

# Agenda

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## West Area Planning Committee

Date: **Tuesday 15 January 2019**

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Time: **6.00 pm**

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

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For any further information please contact the Committee  
Services Officer:

**Catherine Phythian, Committee and Member Services Officer**

Telephone: 01865 252402

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

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If you intend to record the meeting, it would be helpful if you speak to the  
Committee Services Officer before the start of the meeting.

# West Area Planning Committee

## Membership

<b>Chair</b>	Councillor Colin Cook	Jericho and Osney;
<b>Vice-Chair</b>	Councillor Michael Gotch	Summertown;
	Councillor Lubna Arshad	Cowley Marsh;
	Councillor Nadine Bely-Summers	Holywell;
	Councillor Tiago Corais	Littlemore;
	Councillor Paul Harris	St. Margaret's;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Louise Upton	North;

The quorum for this meeting is five members. Substitutes are permitted. Substitutes for the Chair and Vice-chair do not take on these roles.

### Copies of this agenda

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# AGENDA

Pages

1 **Apologies for absence and substitutions**

2 **Declarations of interest**

3 **18/02255/FUL: 13 East Street, Oxford, OX2 0AU**

11 - 24

**Site address:** 13 East Street, Oxford, OX2 0AU

**Proposal:** Erection of a single storey rear extension and erection of outbuilding (amended plans) (amended description)

**Reason at Committee:** The application was called in by Councillors Fry, Rowley, Tanner and Pressel because of concerns about the possible overbearing impact of the development on the neighbours and possible overdevelopment of a small house.

## **Recommendation:**

The West Area Planning Committee is recommended 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 the report and grant planning permission, subject to:
  - a. 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 the report.
2. **agree to delegate authority** to the Acting Head of Planning Services to:
  - a. finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
  - b. 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 the 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

- c. Complete the section 106 legal agreement referred to above and issue the planning permission.

#### **4 18/02899/CT3: 6 White House Road, Oxford, OX1 4NA**

25 - 34

**Site address:** 6 White House Road, Oxford, OX1 4NA

**Proposal:** Erection of a single storey rear extension and extension of existing front store with the insertion of 1no. window to front.

**Reason at Committee:** The application is before the Committee because the applicant is Oxford City Council.

**Recommendation:**

The West Area Planning Committee is recommended 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 the report and grant planning permission
2. **Agree to delegate authority to the Acting Head of Planning Services to:**
  - a. 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.

#### **5 Minutes**

35 - 42

**Recommendation**

To approve as a true and accurate record the minutes of the meeting held on 11 December 2018.

#### **6 Forthcoming applications**

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

17/02537/CND2: St Hilda's College, Cowley Place, Oxford, OX4 1DY	
18/02065/OUTFUL: Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout, Northern By-Pass Road, Wolvercote, Oxford, OX2 8JR	Major application
18/02480/FUL: SS Mary And John CE Primary	

School, Hertford Street, Oxford, OX4 3AJ	
18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ	Call in
18/02645/FUL: 5 Chadlington Road Oxford OX2 6SY	Call in
18/02742/FUL: 12 Fyfield Road, Oxford, OX2 6QE	
18/02774/OUT: Land Forming The Site Of Former Cold Arbour Filling Station, 281 Abingdon Road, OX1 4US	
18/02809/POM: Millbank, Mill Street, Oxford	Committee level application
18/02974/VAR: Greyfriars Court, Paradise Square, Oxford, OX1 1BE	
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ	Call in
18/03024/FUL: 37 Duke Street, Oxford, OX2 0HX	Call in
18/03071/FUL: 116 Hurst Street, Oxford, OX4 1HG	Call in
18/03113/FUL: 122 Banbury Road, Oxford, OX2 7BP	Call in
18/03146/FUL: 36 Duke Street, Oxford, OX2 0HX	Call in
18/03201/FUL: 8 Arthur Street, Oxford, OX2 0AS	Call in
18/03322/FUL: 16 Northmoor Road, Oxford, OX2 6UP	Call in

## 7 Dates of future meetings

The Committee is scheduled to meet at 6.00pm on the following dates:

2019	2020	
15 January	9 July	21 January
20 February	6 August	11 February
12 March	10 September	10 March
9 April	8 October	7 April
8 May – new date	12 November	
11 June	10 December	

## **Councillors 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. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

### **At the meeting**

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 (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may 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.

### **Preparation of Planning Policy documents – Public Meetings**

4. 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.

### **Public requests to speak**

5. Members of the public wishing to speak must notify the Democratic Services Officer by noon on the working day before the meeting, 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 in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

### **Written statements from the public**

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give 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. Any such material will not be displayed or shown at the meeting.

### **Exhibiting model and displays at the meeting**

7. 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 by noon, two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

8. 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 place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. 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.

### **Meeting Etiquette**

10. 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.
11. 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.

**Code updated to reflect Constitution changes agreed at Council in April 2017.  
Last update December 2018.**







## WEST AREA PLANNING COMMITTEE

15<sup>th</sup> January 2018

<b>Application number:</b>	18/02255/FUL		
<b>Decision due by</b>	18th October 2018		
<b>Extension of time</b>	21st December 2018		
<b>Proposal</b>	Erection of a single storey rear extension and erection of outbuilding (amended plans) (amended description)		
<b>Site address</b>	13 East Street, Oxford, OX2 0AU, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	James Paterson		
<b>Agent:</b>	Jim Driscoll	<b>Applicant:</b>	Mr Andrew Twomey
<b>Reason at Committee</b>	The application was called in by Councillors Fry, Rowley, Tanner and Pressel because of concerns about the possible overbearing impact of the development on the neighbours and possible overdevelopment of a small house.		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **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, subject to:

- 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.

1.1.2. **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
- 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

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

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the proposed single storey rear extension to 13 East Street as well as an outbuilding located at the west end of the rear garden. The proposal is considered to be acceptable in terms of its design and its impact on the Osney Town Conservation Area and would not have a harmful impact on the designated heritage asset. Officers have carefully considered the impact of the proposed development on the amenity of the neighbouring properties. It is considered that the proposal would not have a significant negative impact on the neighbouring properties. This is because the proposal would not lead to a substantial loss of daylight nor cause an unacceptable loss of privacy or feeling of overbearing to either neighbour. The proposal is also considered to be acceptable in terms of its impact on flooding and surface water drainage.

