

Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 12 December 2017

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Committee members:

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

Officers:

Adrian Arnold, Development Management Service Manager
Robert Fowler, Planning Team Leader
Andrew Murdoch, Planning Team Leader
Nadia Robinson, Planning
Anita Bradley, Monitoring Officer
Caroline Robins, Lawyer, Law & Governance
Catherine Phythian, Committee Services Officer

Apologies:

Councillor(s) Landell Mills and Price sent apologies.

No apologies were received

46. Declarations of interest

16/02745/CT3

Cllr Hollingsworth - As the City Executive Board Member and the Portfolio Holder for Planning and Regulatory Services he had a pre-determined position on the application and would leave the room and take no part in its determination.

Cllr Upton - as a Council appointed trustee for Oxford Preservation Trust. She stated that she had taken no part in the OPT discussions or decision making regarding the application and was approaching it with an open mind.

Cllr Cook - as a Council appointed trustee for Oxford Preservation Trust. He stated that he had taken no part in the OPT discussions or decision making regarding the application and was approaching it with an open mind.

17/00860/FUL

Cllr Upton - as a Council appointed trustee for Oxford Preservation Trust. She stated that she had taken no part in the OPT discussions or decision making regarding the application and was approaching it with an open mind.

Cllr Cook - as a Council appointed trustee for Oxford Preservation Trust. He stated that he had taken no part in the OPT discussions or decision making regarding the application and was approaching it with an open mind.

17/12519/VAR

Cllr Upton - as an employee of the University of Oxford and of a University College and a member of Oxford University Club. She confirmed that she had no-predetermined view and would participate in the determination of the application.

Cllr Cook - as an employee of the University of Oxford and a member of Oxford University Club. He confirmed that he had a predetermined view in relation to the application and would leave the room and would not participate in the determination.

Cllr Iley-Williamson - as an employee of a College of the University of Oxford. He confirmed that he had no-predetermined view and would participate in the determination of the application.

Cllr Tidball - as an employee of a College of the University of Oxford. She confirmed that she had no-predetermined view and would participate in the determination of the application.

Councillor Hollingsworth, having declared he had been involved in the development of the application in the first agenda item, left the meeting at this point.

The Monitoring Officer reminded the Committee of their obligation to listen very carefully to everything that was presented to them including both arguments for and against the application and to determine the applications on the basis of the information before them and to approach their deliberations with an open mind. She said that they must not give undue regard to any material they may have seen in media coverage or which was on public display or had been previously circulated.

47. 16/02745/CT3: Seacourt Park And Ride, Botley Road, Oxford

Adrian Rosser made a video recording of this agenda item.

The Committee considered an application (16/02745/CT3) from the City Council for planning permission for an extension to the existing Seacourt Park and Ride to accommodate new car parking spaces, a single storey building to provide a waiting area and toilets for customers, cycle parking, lighting, CCTV, ticket machines, new pedestrian and cycle access, landscaping together with reorganisation of the layout of existing car parking spaces, repositioning of turning circle, bus pickup and drop-off and other works incidental to the development.

The Planning Officer presented the report and apologised that the Natural England comments of the 23 November 2017 had been omitted from the officer report. In summary the Natural England position was that:

- they have no comment to make on this application although they had said in another response that they do not object
- That NE has not assessed this application for impacts on protected species

- The lack of comment does not imply that there are no impacts on the natural environment but only that the application is not likely to result in significant impacts on statutory designated conservation sites or landscapes.

The Planning Officer said that it was officers' view that these comments do not change any of the recommendations and conclusions within the biodiversity section of the report.

The Planning Officer informed the Committee of two updates since the publication of the report:

- there had been a further representation from OPT who confirmed that their previous comments stand
- the local Highways Authority and Highways England had raised no objections to the application

The Planning Officer said that, in reaching their recommendation to approve the application, officers had to balance out a number of significant material planning matters, notably:

- Green Belt policies
- Flood Risk
- Transport
- Ecology

The Planning Officer then described these considerations in detail drawing on the material presented in the report.

