

Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 9 October 2018

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Committee members:

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Arshad	Councillor Bely-Summers
Councillor Corais	Councillor Harris
Councillor Hollingsworth	Councillor Iley-Williamson

Officers:

Adrian Arnold, Acting Head of Planning Services
Andrew Murdoch, Development Management Service Manager
Sally Fleming, Lawyer
Catherine Phythian, Committee Services Officer
Gill Butter, Conservation and Urban Design Officer
Felicity Byrne, Principal Planner
Tobias Fett, Planning Officer

Also present:

William Madgwick, Local Highways Authority, Oxfordshire County Council

Apologies:

Councillor(s) Upton sent apologies.

33. Declarations of interest

18/01340/FUL; 18/01341/LBC; 18/00896/FUL; 18/00897/LBC

Cllr Cook - as a Council appointed trustee for Oxford Preservation Trust stated that he had taken no part in that organisation's discussions or decision making regarding the applications and was approaching them with an open mind.

18/01340/FUL; 18/01341/LBC

Cllr Iley-Williamson – stated that as a graduate of the University of Oxford he had been a user of the Bodleian Library but that he was approaching the applications with an open mind.

18/00896/FUL; 18/00897/LBC

Cllr Harris – stated that he was a graduate of Lincoln College and that he maintained close links with the College and consequently he would take no part in its determination.

18/02124/CPU

Cllr Hollingsworth – as Ward Member for Carfax stated that he had been actively involved in bringing the application before the Committee and consequently he would take no part in its determination.

34. 17/02832/FUL - 276 - 280 Banbury Road Oxford OX2 7ED

The Committee considered an application (17/02832/FUL) for planning permission for the demolition and redevelopment of existing retail office, and residential premises, to provide a mixed-use scheme comprising 4 x units (use classes of either A1, A2, A3 or A4) at ground floor with a 180 bed hotel over three floors and 6 maisonette flats over two floors (1x1 bed, 1x3 bed, 4x2 bed) (amended plans) (amended description).

The Planning Officer presented the report and highlighted the following points: that the development was in a sustainable location; that the design and appearance was acceptable; that the Local Highways Authority was satisfied with the proposals; that there was no loss of privacy to adjacent properties, including Summerfields School and the Church Hall.

Cllr Andrew Gant (ward councillor), Laurence Fouweather and David Faber (on behalf of Summerfields School) spoke against the application.

Michelle Davies (agent) spoke in favour of the application. Representatives from the applicant, the Easyhotel chain and architects and consultants were available to answer questions from the Committee.

The Committee asked questions of the officers and public speakers about the details of the application. The Committee discussion concentrated on, but was not limited to, the following issues:

- Catering provision at the Hotel: concern was expressed that the current, or future, hotel operators could start to provide pre-packaged meals. Officers advised that this was not a material consideration for this application.
- Hotel charges and accommodation offering: concern was expressed that the current, or future, hotel operators could change the rates charged or the business model. Officers advised that this was not a material consideration for this application.
- General parking: Officers advised that there was coach parking available at the nearby Ferry Leisure Centre and that emergency vehicle access would be from the public highway and was a matter for Building Control regulations.
- Residents' parking: The Local Highways Authority representative from Oxfordshire County Council was asked to explain the different time restrictions operating on streets within the Summertown CPZ and whether they would consider consulting on a change in hours for some streets. He said that they did not consider it necessary but that it could be done if funding became available. He reiterated the opinion set out in the formal response that the impact of the development was not severe and that the public car parks in the area have adequate capacity.

- Location: Officers confirmed that the current, and draft Local Plan, supported the provision of hotels in district centres and on arterial roads.

Members of the Committee asked for guidance on potential grounds for refusal, specifically in relation to highways and scale. Officers advised that the Committee should give weight to the opinions of the Local Highways Authority and that the Committee would need to provide technical evidence to support a refusal on highways grounds. Officers confirmed that Committee could consider refusal on grounds of scale.

In reaching its decision, the Committee considered all the information put before it. The Committee acknowledged the concerns of the local residents about the suitability of the development and its impact on the local area and balanced those comments against the advice of officers that the application was policy compliant.

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 required planning conditions set out in section 12 of this report and grant planning permission; and subject to:
 - i. 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; and
2. **agree to delegate authority** to the Acting Head of Planning Services to:
 - i. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
 - ii. 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 Acting Head of Planning Services considers reasonably necessary; and
 - iii. complete the section 106 legal agreement referred to above and issue the planning permission.

Councillor Arshad and Councillor Iley-Williamson arrived during consideration of this item and consequently took no part in its determination.