## **3. LEGAL AGREEMENT**

3.1. This application is recommended for approval subject to the satisfactory completion of a legal agreement to ensure the extant permission for a larger outbuilding is not built out. This is because the larger outbuilding would cause the proposal to be unacceptable due to issues of flooding, overdevelopment, overbearing impact and lack of outdoor amenity space. The applicant has agreed that they would be willing to enter into that legal agreement and this would need to be completed prior to the issuing of a planning permission if members of the Committee resolve to grant planning permission.

## **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is not CIL liable as the amount of floorspace gained would be below the threshold where CIL would be required.

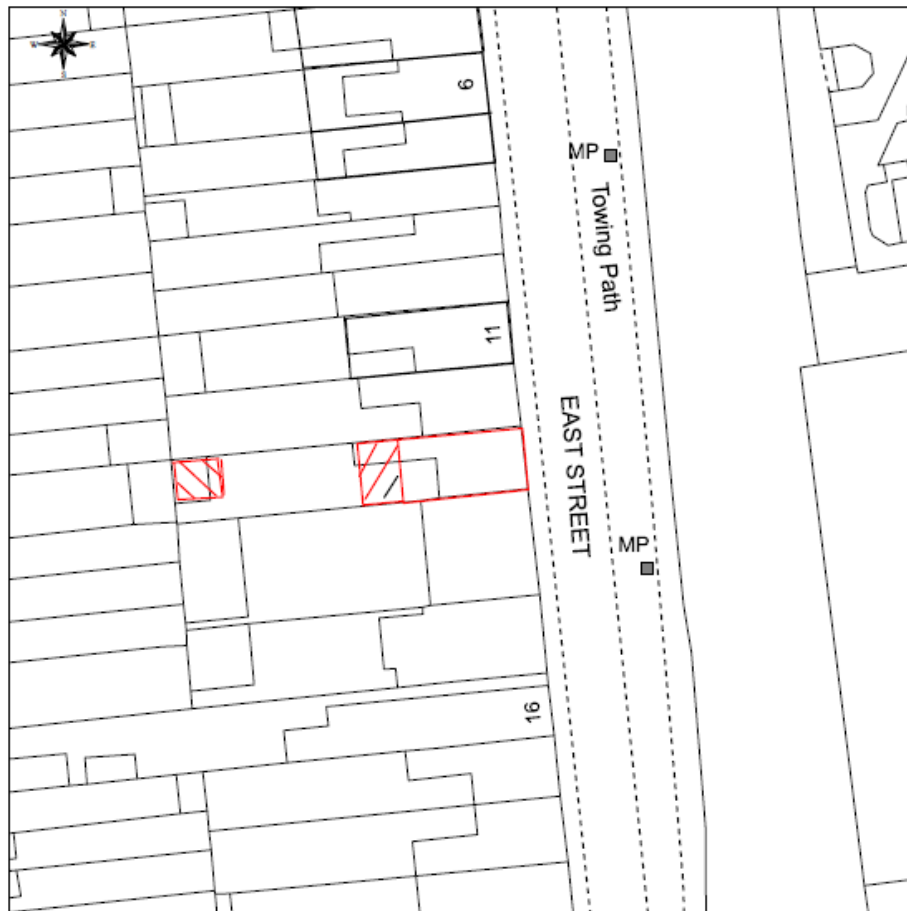
## **5. SITE AND SURROUNDINGS**

5.1. The site is a mid-terraced three storey house in the Osney Town Conservation Area. Recently, a large part single, part two storey extension was erected at the property following a grant of planning permission (reference 16/01282/FUL). The façade has been altered through the insertion of a larger window at ground floor as well as further alterations to the roof. Planning permission 16/01282/FUL included a garden outbuilding on which work has not commenced.

5.2. The site has been subject to an appeal in 2015 which preceded the aforementioned approved scheme in 2016. The appeal was partly approved in respect of changes to the façade and a substantial outbuilding. Therefore, both planning permissions have been implemented but not completed, as the outbuilding (which is largely identical in both proposals) had not been erected yet. There is, therefore, extant permissions for a large outbuilding which forms a

material consideration. Recently, a similar proposal for an additional single storey rear extension was refused as a delegated decision, 18/00812/FUL.

5.3. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes an additional single storey, flat roofed extension to the recently completed pitched roof single storey extension. The extension would extend a further 2.7m beyond the rear wall of the recently erected existing extension and be approximately 2.5m in height. The materials proposed would match the existing
- 6.2. Planning permission is also sought for an outbuilding; the outbuilding would be of a reduced size to that which was previously approved under 16/01282/FUL. The outbuilding would be approximately 13.5m<sup>2</sup> smaller than the previously approved outbuilding.
- 6.3. The original application sought solely the 3.4m rear extension. However, following discussions with the case officer, this was reduced in size and a smaller outbuilding than that already approved was also proposed; this was due to concerns about the overdevelopment of the site and the impact of the proposed development on flooding. The applicant has agreed that in the event that planning permission is granted that they would enter into a legal agreement that

would prevent them from implementing the extant permissions for the larger outbuilding on the site.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

63/14374/A_H - Extension to form bathroom. PDV 5th December 1963.
69/21584/A_H - Extension to form bathroom. PDV 27th May 1969.
15/01944/FUL - Demolition of existing rear extension. Erection of two storey rear extension and roof extension. Formation of 1no. dormer to front roofslope and insertion of rooflights. Erection of garden office.. WDN 4th August 2015.
15/02668/FUL - Demolition of existing rear extension. Erection of part single, part two storey rear extension and roof extension in association with loft conversion. Erection of outbuilding.. REF 3rd November 2015.
16/01282/FUL - Demolition of existing single storey rear extension. Erection of part single, part two storey rear extension. Alterations to roof involving raising of ridge height and roof extension. Erection of garden outbuilding and boundary walls. Insertion of 1no. rooflight, 1no. fanlight and alterations to 1no. window to front elevation.(amended plans). PER 7th July 2016.
18/00812/FUL - Demolition of existing rear extension and erection of a new single storey rear extension.. REF 21st May 2018.
18/02255/FUL - Erection of a single storey rear extension and erection of outbuilding (amended plans) (amended description). PDE .