Debbie Dance (Oxford Preservation Trust), Liz Sawyer (Oxford Flood Alliance), Adrian Rosser and Councillor Craig Simmons spoke against the application and answered questions from the Committee.

Caroline Green (Oxford City Council), Michael Lowndes (agent), Paul Walker (Oxford Bus Company) and Brendon Hattam (Westgate Alliance) spoke in favour of the application and answered questions from the Committee.

The Committee asked questions of the officers and public speakers about the details of the application. In discussion the Committee considered the arguments for and against the following issues:

- whether the application meets the NPPF test for *granting planning permission for inappropriate development on the basis of very special circumstances*
- whether the application meets the requirements of the NPPF exception test for Essential Infrastructure within Flood Zone 3b
- whether the application meets the NPPG requirement that essential infrastructure should remain operational and safe for users in times of flood
- the conclusions of the sequential assessment of 118 potential alternative sites undertaken by the applicant, in particular with regard to the site owned by the Co-operative Group
- whether the siting and layout of the waiting area and terminal building could be operational in times of flood
- the views expressed by local residents and the Oxford Flood Alliance about the nature, extent and frequency of flooding at the site

- whether the applicant had proven the need for the development
- what factors had changed since the Secretary of State refused the previous application on appeal in 1999
- whether sufficient consideration had been given to capacity at the existing Park & Ride and the impact that parking by employees of the offices surrounding the car park had on capacity
- the adequacy of emergency planning arrangements for public safety in the event of a significant flood situation
- the impact of the development on air quality and traffic congestion in the local area
- the impact of the development on ecology and wildlife in the local area

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

Notwithstanding the officer recommendation for approval a motion to refuse the application, for the reasons stated below, was moved and seconded:

1. The application was contrary to Green Belt policy because the “need” case was not sufficient to warrant very special circumstances , as there is capacity at Redbridge P/Ride and alternative sites and other options had not been explored sufficiently.
2. The application site could not be considered to be essential infrastructure within Flood Zone 3b as required by the NPPF exception test
3. The application site could not be considered to be operational in times of flood as required by NPPF

On being put to the vote the Committee were equally divided in support and opposition for the Committee recommendation to reject the application.

The Chair exercised her casting vote against the Committee motion to reject the application.

A motion to approve the application on the basis of the officer recommendation was then moved and seconded.

On being put to the vote the Committee were equally divided in support and opposition for the officer recommendation to approve the application.

The Chair exercised her casting vote in support of the officer recommendation to approve the application.

The West Area Planning Committee resolved to:

(a) Agree to grant planning permission for the reasons given in the report and subject to:

1. Decision subject to confirmation from the Secretary of State that the application is not required to be ‘called in’ in accordance with The Town and Country Planning (Consultation) (England) Direction 2009;

(b) Agree to delegate authority to the Head of Planning, Sustainable Development

and Regulatory Services to:

1. Finalise the 23 recommended conditions and 2 informatives as set out in section 11 of the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

Councillor Hollingsworth returned to the meeting on the conclusion of this item.

48. 17/02109/FUL: Bardwell Court, Bardwell Road, Oxford, OX2 6SX

The Chair took this item next.

The Committee considered an application (17/02109/FUL) for planning permission for the partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores and the removal of trees and landscaping.

The application was brought back to West Area Planning Committee for determination following agreement by the Head of Planning, Sustainable Development and Regulatory Services.

The Planning Officer presented the report and advised the Committee that, following publication of the report, the City Council had received representation from Anthony Crean QC about how the development had been assessed. The specific concerns were that the planning officer report failed to apply correct weight to the harm when addressing the balance of harm caused to a designated heritage asset against the benefits. The second concern raised was that the report treated viability as a benefit.

The Planning Officer explained in detail the methodology and approach taken by planning officers in assessing the weight to attribute to the designated heritage assets, being the Conservation Area and setting of listed buildings. The Planning Officer confirmed that, although not explicitly stated in the report, officers had followed the approach set out in paragraphs 132 and 134 of the NPPF.

With regard to the issue of viability the Planning Officer said that officers did not consider that the viability of the site being improved made the development acceptable in isolation and referred the Committee to paragraphs 10.17, 10.18 and 10.21 of the report which detailed the wider benefits of the development.

The Planning Officer confirmed that the officer recommendation remained as stated in the published report: there is less than substantial harm to the designated heritage assets but weighing that against the public benefits from the proposal the development would be acceptable.

Philip Allen and Anthony Crean spoke against the application. Mr Crean presented his arguments regarding the planning officers' assessment of harm to the designated

heritage assets. In summary he said that he believed that the assessment overstated the benefit and understated the harm caused by the development.

The Committee discussion included, but was not limited to, the following points:

- any further expansion of the approved roof terraces onto the flat roof areas adjacent would be restricted by Condition 15
- The construction of roof terraces would not set a precedent for similar developments in the North Oxford Conservation Area; some balconies or roof terraces already existed; any future application would be judged on its own merits
- although it was regrettable that the occupants of the top floor properties would not have access to the rear gardens or roof terraces it was felt that the improvements to the front elevation of the development outweighed those concerns
- the parking issues raised by local residents during the consultation were noted and it was suggested that there might be some merit in undertaking a traffic survey in the area but that would be a matter for local residents to pursue with the Highways Authority

In reaching its decision, the Committee considered all the information put before it and were satisfied that planning officers had followed the requirements of paragraphs 132 and 134 of the NPPF.

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

The West Area Planning Committee resolved to:

- Approve the application for the reasons given in the report and subject to the 15 required planning conditions and 5 informatives set out in section 12 of this report and grant planning permission; and**
- 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.

49. 17/02280/VAR - Land To The Rear Of 200 Woodstock Road, Oxford, OX2 7NH

The Chair took this item next.

The Committee considered an application (17/02280/VAR) for planning permission for the 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 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 application was considered at West Area Planning Committee on 14 November 2017 and the decision was deferred pending further information regarding a previous refusal on the site and further drainage information.

The Planning Officer presented the report and addressed the concerns raised by the Committee at the previous meeting. The Planning Officer said that the overall scale of the refused application 15/00954/FUL was larger than that of the approved application 16/00147/FUL because it included a two-storey side bay, a larger basement and higher ridge height.

The Planning Officer went on to explain that the application that was refused had outdoor amenity space that was split level with a sunken semi-basement outdoor space. The outdoor space was therefore not considered sufficient or satisfactory for a family dwelling. The variation proposal before the Committee has the same area and arrangement of garden as the approved scheme with direct access to a useable garden. This outdoor space is acceptable for a three-bedroom dwelling.

The Planning Officer confirmed that approval of the application currently under consideration would not contradict the refusal of 15/00954/FUL.

The Planning Officer referred the Committee to paragraphs 9.13 to 9.17 of the report and confirmed that there were no grounds to refuse the basement enlargement due to flood risk or drainage issues as the site is not at an unacceptable risk of flooding from rivers or surface water.

Paul Fisher (neighbour) spoke against the application.

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

In discussion the Committee concluded that the outdoor amenity space provided was on balance acceptable for the size of the proposed dwelling but that it would be advisable to include a condition to restrict any future applications to increase the size of the dwelling and thereby reduce the ratio of amenity space to footprint.

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

The West Area Planning Committee resolved to:

- 1. approve the application for the reasons given in the report and subject to the 11 required planning conditions and 3 informatives set out in section 11 of the report ;**
- 2. include a new condition to restrict the size of the dwelling to a 3 bedroom property;**

3. **grant planning permission; and**
4. **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.**

50. 17/00860/FUL: Greyfriars Court, Paradise Square, Oxford, OX1 1BE

The Chair took this item next.

The Committee considered an application (17/00860/FUL) for planning permission for the demolition of the existing building and the erection of a part 3, part 5 and part 6 storey hotel, with landscaping works in Paradise Square.

The Planning Officer presented the report and said that the development would provide much-needed hotel accommodation in a sustainable location in the city. The application had been through a robust design review process and the officer recommendation reflected a careful weighing of public benefits against harm to heritage assets as required by paragraph 134 of the NPPF. The Planning Officer drew the Committee's attention to an error in Appendix 2 of the report: The first two ODRP letters relate to this development, while the third letter on pages 157 and 158 relate to another development and should be ignored.

Stephen Booker (agent) spoke in favour of the application.

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

- There was a clear need for a budget hotel in the city as evidenced by the large volume of on-line enquiries (40,000 plus) received by the applicant in September and October 2017
- The argument set out in the report that the reduction of a single storey would not reduce the harm to the setting of the listed buildings and the conservation area but would have a detrimental impact on the viability of the scheme
- That although the developer was sympathetic to the concerns of the local residents and mindful of their experiences during the construction of the Westgate this was a critical consideration which would need to be reflected in the agreed Construction Traffic Management Plan (Condition 10)
- That 5% of the rooms would be accessible
- The height of the application was compliant with the requirements of HE9
- Conditions 16 and 17 Landscaping: concerns that the species selection of the proposed planting would need to be addressed
- Condition 6: the detail of this condition should take account of the need for appropriate lighting in Paradise Gardens and the wider public realm

In reaching its decision, the Committee considered all the information put before it and on balance considered that overall the development would be a significant

improvement to the setting of the street scene, Paradise Gardens and the setting of adjacent listed buildings.

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 30 required planning conditions set out in section 13 of this report and grant planning permission subject to:

1. 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 this report;
2. The details of the Construction Traffic Management Plan (Condition 10) to be agreed with the Chair of West Area Planning prior to commencement; and

(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;
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; and

Complete the Section 106 legal agreement referred to above and issue the planning permission.

51. 17/02519/VAR: The University Club, 11 Mansfield Road, Oxford, OX1 3SZ

The Committee considered an application (17/02519/VAR) for planning permission for the variation of condition 2 (Development in Accordance with Approved) and removal of Condition 14 (Community Use) of planning permission 17/01144/FUL (Erection of a teaching laboratory modular building for the Departments of Zoology and Biochemistry (Use Class D1) for a temporary period of 4 years and 10 months).

The Planning Officer presented the report. He explained that the variation to Condition 2 proposed the following changes:

- Extension to approved plant enclosure
- Increase in fence height
- Changes to covered walkway roof

- Amendment to fire tender access and hardstanding
- Modifications to bicycle stand position
- Removal/ modifications to fenestration

The Planning Officer advised the Committee that the change to Condition 14 proposed the removal of the community use agreement and that Sport England had been consulted and had raised no objection.

Councillor Colin Cook, as a representative of Unite, spoke against the application. He asked the Committee to consider including an informative to encourage the University of Oxford to be sympathetic to requests to use the Club facilities for community events.

The Committee noted the request made by Councillor Cook but agreed that it would not be appropriate to include such an informative.

As there were no questions from the Committee Councillor Cook left the meeting at this point.

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

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 15 required planning conditions and 4 informatives set out in section 10 of this report; and

(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.

Councillor Cook returned to the meeting at the conclusion of this item.

52. Minutes

The Committee resolved to approve the minutes of the meeting held on 14 November 2017 as a true and accurate record subject to the following amendment:

Minute 41: insert the italicised phrase as shown below:

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.

53. Forthcoming applications

The Committee noted the list of forthcoming applications.

54. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 10.15 pm

Chair

Date: