

# Agenda

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## West Area Planning Committee

Date: **Tuesday 10 December 2019**

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Time: **6.00 pm**

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Place: **Council Chamber - 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 Tiago Corais	Littlemore;
	Councillor Alex Donnelly	Hinksey Park;
	Councillor Paul Harris	St. Margaret's;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Louise Upton	North;
	Councillor Dick Wolff	St. Mary's;

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

#### Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the  box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

### 2 Declarations of interest

### 3 19/02547/FUL: 18 Addison Crescent, Oxford, OX4 4BD

9 - 20

**Site address:** 18 Addison Crescent, Oxford, OX4 4BD

**Proposal:** Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). Provision of bin and cycle stores and creation of 2no. car parking spaces. (Amended plans)

**Reason at Committee:** The application has been called into committee at the request of Councillors Tarver, Kennedy, Tanner, Munkonge, Chapman, Hayes, Curran, Taylor, Clarkson, Tidball, Azad and Smith due to concerns relating to density of HMOs in the area, overdevelopment, insufficient bathroom facilities, parking pressure and size of bedrooms.

**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 Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers

reasonably necessary.

## 4 Minutes

21 - 30

**Recommendation:** to approve the minutes of the meeting held on 27 November 2019 as a true and accurate record.

## 5 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ	Deferred
19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	Committee level decision
18/03133/FUL: Linton Lodge Hotel, 11-13 Linton Road, Oxford, OX2 6UJ	Committee level decision
19/01662/FUL: 75 Botley Road, Oxford, OX2 0EZ	Called in
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ (Bartlemas Nursery)	Committee level decision
19/02032/FUL: Sir Geoffrey Arthur Building, Long Ford Close, Oxford, OX1 4NJ	Committee level decision
19/02306/FUL: Castle Hill House, 9 New Road, Oxford, OX1 1LT	Committee level decision
19/02307/LBC : Castle Hill House, 9 New Road, Oxford, OX1 1LT	Committee level decision
19/02531/FUL: St Pauls House , Walton Street, Oxford, OX2 6ER	Committee level decision
19/02578/OUT: Land Forming The Site Of Former Cold Arbour Filling Station, 281 Abingdon Road, Oxford, OX1 4US	Committee level decision
19/02536/FUL: Land To The Rear Of 45 Wytham Street, Oxford, OX1 4TR	Called in
19/02601/FUL: Frewin Quad, New Inn Hall Street, Oxford, OX1 2DH	Committee level decision
19/02815/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	Called in
19/02816/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	Called in
19/02817/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	Called in
19/02926/FUL: Land Adjacent The Old School, Gloucester Green, Oxford, OX1 2BU	Committee level decision

## **6 Dates of future meetings**

Future meetings of the Committee are scheduled at 6.00pm on:

### **2020**

21 January

11 February

10 March

7 April

## **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.  
Unchanged in last Constitution update agreed at Council November 2018.**



## WEST AREA PLANNING COMMITTEE

10th December 2019

<b>Application number:</b>	19/02547/FUL		
<b>Decision due by</b>	27th November 2019		
<b>Extension of time</b>	20 <sup>th</sup> December 2019		
<b>Proposal</b>	Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). Provision of bin and cycle stores and creation of 2no. car parking spaces. (Amended plans)		
<b>Site address</b>	18 Addison Crescent, Oxford, OX4 4BD, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Iffley Fields Ward		
<b>Case officer</b>	Jennifer Coppock		
<b>Agent:</b>	Jim Driscoll	<b>Applicant:</b>	C/O Agent
<b>Reason at Committee</b>	The application has been called into committee at the request of Councillors Tarver, Kennedy, Tanner, Munkonge, Chapman, Hayes, Curran, Taylor, Clarkson, Tidball, Azad and Smith due to concerns relating to density of HMOs in the area, overdevelopment, insufficient bathroom facilities, parking pressure and size of bedrooms.		

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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

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the proposal to change the use of a dwellinghouse (use class C3) to a House in Multiple Occupation (HMO) (use class C4). The

proposal also includes the provision of bin and cycle stores and creation of a dropped kerb and 2no. car parking spaces.

- 2.2. The proposed development is considered acceptable in principle as the proportion of buildings used as a HMO within 100 metres of street length either side of the application site does not exceed 20%, in accordance with Policy HP7 of the Sites and Housing Plan. The calculated percentage, including the proposed HMO subject to this application, would be 15.7%.
- 2.3. The proposal is in compliance with the 'Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation 2019'.
- 2.4. The proposed provision of 2no. off-street car parking spaces and cycle parking is in compliance with Policies HP15 and HP16 of the Sites and Housing Plan.