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	8, 11, 129, 128, 130	CP1, CP6, CP8, CP10	CS18	HP9, HP14	
Conservation/ Heritage	189, 192, 196	HE7			
Social and community		CP10		HP14	

Miscellaneous	47, 48		CS11	MP1	
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## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 31st August 2018 and an advertisement was published in The Oxford Times newspaper on 29th November 2018.

### Statutory and non-statutory consultees

9.2. None Received

### Public representations

9.3. 1 local person commented on this application from an address in East Street.

9.4. In summary, the main points of objection (1 resident) were:

- Amount of development on site
- Effect on adjoining properties
- Height of proposal
- Light - daylight/sunlight

### Officer response

9.5. Officers have considered carefully the objection to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for the objection do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design
- Impact on Neighbouring amenity
- Impact on Conservation Area
- Flooding

### Design

10.2. Policy CP1 of the Oxford Local Plan 2001-2016 states that a development must show a high standard of design, including landscape treatment, that respects the character and appearance of the area; and the materials used must be of a quality appropriate to the nature of the development, the site and

its surroundings. CS18 of the Core Strategy states that planning permission will be granted for development that demonstrates high-quality urban design through responding appropriately to the site and its surroundings; creating a strong sense of place; and contributing to an attractive public realm. Policy HP9 of the Sites and Housing Plan states that planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features.

- 10.3. It is noted that in a previous application for a similar extension, 18/00812/FUL, design issues constituted a reason for refusal; particularly in terms of the scale and massing of the proposal. Regard has also been paid to the Planning Inspector's decision for a previous development proposal for additions to the rear, 15/02668/FUL. With these issues in mind, it is considered that this proposal would be of acceptable design quality.
- 10.4. The dwelling has already undergone substantial alterations to the rear so that the house reflects more of a modern interpretation of a historic terraced house, than it actually does of its original form. While the officer for 18/00812/FUL cited this cumulative change and the bulk of the proposal as a reason for refusal, the proposed extension in this application is both flat-roofed and extends 0.7m less than the previous proposal. These changes mean that the proposal would be a more proportionate addition and would not represent an excessive bulk or massing. Likewise, the proposed extension would not compete with the main dwelling in terms of use or form. It is also noted that numerous other incremental changes to the rear of this terrace and nearby terraces means that this addition would not look out of place. Therefore, the proposed single storey rear extension is considered to relate sufficiently well to the existing dwelling and would not look out of place in the context of the area.
- 10.5. The proposed outbuilding would represent sufficient design quality. In addition to the fact that permission has been granted for a far more substantial outbuilding, numerous similar outbuildings have been erected in nearby properties. These considerations mean that the proposed outbuilding would not have an unacceptable design impact.
- 10.6. It is noted that in a previous delegated decision, 18/00812/FUL, a similar proposal was refused due to the loss of outdoor amenity space which would impinge upon the enjoyment of the dwelling by present and future occupiers. However, it is considered that in this application, the reduction in length of the extension as well as the reduction of the proposed outbuilding would ensure that sufficient outdoor amenity space is retained so as to not harm the amenity of current and future occupiers.
- 10.7. It is therefore considered that the proposal would be of considered high quality design and would be acceptable in terms of Policies CP1, HP9 and CS18.

#### **Impact on Neighbouring Amenity**

- 10.8. Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for development that has an overbearing effect on existing homes, and will only be granted for new residential development that provides



reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

#### Privacy

- 10.9. Officers consider that the development proposed would not lead to a harmful impact on privacy to any neighbour. This is because the only glazing proposed would be at ground floor level. Views from proposed rooflights into neighbouring properties would likewise be impossible. It is also considered that there would be sufficient distance between the proposed extension and the rear of the terraces on Bridge Street so as to not impinge upon their privacy.

#### Overbearing

- 10.10. The previously submitted and refused application for a single storey extension, 18/00812/FUL was considered to be overbearing. That proposal would have been problematic in terms of overbearing, due to the cumulative impact of the 3.4m extension and the 5.1m deep outbuilding. However, it is considered that the revised proposal would not constitute an overbearing presence due to the reduction in size of the extension in addition to the reduction of the size of the outbuilding. The fact that the proposed extension is only 2.5m in height with a flat roof also helps mitigate any perceived overbearing impact of the development. There are existing high boundary treatments with neighbouring properties which meant that these proposals would not feel significantly more overbearing than the existing situation on the site.
- 10.11. In terms of the impact on 14 East Street, the cumulative impact of reducing the length of the extension, including a low, flat roof in addition to pulling the proposed outbuilding entirely off of the boundary means that the proposal would not cause an unacceptable impact in terms of overbearing. It is acknowledged that 14 East Street also has an outbuilding which would have been contiguous with the already approved original outbuilding at No. 13 and the proposed reduced outbuilding would therefore not reduce the overall development on the boundary of 14 East Street. However, officers consider the reduced outbuilding would still reduce the feeling of an overbearing presence on 14 East Street, especially when looking from the rear windows of 14 East Street, as more open garden space would be readily visible.
- 10.12. In terms of 12 East Street, it is considered that the proposal would also not constitute an overbearing presence. This is due to their rear extension being of a similar length to the proposed extension in conjunction with the proposal not being materially more overbearing than the 2.7m high boundary wall which benefits from extant planning permission, 16/01282/FUL, although it has not been erected yet the partial implementation of 16/01282/FUL means that it could be erected along the boundary.

### Sunlight/Daylight

- 10.13. The proposal breaks the 25/45 degree access to light test outlined in Policy HP14. This is due to the proposed development impinging on the daylight received by the nearest ground floor, rear facing window of 14 East Street. This room is used as an open plan kitchen/diner and is therefore considered a habitable room in terms of applying HP14. However, given the fact the room is served by other unobstructed windows and 14 East Street is situated south of 13 East Street, it is considered that there would not be a materially harmful impact on daylight and sunlight conditions for that property. Likewise, the proposal would not represent an excessive mass which would unacceptably impinge upon the ambient daylight received by this room.
- 10.14. Officers have carefully considered the Planning Inspector's decision for a previous development proposal, 15/02668/FUL, which found the two storey element of that proposal to be unacceptable in terms of its impact on 14 East Street. However, given that this proposal relates to a single storey extension, rather than two storeys, and the extension is of a fairly modest height, it is considered that in this instance the proposal would have an acceptable impact on the daylight of 14 East Street. Officers did seek amendments to the proposals in this application to specifically address concerns about the impact of the proposed development on neighbouring properties.
- 10.15. In terms of 12 East Street, the proposal would likewise be in breach of the 25/45 degree access to light test, outlined in Policy HP14, due to the impact on the windows and doors of the rear elevation of the original house and the side windows of the outrigger. However, due to the fact that the outrigger is served by an unobstructed window on the rear elevation and the fact that extant permission exists for a large boundary wall, 2.7m for the entire length of the proposed extension, it is considered that the development would be acceptable in terms of its impact on the daylight received by 12 East Street.
- 10.16. Therefore the proposal is acceptable in terms of Policy HP14 of the Sites and Housing Plan, 2013.

### **Impact on Conservation Area**

- 10.17. Policy HE7 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting. Furthermore, planning permission will not be granted for proposals involving the substantial demolition of a building or structure that contributes to the special interest of the conservation areas.
- 10.18. It is noted in the Planning Inspector's decision, 15/02668/FUL, as well as the Osney Town Conservation Area Appraisal that the significance of the Conservation Area largely stems from features on the front elevation of the historic terraces, such as the roofscape, materials visible from the public realm, door and window fittings as well as relatively unaltered front facades. This means that alterations and additions to the rear have a smaller impact on

the Conservation Area, although they do still have an impact which needs to be carefully assessed.

10.19. It is noted that a reason for refusal for the previous application 18/00812/FUL was the impact on the Conservation Area due to the excessive bulk and scale of the proposal, which was assessed to cause less-than-substantial harm. On balance, the revised proposal in this case would result in an outbuilding smaller than currently permitted as well as a more modest extension with a lower profile. Therefore, it is considered that the proposed development, in this case, would not harm the significance of the Conservation Area and is therefore acceptable in terms of Policy HE7.

10.20. Special regard has been paid to the desirability of preserving the setting of the Osney Town Conservation Area as per the statutory requirement of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 196 of the NPPF has also been applied in weighing any harm caused to heritage assets, in this case the Osney Town Conservation Area. Officers consider that the proposals meet the requirements of the test and the development would not have a harmful impact on the Conservation Area.

#### **a. Flooding**

10.21. Policy CS11 of the Core Strategy states that planning permission will not be granted for any development in the functional flood plain (flood zone 3b) except water-compatible uses and essential infrastructure. The suitability of developments proposed in other flood zones will be assessed according to the sequential approach and exceptions test as set out in the NPPG. All developments will be expected to incorporate sustainable drainage systems or techniques to limit runoff from new development, and preferably reduce the existing rate of run-off. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

10.22. It is noted that a reason for refusal on 18/00812/FUL was the potential flood impact. While there is an issue of the principle of development in terms of Policy CS11, as the property is in a 3b floodzone, the proposal includes a smaller outbuilding than that which is currently permitted. The total addition of development to the area than that which has already been built or for which planning permission exists would only displace an additional 2.9m<sup>3</sup> of flood water. Regard has also been paid to the emerging policy in the Oxford Local Plan 2036, Policy RE3. It is therefore considered that, in this instance, due to the small amount of potential floodwater that would be displaced in the event of a flood the proposal would not materially increase the flood risk on the site, or elsewhere through floodwater displacement, and the proposal is therefore acceptable in terms of flood risk and Policy CS11.

## **11. CONCLUSION**

11.1. The proposed development would be acceptable having had regard to the design, the impact on designated heritage assets and impact as a potential nuisance. The proposal is considered to comply with all relevant local and

national planning policy including Policies CP1, CP8, CP10, HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011), Policy MP1 of the Sites and Housing Plan (2013) and Paragraphs 195-197 of the NPPF. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion of the aforementioned legal agreement and conditions as set below.

## **12. CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

3. The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by policy CP1 of the Oxford Local Plan 2001-2016

## **13. APPENDICES**

- **Appendix 1** – Site location plan

## **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In

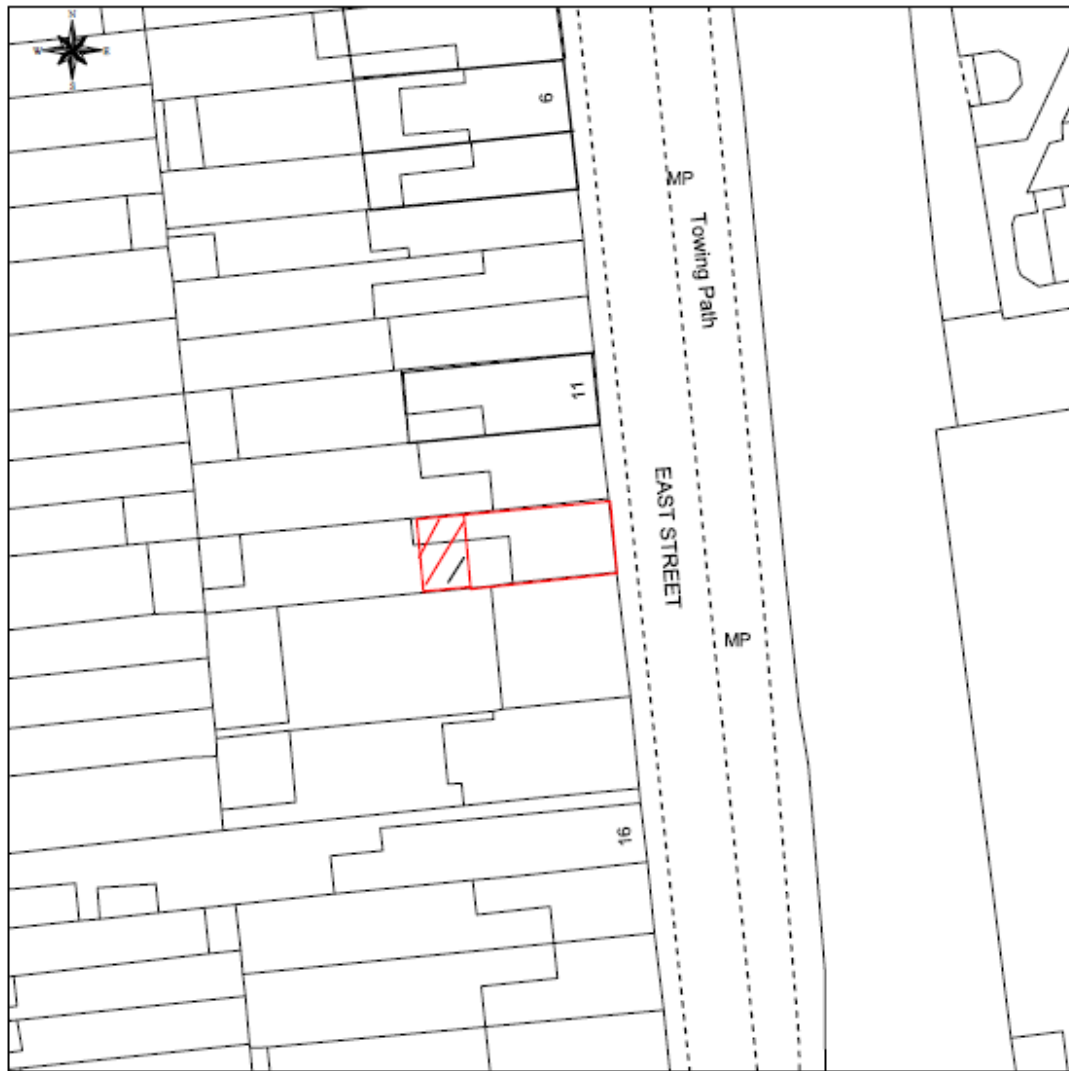
reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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# Appendix 1 – Site Plan

## 18/02255/FUL – 13 East Street

### Site Plan/Block Plan of ox2 0au



This Plan includes the following Licensed Data: OS MasterMap, Black and White Site Plan/Block Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2018. Ordnance Survey 0100031673

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## WEST AREA PLANNING COMMITTEE

15<sup>th</sup> January 2019

**Application Number:** 18/02899/CT3

**Decision Due by:** 2nd January 2019

**Extension of Time:** 22<sup>nd</sup> January 2019

**Proposal:** Erection of a single storey rear extension and extension of existing front store with the insertion of 1no. window to front.

**Site Address:** 6 White House Road, Oxford, Oxfordshire, OX1 4NA

**Ward:** Hinksey Park

**Case Officer** Sarah De La Coze

**Agent:** N/A

**Applicant:** Mr Bill Chamberlain, Oxford City Council

**Reason at Committee:** The application is before the Committee because the applicant is Oxford City Council .

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended 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 the report and grant planning permission
2. **Agree to delegate authority to the Acting Head of Planning Services to:**
  - a. 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.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the erection of a single storey rear extension and extension of the existing front store with the insertion of 1no. window to the front elevation. The proposals are largely required to make the property more suitable for occupiers with reduced mobility.

2.3 The development is considered acceptable in design terms and will not detract from the character and appearance of the area. The proposal would not have a detrimental impact on the neighbouring properties and is considered to comply with Policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan, MP1, HP9 and

HP14 of the Sites and Housing Plan, CS18 of the Core Strategy and the NPPF.

### 3. LEGAL AGREEMENT

3.1. A legal agreement is not required for this application

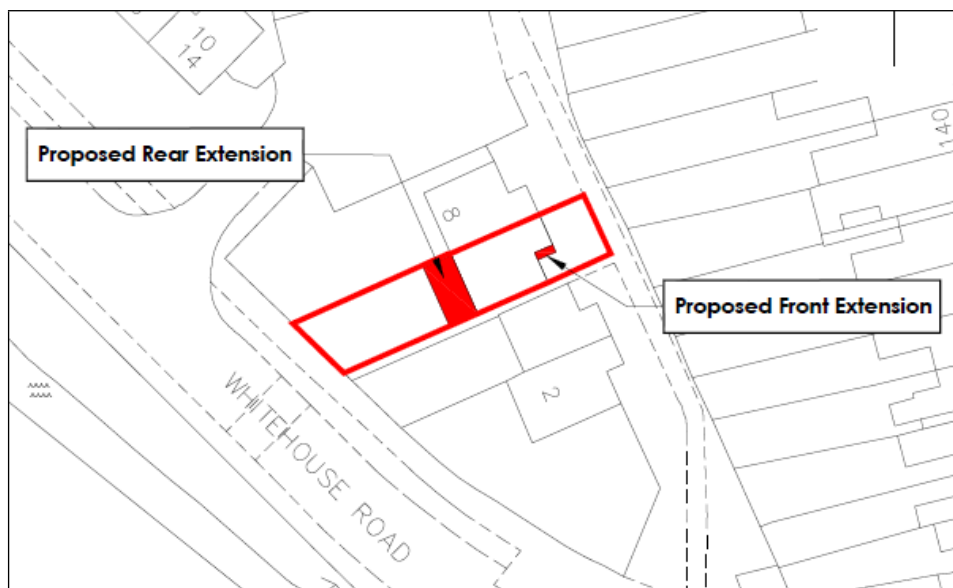
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL

### 5. SITE AND SURROUNDINGS

5.1. The site is located within the Hinksey Park Ward. White House Road is accessed from Abingdon Road. The property is a semi-detached dwelling with the front of the dwelling accessed from a footpath (to the South of the site) with the garden backing onto White House Road. A location plan can be found in Appendix 1.

5.2. See block plan below



### 6. PROPOSAL

6.1. The application seeks planning permission for a single storey rear extension and a front extension to the existing store building including a new window. The rear extension which would have a depth of 3m and a height of 2.9m and would run along the whole width of the house. The front extension would result in an extension and canopy area which follows the form of the existing store building, resulting in an overall front extension measuring 4m in width, a depth of 1.7m, eaves height of 2.4m and an overall height of 3.1m

### 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

75/01112/A\_H - Revised application for erection of common room. PER 21st January 1976.

74/01012/A\_H - Erection of 42 no. OAP flats and 5 no. houses, common room and lock up garages.. PER 20th November 1974.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
<b>Design</b>	127	CP1 CP6 CP8 CP13	CS18	HP9	
<b>Environment</b>		CP10		HP14	
<b>Environmental</b>	164				
<b>Misc</b>				MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 16<sup>th</sup> November 2018.

### **Statutory Consultees**

9.2. None received.

### **Public representations**

9.3. No comments received.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Design;
- ii. Impact on neighbouring amenity
- iii. Flooding

**i. Design and Impact on Character of Surrounding Area**

- 10.2. Policy CS18 of the Core Strategy, Policy HP9 of the Sites and Housing Plan and Policies CP1 and CP8 of the Oxford Local Plan 2001-2016 require that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.3. The dwelling is located in a visible position on the street scene with the front of the property facing on to a footpath and the rear of the property backing on to a road. The front extension has been designed to be in keeping with the existing front store and will be viewed as a logical addition to the existing arrangement. The materials proposed will match those of the existing dwelling.
- 10.4. The proposals are relatively small-scale changes to the property that are needed to make it more accessible for someone with reduced mobility. Officers recommend that the proposals are therefore supported by Policy CP13 which seeks to support developments that improve accessibility.
- 10.5. The rear extension will feature a flat roof and will be viewed as a subservient addition to the main house. The extensions are considered to form a visually appropriate relationship with the dwelling and the neighbouring properties and would be in keeping with the pattern of development in the immediate vicinity. The proposal is not considered to have an adverse impact on the visual amenity of the site or wider area and is therefore considered acceptable with regard to its design and complies with the requirements of Policy CP1 and CP8 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

**ii. Impact on Neighbouring Amenity**

- 10.6. Policy HP14 of the Sites and Housing Plan states that development will only be granted for development that provides reasonable privacy and daylight for the occupants of both existing and new homes.
- 10.7. The front elevation would be modest in scale and would be sufficiently separated from the neighbouring front windows so not to have an adverse impact on neighbouring amenity. The front extension would comply with the 45/25 degree guidance and is therefore not considered to have an adverse impact on neighbouring amenity and would comply with the requirements of Policy HP14 of the Sites and Housing Plan (2013).

- 10.8. The rear extension would have a depth of 3m, a height of 2.9m and would run along the whole width of the house. The boundary treatment between the properties is a standard 1.7m close boarded timber fence. When applying the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan (2013) the proposed extension would breach these requirements. However, the height and depth of the proposed rear extension is considered to be modest. An extension of this size can normally be built under permitted development (on the basis of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)). It is only because the proposed development also includes the front extension that the entire development cannot be considered permitted development. This is considered a material consideration as it is a fall-back position for the applicant. On this basis despite the proposed development failing to meet the requirements of the 45/25 degree code it is argued that this should not form a reason for refusal in this case.
- 10.9. The extension would feature a flat roof which would reduce the massing at the boundary and the additional height above the fence. Both neighbouring properties benefit from large rear patio windows. The additional height of the extension above the boundary fence is therefore not considered to be overbearing. In addition as the properties back on to a road there are no properties located directly behind. As the properties benefit from an open outlook the extension is not considered to adversely impact the outlook available to the neighbouring properties. With regard to light, whilst the rear extension does breach the 45/25 degree guidance, given the open nature of the site, the modest height and the South West orientation of the gardens, the extension is not considered to have an unacceptable impact on the light available to the neighbouring properties. Furthermore the attached neighbour no. 8 benefits from a large hedge on the boundary which currently restricts views and light between the properties.
- 10.10. The rear extension would include openings which would replicate the existing opening arrangement. The new window to the front extension would face on to the path. The extensions are therefore not considered to give rise to unacceptable levels of overlooking or loss of privacy

**iii. Flooding**

- 10.11. The application site is located within flood zone 2 where flood resilience measures are required. Given the scale of the development it is considered that a condition requiring flood resilience measures to be included in the proposal is sufficient and acceptable in this instance. The development therefore complies with the requirements of Policy CS11 of the Core Strategy (2011).

**11. CONCLUSION**

- 11.1. The proposal is considered to have an acceptable visual impact on the character and appearance of the property and the surrounding area and would not have an unacceptable impact on the amenity of neighbouring occupiers in accordance with the relevant planning policies. In reaching a view that the proposed

development would be acceptable officers have had regard to the emerging Oxford Local Plan 2036 including Policy H14, RE3 and DH1; it is considered that the proposals would meet the requirements of those policies. Officers have had regard to the needs of occupiers when reaching a recommendation to grant planning permission particularly in the context of the accessibility of the property and the needs of disabled occupiers.

- 11.2. It is recommended that the Committee resolve to grant planning permission for the development.

## **12. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 The materials to be used in the new development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016, CS18 of the Oxford Core Strategy 2026, HP9 of the Site and Housing Plan 2011-2026.

- 4 Flood resilience and resistance measures suitable for the residual depth of flooding shall be incorporated into the building. These should be in accordance with DEFRA/Environment Agency Planning Practice Guidance, and the DCLG publication 'Flood resilient construction of new buildings'.

Reason: To manage flood risk in accordance with the NPPF and Oxford Core Strategy Policy CS11

## **13. APPENDICES**

### **Appendix 1 – Location/Block Plan**

## **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of

Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

**15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

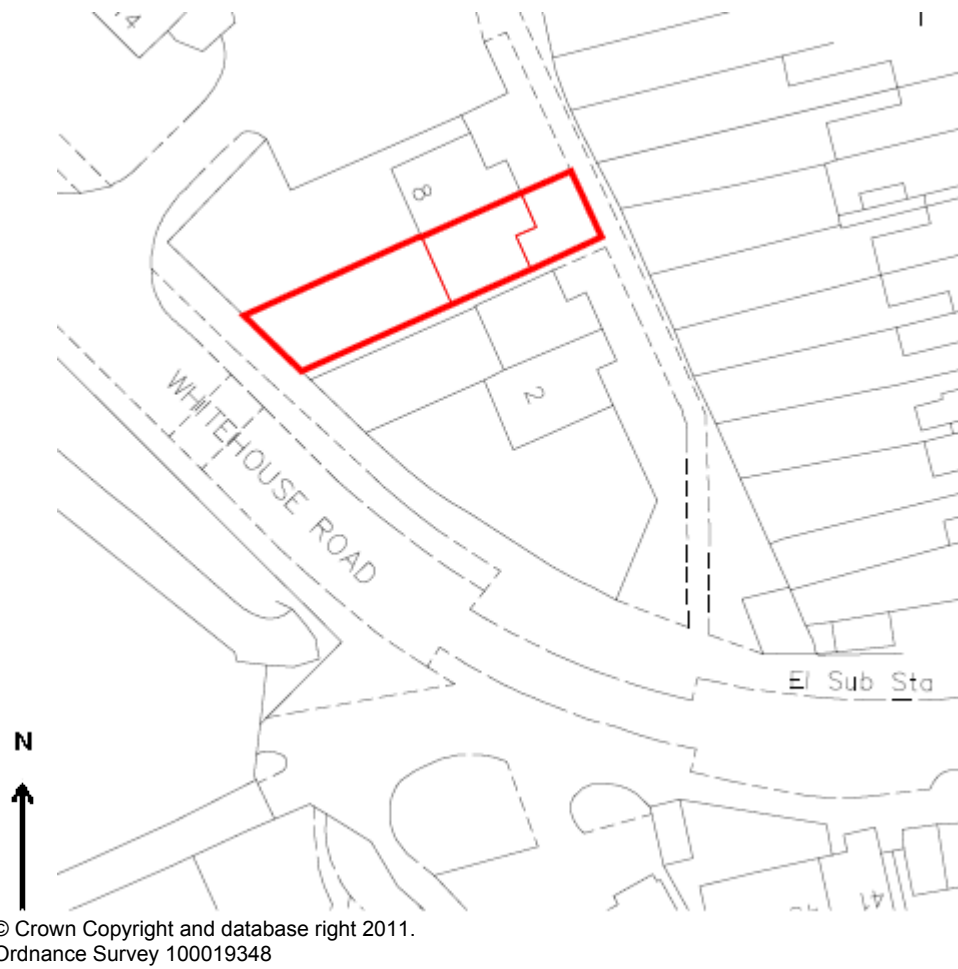
15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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# Appendix 1 – Site/Block Plan

18/02899/CT3 – 6 White House Road, OX1 4NA



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## Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 11 December 2018

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### Committee members:

Councillor Arshad	Councillor Corais
Councillor Hollingsworth	Councillor Upton
Councillor Clarkson (for Councillor Cook)	Councillor Lygo (for Councillor Bely-Summers)
Councillor Gant (for Councillor Gotch)	Councillor Landell Mills (for Councillor Harris)

### Officers:

Adrian Arnold, Acting Head of Planning Services  
Robert Fowler, Planning Team Leader  
Sally Fleming, Lawyer  
Catherine Phythian, Committee Services Officer  
Julia Drzewicka, Planning Officer  
James Paterson, Planning Officer

### Apologies:

Councillor(s) Cook, Gotch, Bely-Summers, Harris and Iley-Williamson sent apologies.

## 50. Election of Chair for this meeting only

Councillor Louise Upton was elected Chair of the Committee for this meeting only.

## 51. Declarations of interest

**17/02817/FUL: Councillor Hollingsworth** stated that he had relatives living opposite the development site but that he had not discussed the application with them and he was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**18/02400/FUL and 18/02540/FUL: Councillor Clarkson** stated that as a signatory to the call-in, she was approaching them with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**18/02400/FUL and 18/02431/FUL: Councillor Upton** as a Council appointed trustee for Oxford Preservation Trust stated that she had taken no part in those organisation's discussions or decision making regarding any of the applications before the Committee and that as a signatory to the call-in she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

## **52. 18/02400/FUL - 7 St Michael's Mansions Ship Street Oxford OX1 3DE**

The Committee agreed to take this item first.

The Committee considered an application (18/02400/FUL) for planning permission for the temporary change of use of ground floor and basement of no. 7 St Michael's Mansions from (Use Class A1) retail use to Sui Generis (Betting Shop).

The application was before the Committee as it was called in by Councillors Clarkson, Munkonge, Tanner, Pressel and Simm because the proposal was not a like for like replacement and no marketing evidence has been provided to demonstrate that an A1 use cannot be found.

The Planning Officer presented the report and informed the Committee that the wording of condition 6 is proposed to be changed so that the condition reads "*The use of the first floor unit of 18-20 Cornmarket Street as a betting shop shall cease within 1 month from the date of this permission*".

Helen Wilkinson, Oxford Preservation Trust spoke against the application.

Simon Sharp, JPPC spoke in favour of the application.

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

The Committee were of the view that the duration of the temporary permission should be linked to the timescales for the Cornmarket redevelopment and not to the commercial arrangements of the applicant and the tenant. Three years was thought to be a more reasonable timescale.

The Committee noted that the permitted development rights would be taken away so that all advertisements would require advertisement consent (Condition 3). However, they were concerned about the variety of forms of modern advertising that might be used on and inside the premises. To minimise the impact on the wider street scene it was important to ensure that the control provided by Condition 3 was robust, specific and encompassed the different forms of advertising that might be used.

In reaching its decision, the Committee considered all the information put before it. The Committee felt that this was a finely balanced decision given the sensitive location and the branding of the betting shop but they were reassured that there would be no external alterations to the shopfront as part of this application and that the development could be controlled and contained by the proposed conditions.

On being put to the vote the Committee agreed with the officer recommendation with the following amendments:

- Condition 1 – officers to seek to agree a shorter duration for the temporary permission
- Condition 3 – officers to revise the wording to provide greater and more specific control on the tenant's use of various forms of advertising on and within the site

**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 the report and including the proposed amendments detailed above (Conditions 1, 3 and 6) and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to:
  - a. finalise the recommended conditions as set out in the report and amended above including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

**53. 17/02817/FUL: 472-474 Banbury Road, Oxford, OX2 7RG**

The Committee considered an application (17/02817/FUL) for planning permission for the demolition of 2no. semi-detached dwellings and detached garage; erection of building to provide 9no. residential units (3 x 3-bed, 5 x 2-bed and 1 x 1-bed); provision of covered and secure bicycle parking and refuse/recycling storage; provision of communal and private amenity areas and car parking; and closure of existing vehicular access on to Elsfield Way (A44/northern ring road).

The Planning Officer presented the report. The application has been submitted in November 2017 and had been the subject of extensive discussions and negotiation in terms of the affordable housing contribution. The Council had appointed an independent assessor to review and test the viability report which stated that the site was not viable to provide an affordable housing contribution. The independent assessor had concluded that the site was not viable to provide any contribution towards affordable housing.

