

Remote meeting

Minutes of a meeting of the West Area Planning Committee on Tuesday 19 January 2021

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Committee members present:

Councillor Cook (Chair)

Councillor Gotch (Vice-Chair)

Councillor Hollingsworth

Councillor Howlett

Councillor Iley-Williamson

Councillor Tanner (for Councillor Corais)

Councillor Tarver

Councillor Upton

Councillor Wade

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services

Gill Butter, Principal Heritage Officer

Felicity Byrne, Principal Planner

Natalie Dobraszczyk, Development Manager Team Leader

Sally Fleming, Planning Lawyer

Robert Fowler, Planning Team Leader

Mike Kemp, Senior Planning Officer

Andrew Murdoch, Development Management Service Manager

James Paterson, Senior Planning Officer

Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillor Corais sent apologies.

Substitutes are shown above.

62. Declarations of interest

General

Cllr 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 applications before the Committee. He said that he was approaching all of the applications with an open mind,

would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

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

Cllr Gotch stated that as a member of 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 applications before the Committee. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Cllr Wade stated that as a member of the Oxford Civic Society, she had taken no part in the organisation's discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Specific applications

Minute 63: 20/02471/FUL

Cllr Cook stated that he was a member of the University of Oxford and of the University Sports Club, but the application had no direct effect on his disclosed interests and the amenity of the sports club. 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

Cllr Upton stated that she was a member of the University of Oxford and worked close to the site but the application had no direct effect on her disclosed interests. She 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

Minute 66: 20/02938/FUL

Cllr Tanner stated that whilst he had called in this application he had not made his mind up on the matter and came to the meeting with an open mind.

Minute 68

Cllr Hollingsworth noted that application 20/01276/FUL and 20/01277/LBC listed on the forthcoming items related to the property next to his, and he would leave the meeting and not take part in any discussion on these.

63. 20/02471/FUL: Tinbergen Building, South Parks Road, Oxford, OX1 3PS

The Committee considered an application for planning permission for the erection of research and teaching building (Use Class F.1) over five storeys plus basement level including associated café, offices, laboratories and roof level greenhouses, plant, PV panels and flues; creation of new public open space with basement level access; hard and soft landscaping works, installation of cycle and car parking, alterations to existing access points and service road, creation of new pedestrian and cycle access, installation of electricity substation and ancillary works at the Tinbergen Building, South Parks Road, Oxford, OX1 3PS.

The Planning Officer reported the following updates and clarifications to her report:

- Response from Oxfordshire County Council as Lead Local Flood Authority (LLFA) raising no objection and recommending conditions already listed at conditions 17, 18, 19 in the report.

Clarifications:

- Para 10.6 – confirmed that the current published monitoring report showed 2114 University students living outside University accommodation, so below the 2,500 threshold and meeting policy H9.
- Para 10.26 – the agent confirmed the ridge height is 23m and parapet 21m on South Parks Road. The 24m referred to is the height to top of the plant.
- Para. 10.43 – existing parking spaces totalled 69 spaces (Currently 29 spaces within the Mansfield Block, plus 6 outside William Dunn School) (35 in total). There were an additional 34 within Old Tinbergen. Proposed spaces were 24 total: 18 within the Mansfield Block (all operational and/disabled) 6 for LaMB outside William Dunn School (3 disabled and 3 parking for vulnerable patients of Psychology) All spaces are for operational vehicles and not staff vehicles.
- Two EV points (not 3) would be provided.
- Para 10.49 – should read ‘objectors’ not singular
- Para 10.22 - Flues would extend 6m above main ridge height
- Para 10.62 – Air source Heat pumps would be provided, not ground source heat pumps.

Debbie Dance, representing the Oxford Preservation Trust, spoke against the application, referencing in particular the height of the building and the impact on views.

Professor Chris Kennard, representing the applicant, and Robert Linnell, the agent, spoke in support of the application.

In reaching its decision, the Committee considered all the information put before it. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

- a) **approve application 20/02471/FUL** 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:
the satisfactory completion of a unilateral undertaking or 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 set out in the report; and
- b) **delegate authority** to the 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 Head of Planning Services considers reasonably necessary; and
 - b) ensure completion of the recommended unilateral undertaking or legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers with the County Council to secure the obligations 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 Head of Planning Services considers reasonably necessary; and
 - c) complete the unilateral undertaking or section 106 legal agreement referred to above and issue the planning permission.

64. 20/02480/FUL: Boswells, 1-5 Broad Street and 31 Cornmarket Street, Oxford, OX1 3AG

The Committee considered an application for the change of use from mixed use retail (Use Class A1) and educational use (Use Class D1) to Hotel (Use Class C1) with associated facilities, including bar, restaurant and roof lounge at Boswells, 1-5 Broad Street and 31 Cornmarket Street, Oxford, OX1 3AG.

William Rohleder and Eleanor Alexander, representing the applicant, spoke in support of the application and answered questions from the Committee.

In reaching its decision, the Committee considered all the information put before it. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

- **approve application 20/02480/FUL** 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:
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; and

- **delegate authority** to the 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 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 Head of Planning Services considers reasonably necessary; and
 - c) complete the section 106 legal agreement referred to above and issue the planning permission.

65. 20/02303/FUL: Peacock House, Baynams Drive, Oxford, OX2 8FN

The Committee considered an application for the change of use of ground floor of Block C of the Wolvercote Paper Mill development from GP surgery and business use to residential use (Use Class C3) comprising 5 x 2 bedroom flats and 2 x 1 bedroom flats; alterations to fenestration at ground floor; insertion of 3 doors to north elevation and 4 doors to south elevation (amended plans and additional information) at Peacock House, Baynams Drive, Oxford, OX2 8FN.

The Planning Officer reported the receipt of four additional objections, reiterating already raised planning matters, and one additional document from the applicant.

Christopher Harman (local resident) and Christopher Gowers (resident and representing Oxfordshire Neighbourhoods and Villages Trust Ltd) spoke objecting to the application. They raised concerns about the affordability to a GP practice of the rental and fitting out costs of an empty unit; that they had heard that proposed rental costs were high, and that they did not accept that the applicant had explored all possible options for a community or commercial use with local community groups including the Wolvercote Neighbourhood Forum.

Paul Comerford and Vikki Roe, representing the applicant, answered questions from the committee.

The Committee considered all the information put before it, and noted a lack of clarity and information about:

- The actual proposed rent for the commercial unit and the surgery, given the difference between the rental charges mentioned by the objectors and the 'peppercorn rent' alluded to in the report;
- Confirmation of the CCG's view on whether the surgery space was needed for a GP practice and if so what factors were stopping its acquisition;

- Evidence of marketing and discussions with potential both commercial or community occupiers;

After debate and on being proposed, seconded and put to the vote, the Committee agreed to defer further consideration of the application to a future meeting.

The West Area Planning Committee resolved to:

Defer consideration until a future meeting and to enable officers to ask for more information which could be presented to the Committee on

- the CCG's current views on whether the space was needed for a GP practice and if so what factors were stopping its acquisition
- evidence of marketing, including
 - rents (both proposed and those offered to interested renters) for GP surgery, commercial space, and community space
 - evidence of marketing and discussions with both potential commercial and community occupiers, and exploration of possible alternative commercial and community uses.

66. 20/02938/FUL: 45 Richmond Rd, Oxford, OX1 2JJ

Cllr Iley-Williamson left the meeting at the start of this item.

The Committee considered an application for planning permission for the temporary installation of PhotoVoltaic Solar Panels to front and rear roofslopes for a 5 year period at 45 Richmond Rd, Oxford, OX1 2JJ.

In reaching its decision, the Committee considered all the information put before it. The Committee considered the balance between the public benefits of this renewable energy scheme in reducing carbon emissions against the harm caused by its installation in the Jericho conservation area which because of its special character had the further protection of an Article 4 direction.

The Planning Officer informed the committee that the fourth sentence of the first reason for refusal should be amended to read:-

"The identified harm caused by the panels has not been clearly or convincingly justified by the applicant and therefore the proposal to retain the panels fails to comply with paragraph 194 of the NPPF."

A motion, proposed and seconded, to approve the application (as the public benefits could be considered to outweigh the harm caused by time-limited permission for the retention of the solar panels) and delegate the setting of conditions to the Head of Planning Services was **lost** on being put to the vote.

After debate and on being proposed, seconded and put to the vote, the Committee **agreed** with the officer's recommendation to refuse the application for the reasons given in the report as orally amended by the Planning Officer at the meeting.

The West Area Planning Committee resolved to:

1. **refuse application 20/02938/FUL** for the reasons given in paragraph 1.1.2 of the report as orally amended by the Planning Officer at the meeting,
2. and **delegate authority** to the Head of Planning Services to finalise the reasons for refusal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

The reasons for refusal were as follows:

1. The solar panels, by reason of their design, siting, size and projection above the original roof surface appear incongruous, obtrusive interventions that cover a substantial area of the building's roof slopes, a building that by virtue of its type makes a significant contribution to the special character and appearance of the Jericho Conservation Area. The design of the panels and the installation fails to comply with policies DH1 and DH3 of the Oxford Local Plan 2036 and paragraph 192 of the NPPF. The installation causes less than substantial harm to the architectural and historical significance of the heritage asset that is the Jericho Conservation Area. The identified harm caused by the panels has not been clearly or convincingly justified by the applicant and therefore the proposal to retain the panels fails to comply with paragraph 194 of the NPPF. The proposal also fails to comply with policy 196 of the NPPF and would be contrary to policy DH3 of the Oxford Local Plan 2036 in that it offers insufficient public benefits to outweigh the high level of less than substantial harm that the solar panels cause and the solar panels are not required to retain the building in an optimum viable use.
2. The solar panels are considered to cause less-than-substantial harm to the significance of the Jericho Conservation Area and this harm is not outweighed by the public benefits attributed to the development which would be contrary to the requirements of Paragraph 196 of the NPPF and Policies DH1 and DH3 of the Oxford Local Plan 2036. The retention of these solar panels for a temporary period would not mitigate this identified less-than-substantial harm, which has been established as a result of their installation, and will not be altered over the lifetime of the temporary permission. In accordance with the advice set out within the National Planning Practice Guidance, there would be no justification to grant a temporary period to assess the effect of the development on the conservation area over this period given the effect of this harm will not change over the temporary period, and given it is clearly contrary to national and local plan planning policy, which is also not expected to change by the end of that period, and as concluded in the recent appeal decision.

67. Minutes

The Committee resolved to approve the minutes of the meeting held on 8 December 2020 as a true and accurate record.

68. Forthcoming applications

The Committee noted the list of forthcoming applications.

69. Dates of future meetings

The Committee noted the dates.

The meeting started at 3.00 pm and ended at 6.15 pm

Chair

Date: Tuesday 9 February 2021

When decisions take effect:

*Planning Committees: after the call-in and review period has expired and the formal
decision notice is issued*

Details are in the Council's Constitution.