### **3. LEGAL AGREEMENT**

- 3.1. This application is not subject to a legal agreement.

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

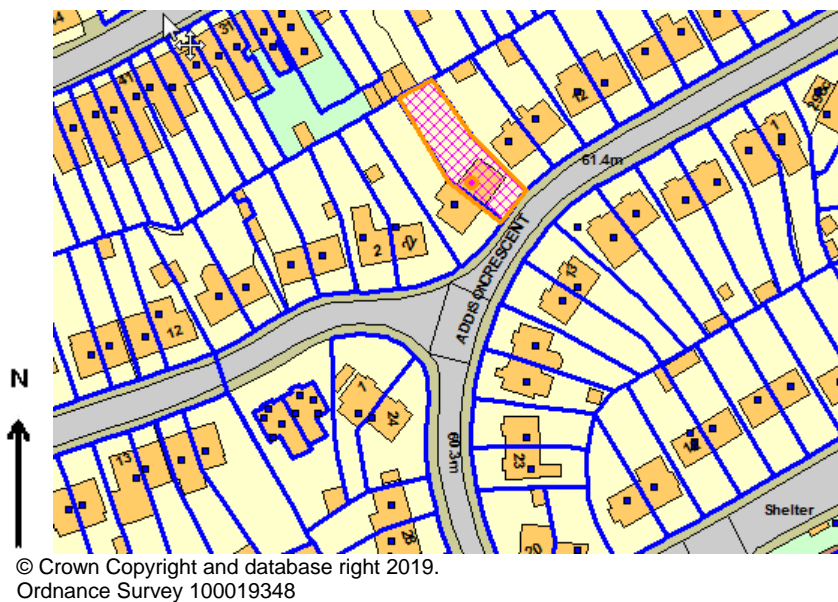
- 4.1. The proposal is not liable for CIL.

### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located on Addison Crescent to the west of Iffley Road. The residential street is characterised by two storey semi-detached dwellings with gardens to the front predominantly used to provide off-street parking.
- 5.2. The application site itself contains a two storey, four bedroom semi-detached dwelling under a tiled roof. The entrance to the property is located on the side elevation, accommodation on the ground floor includes a living room, dining room, kitchen and bathroom and separate W.C. Four bedrooms are located on the first floor. A private garden is located to the rear.
- 5.3. The garden area to the front is largely paved with a small area of soft landscaping, the front boundary wall has recently been demolished but this area does not currently provide car parking provision as there is no dropped kerb.
- 5.4. Addison Crescent is not designated as a Controlled Parking Zone (CPZ), meaning that a resident's permit is not required in order to park on-street. A number of cars were parked on-street during the time of the Officer's site visit.
- 5.5. The site was subject to a separate application for prior approval for the erection of a single storey rear extension to provide a bedroom on the ground floor. This application was withdrawn on 15<sup>th</sup> November 2019. During the Officer's site visit on 20<sup>th</sup> November it was observed that works were taking place at the application site. The agent has confirmed that these works were to provide the first fix electrical works and running gas pipes for the central

heating. It has been confirmed by the agent that works in association with the above mentioned extension have not been undertaken.

5.6. See block plan below:



## 6. PROPOSAL

6.1. The application proposes the change of use from a dwellings house (use class C3) to a House in Multiple Occupation (HMO) (use class C4). The proposal includes 4 single occupancy bedrooms for 4 residents. The application also incorporates provision of 2no. off-street parking spaces, cycle parking provision and bin storage. During the determination process, amendments were made to the proposed internal layout.

## 7. RELEVANT PLANNING HISTORY

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

19/02625/H42 - Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.75m, and for which the height of the eaves would be 2.45m. Withdrawn 15th November 2019.
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## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Sites and Housing Plan	Other planning documents	Neighbourhood Plans:
Design	Paragraph 130	CP8 CP10			
Housing			HP7		
Transport			HP15 HP16	Parking Standards SPD	
Miscellaneous	Paragraph 11	CP1	MP1	Amenities and Facilities Guide for Landlords	

## 9. CONSULTATION RESPONSES

9.1. An initial site notice was displayed on a lamppost outside no. 16 Addison Crescent on 15<sup>th</sup> October 2019. A further site notice was displayed in the same location on 13<sup>th</sup> November with the consultation period extended for a further week following complaints that the original site notice had been removed. Amended plans were received on 19<sup>th</sup> November, incorporating alterations to the proposed internal layout. A pink site notice was displayed on 20<sup>th</sup> November in the same location, allowing any comments on the amended plans until 27<sup>th</sup> November 2019.

### Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The County Council as highway authority has raised no objection and has not recommended any conditions.

### Public representations

9.3. 25 local people commented on this application from addresses in Addison Crescent, Hunters Piece, Bainton Road, Hilltop Road, Fyfield Road, Lydford Road, Minster Road, Burgess Mead, St Mary's Road, New Street (Canterbury), Buchanan Gardens (London), Castellain Road (London), Rowan Road (London), Church Street (Kent), Inch Avenue (Scotland), Rue Albert (France), Post Office Cottage (Banbury).

9.4. In summary, the main points of objection (25 residents) were:

- Access
- Effects on character of area
- Effect on traffic
- On-street parking
- Parking provision
- Noise and disturbance
- Effect on privacy
- Effect on adjoining properties
- Effect on existing community facilities
- Information missing from plans
- Not enough info given on application
- General dislike or support for proposal
- Local plan policies

#### **Officer response**

9.5. A number of comments related to application 19/02625/H42 which was an application for prior approval for the erection of a single storey rear extension. As set out above at paragraph 5.5, this application was withdrawn on 15<sup>th</sup> November 2019. A number of residents queried the number of occupants; confirmation has been received from the agent that 4 people would occupy the HMO. A number of residents and Councillors raised concern that the original site notice had been removed before the consultation period had ended. In response to this, the consultation period was extended for a further week until 20<sup>th</sup> November and a new site notice was posted on 13<sup>th</sup> November. In response to concerns relating to parking provision and density of HMOs in the area, it is confirmed that the proposed off-street vehicular and cycle parking provision is in compliance with local policy and the proportion of HMOs within the area, including that proposed under this application, would be in compliance with local policy.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Access and Parking

**i. Principle of development**

- 10.2. The proposed development is considered acceptable in principle as the proportion of buildings used as a HMO within 100 metres of street length either side of the application site does not exceed 20%, in accordance with Policy HP7 of the Sites and Housing Plan 2011-2026. The calculated percentage, including the proposed HMO subject to this application, would be 15.7%.

**ii. Design**

- 10.3 Policy HP7 of the Sites and Housing Plan 2011-2026 also requires applicants to demonstrate compliance with the City Council's good practice guidance on HMO amenities and facilities.
- 10.4 The current internal arrangement of the dwelling comprises a dining room, living room, kitchen and bathroom with separate W.C. on the ground floor. 4no. bedrooms are located on the first floor. The proposed floor plan would create an open plan kitchen/ dining/ living area accessed off the entrance hall with a separate bedroom located to the front of the property where the dining room is currently located. The bathroom and separate W.C. would remain in their current location. On the first floor, one of the existing bedrooms would be converted into a bathroom.
- 10.5 With regard to the 'Amenities and Facilities Guide for Landlords 2019', the minimum proposed bedroom size would be 9sq. m., which is above the minimum required size of 6.5sq. m. for 1 occupant. As the bedroom sizes are above 8.5sq. m., there is no requirement to provide additional communal living space. The open plan kitchen/ dining/ living area would measure 26.5 sq. m., of which 7sq. m. would be dedicated to the kitchen. 2no. bathrooms and a separate W.C. would be provided.
- 10.6 The proposal is considered to be in compliance with the HMO guidance, Policy HP7 of the Sites and Housing Plan 2011-2026 and emerging Local Plan Policies H6 and H15.

**ii. Access and Parking**

*Access*

- 10.7 A dropped kerb, measuring approximately 5.5m in width, would be created to the front of the property to allow vehicular access onto the driveway. The driveway would be laid in permeable brick pavers. A condition is recommended to ensure that the driveway is drained using Sustainable Drainage measures (SuDS).

*Vehicular parking*

- 10.8 The proposed development would provide 4 bedrooms outside of the Transport Central Area and as such, Policy HP16 of the Sites and Housing Plan requires the maximum provision of 2no. allocated car parking spaces. The proposed development would provide 2no. off-street parking spaces to

the front of the property. This provision would be in compliance with Policy HP16 of the Sites and Housing Plan 2011-2026 and has been supported by the Highways Authority. A condition is recommended to ensure that the parking provision would be in place before the first occupation of the HMO.

