

# **Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 5 September 2018 and continued on Wednesday 12 September 2018**

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## **Committee members:**

Councillor Henwood (Vice-Chair, in the Chair)	Councillor Aziz
Councillor Chapman	Councillor Clarkson
Councillor Garden	Councillor Hollingsworth (for Councillor Taylor)
Councillor Lygo	Councillor Tanner
Councillor Roz Smith	

## **Officers:**

Adrian Arnold, Development Management Service Manager  
Sally Fleming, Lawyer  
Andrew Murdoch, Planning Team Leader  
Nadia Robinson, Principal Planning Officer  
Jennifer Thompson, Committee and Members Services Officer

## **Apologies:**

5 September: Councillor Taylor sent apologies and Councillor Hollingsworth substituted for her.

12 September: Councillor Hollingsworth sent apologies.

**In the absence of the Chair, the Vice Chair Councillor Henwood chaired both parts of the meeting.**

## **37. Declarations of interest**

### **Minute 38: 18/01173/FUL Swan School**

Councillor Chapman declared he was a governor of Marston Primary School, part of the River Learning Trust, but that he approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

Councillor Clarkson declared that she has been involved in discussions on the location and design in her capacity as ward councillor for the area, but that she approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

Councillor Lygo declared that in his capacity as a county councillor he had attended meetings about this school, but that he approached the application with an unbiased

open mind and would listen to the arguments and weigh the evidence before making a decision.

Councillor Hollingsworth declared he had a child attending the nearby Cherwell School, but that he approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

Councillor Roz Smith declared that part of her ward was in the catchment area for the proposed school and she had recently attended a public meeting about the school, but that she approached the application with an unbiased open mind and would listen to the arguments and weigh the evidence before making a decision.

#### **Minute 40: 17/03050/FUL Land at Littlemore**

Councillor Henwood declared that he was a member of Littlemore Parish Council but had not taken part in discussion on this application and had no predetermined view.

#### **Minute 42: 18/01555/FUL 5 Colwell Drive**

Councillor Tanner declared he had called the application in as it merited the decision being made in public but had no predetermined view.

Councillor Clarkson declared she had called the application in as it merited the decision being made in public but had no predetermined view.

All councillors took part in the debate and voting on these applications.

### **38. 18/01173/FUL: "Swan School", The Harlow Centre, Raymund Road, Oxford, OX3 0PG**

The Committee considered an application for planning permission for the demolition of existing buildings on the site and their replacement with a new two-storey education facility, associated parking and external play areas for Meadowbrook College; erection of a new secondary school in the form mix of one and three-storey buildings together with provision of a new access from Marston Ferry Road, associated car and cycle parking along with formal and informal play and sport provision; and erection of a multi-use games area (MUGA) and eco-shelter for St Nicholas Primary School (amended description, amended plans and additional information) at the Harlow Centre (site of Meadowbrook College), Raymund Road, Oxford OX3 0PG.

Chanika Farmer (Oxfordshire County Council Principal Transport Planner) and Anthony Kirkwood (Oxfordshire County Council Highways road safety expert) accompanied officers at the table.

The Planning Officer:

- reported receipt of 3 representations after publication of the agenda, two of which were circulated separately to the committee and one reiterated public comments reported in the agenda;

- confirmed CIL was payable as the land would not be owned by a charitable institution when the development took place;
- reported corrections to paragraph 10.47 to correct references to S16 to S66;
- recommended adding a further condition that no development could take place until a S278 agreement with Oxfordshire County Council Highways was in place; and
- explained the proposals for staggered access times to the Swan and Cherwell Schools and the measures to ensure safe crossing for cyclists, pedestrians and cars including a reduced speed limit and wider than standard visibility splays on that stretch of Marston Ferry Road
- circulated a table showing the times the access across the Marston Ferry Road cycle path is open and closed.

The Chair extended the time for public speaking to 10 minutes for those speaking against, and an equal time for those speaking in support of, the application.

**Speaking against the application:**

- Simon Banks, Cherwell School Travel Action Group
- Michael Chambers, local resident
- Anuj Bhatt, local resident
- Councillor Dr Peter Williams, representing Old Marston Parish Council
- Simon Banks then read a statement from Simon Hunt, Chair of Cyclox who had registered but had left early
- Oxford City Councillor Mick Haines, local ward councillor

Amongst other points, in summary they raised concerns about the location being inappropriate; safety of cyclists on the cycle path at peak times; destruction of the continuity of the cycle path; congestion on surrounding roads and in the wider area; the inadequacy of the construction management travel plan and the school travel plan; inadequate sewer capacity and possible foul and surface water flooding into the nearby brook and gardens; damage to the amenity of the Green Belt.

**Speaking in support of the application:**

- Barbara Chillman, Oxfordshire County Council
- Natasha Ireland, agent, JPPC consultants
- Paul James, Chief Executive of the River Learning Trust
- Kay Wood, prospective Headteacher for Swan School

Amongst other points, in summary they set out the need for a new secondary school in the city and the local education authority's support for this school; the existing covenant permitting the right to drain surface water into the brook; the educational vision for the school; the focus on a safe environment and on a detailed and deliverable travel plan; and the positive impact the new school would have on the looming shortfall in school places.

**Registered as available to answer questions/ points of clarification in support of the application:**

- Graham Wilson, Galliford Try construction company
- Simon Beaumont-Orr, ADP Architects

- David Hurren – Robert West civil engineering and transport planning
- Nicola Partridge, Meadowbrook College

### **Members asked questions of officers and the speakers.**

These focussed on but were not confined to:

- adequacy, implementation and enforcement of the travel plan;
- the physical character of the access from Marston Ferry Road across the cycle path;
- the management and safety of that access at peak (manned) and off-peak (unmanned) times;
- whether the number of car parking spaces and access arrangements for staff were appropriate given the proposals for reducing car travel and the need for parking for part-time, casual, and peripatetic staff;
- confirmation that this was the most suitable site from those available;
- confirmation that an underpass was considered an unreasonable requirement for mitigation as this could be addressed by other means.

### **Decision**

The Committee considered all the evidence before it, including the officer's report and presentation, statements from the speakers, answers to questions and advice from officers.

The Committee noted the need for school places and discussed the positive benefits of the new school.

The Committee discussed concerns around access across the cycle path; whether the travel plan would operate as intended; safety and convenience for all users of the path including times when wardens were not present; the visual and effect of the new road junction on the immediate area, design and use of the site, and the impact on the area of Green Belt immediately in the vicinity of this stretch of Marston Ferry Road. The Committee noted that it may be possible to change the design of the access to reduce this impact but they had to determine the application before them.

They noted that the travel plan included measures to reduce the proportion of journeys made by car as the school grew..

A motion, proposed and seconded, to approve the application with an additional condition that no development could take place until a S278 agreement with Oxfordshire County Council Highways was in place, and a requirement in the travel plan condition to reduce the number of parking spaces over the first 6 years, was **not agreed** on being put to the vote.

The Committee debated reasons for refusal of the application. Councillors discussed:

- The removal of the bund separating the cycle path and road, which created a more urban setting for the path and road by merging the school, path and now 4-lane road, and large visibility splays, was a result of the decision to create 66 car parking spaces on this part of the site. Notwithstanding the overall benefits of the

scheme, the Committee considered these did not outweigh the overall harm to the Green Belt in this local area. It was not clear that this way of mitigating the impact of on-road parking was cost-effective or reasonable.

- The impact of the access and the danger and inconvenience created by car movements across this, whether warden controlled or not, when the gates were opened and the car park accessible, created an impractical entrance which compromised the free flow of cyclists and pedestrians and so was contrary to the aim of policy CP10 (planning permission will only be granted where proposed developments are sited to ensure that access to the site is practicable, with priority given to pedestrians and cyclists).

Notwithstanding the officer's recommendation of approval, a motion, proposed and seconded, to refuse the application because of visual harm to the Green Belt and because access to the site is not practicable while still maintaining priority for cyclists and pedestrians, with reasons as set out in full below, was **agreed** on being put to the vote.

**The East Area Planning Committee resolved to REFUSE planning permission for application 18/01173/FUL on the following grounds, with the precise wording for the reasons for refusal being delegated to the Head of Planning, Sustainable Development and Regulatory Services to determine:**

1. The harm to the stretch of Green Belt along Marston Ferry Road caused by the urbanisation of the area around the new access (including removal of the bund, visibility splays, turning lanes and creation of a paved link between the road and the cycle path) when considered with the lesser harms caused by the development as a whole to the amenity of this stretch of Green Belt, was not outweighed by the overall benefits of the scheme.
2. The access from Marston Ferry Road created an impractical, dangerous and inconvenient entrance, whether warden controlled and restricted or not, which compromised the free flow of cyclists and pedestrians and so was contrary to the aim of policy CP10 (planning permission will only be granted where proposed developments are sited to ensure that access to the site is practicable, with priority given to pedestrians and cyclists).

### **39. 18/01697/FUL: Temporary buildings at The Harlow Centre, Raymund Road, Oxford OX3 0PG**

The Committee considered an application for planning permission for the partial demolition of the existing Meadowbrook College buildings and erection of modular units to provide a temporary education facility for Meadowbrook College, including the provision of an external play area to the south of the modular units to be enclosed by a 3.0 metre high rebound fence for a period of no more than two years and other associated works at The Harlow Centre, Raymund Road, Oxford, OX3 0PG

The Planning Officer noted that the application was recommended for approval but as application 18/01173/FUL had been refused there was now no justification to for this

proposal. There was no reason to provide temporary buildings on this site in the absence of permission for a new Meadowbrook School building.