35. 18/01340/FUL - Trinity College Broad Street OX1 3BH

The Committee considered an application (18/01340/FUL) for planning permission for the demolition of an existing 20th Century building and erection of a new building providing 51 student study bedrooms, Auditorium/ lecture theatre, teaching accommodation, library facilities, office accommodation and other associated ancillary facilities. In addition, new landscaping, bin & bike storage, replacement Gardeners buildings and minor alterations including works to the Norrington Building and the President's Garage are also proposed.

The Planning Officers presented the reports.

Richard Ovenden (Bodley Librarian) spoke against the application.

Dame Hilary Boulding DBE (President, Trinity College), spoke in favour of the application. Representatives from the Architects, agents and planning consultants were available to answer questions.

The Committee asked questions of the officers about the details of the application.

The Committee noted that the applications before them were the result of a lengthy and exhaustive planning process. Having considered all the information put before it the Committee concluded that an appropriate balance had been achieved in meeting the need for student accommodation and academic facilities for Trinity College and the relative harm, which was not significant in either case, to the Trinity College gardens and the Weston Library reading room.

On being put to the vote 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 required planning conditions set out in section 12 of this report and grant planning permission.
2. agree to delegate authority to the Head of Planning Services to:
 - i. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
 - ii. 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 Services considers reasonably necessary; and
 - iii. Complete the section 106 legal agreement referred to above and issue the planning permission.

36. 18/01341/LBC - Trinity College Broad Street OX1 3BH

The Committee considered an application (18/01341/LBC) for listed building consent for alterations and extension to library to provide new auditorium with foyer, lecture theatre and teaching spaces, administrative offices and student rooms with ancillary support spaces. Alterations to Parks Road wall to form temporary construction access, widen vehicular entrance and construct new lean-to gardener's buildings.

The officer presentation and Committee discussion of this application for listed building consent was taken as part of the previous item.

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:

1. approve the application for the reasons given in the report and subject to the required planning conditions set out in section 10 of this report, grant listed building consent ; and
2. agree to delegate authority to the Acting Head of Planning Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary and issue the listed building consent.

Councillor Harris removed to the public seating for the duration of the next two agenda items.

37. 18/00896/FUL - The Mitre, No. 16 High Street And Nos. 3-7 Turl Street

The Committee considered an application (18/00896/FUL) for planning permission for the upgrading of existing student accommodation above and in the upper floors of no's 3-7 Turl Street and no.16 High Street. This includes the erection of lodge building on Turl Street, a fire escape into a Covered Market entrance, consolidation of plant into a plant stack and provision of raised walkway at first floor level behind the Mitre.

The application was called in by Councillors Pressell, Fry, Upton and Rowley because of concerns about the potential development having an impact on the public realm.

The Planning Officers presented the report. They explained that the proposals would upgrade the quality of accommodation and provide essential improvements to the fire strategy and escape routes on the site. Considerable care had been taken to minimise the harm done to the historic fabric of the building. They advised the Committee that three conditions, although referenced in the body of report, had been omitted from the list of conditions at paragraph 12:

- Large scale design detail for the Lodge (paragraph 10.14)
- Details of new plant and extraction systems (paragraph 10.21)
- Relocation of air condition units (paragraph 10.22)

Debbie Dance (Oxford Preservation Trust) spoke against the application.

Alex Spain (Bursar Lincoln College) and Nick Hardy (Architect) spoke in favour of the application.

In reaching its decision, the Committee considered all the information put before it. They were not persuaded by the concerns expressed by the Oxford Presentation Trust that the proposed Lodge would be too collegiate and out of keeping for the west side of Turl Street. The Committee agreed with the officers' conclusion that the less than substantial harm that would result from the development would be outweighed by the public benefits of the continued safe and secure use and maintenance of the historic buildings' stock.

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 required planning conditions set out in section 12 of this report, and three further conditions listed above, and grant planning permission.
2. **agree to delegate authority** to the Acting Head of Planning Services to: finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

38. 18/00897/LBC - The Mitre, No. 16 High Street And Nos. 3-7 Turl Street Oxford OX1 4AG

The Committee considered an application (18/00897/LBC) for listed building consent for the upgrading of existing student accommodation above and to the rear of The Mitre public house and in the upper floors of no's 3-7 Turl Street and no.16 High Street and the erection of a lodge building on Turl Street, replacement dormers to the rears of nos. 4-5 Turl Street, no. 16 High Street, a fire escape exiting into a Covered Market entrance, consolidation of plant equipment into a plant stack and the provision of raised walkways at first floor level in the courtyard area to the rear of the Mitre.

The officer presentation and Committee discussion of this application for listed building consent was taken as part of the previous item.

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:

1. approve the application for the reasons given in the report and subject to the required conditions set out in section 12 of this report and grant listed building consent.

2. agree to delegate authority to the Acting Head of Planning Services to:
 - i. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

Councillor Harris resumed his place on the Committee at the end of this item.

Councillor Hollingsworth removed to the public seating for the duration of the next agenda item.

39. 18/02124/CPU - 14 Turn Again Lane, Oxford, OX1 1QL

The Committee considered an application (18/02124/CPU) to certify that the proposed removal of 2no. rooflights to rear roof slope and the formation of 2no. rear dormers in association with a loft conversion was lawful development.

The Planning Officer introduced the report and explained that the decision before the Committee centred on legal determinations and there was no consideration of the merits of the proposals. He made the following points of clarification and correction:

- Paragraph 8.1 – the correct reference was to Classes B and C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.
- Paragraph 8.2 – Class B refers to “Additions to roof of a dwelling house”
- Paragraph 8.2 first bullet point – should state “No change of use to use as dwelling house has been granted by virtue of class M, N, P or Q of Part 3 of this Schedule (changes of use)”.
- Paragraph 8.3 – Class C refers to “Other alterations to a roof of a dwelling house”.
- Paragraph 8.3 bullet point 4 – delete the words “*construction or provision of a verandah, balcony or raised platform*” and insert “*installation, alteration or replacement of solar photovoltaics or solar thermal equipment*”.
- Paragraph 8.3 bullet point 5 – delete the words “*into a wall or*” and insert “*on a*”.
- Paragraph 9.1 – insert the words “*of Part 1 of*” after “classes B and C” and delete “*Part 1*” on 2nd line.
- Paragraph 10 – delete “*Proposed Plans*” and insert “*Site Plan*”.

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 approve the application for the reasons given in the report and grant a certificate of lawful development.

Councillor Hollingsworth resumed his place on the Committee at the end of this item.

40. 17/03040/FUL - 53 Sunderland Avenue, Oxford, OX2 8DT

The Committee considered an application (17/03040/FUL) for planning permission for the demolition of existing dwelling house, parking and garage and the erection of a replacement building comprising 6 flats, car parking and landscaping.

The Planning Officer presented the report.

The application had been approved, subject to completion of a legal agreement, by West Area Planning Committee on 10 April 2018. That legal agreement provided for a late stage viability test to secure an offsite contribution for affordable housing from any potential uplift of sales values on completion of the development.

The applicant had previously submitted a viability assessment concluding that no financial contribution for affordable housing could be made. This had been confirmed by an independent consultant engaged by the City Council. Officers concur with this assessment of the current situation but still consider that it would be prudent to secure a contribution from any potential uplift of values in the future.

Officers have been unable to reach a legal agreement with the applicant which is compliant with the previously agreed committee resolution. However, they consider that the concerns about any future uplift of values could be mitigated by securing a more certain timeline for completion of the scheme.

In summary the proposal before the Committee is that a late stage viability assessment would not be required provided that a “substantive start” is made on the development by February 2019 and that the development is “substantially completed” within 16 months from the start date. The definition of “substantive start” and “substantially completed” would be defined in the legal agreement.

The Planning Officer advised the Committee that the head of terms being proposed were:

- further viability assessment to be submitted by applicant prior to point of demolition, unless building demolished and a substantive start by February 2019
- Council to review viability upon submission within 8 weeks of its receipt, in the absence of a response from OCC the applicant can proceed with no contribution payable
- Viability based on same methodology and assumptions as previous submission and review
- Reasonable Return on Cost agreed at 20%, any level at or below not requiring a contribution
- (Post viability review) if applicant completes works to substantial completion within 16 months of making a substantive start no further review required
- If substantial completion not achieved within 16 months of substantive start then a further review of viability required

The Committee sought clarification from officers about the legal aspects of the application and received assurances that the Council policy was clear and that this would not set a precedent for other applicants to avoid or defer making contributions for affordable housing.

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:

(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report 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 the report; and

(b) delegate authority to the Acting Head of Planning Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning 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 the 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 Acting Head of Planning Services considers reasonably necessary; and
3. Complete the section 106 legal agreement referred to above and issue the planning permission.

41. Minutes

The Committee resolved to approve the minutes of the meeting held on 11 September 2018 as a true and accurate record.

42. Forthcoming applications

The Committee noted the list of forthcoming applications.

43. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.05 pm and ended at 8.35 pm

Chair

Date: Tuesday 13 November 2018