#### *Cycle Parking*

- 10.9 Policy HP15 of the Sites and Housing Plan requires the provision of at least 1 cycle parking space per occupant, four cycle parking space are therefore required on site. The application proposes 2no. cycle stands, to provide parking spaces for 4no. bicycles, this is considered in compliance with Policy HP15 and has been supported by the Highways Authority. A condition is recommended to require details of bicycle storage to be submitted to and approved by the Council prior to the first occupation of the dwelling as a HMO. The condition continues that the cycle parking provision shall be in place before the first occupation of the HMO.

## **11. CONCLUSION**

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2 In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3 The proposed development would result in the percentage of HMOs within 100m street length either side of the application site, increasing to 15.7%. This falls below the 20% threshold set out within Policy HP7 of the Sites and Housing Plan 2011-2026.
- 11.4 The proposed internal arrangement, bedroom and kitchen sizes and wash room facilities are in compliance with the Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation 2019.
- 11.5 The proposed access, vehicular and cycle parking provision are in compliance with Policies HP15 and HP16 of the Sites and Housing Plan 2011-2026.

- 11.6 For the reasons outline within this report, it is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

## **12 CONDITIONS**

- 12.1 Officers recommend that conditions would be required relating to the following matters but that the wording is delegated to the Head of Planning.

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. All impermeable areas of the proposed development, including roofs, driveways, and patio areas should be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches.

Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations.

The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Oxford City Council SuDS Design Guide can be found at [www.oxford.gov.uk/floodriskforplanning](http://www.oxford.gov.uk/floodriskforplanning)

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policy CS11 of the Oxford Core Strategy 2011-2026



4. Prior to the first occupation of the dwelling as a HMO, details of bicycle and bin storage shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation of the dwelling as a HMO, the approved bicycle and bin storage shall be provided on site and retained for these purposes thereafter.

Reason: In the interest of the character and appearance of the area and promotion of sustainable modes of transport in accordance with policies HP13 and HP15 of the Sites and Housing Plan.

5. The vehicular and cycle parking provision hereby approved shall be completed prior to the first occupation of the dwelling as a HMO.

Reason: In the interest of the character and appearance of the area and promotion of sustainable modes of transport in accordance with policies HP13, HP15 and HP16 of the Sites and Housing Plan.

### INFORMATIVES:-

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

## **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.

## Appendix 1 – Site Plan

19/02547/FUL – 18 Addison Crescent

AccuMap®



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## **Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Wednesday 27 November 2019**



### **Committee members:**

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Corais	Councillor Donnelly
Councillor Harris	Councillor Hollingsworth
Councillor Wolff	Councillor Tanner (for Councillor Upton)
Councillor Simm (for Councillor Iley-Williamson)	

### **Officers:**

Adrian Arnold, Head of Planning Services  
Nadia Robinson, Principal Planning Officer  
Gill Butter, Conservation and Urban Design Officer  
Andrew Murdoch, Development Management Service Manager  
John Mitchell, Committee and Member Services Officer  
Anita Bradley, Monitoring Officer

### **Also present:**

Stephen Ashworth, Dentons, Legal Adviser  
Hannah Battye (Oxfordshire County Council )  
Oliver Eden (Oxfordshire County Council)  
James Petherick (JLL, viability adviser)  
Nigel Simkin (JLL viability adviser)

### **Apologies:**

Councillors Iley-Williamson and Upton sent apologies.

## **64. Declarations of interest**

Councillor Cook stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding the application before the Committee, that he was approaching the application with an open mind and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Wolff stated that Oxford North & West Green Party had submitted a comment on the application before the Committee. He was not a member of that group, had never attended a meeting of that group, and had not discussed the application with any member of it. This matter has been discussed with the Monitoring Officer, who had

cleared his participation at this meeting. He had read the officer's report with an open mind, and approached the meeting in the same spirit.

Councillor Donnelly stated that he was currently studying at St John's College but had no pecuniary interest or influence in the matter, approached it with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision. The Monitoring officer confirmed that it had been previously determined that Councillors were not prohibited from taking part in planning decisions relating to the University or its Colleges with which they had a connection with the proviso that they had no influence over or financial interest in the matter. This was further reviewed and re-affirmed following a concern raised by an objector to the application.

Councillor Gotch stated that as a member of the Oxford Civic Society, he had taken no part in that organisation's discussions or decision making regarding the application before the Committee. He had been in receipt of evidence provided by local residents but had not attended any of their meetings to discuss the application which he approached with an open mind.

**65. 18/02065/OUTFUL: Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout, Northern By-Pass Road, Wolvercote, Oxford, OX2 8JR**

The Committee considered a hybrid planning application comprising:

(i) Outline application (with all matters reserved save for "access"), for the erection of up to 87,300 m<sup>2</sup> (GIA) of employment space (Use Class B1), up to 550 m<sup>2</sup> (GIA) of community space (Use Class D1), up to 2,500 m<sup>2</sup> (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace, up to a 180 bedroom hotel (Use Class C1) and up to 480 residential units (Use Class C3), installation of an energy sharing loop, main vehicle access points from A40 and A44, link road between A40 and A44 through the site, pedestrian and cycle access points and routes, car and cycle parking, open space, landscaping and associated infrastructure works. Works to the A40 and A44 in the vicinity of the site;

(ii) Full application for part of Phase 1A comprising 15,850 m<sup>2</sup> (GIA) of employment space (Use Class B1), installation of an energy sharing loop, access junctions from the A40 and A44 (temporary junction design on A44), construction of a link road between the A40 and A44, open space, landscaping, temporary car parking (for limited period), installation of cycle parking (some temporary for limited period), foul and surface water drainage, pedestrian and cycle links (some temporary for limited period) along with associated infrastructure works. Works to the A40 and A44 in the vicinity of the site.(Amended plans and additional information received)

The Planning Officer introduced the report. She reminded the Committee that the application had been debated at the Committee meeting on 24 September.

The application was unusual in that it was a hybrid application. Approval of it would be in full for the detailed element and for the principle of development and access to the outline part of the site. If approved, detailed proposals for parts of the site would come forward as reserved matters applications in the usual way.

Northern Gateway was allocated as a strategic employment-led site in the Core Strategy. The Northern Gateway Area Action Plan (AAP) was subsequently developed and adopted by the Council in 2015. The AAP sets out the vision and policies for the area to support this strategic site coming forward.

Written representations had been circulated to Committee members after the addendum report was published.

The Summertown and St Margaret's Neighbourhood Forum, the Wolvercote Neighbourhood Forum and the Oxford Civic Society jointly raised various points of objection relating to the assessment of the development's viability.

The Wolvercote Neighbourhood Forum and the Wolvercote Commoners Committee jointly had raised an objection in relation to transport, as did County Cllr Buckley.

Many of these issues had already been covered in the officer's reports to the Committee but the new points would now be addressed.

### **Planning considerations**

The 24 September Committee report, together with the addendum report for this Committee, set out all the material planning considerations and assessed the application against the local development plan and national planning policy.

This assessment weighed up the benefits and disbenefits of the scheme in terms of economic, social and environmental impacts. Significant public benefits weigh overwhelmingly in favour of the development. The application accords with the development plan. The National Planning Policy Framework (NPPF) therefore requires the Council to approve the application without delay.

The Planning Officer went on to address 4 key areas.

### **Affordable Housing**

The application sought permission to build 480 homes overall. This would make a significant contribution to addressing Oxford's housing need. While the Council's affordable housing policies start at 50% on-site provision, if a site is demonstrated to be unviable with 50% affordable housing then the policy has a cascade approach to work through until a site becomes viable. This was the process that officers and the Council's advisors JLL had been through over the last two and a half years in an effort to make the overall development viable as well as maximising the quantum of affordable housing on site.

JLL followed the policy and guidance within the NPPF and National Planning Practice Guidance (NPPG), as well as professional guidance on financial viability from the Royal Institute of Chartered Surveyors (RICS).

This viability appraisal was a hypothetical exercise with a hypothetical developer and landowner which could not take into account the particular circumstances of the

applicant (which would include the price paid for land). This had been an objective assessment and an appeal inspector would be working within the same parameters of the NPPF and NPPG.

JLL's professional view was that the development was viable with 25% affordable homes. JLL had run a number of viability scenarios with significantly reduced land value (from JLL's recommended £12.4m to £628,000). The £628,000 land value was that used by Homes England to assess the viability of the scheme in deciding to award marginal viability funding to the project. JLL did not support this land value which is the very lowest level of land value that could reasonably be used. Using this low land value however, 35% affordable housing was just viable using the most favourable assumptions. After negotiations the applicant had offered 35%.

The original Committee report had discussed the four main reasons why the development was marginally viable. A key point was that the infrastructure costs were over £1m per gross acre (where costs for typical strategic sites are usually between £100,000 and £500,000 per acre). The nature of the scheme was another factor as it was neither a straightforward housing development nor a business park. The AAP's vision was for a new, high-quality, urban district for the city. The scheme proposed was bespoke.

The last Committee meeting resolved to defer consideration of the application pending two pieces of further information. The first was further modelling work to look at what level of affordable housing could be provided if both cost and value inflation are taken into account.

This work showed that, because build costs are forecast to go up more than sales and rental values in the coming years, the viability picture worsened if inflation was taken into account. So that approach would not lead to an increase in the amount of affordable housing.

If the forecasts were right however, they provide reassurance that securing 35% affordable housing for the site at this point would be a sound decision. If the forecasts were wrong and there was an unexpected growth in values, the review mechanism is in place to increase the amount of affordable housing.

The Committee had also asked for more detail about how the review mechanism would work, this was set out in Appendix 7, formed part of the Heads of Terms for the legal agreement and was discussed in the report.

The review mechanism was based on the Mayor of London's approach. This offered a more simplified approach than running a full new viability appraisal on each occasion and would just focus on key inputs: were there any changes in values and costs compared with what was anticipated? If there was a surplus comparing the difference in values over costs that surplus would be available to be used to increase the percentage of affordable housing on site at the early and mid stage review. Any surplus identified in the late stage review would be a cash payment towards off-site affordable housing. The review mechanism was only upwards so there was a guarantee that the minimum would be 35% affordable housing.



The sales values used in the appraisal were specific to Oxford and are at the upper end of the range JLL would expect. There was no reason to question JLL's independence or their findings, working within the NPPF and NPPG, and the RICS guidance on financial viability in planning. It should be noted that the viability work carried out on the site for Homes England by another independent assessor, Deloitte, also found the site to be marginally viable with only 25% affordable housing. In the absence of other evidence there was no reason to change the officers' recommendation that 35% was the most the site could justifiably be required to provide.

Finally, but importantly, the proposal was compliant with the Council's local plan policies on affordable housing.

## **Transport**

One of the six objectives of the AAP was to improve the local and strategic road network and other transport connections. The visualisations presented to the Committee sought to illustrate how the proposals for the A40 and A44 would transform them into "humanised streets", or urban boulevards through speed limit reductions, tree planting and improved bus, cycle and pedestrian infrastructure plus the buildings providing activity onto the street. The central street would have a speed limit of 20mph with no heavy goods vehicles and a more of a multi-modal character in the middle portion to encourage cycling and pedestrian activity. These changes were integral to the development proposal and would have wide public benefits.

The proposals had been shaped with input from Highways England, and the County Council as local highways authority, both of which support the proposals.

If the application was approved the applicant would need to provide a car parking strategy that drives car parking standards down as the development was built out.

It was important to note that the Wolvercote roundabout was not part of this application. The County Council completed works to the roundabout in 2016.

The applicant did not control all the land to deliver a full cycle link from the site to Oxford Parkway, but the proposal includes a requirement for the applicant to work with the other landowners to deliver this link.

In relation to the matter of the Loop Farm link road, this was a matter which was outside the control of the City Council and the planning application before the Committee. The AAP was the policy document against which the application must be assessed and it did not require such a link road. The mitigation package proposed was sufficient to mitigate the impact of the development.

## **Sustainability**

A fundamental part of the energy strategy was a site-wide energy sharing loop network. This was an innovative and low-carbon solution, based on ground source heat pumps which was easy to modularise.

The development takes a 'fabric first' approach – so that buildings are extremely energy efficient. It was seeking to meet BREEAM Excellent standards.

## **Design**

The proposals represent a high-quality progression from the principles in the AAP Design Code which form an appropriate basis and level of detail to ensure coherence and design quality across the site as it is built out, should permission be granted.

The detailed part of the application demonstrated how these principles are to be realised with innovative contemporary interpretations of Oxford's industrial and making architectural heritage.

## **Balance**

The application as a whole complied with the development plan policies, the policies of the AAP and delivers the objectives of the AAP which was central to the Core Strategy for the city.

When an application complies with the development plan, the NPPF requires the Council to approve it without delay.

