

Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 14 November 2017

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Committee members:

Councillor Upton (Chair)	Councillor Cook (Vice-Chair)
Councillor Azad	Councillor Fooks
Councillor Hollingsworth	Councillor Iley-Williamson
Councillor Pegg	Councillor Price
Councillor Wade (for Councillor Landell Mills)	

Officers:

Adrian Arnold, Development Management Service Manager
Robert Fowler, Planning Team Leader
Lindsay Cane, Legal Services Manager
Amanda Ball, Legal Adviser
Catherine Phythian, Committee Services Officer

Apologies:

Councillor(s) Landell Mills sent apologies.

38. Declarations of interest

There were no declarations of interest.

39. 17/02378/FUL: Land Adjacent St James Row, Grove Street, Oxford

The Committee considered an application (17/02378/FUL) for planning permission for the erection of a part single, part two storey 1 x 3-bed dwellinghouse (Use Class C3); and provision of off street parking and bin and cycle storage.

The application was before the Committee as it had been called in by Cllrs Fooks, Wilkinson, Wade and Goddard due to concerns about the design of the scheme and use of materials.

The Planning Officer presented the report and referred the Committee to errors in the report at paragraphs 14.1 and 15.1: the recommendation was to **grant** not refuse the application. The Planning Officer apologised for this error.

Pamela Gibson (local resident) spoke against the application.

Nick Turner (Architect) spoke in favour of the application.

Councillor Cook arrived during the Planning Officer's presentation. He apologised for his late arrival and stated that he would take no part in the determination of the application.

The Committee asked questions of the officers and public speakers about the details of the application. The Committee discussion focused on the merits of the design and its impact on the local area, noting the concerns expressed by the public speaker and the design justification put forward by the architect.

On being put to the vote a majority of the Committee agreed with the officer recommendation.

The West Area Planning Committee resolved to:

- (a) Approve the application for the reasons given in the report and subject to the 13 planning conditions and 4 informatives set out in section 12 of this report and grant planning permission**
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

40. 17/00931/FUL: 40 St Thomas Street Oxford OX1 1JP

The Committee considered an application (17/00931/FUL) for planning permission for the demolition of existing building. Erection of three storey building to provide 3 x 2-bed flats (Use Class C3).

The application was before the Committee as it had been called in by Councillors Cook, Fry, Brown, Price, Kennedy and Sinclair because of the site's close proximity to the listed St Thomas the Martyr's Church.

The Planning Officer presented the report and confirmed that although the application site was not within a Conservation Area there had been substantial consideration of the impact of the proposed development on views through the site and the impact on the setting of listed buildings nearby. The Planning Officer proposed a rewording of Condition 16 to refer to blue badge holders for disabled occupiers and a new condition (Condition 19) to require details of the design of the front elevation gable to be

submitted to and approved by the Council prior to the commencement of the development..

The Planning Officer presented the report and referred the Committee to errors in the report at paragraphs 14.1 and 15.1: the recommendation was to **grant** not refuse the application. The Planning Officer apologised for this error.

Neil Warner (agent) spoke in favour of the application.

In discussion the Committee sought reassurances regarding the recommended legal agreement for the re-provision of the nursery in the event of a change of ownership of the site. The Legal Adviser confirmed that the obligation for the re-provision of the nursery would remain with the land and would be binding on any future land owner.

On being put to the vote the Committee agreed with the officer recommendation.

The West Area Planning Committee resolved to:

(a) Approve the application for the reasons given in the report and subject to the 17 required planning conditions and 3 informatives set out in section 12 of the report; and amendment to condition 16 and the additional condition 19 as listed below:

- Condition 16: delete “disabled drivers” replace with “blue badge holders”
- Condition 19: treatment of the gable elevation

(b) and grant planning permission subject to:

1. The satisfactory completion of a legal agreement under s.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 this report; and

(c) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;
2. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this 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, Sustainable Development and Regulatory Services considers reasonably necessary.

41. 17/02280/VAR - Land To The Rear Of 200 Woodstock Road, Oxford, OX2 7NH

The Committee considered an application (17/02280/VAR) for planning permission for a variation of condition 2 (Develop in accordance with approved plans) of planning permission 16/00147/FUL (Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Erection of garage. Provision of car parking space, private amenity space, bin and cycle storage (amended plans)) to allow for an extension to the basement area.

The application was before the Committee as it had been called in by Cllrs Fooks, Wade, Wilkinson and Goddard due to concerns over the size of basement and consequent reduction of permeable area and outdoor amenity space, and the boundary treatment being out of character in the street scene.

