

Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 15 January 2019

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Committee members:

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Arshad	Councillor Bely-Summers
Councillor Corais	Councillor Hollingsworth
Councillor Upton	Councillor Tanner (for Councillor Iley-Williamson)

Officers:

Robert Fowler, Planning Team Leader
Andrew Murdoch, Development Management Service Manager
Sally Fleming, Lawyer
Catherine Phythian, Committee Services Officer
James Paterson, Planning Officer

Apologies:

Councillor(s) Harris and Iley-Williamson sent apologies.

61. Declarations of interest

18/02255/FUL: Councillor Tanner stated that although he was a signatory to the call in 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.

18/02255/FUL and 18/02899/CT3: Councillor Cook stated that as a Council appointed trustee for Oxford Preservation Trust and a member of Oxford Civic Society he had taken no part in those organisations' discussions or decision making regarding any of the applications before the Committee and that he 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.

18/02255/FUL and 18/02899/CT3: Councillor Upton as a Council appointed trustee for Oxford Preservation Trust stated that she had taken no part in that organisation's discussions or decision making regarding any of the applications before the Committee and that 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.

62. 18/02255/FUL: 13 East Street, Oxford, OX2 0AU

The Committee considered an application (18/02255/FUL) for planning permission for the erection of a single storey rear extension and erection of outbuilding (amended plans) (amended description).

The application was before the Committee as it had been 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.

The Planning Officer presented the report and summarised the planning history for the site. He referred the Committee to the written objections raised by Mr Andrews, a neighbour, regarding the design of the development and the impact on the amenity of the neighbours, the conservation area and flooding. He commented on each of these issues and referred the Committee to the relevant sections of the officer's report.

Mr Andrews, neighbour, spoke against the application.

Mr Mellor, agent, spoke in favour of the application.

The Committee discussion focussed on, but was not limited to, issues relating to the height of the boundary walls, the application of the 45/25° access to light test, whether the proposed development would give rise to an unacceptably overbearing impact on neighbours and flood risk.

The Committee noted that the planning officers considered the application plans to be an accurate representation of the site and existing extension. It was for the objector to report any concerns about the height of the walls of the existing extension to Planning Enforcement.

The Planning Officers explained that the 45/25° test outlined in HP14 was a guideline for assessing access to sun/daylight and should be considered in conjunction with other material factors. They referred the Committee to the arguments presented at paragraph 10.13 of the report: The application did not meet the 45/25° access to light test due to the proposed development impinging on the daylight received by the, rear facing ground floor window of 14 East Street. However, as 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.

The Planning Officers reiterated the arguments detailed at paragraph 10.11 of the report that the cumulative impact of reducing the length of the extension, including a low, flat roof in addition to pulling the proposed smaller outbuilding entirely off of the boundary meant that the proposal would not cause an unacceptable impact in terms of overbearing.

The Planning Officers acknowledged that the Committee had concerns about the cumulative impact of successive developments on the flood plain but explained that only the specific flood impact of the current application could be considered. This

would result in a total additional floor area of 5m² against the approved or built out applications which equated to approximately 2.9m³ of additional displaced water. A full flood assessment had been submitted as part of the application. Due to the specific topography of the site and the wider location flood mitigation measures such as an underground void would not be suitable.

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

A motion to accept the officer's recommendation with an additional condition to remove permitted development rights within the curtilage of the property for the development of outbuildings and also a motion to refuse the application on the grounds of the 45/25° access to light test and the flood risk was considered by the Committee. The motion to refuse was voted upon and lost but the subsequent motion to accept the officer's recommendation was carried.

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 an additional condition to remove permitted development rights within the curtilage of the property for the development of outbuildings 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. 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.

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

63. 18/02899/CT3: 6 White House Road, Oxford, OX1 4NA

The Committee considered an application (18/02899/CT3) for planning permission for the erection of a single storey rear extension and extension of the existing front store with the insertion of 1 window to front.

The application was before the Committee because the applicant was Oxford City Council.

The Planning Officer presented the report.

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 12 of the report 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 including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

64. Minutes

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

65. Forthcoming applications

The Committee noted the list of forthcoming applications.

66. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.00 pm

Chair

Date: Wednesday 20 February 2019