

Agenda

Planning Review Committee

Date: **Wednesday 15 March 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;
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 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.

All agendas, reports and minutes are available online and can be:

- viewed on our website – mycouncil.oxford.gov.uk
- downloaded from our website
- viewed using the computers in the Customer Services, St Aldate's, or
- subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

Pages

1 Apologies for Absence

2 Declarations of Interest

3 East West Rail Phase 1 - 2 applications

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The applications below have been called into Planning Review committee by 12 councillors: Councillors Hollingsworth, Upton, Kennedy, Fooks, Simm, Taylor, Clarkson, Sinclair, Henwood, Tanner, Lygo and Turner.

The reason for the call in was given as:

“..... the (West Area Planning) Committee decided to go against officer advice, which argued that a refusal of the application was not defensible at appeal. The minutes record that: “The Head of Planning & Regulatory Services reminded the Committee that a vote against the officer recommendation was likely to prompt NR to launch an appeal and that there were potential risks of an adverse award of costs against the Council from the decision. If that was the case then the officers involved in the NR applications would not be able to support those decisions at appeal as the position of the Council at appeal would be irreconcilable with the professional advice provided by those officers. The Council would need to appoint a new team of advisers to support those members of the Committee presenting the Council’s case at appeal.”

The advice from officers is that an appeal against the Council is very likely to be upheld, and as the minutes above make clear, the potential costs of such an appeal may be very substantial indeed, especially if the Council is made to pay the costs of Network Rail into the bargain. When the professional judgement of officers is that they cannot support a decision made by members, I think it is incumbent on members to take every opportunity to review that decision to be sure that it is the right one.”

The attached report and appendices covers both of the East West Rail Phase 1 applications included on this agenda.

A covering report and a legal advice note will be published in a supplement to these papers.

4 East West Rail Phase 1 - 16/02507/CND for route section H

Site address: 16/02507/CND for route section H

Proposal: Details submitted in compliance with condition 19 item 2 (operational noise and vibration) of TWA ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990).

Officer recommendation:

to **approve** this application and condition 19 be partially approved in relation to the Noise Scheme of Assessment for route section H for the following reasons:

1. The submitted Noise Scheme of Assessment is considered to be robust and has demonstrated that the required standards of noise mitigation set out in the Noise and Vibration Mitigation Policy (January 2011) will be achieved subject to the installation of the specified mitigation measures.
2. 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 and advice from Queens Counsel and external technical advisors. Any harm that the development would otherwise give rise to can be offset by the conditions imposed.

Subject to the following condition, which has been imposed for the reason stated:

1. Development in accordance with submitted details

5 East West Rail Phase 1 - 16/02509/CND for route section I-1

Site address: 16/02509/CND for route section I-1

Proposal: Details submitted in compliance with condition 19 item 2 (operational noise and vibration) of TWA ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990).

Officer recommendation:

to **approve** this application and condition 19 be partially approved in relation to the Noise Scheme of Assessment for route section I-1 for the following reasons:

1. The submitted Noise Scheme of Assessment is considered to be robust and has demonstrated that the required standards of noise mitigation set out in the Noise and Vibration Mitigation Policy (January 2011) will be achieved subject to the installation of the specified mitigation measures.
2. 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 and advice from Queens Counsel and external technical advisors. Any harm that the development would otherwise give rise to can be offset by the conditions imposed.

Subject to the following condition, which has been imposed for the reason stated:

1. Development in accordance with submitted details

6 Minutes

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To approve as a true and accurate record the minutes of the meeting held on 15 February 2017.

7 Date of Future Meetings

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

2017

12 April 2017
24 May 2017
14 June 2017
12 July 2017
3 August 2017
13 September 2017
11 October 2017
15 November 2017
13 December 2017

2018

18 January 2018
28 February 2018
14 March 2018
11 April 2018

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.

