

# Agenda

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## West Area Planning Committee

Date: **Tuesday 9 February 2016**

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Time: **6.30 pm**

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Place: **The Old Library, Town Hall**

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For any further information please contact:

**Jennifer Thompson, Committee and Member Services Officer**

Telephone: 01865 252275

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

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

# West Area Planning Committee

## Membership

### Chair

### Vice-Chair

Councillor Michael Gotch	Wolvercote;
Councillor Elise Benjamin	Iffley Fields;
Councillor Colin Cook	Jericho and Osney;
Councillor Andrew Gant	Summertown;
Councillor Alex Hollingsworth	Carfax;
Councillor Michele Paule	Rose Hill and Iffley;
Councillor Bob Price	Hinksey Park;
Councillor John Tanner	Littlemore;
Councillor Louise Upton	North;

The quorum for this meeting is five members. Substitutes are permitted

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# AGENDA

	Pages
1	
<b>APOLOGIES FOR ABSENCE AND SUBSTITUTIONS</b>	
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<b>DECLARATIONS OF INTEREST</b>	
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<b>CASTLE MILL, ROGER DUDMAN WAY: 11/02881/FUL - 14/03013/FUL AND 14/03013/CONSLT</b>	13 - 294
<p><b>This report refers to Development approved under planning permission reference: 11/02881/FUL at Castle Mill, Roger Dudman Way, Oxford,</b></p> <p>specifically the University's Voluntary Environmental Statement (VES) reference 14/03013/FUL and 14/03013/CONSLT (for the ES Addendum and additional substantive information). The development was approved in 2012 as an extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate flats , consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 parking spaces.</p> <p>Officer Recommendation: Committee is asked to:</p> <ol style="list-style-type: none"> <li>1. confirm that the submitted Voluntary Environmental Statement meets the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as far as possible given that the assessment is retrospective and should be taken into account and inform the Council's decisions as set out in paragraph 3.26</li> <li>2. discharge and approve the outstanding planning conditions as set out in paragraphs 4.6 and Appendix B</li> <li>3. determine whether enforcement action should be taken as set out in paragraphs 4.8</li> <li>4. assess the mitigation options put forward by the University and note the unilateral legal agreement proposed as a commitment to bring forward option 1 as set out in paragraph 4.33</li> <li>5. consider whether it is appropriate to recommend discontinuance action for consideration by Council as set out in paragraphs 5.6, 5.48, 5.49 and 5.53 &amp; 5.54</li> </ol>	
4	
<b>EAST WEST RAIL LINK S I1 NOISE MITIGATION -15/03503/CND</b>	295 - 354
<p><b>Site Address:</b> Chiltern Railway From Oxford To Bicester Section I1</p> <p><b>Proposals:</b> Details submitted in compliance with condition 19(2) (Noise - Section I1) of TWA ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990).</p> <p><b>Officer Recommendation:</b></p> <p>CONDITION 19 BE PARTIALLY DISCHARGED IN RELATION TO THE NOISE SCHEME OF ASSESSMENT FOR SECTION I1.</p> <p>For the following reasons:</p>	

1 The Noise Scheme of Assessment for route section I1 is considered to be robust and has demonstrated that the required standards of noise mitigation set out in the Policy will be achieved subject to the installation of the specified mitigation measures. It is confirmed that prior to and in connection with the granting of this consent, the Council has taken the Environmental Statement and other relevant environmental information into account.

2 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 The development is to be carried out strictly in accordance with the documents titled "Noise Scheme of Assessment for Route Section I/1, Main Report" and "Annexes A-E and G" (ref 0221083/11.I1-07) dated 2nd December 2015; "East-West Rail: Baseline Acoustic Survey, Network Rail" (ref 5114534 2015/May/06) dated 20th July 2015; the further details contained in the report (and Appendix 1 to the report) of the Independent Expert dated 1st December 2015; and Figures 1.1 (version A01, dated 04/08/2015) 5.1a (version A02 dated 06/08/2015) 5.1b (version A02 dated 28/09/2015) and 5.2 (version A01, dated 06/08/2015). In the event of conflict between these drawings and other documents the four August/September 2015 drawings shall prevail; and as between the other documents, the later produced document shall prevail.

Reason: the Noise Scheme of Assessment has been prepared upon the basis of these details and deviation from them would not necessarily result in the standards of noise mitigation required by the Noise and Vibration Mitigation Policy (January 2011) being achieved.

