

Agenda

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Planning Review Committee

Date: **Wednesday 18 January 2017**

Time: **6.00 pm**

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

For any further information please contact the Committee Services Officer:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: cphythian@oxford.gov.uk

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.

Planning Review Committee

Membership

Chair	Councillor James Fry	North; has sent apologies
Vice-Chair	Councillor Chewe Munkonge	Quarry and Risinghurst;
	Councillor Farida Anwar	Headington Hill and Northway;
	Councillor Ruthi Brandt	Carfax;
	Councillor Stephen Goddard	Wolvercote;
	Councillor Pat Kennedy	Lye Valley;
	Councillor Sajjad Malik	Cowley Marsh;
	Councillor Chewe Munkonge	Quarry and Risinghurst;
	Councillor Dee Sinclair	Quarry and Risinghurst;
	Councillor Ed Turner	Rose Hill and Iffley;

The quorum for this meeting is five members. Substitutes are permitted.

Copies of this agenda

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

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AGENDA

Pages

1 Apologies for Absence

Apologies have been received from the Chair, Councillor James Fry; Councillor Pressel will substitute.

2 Declarations of Interest

3 16/01789/FUL: Demolition of Aristotle House, Aristotle Lane, Oxford, OX2 6TR

9 - 34

Site address: Aristotle House, Aristotle Lane, Oxford, OX2 6TR

Proposal: Demolition of Aristotle House. Erection of four storey building to provide office space (Use Class B1) at basement, ground and first floor levels and formation of 2 x 2-bed flats (Use Class C3) above. Erection of 4 x 4-bed terraced dwellings (Use Class C3). Formation of access from Kingston Road. Provision of car parking and bin/cycle storage.

Officer recommendation: To grant planning permission subject to the conditions as set out in the officer report to West Area Planning Committee (Appendix 1):

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Material samples
4. Design - no additions to dwelling
5. Screening - terrace serving flat
6. Accessible homes
7. Boundary treatments
8. Parking permits
9. Construction Travel Plan
10. Visibility splays
11. Cycle storage
12. Bin storage
13. Tree Protection Plan
14. Landscape Plan Details
15. Landscape Management Plan
16. Arboricultural Method Statement
17. Biodiversity enhancement measures

18. Ecology enhancement measures - planting
19. Lighting plan - bats
20. Archaeology
21. Drainage infrastructure
22. Drainage details
23. SuDs maintenance plan
24. Renewable or low carbon details
25. Risk assessment - land quality
26. Validation report - land quality
27. Ecological management plan – canal protection

Legal Agreements:

S106 to secure affordable housing contribution

Community Infrastructure Levy (CIL):

The development is liable for CIL.

4 Minutes

35 - 40

The Committee is asked to approve the minutes of the last meeting held on 5 October 2016 as a true and correct record.

5 Date of Future Meetings

The following dates are scheduled for meetings of this Committee (if required):

2017

15 February 2017

15 March 2017

12 April 2017

24 May 2017

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 before the meeting starts 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 via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

Written statements from the public

6. Members of the public and councillors can send the Democratic Services Officer written statements and other material to circulate to committee members, and the

planning officer prior to the meeting. Statements and other material are accepted and circulated by noon, two working days before the start of the meeting.

7. 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

8. 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

9. 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.
10. 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

11. 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.
12. 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 changes in the Constitution agreed at Council on 25 July 2016.

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Planning Review Committee

18th January 2017

Application Number: 16/01789/FUL

Decision Due by: 1st September 2016

Proposal: Demolition of Aristotle House. Erection of four storey building to provide office space (Use Class B1) at basement, ground and first floor levels and formation of 2 x 2-bed flats (Use Class C3) above. Erection of 4 x 4-bed terraced dwellings (Use Class C3). Formation of access from Kingston Road. Provision of car parking and bin/cycle storage.

Site Address: Aristotle House Aristotle Lane – see site plan **Appendix 2**

Ward: St Margarets Ward

Agent: Mrs Lois Partridge

Applicant: Mr Ian Thompson

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1. This covering report should be read in conjunction with the officer's report dated 2nd December 2016 attached as **Appendix 1**.
 2. At the West Area Planning Committee on the 13th December 2016, Members resolved to **approve** planning permission for the following reasons:
 1. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections 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.
 2. The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
 3. The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
 4. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in

response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

3. The application has been called-in to the Planning Review Committee by Councillors Pressel, Azad, Lygo, Fry, Munkonge, Rowley, Upton, Taylor, Chapman, Simmons, Brandt and Thomas.
4. The call-in is on the grounds that the decision did not take adequate account of the road safety aspects of the proposal. In particular, the detailed traffic survey carried out by local residents show significant amounts of pedestrian and cycle activity at peak times (including children on their way to St Philip and St James' Primary School). The proposals would create new road access for employees' vehicles to the offices on the site. The concerns relate to the road safety impacts of the proposed development and specifically that these were not adequately considered by the West Area Planning Committee on 13th December 2016.
5. At the West Area Planning Committee meeting on the 13th December 2016 verbal updates were made that addressed issues relating to highway safety and the submission of a traffic survey which was produced by SMAS (St Margaret's Area Society). A copy of the survey was provided to members in advance of the committee meeting on 13th December. This also included a presentation with diagrams showing the key findings of the traffic survey.
6. The call in grounds relate solely to matters of highway safety; officers have set out more details relating to highway safety below that should be read in conjunction with the original officers report (**Appendix 1**). The details below include the information that was presented as a verbal update to the West Area Planning Committee on 13th December. The draft minutes of that meeting are attached (**Appendix 3**).

Impact on Highway Safety

7. Oxfordshire County Council Highways were consulted on the traffic survey (provided by SMAS) and repeated that they continued to have no objections to the proposals; specifically including the following comments:

The proposed development is likely to result in a reduction in the overall motor vehicle trips to the site as a whole. This is because the development proposes a reduction in the number of on-site car parking spaces while the opportunity for the development to generate an increase in overspill on-street parking is minimised by the parking controls within the Controlled Parking Zone.