Further to the additional viability work that has been undertaken, officers were firmly of the view that 35% affordable housing, combined with the upwards only review mechanism, is a good offer for the Council to secure at this point.

Officers were therefore recommending approval subject to the recommended conditions and a legal agreement to include the review mechanism for affordable housing.

Bob Colenutt (Summertown St Margaret's Neighbourhood Forum), Dr Liz Sandis (Local Resident), County Councillor Paul Buckley, and Ben Saward (St John's student) spoke against the application.

David Jackson (Savills) and Andrew Parker (St John's College) spoke in favour of the application. Other representatives were present to answer questions.

The Committee sought clarification and or confirmation about a number of matters from officers and other representatives at the table which included but were not limited to the following.

- The advice received from JLL was independent of both the applicant and Council.
- The land value of £628,000 was the lowest justifiable value and one which just enabled the 35% affordable housing figure to be reached.
- National Planning Practice Guidance stated that a return of between 15-20% of Gross Development Value (GDV) was a suitable return for developers and that the proposal before the Committee represented approximately 16.5% return on GDV.
- The values contributing to the viability assessment were, in JLL's view, at the higher end of the range that might be expected.

- It was clarified that the Greater London Authority (GLA) formula included in the Review Mechanism would need minor modification to reflect the nature of the project, for example, so that instead of profit on GDV in the formula, profit on cost is used, and so that the late stage review refers to the payment of a cash sum rather than provision of on-site affordable housing. Any changes would not weaken the GLA approach.
- The proposed affordable housing review mechanism would seek, in the early and mid stages, to see more affordable homes built on site, in the third (and final) stage a financial contribution would be payable if there were a net surplus.
- It was noted that if the proposals currently before the Committee were rejected and the matter went to appeal, there would be a risk that the 35% quantum of affordable housing could be reduced
- It was confirmed that Highways England had lifted its holding objection to the application which was confirmed at the 24 September West Area Planning Committee.
- A number of Committee members expressed strong views about the need for a link road to the West of the A34. The AAP does not require a link road west of the A34 and it is not required to deliver the development before the Committee. No weight should therefore be given to this matter in coming to a view about the application before the Committee.
- The Oxfordshire County Council's road improvement programme still included provision of a link road between the A40 and A44 however the funding originally earmarked for it was now being redeployed (it was time limited) pending further modelling.
- Consideration had not been given to an underpass or bridge under or over the main route through the development. The proposals had a significant focus on providing a safe and pleasant integrated environment for pedestrians and cyclists alike. Underpasses were not, now, seen as a preferred option, not least because they were often perceived as unsafe spaces.
- The Council's emerging Local Plan (to be considered by the Inspector in the following weeks) would make some changes to considerations about the proportions of affordable housing such as a requirement that there should be no less than 40% on larger sites (as a starting point). However the new Plan would not be implemented before the Summer of 2020 and, in the meantime, the Council's current Local Plan carried more weight.
- The proportion of houses to commercial properties was in line with the requirements of the AAP and would contribute to the City's need to address a housing shortage.
- The data concerning air quality was based on currently available data, assumed the same standards would prevail now as in the future and did not take account of the likely lessening of vehicle emissions over time.
- In relation to the optimum alignment of roofs to gather solar energy, those shown on illustrative masterplan were not final (apart from the three buildings in the detailed part of the application). It was also noted that the alignment of roofs did not have to correspond with the footprint of those buildings, thus offering greater opportunities for optimum alignment.
- The combination of energy loop technology, solar and the 'fabric first' approach to building, for the detailed part of the hybrid application, would exceed the target of 20% energy reduction compared with what would be achieved by meeting the minimum compliance threshold for Building Regulations.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendations.

**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 **appendix 5** 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 **appendix 6** of the report;
  - the agreement of appropriate arrangements with Oxfordshire County Council and the applicant about the use of Community Infrastructure Levy payments; and
2. **Agree to delegate authority to the Head of Planning Services to:**
  - finalise the recommended conditions as set out in **appendix 5** of the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary;
  - 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 Head of Planning Services considers reasonably necessary;
  - complete the Section 106 legal agreement referred to above; and
  - issue the planning permission.

## **66. Minutes**

The Committee resolved to approve the minutes of the meeting held on 12 November 2019 as a true and accurate record.

## **67. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **68. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 8.40 pm**

**Chair .....**

**Date: Tuesday 10 December 2019**

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