2 Within three months of this partial approval under condition 19 of the deemed planning permission, proposals shall be submitted for the written approval of the local planning authority showing how at-source noise attenuation by rail dampening to at least the standard achievable by the use of Tata Silentrack can be incorporated into the scheme. The development to which this approval relates shall not be brought into operation EITHER without that written approval having been obtained and other than in accordance with such approved details OR without the Council having given written confirmation that it is satisfied that the provision of such rail dampening is not reasonably practicable.

Reason: The local planning authority is not satisfied that rail dampening as an at source mitigation measure has been shown to not be reasonably practicable in the absence of any attempt on the part of the applicant to secure approval for the use of such a measure.

3 Passenger train movements on Section I1 between 0700 hours and 2300 hours shall not be in excess of 8 movements per hour. Freight train movements between 2300 hours 0700 hours on the following day shall not exceed 8.

Reason - to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

4 Section I1 shall not be made available for use by trains until provision for continuous monitoring of noise has been effected for noise sensitive properties throughout section I1 in accordance with a scheme previously approved in writing by the Council. The results of such monitoring shall be provided to the Council on each of six months, eighteen months, thirty months, forty-two months, fifty-four months, sixty-six months and seventy-eight months from the date on which Section I1 is first made available for use for trains. In the event that the monitoring results provided to the Council exceed the noise thresholds in the Noise and Vibration Mitigation Policy then additional mitigation measures shall be effected within six months in order to ensure that those levels are not again exceeded.

Reason: to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

**5 EAST WEST RAIL LINK SECTION I1 VIBRATION MITIGATION:  
15/03587/CND**

355 - 404

**Site Address:** Chiltern Railway From Oxford To Bicester Section I1

**Proposals:** Details submitted in compliance with condition 19(2) (Vibration - Section I1) of TWA ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990).

**Officer Recommendation:**

CONDITION 19 BE PARTIALLY DISCHARGED IN RELATION TO THE VIBRATION SCHEME OF ASSESSMENT FOR SECTION I1.

For the following reasons:

1 The Vibration Scheme of Assessment for route section I1 is considered to be robust and has demonstrated that the required standards set out in the Noise and Vibration Mitigation Policy will be achieved. It is confirmed that prior to and in connection with the granting of this consent, the Council has taken the Environmental Statement and other relevant environmental information into account.

2 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 The development is to be carried out strictly in accordance with the documents titled:

a. Plain Line Vibration Assessment and Mitigation Report (ref 5114534-ATK-VIB-RPT-80001 rev P07);

- b. Vibration from Switches & Crossings - Assessment and Mitigation Report (ref 5114534-ATK-VIB-RPT- 80003 rev A01);
- c. Cover letter dated 28th November 2013 that sets out the monitoring scheme;
- d. Report by Chris Jones (Independent Expert, Vibration) on Schemes of Assessment for Plain Line and Switches and Crossings, Report-on-the-vibration-schems-of-assessment-CJCJ-15-05-2014-final.doc; and,
- e. Atkins Technical Note: Predicted Vibration Levels at Section I, Estimated Vibration Levels at Section I Rev 05 (issue) (3).docx.

Reason: the vibration scheme of assessment has been prepared upon the basis of these details and the potential for deviation from them would not result in the achievement of the standards of vibration mitigation required by the Noise and Vibration Mitigation Policy (January 2011).

2 Passenger train movements on Section I1 between 0700 hours and 2300 hours shall not be in excess of 8 movements per hour. Freight train movements between 2300 hours 0700 hours on the following day shall not exceed 8.

Reason - to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

3 Section I1 shall not be made available for use by trains until provision for continuous monitoring of vibration has been effected for vibration sensitive properties throughout section I1 in accordance with a scheme previously approved in writing by the Council. The results of such monitoring shall be provided to the Council on each of six months, eighteen months, thirty months, forty-two months, fifty-four months, sixty-six months and seventy-eight months from the date on which Section I1 is first made available for use for trains. In the event that the monitoring results provided to the Council exceed the vibration thresholds in the Noise and Vibration Mitigation Policy then additional mitigation measures shall be effected within six months in order to ensure that those levels are not again exceeded.

Reason: to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

## 6 **ST ALDATE'S CHAMBERS, 109 - 113 ST ALDATE'S: 15/03660/CT3**

405 - 412

**Site Address:** St Aldate's Chambers, 109 - 113 St Aldate's, Oxford

**Proposal:** Alterations to window at ground floor level on north elevation to incorporate door and installation of staircase from new fire exit door down to ground floor. Removal of existing spiral staircase and metal mesh enclosure from south elevation and installation of new dog-legged staircase from first floor to ground floor with metal mesh enclosure at ground floor level. Increase width of fire exit door openings onto the existing staircase at first, second and third floor levels. Re-configure door openings to rear of ground floor offices, infill one door opening, increase width of remaining door opening and fit new fire exit.

**Officer Recommendation:** that the application is approved subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials.

**7 33 ST EBBE'S STREET: 15/03077/FUL**

413 - 420

**Site Address:** 33 St Ebbe's Street Oxford Oxfordshire OX1 1PU

**Proposal:** Change of use from Employment Agency (Use Class A2) to Betting Shop (Sui Generis). (Amended plans) (Additional information).

**Officer Recommendation:** that the application is refused for the following reasons:

1 The proposed change of use would result in a loss of a Class A Use that would reduce the proportion of Class A Uses within the secondary frontage and, as such, would upset the mix of uses to the detriment of the vitality and viability of this shopping frontage and set an undesirable precedent for similar proposals. The proposal would therefore be contrary to policy RC5 of the Oxford Local Plan 2001-2016 and CS31 of the Oxford Core Strategy 2026.

**8 8 RICHMOND ROAD: 15/03306/FUL**

421 - 428

**Site Address:** 8 Richmond Road Oxford Oxfordshire OX1 2JJ

**Proposal:** Erection of a part single, part 2 storey rear extension from lower ground floor. Insertion of 2No. windows to side elevation. Alterations to rear landscaping.

**Officer Recommendation:** that the application is approved subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Amenity – obscure glazing.

**9 15 ROSAMUND ROAD, WOLVERCOTE: 15/03027/VAR**

429 - 436

**Site Address:** 15 Rosamund Road, Oxford

**Proposal:** Variation of conditions 2 (approved plans) and 3 (materials) of planning permission 14/03042/FUL to allow an increase in overall height for rainwater run off and change in materials of flat roof.

**Officer Recommendation:** to approve the application subject to conditions, including those listed below:

1. Development begun within time limit.
2. Development in accordance with approved plans.
3. Materials.
4. Flanking Wall Finish - Masonry Paint.

**10 PLANNING APPEALS**

437 - 442

Summary information on planning appeals received and determined during

December 2015.

The Committee is asked to note this information.

443 - 450

## 11 MINUTES

Minutes from the meetings of 5 January 2016

**Recommendation:** That the minutes of the meeting held on 5 January 2016 are approved as a true and accurate record.

## 12 FORTHCOMING APPLICATIONS

Items for consideration by the committee at future meetings are listed for information. This list is subject to change and is not complete. These applications are not for discussion at this meeting.

- 26 Norham Gardens: 15/01601/FUL
- 54 St John Street OX1 2LQ: 15/01676/FUL and 15/01677/LBC
- Land south of Manor Place: 15/01747/FUL
- 18 Hawkswell Gardens: 15/02352/FUL
- 8 Hollybush Row: 15/02694/FUL
- Cooper Callas Building (15 Paradise Street/ 5 St Thomas' Street): 15/02971/FUL
- Spice Lounge, 193 Banbury Road OX2 7AR: 15/03108/FUL
- Spanish civil war memorial, Bonn Square: 15/02859/FUL
- Land adjacent to 30A Union St: 15/03633/FUL
- 29 Cranham Street: 15/03641/VAR
- 70 Glebelands: 15/03432/FUL
- Oxford Spires Four Pillars Hotel, Abingdon Road: 15/03524/FUL
- Radcliffe Observatory Quarter, Woodstock Road: 15/03198/FUL

## 13 DATES OF FUTURE MEETINGS

The Committee will meet on the following dates:



## **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". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

## **CODE OF PRACTICE 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.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful.
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.
4. Preparation of Planning Policy documents – Public Meetings

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.
5. Public requests to speak

Members of the public wishing to speak must notify the Democratic Services Officer before the meeting starts 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 Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.
6. Written statements from the public

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated by noon, two working days before the start of the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view 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.
7. 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 Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

#### 8. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

#### 9. 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.

#### 10. 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 that decision have been formulated; 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.