The pedestrian and cycle movements associated with the new development are likely to be comparable with that which could be generated under the site's extant use (535sqm B1 office space) which could reasonably accommodate more employees than the proposed development.

The proposed new access south of the bollards on Hayfield Road will provide access to just eight parking spaces. Therefore, the increase in motor vehicle movements at the four-way junction as a result of new access will be marginal. Furthermore, the public realm improvements including wider footways would help to create an environment that is more suitable for pedestrians and the new access would also provide a turning area so that vehicles exiting the southern end of Hayfield Road could do so in a forwards gear.

The concerns over the operation of the four-way junction are noted, however these issues are pre-existing and analysis of accident data stretching back to 2003 (beyond the usual 5 year period) does not indicate an underlying road safety issue at this junction. Taking this into account the County Council does not consider that the small number of additional vehicle movements associated with the proposed new access would be sufficient to raise concerns over road safety.

8. Officers from Oxfordshire County Council Highways will attend the Planning Review Committee meeting on 18th January 2017 to answer questions relating to the impact of the proposed development on highway safety.
9. On the above basis, officers are satisfied that the proposed development would not give rise to an unacceptable impact on highway safety.

Conclusion:

10. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation is to grant planning permission subject to the conditions as set out in the officer report (**Appendix 1**).

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 safety.

Background Papers: 16/01789/FUL

Contact Officer: Rob Fowler

Extension: 2104

Date: 9th January 2016

Appendix 1 – Report to West Area Planning Committee on 13 Dec 2016

Application Number: 16/01789/FUL

Decision Due by: 1st September 2016

Proposal: Demolition of Aristotle House. Erection of four storey building to provide office space (Use Class B1) at basement, ground and first floor levels and formation of 2 x 2-bed flats (Use Class C3) above. Erection of 4 x 4-bed terraced dwellings (Use Class C3). Formation of access from Kingston Road. Provision of car parking and bin/cycle storage.

Site Address: Aristotle House Aristotle Lane – see site plan **Appendix 1**

Ward: St Margarets Ward

Agent: Mrs Lois Partridge

Applicant: Mr Ian Thompson

Recommendation:

The West Area Planning Committee is recommended to approve the application for the reasons below and subject to and including conditions and the satisfactory completion of a Section 106 agreement to secure a contribution to affordable housing and to delegate authority to the Head of Planning and Regulatory Services to issue the permission.

For the following reasons:

- 1 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections 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.
- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 3 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 4 The Council considers that the proposal accords with the policies of the

development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Material samples
- 4 Design - no additions to dwelling
- 5 Screening - terrace serving flat
- 6 Accessible homes
- 7 Boundary treatments
- 8 Parking permits
- 9 Construction Travel Plan
- 10 Visibility splays
- 11 Cycle storage
- 12 Bin storage
- 13 Tree Protection Plan
- 14 Landscape Plan Details
- 15 Landscape Management Plan
- 16 Arboricultural Method Statement
- 17 Biodiversity enhancement measures
- 18 Ecology enhancement measures - planting
- 19 Lighting plan - bats
- 20 Archaeology
- 21 Drainage infrastructure
- 22 Drainage details
- 23 SuDs maintenance plan
- 24 Renewable or low carbon details
- 25 Risk assessment - land quality
- 26 Validation report - land quality
- 27 Ecological management plan – canal protection

Legal Agreements:

S106 to secure affordable housing contribution

Community Infrastructure Levy (CIL):

The development is liable for CIL.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP5 - Mixed-Use Developments

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE6 – Oxford's watercourses
NE15 - Loss of Trees and Hedgerows
HE2 - Archaeology
HE7 - Conservation Areas
EC1 - Sustainable Employment

Core Strategy

CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS10_ - Waste and recycling
CS12_ - Biodiversity
CS13_ - Supporting access to new development
CS17_ - Infrastructure and developer contributions
CS18_ - Urban design, town character, historic environment
CS22_ - Level of housing growth
CS23_ - Mix of housing
CS24_ - Affordable housing
CS27_ - Sustainable economy
CS28_ - Employment sites

Sites and Housing Plan

HP1_ - Change of use from existing homes
HP2_ - Accessible and Adaptable Homes
HP4_ - Affordable Homes from Small Housing Sites
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

This application is in or affecting the North Oxford Victorian Suburb Conservation Area.

Planning Practice Guidance

Balance of Dwellings Supplementary Planning Document (SPD)

Technical Advice Note – Space Standards for Residential Development

Technical Advice Note – Waste and Bins Storage

Relevant Site History:

57/06102/A_H - Private petrol pump and tank (Formerly numbered 1 Hayfield Road). Approved 11th June 1957

64/15705/A_H - Demolition of existing office block and storage building and erection of a new 2 storey office building. Approved 10th November 1964

72/00019/EUC_H - Stores, builders' yard and car park (Formerly numbered 1 Hayfield Road). Permitted development 4th September 1972

72/26327/A_H - Outline application for erection of new auction sales room - car parking and new access. Approved 12th September 1972

73/00531/A_H - Alterations to existing building including erections of new external staircase and curtain walling (Formerly numbered 1 Hayfield Road). Approved 26th June 1973

73/00548/A_H - Erection of new 3 storey building to form extensions to existing offices including alterations to existing building - Phase 2. Refused 26th June 1973

75/00745/A_H - 2 storey extension to existing building to provide additional offices. Refused 17th September 1975

86/01260/LH - Listed building consent for demolition of enclosed staircase (part of unlisted building in a Conservation Area). Approved 10th February 1987

86/01261/NFH - Two storey extension to form reception area and two studios. Approved 10th February 1987

Representations Received:

80, 82, 83, 84, 85, 86, 93, 90, 94, 95, 96, 97 Kingston Road, 11 Cranham Terrace, 12 and 42 Plater Drive, Flat 1, 11, 12 and 25 Polstead Road, 55 Southmoor Road, 4 Staverton Grange, 1 Brindley Close, 3, 9, 12, 17, 20, 22, 23, 26, 32, 33, 38, 39, 40, 44, 46, 52, 58, 63, 65, 68, 69, and 71 Hayfield Road, The Hayfield Deli 4-6 Hayfield Road, No Address Provided (Kingston Road North Google Group), SS Philip & James' Church of England VA Primary School Navigation Way, Councillor Wade, Councillor Howson, 55 Chalfont Road, 11 and 51 Leckford Road, St Margaret's Area Society, 37 Burgess Mead, Hayfield Road Residents Association, objections:

- Access
- Highway Safety
 - danger for school children, elderly, pedestrians, and cyclists, Hayfield Road is too narrow
 - Concerns construction traffic would cause damage to homes on Hayfield Road due to their close proximity with the road
- Effect on traffic
 - Full traffic survey should be conducted during term time
- Better signage at Postead Road – no-entry
- In adequate delivery and refuse collection space/arrangements

- Icen report/traffic report is not an accurate representation of reality
- Inadequate traffic barrier
 - widening of pavement might provide room for cars to drive around the barrier
- Amount of development on site
- Effect on adjoining properties
- Effect on character and appearance of conservation area (views of canal)
- Effect on existing community facilities (jeopardises business trade)
- Height of proposal (cramped appearance and too high)
- Noise and disturbance
- On-street parking will be increased
- Insufficient cycle and car parking on development site
- Information missing from plans
 - Not enough info given on application
- Local plan policies (breach of Policy HP 4)
- Effect on privacy (fenestration)
- Public use of the site (benches may attract anti-social drinkers)
- Light - daylight/sunlight concerns
- Effect on pollution/light pollution
- Contaminated land issues
 - Contamination (potential presence of asbestos)
- Archaeology has not been adequately investigated
- Local ecology, biodiversity
- Inadequate landscaping/concerns about trees (replacement of cherry blossom trees)
- Not enough vegetation around the site
- No justification for reduced employment space
- Dislike the design of the proposal
 - Proposals do not respect the line of street frontage of Hayfield Road
 - Proposed materials (brickwork should be red to match houses)
- Public transport provision/accessibility
- Dislike the removal of the existing wall around the southern and eastern edge of site.

No objection/support –

90 Hayfield Road

- Dividing access between Hayfield Road and Kingston Road seems a fair and equitable solution.

Statutory Consultees:

Environment Agency Thames Region: We have reviewed the Flood Risk Assessment (FRA) produced by Wallingford HydroSolutions Limited, Dated August 2015. This has demonstrated that the site is located outside of Flood Zone 2 and 3. We therefore have no objections to this development.

Canal and River Trust: Conditions recommended and a legal agreement (financial

contribution towards upkeep of towpath) is requested to address the following issues:

- Impact on the structural integrity of the canal
- Impact on the structural integrity of the canal due to the drainage proposals
- Impact on the character and appearance of the waterway corridor
- Impact on the biodiversity of the waterway corridor

Highways Authority: No objection subject to conditions:

- The dimensions of the parking spaces for the office building are inadequate according to the plans submitted. An amended layout plan which sets out that all parking spaces within this area are of appropriate dimensions and are all easily accessible is required.
- The County Council welcomes the proposed improvements to the public realm. However, a plan which demonstrates how vehicles are to be prevented from bypassing the buildout and bollards on Hayfield Road is required.
- For maintenance purposes, it would be Oxfordshire County Council's preference for the new access leading into the office parking area to be of a carriageway construction leading to the driveway, rather than a vehicle crossover over York stone paving.
- A plan must be submitted which demonstrates that pedestrian visibility splays measuring 2m x 2m from the back of the footway at each access will be provided.
- The proposed new access will result in the loss of one on-street parking bay. An amendment to the Traffic Regulation Order governing the Controlled Parking Zone (CPZ) will be required for this action.
- The level of parking to be provided for the residential units is below the maximum standards set out in the Sites and Housing Plan. In order to ensure that the development does not lead to an increase in on-street parking demand within the city, to protect existing residents' access to on-street parking, and taking into account the opportunities for sustainable travel available in the local area and aspirations to promote the use of sustainable transport set out in the Travel Plan, the County Council requests that the new addresses associated with the development be excluded from eligibility for parking permits within the CPZ.
- A Construction Traffic Management Plan is required.

The developer is required to enter into a Section 278 Agreement with the County Council in order to carry out the proposed alterations to the highway.

Site description

1. The site is located on the corner of Aristotle Lane and Hayfield Road with its western edge bounded by the Oxford Canal. The Grade II listed Aristotle Bridge forms part of Aristotle Lane and lies just outside the application site, to the south-west. Immediately to the north are residential flats on Hayfield Road.
2. The site is currently occupied by a 1960s two-storey office building, Aristotle House, and surface car parking. The vehicle entrance to the site off Hayfield Road also serves as a turning head for Hayfield Road which is blocked by bollards at

the southern end at the junction with Kingston Road and Aristotle Lane.

Proposal

3. The existing office building is proposed to be demolished and replaced with a four-storey building which would have offices on the basement, ground and first floors (Use Class B1), and two flats in the roof space on the second floor. Eight car parking spaces are proposed in association with the office space with access through an under-croft entrance. To the north of this, four houses over four storeys, each with one car parking space, are proposed to be erected.
4. The proposed scheme splits the site into two parts, with the commercial development to the south of the site accessed from Kingston Road via a new access, and the residential element to the north of the site, accessed from Hayfield Road.
5. Officers consider the principal determining issues to be:
 - Principle of development
 - Design
 - Residential amenity
 - Highways/car parking
 - Cycle parking
 - Trees
 - Flooding and drainage
 - Ecology
 - Sustainability
 - Other matters

Officer assessment:

Principle of development

Employment use

6. The National Planning Policy Framework (NPPF) states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. This is reiterated in policy CS2 of the Core Strategy which states development will be focused on previously developed land. For the purposes of NPPF the site would be considered previously developed land.
7. This site is a key protected employment site under Policy CS28 of the Core Strategy. This policy allows the redevelopment of the site if it secures or creates employment important to Oxford's economy, allows for higher-density development that makes the best and most efficient use of land and does not cause unacceptable environmental intrusion or nuisance.
8. The site will retain a B1 employment use through the provision of 480 square metres of serviced office space. The amount of floorspace in the present building

is 535 square metres, and so the development would result in a small loss of office space. However, overall there are some benefits in providing new office accommodation to a much higher standard comprising space in the basement, ground and first floors. Given the open plan nature of the new office space created it could in practice accommodate a higher employment density; in the region of about 48 people in total, whereas the internal arrangement of the existing building would have been likely to accommodate fewer people in practice.

9. Further, the proposal for the site to be developed as a mix of residential and B1 office use would make a more efficient use of the land. The proposals would therefore be supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016.
10. On the basis of the above, Officers recommend that the development proposed would be acceptable in principle.

Mix of dwellings

11. Policy CS23 of the Core Strategy seeks to ensure that residential development delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households. The Balance of Dwellings SPD sets out the appropriate housing mix for each Neighbourhood Area within the City.
12. The proposal includes a residential element – two two-bedroom flats and four four-bedroom houses. The site is within a ‘red area’ as defined by the Balance of Dwellings SPD and the proposed housing mix does not strictly accord with the required mix for small sites (4-9 units), as demonstrated in the table below:

	BoDs % mix ‘red’	Units proposed	Proposed % mix
1-bed	0-30%	0	0%
2-bed	0-50%	2	33%
3-bed	45-100%	0	0%
4-bed	0-50%	4	67%

13. The objective for red areas, including St Margaret’s Neighbourhood Area, is to achieve a high proportion of new family dwellings for new developments. The lack of 3-bed units and over-provision of 4-bed units is, however, not inconsistent with this objective and therefore Officers consider that the deviation from the mix set out in the Balance of Dwellings SPD is not a reasonable reason for refusal. On this basis it is considered that the proposal complies with the objectives of CS23 of the Core Strategy.

Affordable housing

14. The proposal is for 6 new residential units and therefore Policy HP4 of the Sites and Housing Plan applies. This states that planning permission will only be granted for residential development on sites with capacity for 4 to 9 dwellings, if a

financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution required will be 15% of the total sale value of the development, and will be calculated using the formula set out in Appendix 2 of the Sites and Housing Plan. Such a financial contribution will be secured via a Section 106 agreement.

Design

15. A Heritage Statement and Design and Access Statement have been submitted with this application outlining the development of the scheme now under consideration.
16. An earlier iteration of the design was presented to the Oxford Design Review Panel (ODRP) at pre-application stage, and their comments can be found in **Appendix 2**. The ODRP supported the principle of a mixed use development on the site, the proposed layout of the residential and commercial buildings on site, and felt that the height of the buildings, at three storeys plus basement, was successful. However, it considered that the overall scale and quantum of development should be reduced. As a result, the scheme submitted with this application has been pulled away from the willow tree in the south-west of the site and the basement part of the building has been pulled back further from the canal, enabling more tree planting along the canal.
17. The ODRP also recommended a calmer elevation treatment to respond to the peaceful setting of the area; this has been addressed through the simplification of the fenestration and removal of details from the elevations. The large windows are considered appropriate in a contemporary development and are not considered to cause undue light pollution given their position on the other side of the road from other residential properties.
18. The design includes a widening of the pavement and the creation a new area of public space with proposed tree planting on the corner of Aristotle Lane and Hayfield Road which Officers consider would make a positive contribution to the immediate area and street scene. The ODRP sought a better integration of the car parking into the serene canal setting. By pulling the basement away from the canal in this revised design, tree planting and soft landscaping has been incorporated, providing screening of the car parking. Further landscaping details are recommended to be secured by condition.
19. Given the constraints of the site, including the existing turning head, officers consider that the proposed staggered building line of the development is acceptable in that it minimises the dominance of the new buildings while tying in with the existing building line.
20. The ODRP raised concerns about the quality of internal accommodation of the basement office space. The applicant has stated that the area can be successfully ventilated naturally and would meet Part L of Building Regulations and as such is considered acceptable by Officers.
21. A palette of traditional materials, with some copper detailing on the houses, is

proposed which is considered appropriate for the architecture and setting. It is recommended that a condition be placed on any permission for samples to be provided and approved prior to commencement of works.

22. Officers consider that, overall, the scheme would result in significant improvements to the public realm and that the buildings proposed appropriately reflect the industrial heritage of the site, being a former coal wharf, and would integrate successfully in the street scene in terms of scale, mass and elevational treatment. As such, the proposal would preserve the character and appearance of the Conservation Area, and would be respectful in the setting of the listed Aristotle Bridge.

Residential amenity

23. The two flats and four houses provide adequate internal living space in accordance with the Council's Technical Advice Note on Space Standards for Residential Development, and therefore comply with Policy HP12 of the Sites and Housing Plan.

24. A March 2015 Ministerial Statement required local authorities to interpret policies relating to access by reference to the nearest equivalent new national technical standard. Therefore, to comply with Policy HP2 (Accessible and adaptable homes), new developments must now comply with Part M4(2) and Part M4(3) of Building Regulations. A condition is recommended to secure this standard.

25. The gardens for the four houses are of an acceptable size and would be screened from overlooking from the proposed car park by fencing. The larger flat would have a large roof terrace and the smaller flat would have a balcony that complies with minimum dimensions. Adequate bin storage is provided for both the residential and the commercial uses in line with policy HP13 and with CS10 of the Core Strategy. As such the residential units provide sufficient outdoor amenity space for future occupiers, in line with policies HP12 and HP13 of the Sites and Housing Plan.

26. Local plan policies seek to safeguard residential amenity for existing properties. The most northerly house in the proposed terrace is set forward in order to prevent loss of light to the south-facing windows in the flats to the north of the site. There is therefore no loss of amenity for these properties.

27. The properties to the south of Aristotle Lane are proposed to be shielded from overlooking from the roof terrace for the larger flat by planting that would act as a screen. Officers consider this to be satisfactory and recommend it be secured by condition.

28. Overall, the scheme is considered to provide a good level of indoor and outdoor amenity space in relation to the new dwellings and would not compromise the amenity of existing or future residents.

Highways/car parking

29. The Council's maximum parking standards for the development are 2 spaces per dwelling for the houses and flats, and 14 spaces for the office accommodation. However, policy HP16 of the Sites and Housing Plan supports car-free or low-parking houses and flats in locations that have excellent access to public transport, are in a controlled parking zone (CPZ), and are within 800 metres of a local supermarket or equivalent facilities. The site, within 800 metres of shops in the Walton Street retail area, close to bus stops on Kingston Road and Woodstock Road, and within a CPZ, is considered such a location. The Oxford Local Plan states that high levels of non-essential car-parking provision are unacceptable, and that in mixed-use developments standards may be combined where peak levels of use do not coincide.
30. The application proposed one off-street parking space for each of the four houses, and eight parking spaces, accessed via an under-croft entrance, for the offices. There is no designated car parking for the two flats, but it is suggested that it would be practical for the office spaces to be used by the flats at weekends and in the evenings. The proposed levels of parking, below maximum standards, in view of the sustainable location, are considered appropriate and consistent with local plan policies.
31. To avoid on-street parking pressure, Officers support the Highway Authority's request that the development be excluded from eligibility for parking permits within the CPZ and a condition is recommended.
32. A transport assessment was carried out and submitted with this application. A traffic survey was not carried out due to the scale of the development being below the threshold required by the Highways Authority for such a survey. The Highways Authority is satisfied with the information submitted.
33. Due to the location of the site within the city, the proximity of the site to local schools and constraints of the local highway, a condition is recommended requiring a Construction Traffic Management Plan (CTMP) to be submitted and implemented.
34. A revised site layout plan was received during the course of the application proposing two bollards either side of the proposed tree be installed to prevent vehicles from bypassing the buildout and bollards on Hayfield Road. This plan also addressed the Highways Authority's concerns regarding the size of parking spaces.
35. An additional vehicular access is proposed to the south of the buildout / bollard on Hayfield Road which would enable access to the parking area for the office space from the southern end of Hayfield Road. While this is likely to lead to an increase in vehicle movements at this end of Hayfield Road, the fact that this access will lead only to the 8 office parking spaces means that the increase in vehicle movements in this area is likely to be very small.
36. Concerns have been raised that vehicles, including HGVs, seeking to travel

northwards along Hayfield Road are often apparently unaware of the traffic restrictions in place along that road and on Aristotle Lane and consequently are required to reverse back towards the mini-roundabout at St Margret's Road. It is not considered that the proposed development will have a significant impact upon this existing problem and, as outlined above, the additional turning space at the southern end of Hayfield Road will be of benefit. A separate request for improved traffic signage has been made to the Traffic and Road Safety Team at the County Council in respect of this issue.

37. The provision of an additional vehicle access in this area will result in the loss of one two-hour on-street parking space. A parking survey has been submitted with the application which indicates that there would be capacity within the existing parking bays in the locality to accommodate loss of one on-street parking space in this area.
38. A travel plan has been submitted with this application although the development is below the threshold for which local plan policy requires such a plan. No objection to the development has been raised by the Highways Authority and therefore Officers consider the application, subject to conditions including those discussed in this section, to be acceptable in terms of highway impacts and car parking.

Cycle parking

39. A cycle store for 12 cycles is provided for the four houses within the office building on the Hayfield Road frontage, where it adjoins the terrace. Officers agree with comments from the Highways Authority that, while ideally the cycle parking provision for the dwellings would be situated within the curtilage of each dwelling, it is accepted that the location of the cycle parking spaces would be easily accessible for residents.
40. Eighteen covered cycles spaces are provided for the offices and flats to the rear of the office building at the southern end of the site. Four are to be allocated to the two flats, with 14 for the offices. This level of provision meets or exceeds the Council's minimum standards.

Trees

41. A large mature weeping willow tree stands near the south west corner of the site; the tree is a very prominent and positive landscape feature in public views from the canal and towpath, Aristotle Lane (and Aristotle Bridge) and the intersection at Kingston Road and Aristotle Lane. The top of the tree's canopy is visible over the roof-line of the existing office block from Hayfield Road.
42. A linear group of alternating cherries and purple leaf plums line the eastern boundary of the site onto the road frontage; these provide an attractive landscape feature, principally in their functional benefit in providing screening to the existing building and its car parking; the trees are in advanced maturity and probably have a fairly limited future contribution to make in terms of years (perhaps 10-20 maximum). A cultivar, semi-mature, maple stands near the canal; this tree makes

a modest landscape contribution.

43. The scheme involves removal of all the site's trees apart from the large mature weeping willow tree standing near the south west corner of the site (Tree reference T12) adjacent to Aristotle Bridge.
44. The impact to public visual amenity and the character and appearance of the conservation area of the proposed tree removals is considered acceptable in the context of the mitigation proposed in the form of appropriate new landscaping; this includes replacement tree planting along the site's eastern frontage and western gardens facing the canal. The proposed design achieves an appropriate spatial relationship to the weeping willow and the proposed building.
45. A request for a landscape plan condition was received from the Canal and River Trust which is largely covered by the landscape condition suggested by Officers. However, it seeks to limit tree planting within 5 metres of the canal which for such a constrained site is likely to be impractical in achieving the overall aims of the landscape scheme. Officers have noted the comment and will be mindful of the impact of trees planted immediately adjacent to the canal on the structural integrity of the waterway when assessing the landscape plan.

Flooding and drainage

46. A Flood Risk Assessment has been carried out and the report submitted with this application. An updated version was supplied in response to Officers' concerns. The information within the report provided contains a sufficient amount of information to inform a feasible drainage strategy. Officers recommend that conditions relating to sustainable drainage methods are placed on any permission to avoid increasing surface water run-off and thereby attenuating flood risk, and to ensure compliance with policy CS11. These details have also been requested by the Canal & River Trust by condition.

Ecology

47. Officers have reviewed the Preliminary Ecological Appraisal (PEA) dated 2015 and suggest conditions in relation to external lighting, detail of bat or swift boxes and landscaping to provide night scented species and/or nectar sources.

Sustainability

48. An energy statement has been submitted with the planning application for the domestic and commercial elements of the scheme. This complies with the requirement of Policy HP11 of the Sites and Housing Plan to show how energy efficiencies have been incorporated into the development. This suggests that there is the opportunity for solar thermal tubes to the westerly roofs of the houses to provide hot water and it is proposed that an array of solar thermal tubes be installed, hidden within the main valley roof zone to provide solar hot water for the office building. As these are only suggestions within the energy statement, a condition is recommended to ensure compliance with policy HP11 for details of on-site renewable or low carbon technologies to be provided and approved.

Other matters

49. Archaeology: The site is of interest because it was formerly canal wharf and contained related street frontage buildings in the Victorian period. The archaeological desk based assessment for this site produced for this site by Thames Valley Archaeological Services (2015) also notes the general potential for prehistoric and Roman activity in this vicinity. In this case, bearing in mind the results of the archaeological desk based assessment, Officers would request that, in line with the advice in the National Planning Policy Framework, any consent granted should be subject to an archaeological condition.
50. Land quality: This site is prioritised as needing further review should the site be redeveloped, in accordance with Oxford City Council's Land Quality Strategy. Former land use on this site includes a builder's yard, works, and a wharf, all of which may have associated contamination. Therefore, Officers recommend conditions are placed on any planning permission.
51. Canal and River Trust: Officers note that a financial contribution was requested towards the upkeep of the towpath by the Canal and River Trust but due to the Council's adoption of CIL, such an agreement would not be reasonable.

Conclusion:

The development would make best use of previously developed land through a mix of residential and office accommodation. The key employment site would be protected and the design, form and massing of the proposal is considered appropriate in the sensitive context of the North Oxford Victorian Suburb Conservation Area and the setting of the Grade II listed Aristotle Bridge. Significant improvements to the public realm are proposed with replacement tree planting and landscaping contributing to the street scene and screening the development from sensitive canal views.

The West Area Planning Committee is therefore recommended to approve the application subject to the satisfactory completion of a Section 106 agreement to secure a contribution to affordable housing and to delegate authority to the Head of Planning and Regulatory Services to issue the permission.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms

of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 safety.

Background Papers: 16/01789/FUL

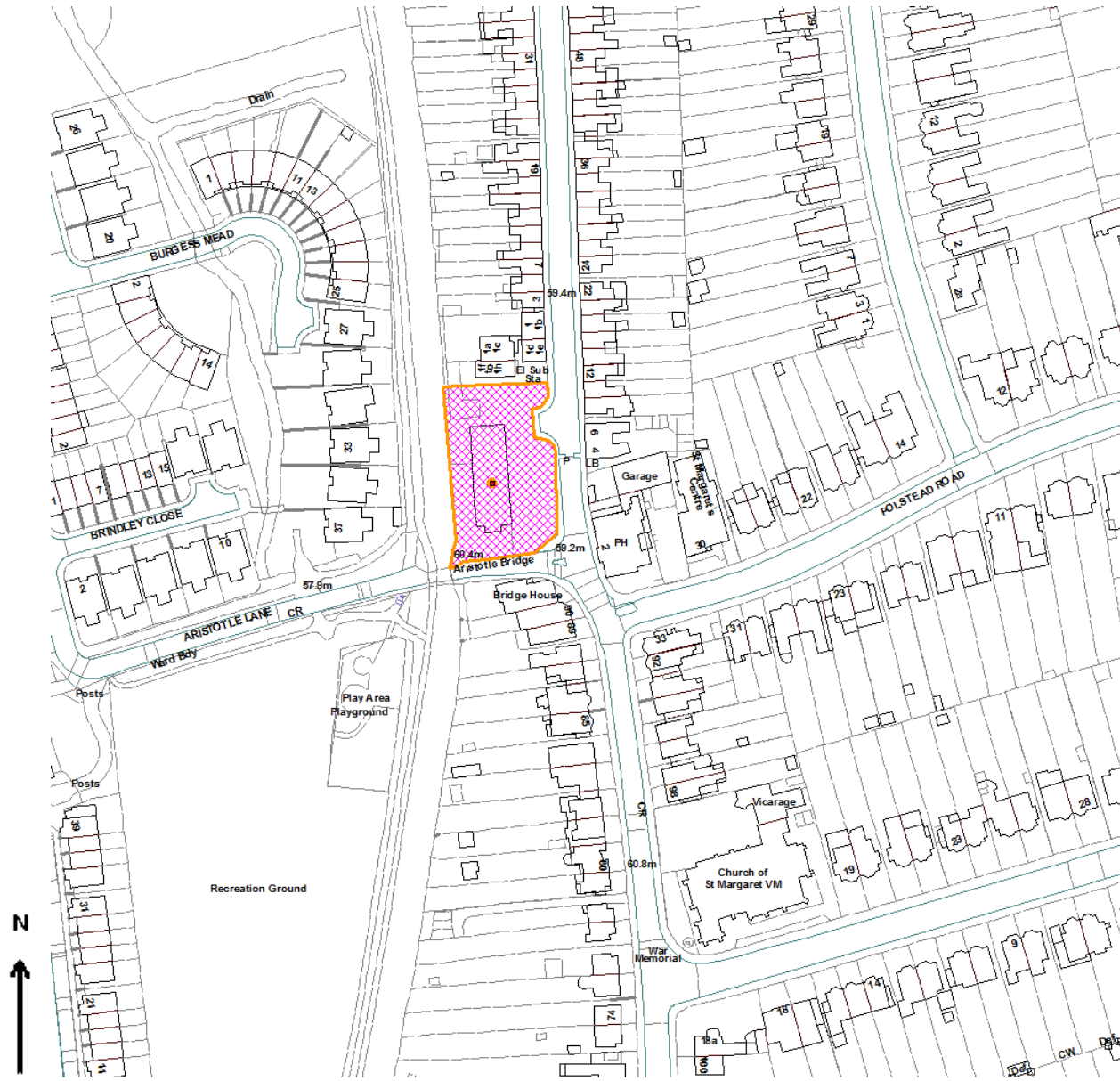
Contact Officer: Robert Fowler

Date: 2nd December 2016

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Appendix 2

16/01789/FUL - Aristotle House



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Ordnance Survey 100019348

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Appendix 3

Extract from the draft Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 13 December 2016

Committee members:

Councillor Landell Mills (Vice-Chair, in the Chair)	Councillor Cook
Councillor Fooks	Councillor Hollingsworth
Councillor Pegg	Councillor Tanner
Councillor Paule (for Councillor Curran)	Councillor Iley-Williamson

Officers:

Michael Morgan, Lawyer
Adrian Arnold, Development Management Service Manager
Robert Fowler, Planning Team Leader
Catherine Phythian, Committee Services Officer

Apologies:

Councillor(s) Upton, Price and Curran sent apologies. Their appointed substitutes are shown in the attendance.