The Planning Officer presented the report.

The Planning Officer referred the Committee to an error in the report at paragraph 13.1: the recommendation was to **grant** not refuse the application. The Planning Officer apologised for this error.

Paul Fisher (local resident) spoke against the application.

Titilola Ajayi-Jones (Applicant) spoke in favour of the application.

In discussion the Committee explored the arguments raised by the public speaker (objecting to the application) *about the size of the basement* and that approval of this application would be inconsistent with the refusal of the 2015 application as both schemes provided for similar size dwellings and amenity space. Officers were not in a position to provide clear and definitive advice on this issue during the meeting and therefore the Committee moved to defer the application.

The Committee also asked that concerns about flooding should be addressed in more detail in the revised officer report.

On being put to the vote the Committee agreed the resolution as set out below.

The West Area Planning Committee resolved to defer consideration of application (17/02280/VAR) until the 12 December to allow officers time to issue a revised report addressing the concerns relating to consistency in decision making between the 2015 and 2017 applications and flooding.

42. 17/02065/FUL: 92 Kingston Road Oxford OX2 6RL

The Committee considered an application (17/02065/FUL) for planning permission for the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupancy (Use Class C4).

The application was before the Committee as it had been called in by Cllrs Wade, Goff, Landell Mills and Goddard on the grounds that:

- The HMO would not preserve or enhance the character of the area, largely consisting of family homes.
- The properties prominent location near a busy junction at the hub of the local community would increase parking problems in an already congested area.
- It would increase noise and decreased privacy at a corner where several town houses meet.

The Planning Officer presented the report and referred the Committee to paragraphs 10.14 and 10.15 which assessed the impact of the proposed development on the character, appearance and special significance of the Conservation Area. The Planning Officer stated that the proposed development would not lead to substantial or less than substantial harm to the Conservation area, which is a designated heritage asset and therefore the development was not contrary to paragraph 132 of the National Planning Policy Framework. The officer recommendation was based on that consideration.

The Committee asked questions of the officers about the details of the application and noted the following points:

- there were 51 properties within 100m of the application site and of these 3 (6%) were registered and operating as an HMO
- the planning application was for an HMO for up to 6 residents; the actual number of residents would be controlled by the HMO licence and would not exceed 6
- as detailed in the report officers concurred with the Highways Authority view that there was no evidence to suggest that a HMO (C4) property would request more visitor parking permits than a dwellinghouse (C3); that there was no restriction on visitor parking permits for other HMOs in the area and therefore it would be unreasonable to restrict the number of visitor parking permits for this property
- conditions 3 and 4 required covered cycle and bin storage in the front courtyard area

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

On being put to the vote a majority of the Committee agreed the resolution as set out below.

The West Area Planning Committee resolved to:

- (a) 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**
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory 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,

Sustainable Development and Regulatory Services considers reasonably necessary

43. Minutes of the meeting held on 31 October 2017

The Committee discussed Minute 33: 17/02109/FUL Bardwell Court application and noted that the Linton Road Neighbourhood Association had raised concerns about the determination of this application. In particular the Association's perception that there may have been some confusion in regard to certain aspects of the legal advice.

The Chair said that as a result of the matters raised by the Linton Road Neighbourhood Association, she was concerned that some degree of confusion may have been present during the Committee's consideration of the Bardwell Court application. Therefore she had consulted the Monitoring Officer and Head of Planning about how best to ensure that the Committee properly discharges its obligations in regard to this matter.

Their advice is that to avoid any possible doubt it would be reasonable and appropriate for the Bardwell Court application be re-submitted and re-determined. As the period for a call-in to the Planning Review Committee has expired, and in view of the fact that the concerns raised would not prejudice a re-consideration by the original Committee, it would be appropriate for the Bardwell Court application 17/02109/FUL to be referred back to the Committee for redetermination.

The Committee acknowledged its responsibility to ensure that the decisions made were sound, that any advice received was clear, and that no reasonable confusion exists in the minds of Committee members or attending members of the public about the matters at issue.

On being put to the vote the Committee resolved to agree that the Head of Planning be requested to re-submit the Bardwell Court application to this Committee for consideration and determination at the next available opportunity.

Formal agreement of the minutes of the meeting held on 31 October 2017 was deferred until the next meeting.

44. Forthcoming applications

The Committee noted the list of forthcoming applications.

45. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.00 pm

Chair

Date: