

# Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 12 June 2018

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## Committee members:

Councillor Gotch (Vice-Chair, in the Chair)

Councillor Arshad

Councillor Bely-Summers

Councillor Corais

Councillor Harris

Councillor Hollingsworth

Councillor Iley-Williamson

Councillor Taylor (for Councillor Cook)

Councillor Upton

## Officers:

Adrian Arnold, Development Management Service Manager

Andrew Murdoch, Planning Team Leader

Felicity Byrne, Principal Planner

Tobias Fett, Planning Officer

Mike Kemp, Senior Planner

Sally Fleming, Lawyer

Catherine Phythian, Committee Services Officer

John Mitchell, Committee and Member Services Officer

## Apologies:

Councillor(s) Cook sent apologies.

## 10. Declarations of interest

### 17/03330/FUL: New College

Councillor Upton stated that she had been an undergraduate at New College but that she had not had subsequent contact with the college. She stated that she came to the meeting with an open mind.

Councillor Harris stated that as he was a member of the same Chambers as one of the public speakers he would not participate in the determination of the application.

Councillor Harris withdrew from the room for the determination of this application.

## 11. 18/00021/VAR: Balliol College Sports Ground, Jowett Walk, Oxford, OX1 3TN

The Committee considered an application (18/00021/VAR) for planning permission for variation of condition 2 of planning permission 16/03056/FUL to allow alterations to the approved plans which include changes to internal layouts; replacement of perforated

panels for openable windows; reorganisation of basements; reduction of height of blocks A, B1, B2 and C1 and omission of roof lights to corridors.

The Planning Officer presented the report and explained that the proposed amendments to the design of the proposed buildings were in themselves considered to be minor in nature but the cumulative impact was to materially alter the approved plans such that they are a material amendment and a variation to the approved plans was required.

The Planning Officer assured the Committee that the proposed minor alterations to the design were acceptable and would not alter the architectural integrity of the approved scheme to its detriment, or harm the appearance of the development within the street scene or Conservation Area. It would not harm adjacent neighbouring amenities.

The Planning Officer explained that in relation to the one significant tree on site, a Beech Tree (T59) it had been recently discovered that the relationship of the tree to the new building, Block A3, was materially different from that on the approved plans due to a technical error in the baseline data. The situation was very regrettable and there had been a thorough investigation into the source of the error and extensive consultation with the College and its advisers to identify a solution that would safeguard the tree and meet the design standards of the original application.

Susie Byrne (Planning Consultant), Holly Galbraith (Architect), Peter Wharton (Arboriculturalist) attended to answer questions about the application.

The Committee thanked the planning officer for a detailed report and clear presentation which set out all the issues to be considered.

The Committee noted the following points:

- That the revised window treatment would meet the required performance standards submitted as part of the original application.
- That the application was subject to a legal agreement in relation to future maintenance works to both building and tree, to ensure that no undue pressure is placed on the tree to prune or remove it due to the outlook and internal conditions of the rooms and maintenance of the building as a result of the proximity of the building to the tree T59.
- That the Council's planning officers and arboriculturalist and Balliol College and its advisers had explored all possible options to safeguard the Beech Tree T59 and maintain the design integrity of the building.

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 required planning conditions set out in section 11 of the report and grant planning permission subject to:**

1. Revised plans accurately plotting beech tree T59 in relation to building A3 being

received to the satisfaction of the Head of Planning, Sustainable Development and Regulatory Services; and

2. 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 the report; and
3. Endorse the objective to place a Tree Preservation Order on beech tree T59.

**b) 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 and issue the planning permission.

## **12. 17/03330/FUL: New College, 2 Savile Road, Oxford, OX1 3UA**

The Committee considered an application (17/03330/FUL) for planning permission for the proposed demolition of Warham House, New College School hall and partial demolition of Savile House rear extension; the erection of three new buildings and reconstruction of Savile House rear extension to provide C2 residential college including Music Hall, assembly, academic and study space, Porter's Lodge and associated accommodation, and replacement D1 facilities for New College School including dining hall, assembly space and class rooms.

The Planning Officer reminded the Committee that the application had been considered at West Area Planning Committee on 10 April 2018. In discussion the Committee had welcomed the overall scheme for its innovative architectural approach but expressed concerns about the proposed tower. The Committee agreed to defer the application to allow planning officers and the applicant to explore possible amendments to the application plans which would address the concerns about the tower.

The Planning Officer presented the report and summarised the main changes:

- reduction in height of the New Warham House tower element by 3.2m to 21.84m high;
- rationalisation of internal accommodation within the tower element;
- re-alignment of the roof between the tower and the rest of New Warham House;
- removal of all basement cycle parking under Warham House and provision above ground

The Planning Officer advised that Historic England had been consulted on the revised plans and had raised no objections. The Highways Authority had raised an issue about the provision of a dropped kerb; this could be covered by an additional condition and secured through an agreement under section 278 of the Highways Act 1980.

Councillor Harris stated that, as he was a member of the same Chambers as one of the public speakers, he would not participate further in the determination of this application. Councillor Harris withdrew from the room for the determination of this application.

Baroness Kennedy, representing Mansfield College, spoke against the application.

Chris Pattison (Planning Consultant) and David Kohn (Architect) spoke in favour of the application.

The Committee asked questions of the officers and public speakers about the details of the application.

The Committee made the following observations:

- the revised proposals for the tower and associated buildings addressed the previous concerns about the adverse impact the height of the tower would have on the adjacent street scene and its apparent isolation from the rest of the development
- the provision of adequate cycle parking above ground was a welcome improvement
- the demolition of the rear extension of the listed building, No 1 Savile Road, was the subject of a separate application
- the proposals provided significant improvements in the physical relationship between the New College School and the New College student campus buildings
- that the windows in the proposed buildings which were in closest proximity to Mansfield College would have an oblique view and were at a distance of 12.2m and 14.3m; elsewhere the windows facing across Mansfield Quad were at a distance in excess of 25m (as detailed in paragraph 3.18 of the officer report and in the diagram in Appendix B)

The Committee discussion centred on the points raised by the public speaker regarding the proximity of the proposed Main Quad Building and windows in the north elevation facing on to Mansfield College, and the increased massing and risk of overlooking and loss of privacy. The Committee noted these concerns but on balance considered that existing boundary trees in Mansfield College would provide some screening, that students overlooking other students was comparable to other student/residential developments in the city, and that there would be no significant harm as a result of overlooking from the windows proposed. The Committee considered that on balance the public benefits of the scheme outweighed any harm to Mansfield College in this case.

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 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 required planning conditions set out in section 5 of the report and the inclusion of a further condition to provide a dropped kerb and**

**a) grant planning permission; and**

**b) delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

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

Councillor Iley-Williamson joined the meeting during consideration of this application; he did not participate in the debate or vote.

Councillor Bely-Summers joined the meeting during consideration of this application; she did not participate in the debate or vote.

**13. 18/00673/FUL: Land adjacent 279 Abingdon Road**

The Committee considered an application (18/00673/FUL) for planning permission for residential development of a back land brownfield plot adjacent to 279 Abingdon Road, which formerly comprised an area of car parking (serving the former Fox and Hounds public house). The proposed development would comprise of a single building consisting of 9 flats (3x1 bed and 6x2 bed units).

The Planning Officer presented the report and explained that although the current application differed in terms of design, the overall form and scale of development remained broadly similar to the previous application which had been refused. The current proposals did address some of the previous reasons for refusal, namely in respect of affordable housing, the provision of outdoor amenity space and the provision of on-site renewables but overall the current application failed to address the majority of the previous reasons for refusal.

Dr Phil Fryer, accompanied by Sue Smith, representing the residents of Weir Lane and Peel Place, spoke against the application.