71. Declarations of interest

Agenda item 4 (minute 78): Cllr Hollingsworth: as a commercial tenant of offices in the building (Aristotle House)

78. 16/01789/FUL: Demolition of Aristotle House, Aristotle Lane, Oxford, OX2 6TR

Councillor Hollingsworth left the meeting for this item.

The Committee considered a report detailing a planning application for the demolition of Aristotle House; erection of four storey building to provide office space (Use Class B1) at basement, ground and first floor levels and formation of 2 x 2-bed flats (Use Class C3) above; erection of 4 x 4-bed terraced dwellings (Use Class C3); formation of

access from Kingston Road; provision of car parking and bin/cycle storage at Aristotle House, Aristotle Lane, Oxford, OX2 6TR.

The Planning Officer presented the report and made the following points:

- Paragraph 35 referred to Hayfield Road, whereas in fact the new access would be from Kingston Road
- The safety concerns raised by the St Margaret's Area Society in their traffic survey (as circulated to the Committee) were fully addressed in the officer report
- The Highways Authority had advised that there would only be a marginal increase in traffic and there were no underlying road safety issues at the junction of Kingston Road, Hayfield Road and Aristotle Lane
- This was an existing employment site with extensive car parking provision
- The new development would reduce vehicle movements

Tim King (St Margaret's Area Society) and Irene Conway (Headmistress, St Philip & St James) spoke against the application.

Peter Alsop (applicant), Lois Partridge (agent) and Guy Williams (Hayfield's Residents Association) spoke in support of the application.

In discussion the Committee explored the following issues:

- The existing pavement was very narrow and it would be extended (onto the applicant's land) to provide a wider path suitable for pedestrians and cyclists
- Concerns relating to construction traffic would be addressed by the construction travel plan. In response to a suggestion from the Committee the applicant undertook to explore the possibility of using the canal for construction deliveries. The Committee agreed to include this as an informative to the application.
- The landscape management plan would address the Committee's concerns about the removal of some trees and the possible loss of light to the properties

The Committee noted that the ward member and some residents wished to introduce a "shared space" arrangement to address the perceived safety implications of the road layouts and traffic flows, especially at peak school hours.

In response to these concerns the Planning Officer reported that he had consulted with the Highways Authority on this specific point of a "shared space". The Highways Authority had re-iterated their view that the current scheme was acceptable and that a "shared space" was not necessary as it would not lead to any road safety benefit. The Development Management Services Manager and Legal Adviser confirmed that there were no grounds on which to either condition or refuse the application.

The Committee observed that the towpath was in serious need of resurfacing and felt that it would be a good use of Neighbourhood CIL funds. On advice from officers they noted that this was a matter that would need to be progressed outside the planning committee. The Committee agreed that individual members should pursue the matter as part of the budget process.

In reaching their decision, the Committee considered the officers report and presentation, the advice of the Legal Adviser and the address of the public speakers.

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

The Committee resolved to **approve** application 16/01789/FUL at Aristotle House, Aristotle Lane, Oxford, OX2 6TR subject to and including the following conditions and the satisfactory completion of a Section 106 agreement to secure a contribution to affordable housing and to delegate authority to the Head of Planning and Regulatory Services to issue the permission.

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Material samples
4. Design - no additions to dwelling
5. Screening - terrace serving flat
6. Accessible homes
7. Boundary treatments
8. Parking permits
9. Construction Travel Plan
10. Visibility splays
11. Cycle storage
12. Bin storage
13. Tree Protection Plan
14. Landscape Plan Details
15. Landscape Management Plan
16. Arboricultural Method Statement
17. Biodiversity enhancement measures
18. Ecology enhancement measures - planting
19. Lighting plan - bats
20. Archaeology
21. Drainage infrastructure
22. Drainage details
23. SuDs maintenance plan
24. Renewable or low carbon details
25. Risk assessment - land quality
26. Validation report - land quality
27. Ecological management plan – canal protection

Completion of a Section 106 agreement to secure a contribution to affordable housing.

Informative: to explore the possibility of using the canal for construction deliveries as part of the Construction Travel Plan

Councillor Hollingsworth returned to the meeting.

The meeting started at 6.00 pm and ended at 8.40 pm

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MINUTES OF THE PLANNING REVIEW COMMITTEE

Wednesday 5 October 2016



COUNCILLORS PRESENT: Councillors Brandt, Fry (Chair), Kennedy, Malik, Munkonge (Vice-Chair), Sinclair, Wade, Brown and Iley-Williamson.

OFFICERS PRESENT: Michael Morgan (Lawyer), Catherine Phythian (Committee Services Officer), Fiona Bartholomew (Principal Planner), Patsy Dell (Head of Planning & Regulatory Services), David Edwards (Executive Director City Regeneration and Housing) and David Stevens (Principal Environmental Health Officer)

7. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Anwar (substitute Councillor Iley-Williamson), Councillor Goddard (substitute Councillor Wade) and Councillor Turner (substitute Councillor Brown).

The Chair advised that a member of the public would be making an audio recording of the meeting.

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. EAST WEST RAIL PHASE 1 - NOISE MONITORING (2 APPLICATIONS) AND VIBRATION MONITORING ON ROUTE SECTIONS H AND I-1 (3 APPLICATIONS)

The Committee considered five applications from Network Rail to vary conditions in relation to noise and vibration monitoring on route sections H and I-1.

The Chair made the following introductory remarks:

- Planning Review Committee (PRC) had been convened to consider only the merits of these five applications which had been “called in” by the Head of Planning & Regulatory Services on the grounds that a review was appropriate to ensure consistency in decision making for similar types of applications
- the PRC should be mindful of the importance of ensuring consistency when determining these five applications

- The five separate applications from Network Rail were seeking variations or removals to some (but not all) of the conditions applied to the previous approvals made by West Area Planning Committee (WAPC) in June 2015 and Feb 2016; for example the condition restricting the number of passenger and freight trains on the line was not for review by the Planning Review Committee (PRC) and stands as agreed at WAPC
- Appendix 2 presented the draft terms of an Unilateral Undertaking (UU) but it was important to note that this was the current proposal as submitted by Network Rail; it was not presented for approval by PRC as it lacked sufficient detail; the actual detailed terms of the agreed UU would be negotiated by planning officers (just as they would for any other s106 agreement) and the final UU would be signed off by the Head of Planning & Regulatory Services and the Chair of PRC.

The Officers presented the report and set out the background to the applications to be determined. They highlighted the following points:

- Condition 19 was imposed by the Secretary of State to ensure that operational noise and vibration are adequately mitigated at residential and other noise sensitive premises
- Condition 19 and the Noise and Vibration Mitigation Policy require monitoring of any mitigation that is installed at 6 and 18 months after services start in EWRP1 and again after services start in EWRP2: this must be undertaken because the Secretary of State requires it and is not impacted by any decision taken by the local planning authority
- In route sections H and I-1 the implications are that:
 - vibration monitoring is not required because no vibration mitigation installed
 - monitoring is required of the noise reduction performance of installed barriers and property insulation
- WAPC wanted additional monitoring of the operation of the rail line not just of the mitigation installed and imposed a condition requiring continuous monitoring of noise and vibration for 6 years
- Officers had advised the WAPC when it was considering applying a condition requiring additional monitoring, that in their opinion this form of condition would not meet the legal or policy tests of the Government's National Planning Policy Framework
- Network Rail was now applying to vary this condition to revert back to the requirements of condition 19 (with a voluntary enhancement in the form of a Unilateral Undertaking)

The Council's legal advisor then briefed the Committee and advised them that the Secretary of State's decision and associated conditions as specified in the deemed planning permission cannot be changed by the local planning authority. He commented on various points that had been raised in correspondence by local residents and the scope of the issues before the Committee.

The following residents spoke against the applications: Mr Paul Buckley, Mr Keith Dancey and Mrs Tricia Feeney.

Representatives from Network Rail and its advisors (Mr Paul Panini and Mr Ian Gilder) gave a presentation in support of the applications.

The Committee asked questions of the officers and public speakers and Network Rail representatives on the technical details of the applications before them.

In reaching their decisions the Committee considered the officers report and presentation, the advice given by the Council's legal advisor and the representations made by the public speakers and Network Rail.

The Committee made the following observations:

- The Committee was faced with an invidious decision; they acknowledged the residents' concerns but their scope to act was severely constrained by the terms of the deemed planning permission
- Although the NVMP was poorly drafted and gave rise to some ambiguity in its interpretation this did not allow the local planning authority to impose conditions that were outside its remit
- Network Rail had made an offer of some additional monitoring (to be agreed through a Unilateral Undertaking) and in response to a request from the Committee that they could as a gesture of community goodwill expand on this initial offer, had indicated that, having taken into account the strong representations from local residents and the concerns expressed by this Committee and the WAPC previously, they would take advice and consider extending that voluntary monitoring regime to include a wider range of freight services, other property types and also locations in section I-1
- The residents were to be thanked for their contribution to the technical debate

10. 16/01406/VAR: NOISE MONITORING ROUTE SECTION H (RE - 15/00956/CND, CONDITION 4)

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

The Committee resolved to **approve** application 16/01406/VAR: Noise monitoring route section H (re - 15/00956/CND, Condition 4) subject to the following conditions:

1. Development in accordance with application documents
2. Implementation of SilentTrack
3. Monitoring in accordance with submitted scheme

11. 16/01409/VAR: NOISE MONITORING ROUTE SECTION I-1 (RE - 15/03503/CND, CONDITION 4)

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

The Committee resolved to **approve** application 16/01409/VAR: Noise monitoring route section I-1 (re - 15/03503/CND, Condition 4) subject to the following conditions:

1. Development in accordance with application documents
2. Implementation of SilentTrack
3. Monitoring in accordance with submitted scheme

12. 16/01410/VAR: VIBRATION MONITORING ON PLAIN LINE, ROUTE SECTION H (RE - 13/03202/CND, CONDITION 3)

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

The Committee resolved to **approve** application 16/01410/VAR: Vibration monitoring on plain line, route section H (re - 13/03202/CND, Condition 3) subject to the following conditions as amended below:

1. Development in accordance with application documents
2. Monitoring in accordance with submitted scheme

In addition:

- the conclusion of a Unilateral Undertaking (to monitor vibration for four days at 3 properties close to the line in route section H and/or *at other locations to be mutually agreed*) the decision upon which to be delegated to the Head of Planning and Regulatory Services in consultation with the Chair of Planning Review Committee.

13. 16/01411/VAR: VIBRATION MONITORING AT SWITCHES AND CROSSINGS, ROUTE SECTION H (RE - 14/00232/CND, CONDITION 3)

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

The Committee resolved to **approve** application 16/01411/VAR: Vibration monitoring at switches and crossings, route section H (re - 14/00232/CND, Condition 3) subject to the following conditions:

1. Development in accordance with application documents

14. 16/01412/VAR: VIBRATION MONITORING ON PLAIN LINE, ROUTE SECTION I-1(RE - 15/03587/CND, CONDITION 3)

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

The Committee resolved to **approve** application 16/01412/VAR: Vibration monitoring on plain line, route section I-1 (re - 15/03587/CND, Condition 3) subject to the following conditions:

1. Development in accordance with application documents

15. MINUTES

The Committee resolved to **approve** the minutes of the meeting held on 22 June 2016.

16. DATE OF FUTURE MEETINGS

The Committee noted the dates of future meetings (if required).

The meeting started at 6.00 pm and ended at 9.00 pm

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