

**West Area Planning Committee**

- 24<sup>th</sup> June 2014

**Application Number:** 14/00953/VAR

**Decision Due by:** 30th May 2014

**Proposal:** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 13/02966/VAR (Variation of condition 2 (Develop in accordance with approved plans) of planning permission 12/00565/FUL (Proposed single and two storey side extension) to allow increase the size of a kitchen and insertion of two louvres to form basement. (Retrospective)

**Site Address:** St. Andrews Church Linton Road, **Appendix 1.**

**Ward:** St Margarets Ward

**Agent:** Mr Charles Darby

**Applicant:** Mr Alistair Booth

Called-in by former Councillor Jim Campbell because the basement had already been excavated causing disruption to local residents from the construction work.

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**Recommendation:** West Area Planning Committee is recommended to approve the application for the following reasons and subject to and including conditions listed below.

Reasons:

- 1 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area and 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.
- 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.

Conditions:

- 1 Development begun within time limit

- 2 In accordance with approved plans
- 3 Materials
- 4 Landscape plan required
- 5 Landscape carry out after completion
- 6 Landscape underground services - tree roots
- 7 Tree Protection Plan (TPP) 1
- 8 Construction Travel Plan
- 9 SUDS
- 10 Glazing on southern elevation
- 11 Cycle Parking facilities
- 12 Details of buggy store
- 13 Sustainability design/construction
- 14 Boundary details before commencement
- 15 Details photovoltaics
- 16 Architectural recording
- 17 Mortar
- 18 Stability of heritage fabric
- 19 Details of bin store
- 20 Details of cooking scheme etc.
- 21 Noise restriction

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs

**Core Strategy**

CS18\_ - Urban design, town character, historic environment

**Other Material Considerations:**

1. National Planning Policy Framework (NPPF).
2. This application site falls within the North Oxford Victorian Suburb Conservation Area.

**Relevant Site History:**

- 85/00305/FUL: Extension to west elevation. Refused and allowed on appeal.
- 85/00758/FUL: Extension to west elevation. Revised scheme. Refused.
- 06/02548/FUL: Erection of temporary community building for 2 year period. Approved
- 09/00499/FUL: Continued siting of temporary building for further 18 months. Approved
- 10/02650/FUL: Continued retention of temporary building until December 2013. Approved.
- 12/00565/FUL - Proposed single and two storey side extension. Approved.

- 2nd May 2012.
- 12/00566/CAC - Removal of existing temporary building and partial demolition of existing office lean-to and rear porch. Approved. 2nd May 2012.
  - 13/02966/VAR - Variation of condition 2 (Develop in accordance with approved plans) of planning permission 12/00565/FUL (Proposed single and two storey side extension) to allow increase the size of a kitchen and insertion of two louvres. Approved 18<sup>th</sup> December 2013 and development commenced.

### **Representations Received:**

Object:

- There is not enough information to assess depth of basement, impact on soil, stability, drainage;
- To the way in which the correct procedures have not been followed (multiple variation applications)
- Other changes are proposed e.g. positioning of WCs, the size and layout of the kitchen and an expanded and raised area of decking outside.

*Note:*

*Some comments received do not relate to this application but to noise and disturbance resulting from the construction of the approved development and to issues arising from conditions compliance (e.g. overlooking). Similarly issues raised regarding notification of previous applications. These are being or have been dealt with by Officers directly with the Applicant, Agent and construction company (Beard).*

### **Statutory Consultees:**

**None**

### **Officers Assessment:**

### **Background and Proposed Development:**

1. Planning permission for the extension to the Church was originally granted in May 2012 (12/00565/FUL refers). A variation application was subsequently submitted and approved in December 2013 to increase the size of the extension by 1.2m, relocate the bin store and insert 2 new louvres in the southern elevation as a result of a re-design of the new kitchen (13/02966/VAR refers).
2. This current application for a basement has come about due to concerns raised by a neighbour during the construction process. The applicant believed that permission had been given to put in a new basement, as it was shown dotted on the proposed ground floor plans and elevations. However, the basement was not stated in the description of proposed development and no basement floor plans were submitted. This application is therefore submitted to regularise the position.
3. The principle of the development has already been approved, as has the overall character and appearance of the extension under the previous planning approvals referred to above. Indeed the construction is progressing at a pace; the steel structure is in place and the first floor put in. It is therefore

only necessary to consider the material change proposed, i.e. the addition of a basement.

4. Officers consider the main issues to be:
  - Design and Impact on the Conservation Area
  - Residential Amenities

#### **Design and Impact on the Conservation Area:**

5. The new basement has already been excavated and the steel structure erected above it. The basement sits wholly within the approved footprint, to a depth of 3m below internal finished ground floor level and amounting to 29m<sup>2</sup> in area, sitting directly underneath the crèche in the eastern end of the new extension. It will be used for storage. The existing curved steps around the Vestry down to the existing basement (beneath the Vestry) have been extended so that they lead down and underneath the steps and flat paved area outside the ground floor entrance doors. The soil level is being lowered around the extension at this point by approximately 1m, as already approved under the original approval 12/00565/FUL and subsequent variation 13/02966/VAR.
6. It is noted that these entrance doors have been brought forward by approximately 35cm and the flat paved area outside enlarged slightly and main steps down extended by two steps. These alterations were also approved under the previous approved 13/02966/VAR.
7. It is considered that the basement would not be visible and changes to the design would not have any harmful impact on the character and appearance of the existing Church, approved extension or the conservation area in accordance with Policies CP1, CP8, CP9, CP10 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy and the NPPF.

#### **Residential Amenities:**

8. The basement, being wholly within the approved footprint, does not have any material impact on neighbouring residential properties in terms of visual impact, overbearing nature, loss of light or nuisance. It is 3m to the boundary and would not affect the boundary wall.
9. Again it should be noted that lowering of ground levels and tree removals around the extension at this point, are approved under 12/00565/FUL and subsequent variation 13/02966/VAR.
10. The basement is therefore in accordance with Policy CP1 and CP10 of the Oxford Local Plan.

#### **Other:**

11. In respect of archaeology, trial trenching was done as part of the previous

approval(s). Nothing of significance was found. No objection has therefore been raised in respect of archaeology.

**Conclusion:**

12. Whilst the basement has already been implemented, Officers consider that there is no harm to the Conservation Area or adjoining residential amenities and therefore approval of planning permission is recommended.

**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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 14/00953/VAR

**Contact Officer:** Felicity Byrne

**Extension:** 2159

**Date:** 10th June 2014

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