The Committee noted the following points:

- That the benefit of a legal agreement to secure a contribution to off-site affordable housing was not sufficient to outweigh the reasons for refusal
- That the Highway Authority's objections, which had been raised in relation to the previous application for the site, and which remained relevant to the current application were significant
- That the principle of residential development on the development site was acceptable and that an appropriate application should not be rejected just because it failed to encompass the adjacent petrol station site
- That the siting and scale of the proposed development would compromise any future development of the adjacent petrol station site

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 refuse the planning application for the following reasons:**

1. The proposal fails to provide an appropriate mix of housing in an area identified in considerable need of family housing and is therefore contrary to Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.
2. The proposed development by reason of its appearance, height and massing on a rear backland plot would appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016, MP1 and HP9 of the Sites and Housing Plan 2013 and CS18 of the Core Strategy.
3. The proposed development of this rear backland plot by reason of its appearance, internal layout, height, massing and proximity to the western boundary would unacceptably prejudice the re-development of the former petrol station site to the west adjoining fronting the Abingdon Road to the detriment of effective, efficient and acceptable form of development on an allocated site contrary to CP1, CP6, CP8, CP9, CP10 and SP18.
4. The proposed development by reason of its overall height and massing and number of large east facing windows, together with balconies and private terraces would result in an unacceptable level of overlooking into the adjoining properties gardens and houses to the east on Peel Place and a significant sense of being overlooked by the occupiers of those properties to the detriment of existing and future occupiers' residential amenity contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
5. The proposed development by reason of the height, massing and proximity to the eastern boundary with adjoining properties to the east on Peel Place and proximity to adjoining property to the south would appear overbearing and visually dominant to these properties and their gardens contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
6. The updated FRA fails to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development; furthermore the proposals do not make provision for a route of egress in event of flooding. The proposals would therefore be contrary to Policies SP18 of the SHP, CP22 of the OLP and CS11 of the CS and paragraphs 102 and 103 of the NPPF.
7. The development as proposed fails to make safe provision for access and the movement of pedestrians, furthermore the existing vehicular means of access would be unsuitable to accommodate the intensification in vehicular use which would arise as a result of the development. The proposals would therefore compromise the safe movement of pedestrians and would be to the detriment of highway amenity and the safe movement of road users contrary to the provisions

of Policies CP9 and TR4 of the Oxford Local Plan; Policy CS13 of the Core Strategy and Paragraph 32 of the NPPF.

#### **14. 17/03429/FUL: 4-5 Queen Street, Oxford, OX1 1EJ**

The Committee considered an application (17/03429/FUL) for planning permission for a change of use of the ground floor and basement from an A1 (retail) use to an A2 (bank) use.

The Planning Officer presented the report and explained that the application proposals did not include any physical development to the building. He explained that the current Oxford Local Plan 2001-2016 did not include the entirety of the Westgate development which meant that the proposed development was technically unacceptable with regard to Policy RC3 of that Local Plan as there was a shortfall in the proportion of A1 retail units in the Primary Shopping Frontage. However, as detailed in the report, this needed to be considered against the wider requirements of the NPPF and Policy CS31 of the Oxford Core Strategy (2011) and have regard to the emerging retail position in the city and recognise that the change of use could now be achieved under permitted development rights.

The Planning Officer made the following factual correction:

Line 5, Paragraph 2.1, page 121

Delete “units that fall outside of” replace with “units that fall within”.

In reaching its decision, the Committee considered all the information put before it and noted that the change of use was acceptable in this instance because of the specific issues addressed in the officers’ report relating to the nature of the applicant’s service offering. The Committee stated that this case did not set a precedent and that the principles of acceptable change of use must be determined as part of a considered policy review and not in response to ad hoc applications.

Calum Ewing, representing the applicant, attended to answer questions but was not called on to speak.

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 2 required planning conditions set out in section 12 of the report and grant planning permission; and**
- b) **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.

## **15. Minutes**

The Committee resolved to approve the minutes of the meeting held on 21 May 2018 as a true and accurate record.

## **16. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **17. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.30 pm and ended at 8.00 pm**

Chair .....

**Date: Tuesday 10 July 2018**