 Details of terrace screening
- 17 Controlled barrier system
- 18 Details of NRIA
- 19 Variation of Road Traffic Order (new) Hernes Road and Hernes Crescent,
- 20 No air conditioning systems
- 21 No access to wild flower garden

Planning Obligation

County

- £31,275 towards traffic management measures in the vicinity of the development site

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP7** - Urban Design
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP15** - Energy Efficiency
- CP16** - Renewable Energy
- CP2** - Planning Obligations
- TA4** - Tourist Accommodation

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HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space
TR1 - Transport Assessment
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities

Core Strategy

CS_03 - Previously developed and greenfield land
CS_11 - Energy and natural resources
CS_12 - Waste and recycling
CS_19 - Infrastructure & developer contributions
CS_20 - Urban design/townscape/historic environ
CS_34 - Sustainable tourism

Other Material Considerations:

PPS 1 - Delivering Sustainable Development
PPG 13 - Transport
Oxfordshire County Structure Plan 2016

Relevant Site History:

07/02903/FUL

Demolition of existing building. Erection of four storey building to form 34 bedroom guest house with underground parking area.

Approved August 2008

Representations Received:

6 letters of objection. The main points raised can be summarised as follows:

- Increasing the height of the new building is not acceptable
- Too many consents for major developments have been granted in the neighbourhood with consequent long term disruption and overload of traffic
- The roof garden would be unneighbourly
- An unauthorised hoarding has been in place on the site for nearly 2 years
- The building would appear out of keeping with the character of the area
- The proposals would result in overlooking and loss of privacy
- The foot print of the new building is too large
- Flatter elevations would give the new building a more bland appearance

Statutory and Internal Consultees:

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, Oxfordshire Primary Care Trust, Oxford Association Of Hotels And Guest Houses, Thames Water Utilities Limited, Environment Agency Thames Region, Oxfordshire Fire Service, North Oxford Community Association, Apsley Road Resident's Association, Summertown Trade & Business Association, Victoria Road Group, Highways And Traffic, Oxford Civic Society, Kevin Caldicott.

Environment Agency

The application has a low environmental risk

Thames Water

No objections with regard to waste or surface water drainage

Issues:

- The extant 2007 planning permission for a 34 bedroom guest house on the site
- The proposed alterations the subject of this planning application

Sustainability:

The application site is situated on an arterial route and the application seeks to redevelop a brown field site. The application is committed to providing a building that contributes to the reduction of green house gas emissions and it is accompanied by a Natural Resource Impact Analysis that proposes the use of solar water heating and electricity generation systems together with renewable technologies where practical.

Officers Assessment:

The Extant 2007 Planning Permission

1. A planning application for the demolition of the existing building on the site and the erection of a 4 storey building to provide a 34 bedroom guest house together with underground parking was considered by the North Area Committee at their meeting on 6 March 2008. The application was approved subject to a total of 20 conditions and a copy of the officer's report and the decision notice are attached to this report at Appendix II.
2. As a result of this extant permission, the principle of the current proposal is not at issue.

The Proposed Alterations

3. The proposed alterations to the approved building relate primarily to the height of the building and its relationship with the site boundaries.
4. In terms of height, the agent states that the roof levels have changed

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following SBEM energy calculations and the consequent increases in construction thicknesses [floor and roof insulation] to meet building regulations and also to enable horizontal and vertical service runs to include vertical "passive ventilation" integration.

5. The differences in height between the highest point of the current application compared with the previous permission, taken from the apex of the pitched roofs would be approximately 150 mm on the Hernes Road elevation and approximately 450 mm on the Banbury Road elevation.
6. As regards the relationship of the proposed building with the site boundaries, the current application would move the new building some 1045 mm over 2 storeys away from the eastern boundary with number 1 Hernes Road and some 850 mm over 3 storeys away from the northern boundary with number 378 Banbury Road. This latter change is the result of removing the cantilevered element to the north west elevation with a consequent reduction in the width of the building.
7. Other proposed alterations are as follows:
 - Removal of a window to the bathroom of room 1
 - The glazed wall to the lounge has been changed to a solid wall with a window opening following comments from building control
 - Rooms 13, 14, 24 and 25 have been reduced in size
 - Rooms 1 – 6 and 15 – 17 have also been reduced in size
 - The lift and stair arrangements have been revised following comments from building control.
8. Amended plans have been submitted that take out reference to a third floor communal roof garden adjacent to number 1 Hernes Road. Officers consider that the use of this area for outside sitting by guests and residents would result in an unacceptable loss of privacy to the occupiers of 1 Hernes Road and the amended plans refer instead to a wild flower roof garden with access only for maintenance purposes. Condition 21 is recommended to reinforce this restriction on access.
9. All other details of the current proposal are as per the previously approved plans and officers take the view that the proposed alterations are, on balance, acceptable. Whilst the increase in the height of parts of the building is regrettable, this would appear to be a direct result of increasing the sustainability and reducing the carbon footprint of the new building.
10. The application is recommended for approval subject to a total of 21 conditions. The agent has submitted some details pursuant to the conditions imposed on the previous permission but at the time of writing this report no conditions have been formerly discharged.

Conclusion:

11. This application proposes alterations to an approved scheme for the

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erection of a 34 bedroom guest house laid out over four floors. The alterations, relating primarily to the height of the new building and its relationship with the site boundaries, are considered to be acceptable in terms of the visual appearance of the building and its likely impact on neighbouring properties. The application is recommended for approval.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

07/02903/FUL

08/02720/FUL

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 11th February 2009

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