Julian Philcox, JP Planning Ltd spoke in favour of the application.

The Committee asked questions of the officers and the public speaker about the details of the application; in discussion the Committee explored the following issues:

- Viability: whether there was scope to include some form of “overage clause” and what impact the unit size had on valuations and the viability assessment
- reasons for the withdrawal of the objections of the Highways Authority: the planning officer confirmed that these had been resolved on the submission of a supplementary plan showing the proposed visibility splays
- concerns about the air quality as the site was in a known “hot spot” and the importance of providing mitigation measures and monitoring arrangements
- that the site would have been well suited to a car-free development as would be required under the terms of the emerging Local Plan

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

On balance the Committee welcomed the development as it would bring a key site back into residential use and the generous size of the individual units was to be encouraged. The Committee regretted that the site was not viable to provide any contribution

towards affordable housing but accepted the definitive guidance as set out in the independent report and the planning officer's advice that an "overage clause" would not be appropriate in this case.

On being put to the vote the Committee agreed with the officer recommendation as amended to include an additional condition relating to air quality.

**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 the report and the inclusion of an additional condition on air quality; and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to:
  - a. finalise the recommended conditions as set out in the report and at 1) above including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

**54. 18/02540/FUL - 13 Dale Close, Oxford OX1 1TU**

The Committee considered an application (18/02540/FUL) for planning permission for the change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4).

The application was before the Committee as it had been called in by Councillors Tidbull, Tanner, Clarkson, Pressel and Curran because of concerns that the application property is situated on a small estate where there are already a number of HMOs and there is a perception that the area would be ill-suited to accommodating additional HMOs.

The Planning Officer presented the report.

Ian Green, on behalf of the St.Ebbe's New Development Residents Association (SENDRA) spoke against the application.

Kirsti Brisk (applicant) spoke in favour of the application.

The Committee asked questions of the officers and public speakers about the details of the application with particular reference to the concerns expressed about the parking arrangements at the application site and in the immediate vicinity. The Committee concluded that the impact of the parking arrangements for the application site were no different to those that might be presented by a family of adult drivers occupying one of the neighbouring properties.

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 17 of the report and grant planning permission.
2. **delegate authority** to the Acting Head of Planning Services to:
  - a. finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

Councillor Clarkson left the meeting at the end of this item.

**55. 18/02431/FUL: 9B North Parade Avenue, Oxford, OX2 6LX**

The Committee considered an application (18/02431/FUL) for retrospective planning permission for the installation of an extraction flue with external outlet grill to front elevation.

The application was before the Committee as it had been called in by Councillors Fry, Upton, Taylor and Pressel because of concerns that the ventilation system at the application property did not accord with DEFRA advice and that the A3 use of the property has not previously included deep fat frying or cooking large quantities of meat.

The Planning Officer presented the report. He explained that the extraction equipment was installed at the request of Environmental Health Officers as the optimum solution for the restaurant.

With regard to the concerns raised as to nuisance from sound and particularly smell, he explained that these would not constitute reasonable grounds for refusal. The Environmental Health Officers of Oxford City Council had conducted their own investigations and in their professional opinion the issues raised by local residents did not substantiate a statutory nuisance.

Marianne Moxon, local resident, spoke against the application.

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

The Committee noted the following points:

- that the DEFRA guidance referred to in the “call-in” and by the public speaker had been withdrawn in 2017. The Oxford City Council Environmental Health Officers had referred to the latest guidance (Institute of Air Quality Management’s (IAQM) *Guidance On The Assessment Of Odour For Planning*, published in July 2018) when advising on the suitability of the extraction equipment.
- that the professional advice of the Oxford City Council Environmental Health Officers was that there was no statutory nuisance in terms of noise and odours
- that the appearance and setting of the external outlet grill would cause only a minimal degree of harm to the adjacent listed buildings and Conservation Area

which would itself be offset by the public benefit of the continued A3 use of the building.

In reaching its decision, the Committee considered all the information put before it. They acknowledged the concerns expressed by the public speaker and in the written objections. However, the Committee was mindful that these were matters that would need to be addressed by other regulatory powers. The decision before the Committee related only to the suitability of the extractor system in terms of its visual impact.

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

**56. 16/02689/CND7: Cooper Callas, Unither House, 15 Paradise Street, Oxford, OX1 1LD**

The Committee considered the appropriateness of the submitted information (16/02689/CND7) in compliance with conditions 8 (Travel Plan), 9 (Travel Information Packs), and 12 (Delivery and Service Management Plan (revised)) of planning permission 16/02689/FUL.

The Planning Officer presented the report.

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

Councillor Hollingsworth, as the ward member, said that he and local residents were satisfied with the arrangements and that these met the objectives set by the original Committee decision.

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

**The West Area Planning Committee resolved to:**

1. **approve** the submitted Travel Information Pack and Delivery and Service Management Plan in compliance with conditions 9 and 12 respectively of planning permission 16/02689/FUL; and
2. **delegate authority** to the Acting Head of Planning Services to approve the Travel Plan on occupation of the Hotel in compliance with condition 8 of planning permission 16/02689/FUL having first consulted with the County Council and secured any revisions to the submitted Travel Plan as deemed necessary following the first Travel Surveys and feedback as required by the Travel Plan.



## **57. Planning appeals summary December 2018**

The Planning Officer presented a report, submitted by the Acting Head of Planning Services, which summarised recent appeal decisions and the key issues raised in the appeals. He explained that the purpose of the report was to ensure that members of the planning committee were aware of the planning inspectors' reasoning for appeals that were allowed or dismissed and the potential implications this might have on the determination of future applications.

The Committee welcomed the re-introduction of this report as it provided useful information and would improve councillors' understanding of the planning process. The Committee suggested that the report could be broadened to include appeals from other councils which illustrated issues which might be of relevance, (e.g. interpretation of the NPPF).

The West Area Planning Committees noted the contents of the report.

## **58. Minutes**

The Committee resolved to approve the minutes of the meeting held on 13 November 2018 as a true and accurate record.

## **59. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **60. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 8.15 pm**

**Chair .....**

**Date: Tuesday 15 January 2019**

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