On being proposed, seconded and put to the vote, the Committee agreed to refuse planning permission as the need for these was dependant on the implementation of the proposals in application 18/01173/FUL, which had been refused. Providing temporary buildings where there was no need was contrary to policy CS25.

**The East Area Planning Committee resolved to REFUSE planning permission for application 18/01697/FUL on the following grounds with the precise wording for the reasons for refusal being delegated to the Head of Planning, Sustainable Development and Regulatory Services to determine:**

**following refusal of application 18/01173/FUL there was no requirement to provide temporary buildings during the construction phase of that application and the proposed development was therefore contrary to policy CS25.**

#### **40. Adjournment and reconvening of meeting**

On being proposed, seconded, and put to the vote the Committee adjourned the meeting at 9.00pm on 5 September and agreed to reconvene on 12 September.

The meeting reconvened on 12 September at 6pm in the Old Library in the Town Hall to consider the remaining items of business.

The Committee received apologies from Councillor Hollingsworth and members restated relevant declarations of interest which are recorded at the beginning of these minutes.

#### **41. 17/03050/FUL: Land North Of Littlemore Healthcare Trust, Sandford Road, Littlemore, Oxford, OX4 4XN**

The Committee considered an application for planning permission for 141 residential units together with roads, parking, landscaping and open space on Land North of Littlemore Healthcare Trust, Sandford Road, Littlemore, Oxford.

The Planning Officer introduced the application and reported updates:

- paragraph 1.1 (b) 1 under the recommendation – further to comments from Natural England regarding access to the SSSI the Planning Officer recommended, and the Committee agreed, adding ‘and conditions to mitigate the ecological impact of the development’ ;
- to add a requirement for the management and maintenance plan of the open space land into the legal agreement;
- two consultees had sent identical comments as set out in the report.

Maggie Willis, representing Littlemore Parish Council, spoke objecting to the development principally because of the poor links and consequent long journeys between the site and amenities in Littlemore.

Steve Wood, agent, spoke in support of the application.

In reaching a decision the Committee considered all the information put before it including the officer's report and presentation and the representations made by speakers.

In answer to questions and during debate the Committee discussed:

- ensuring that the categories of key workers able to access the novel key worker housing scheme included more than NHS staff;
- amending the landscape conditions (4 and 5) to include for the open space provision and maintenance of a range of play equipment and furniture suitable for all ages and bike racks for visitors;
- amending the landscape conditions (4 and 5) to include provision and maintenance of suitably located litter bins and dog bins;
- amending the landscape conditions to explicitly state that suitable lockable gates would be provided to the access paths to the rear of terraced plots, for the purposes of increasing security and privacy of those houses;
- delegating authority to officers to make suitable amendments and additions to the conditions and S106 agreement to secure these changes.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer recommendation with the addition of the changes above.

**East Area Planning Committee resolved to:**

(a) **approve** application 17/03050/FUL for the reasons given in the report and subject to the 27 required planning conditions set out in section 12 of the report and also including:

- any conditions to mitigate the ecological impact of the development;
- amendments to the landscaping conditions or requirements in the legal agreement to include the management and maintenance of the public open space and to include the provision and maintenance of the items as listed above; and
- ensuring the categories of key workers able to access the novel key worker housing scheme to include more than NHS staff;

and grant planning permission subject to:

1. the satisfactory completion of a legal agreement under s.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, amended as necessary to account for the changes agreed above; and
2. the Ecological Impact Assessment satisfying the Oxford City Council Ecologist and Natural England that the proposal will not have an adverse ecological impact and that any impact can be mitigated by appropriately worded conditions.

(b) **delegate** authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. finalise the recommended conditions (in (a) above) with conditions to mitigate the ecological impact of the development, including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;
2. finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and
3. complete the section 106 legal agreement referred to above and issue the planning permission.

#### **42. 18/01789/CT3: Land Off Kersington Crescent and Amory Close, OX4 3RL**

The Committee considered an application for planning permission for the formation of 18 residents' car parking spaces using existing grass verges at land off Kersington Crescent and at Amory Close, Oxford, OX4 3RL.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer recommendation.

#### **The East Area Planning Committee resolved to:**

- (a) **approve** application 18/01789/CT3 for the reasons given in the report and subject to the 10 required planning conditions set out in section 12 of the report and grant planning permission; and
- (b) **delegate** authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

#### **43. 18/01555/FUL: 5 Colwell Drive Oxford OX3 8XD**

The Committee considered an application for planning permission for the erection of extension to front in association with conversion of garage into habitable space, and extension of tarmac driveway and landscaping to front at 5 Colwell Drive, Oxford, OX3 8XD

On being proposed, seconded and put to the vote, the Committee agreed with the officer recommendation with the addition/ strengthening of a condition requiring permeable tarmac.

**The East Area Planning Committee resolved to:**

- (a) **approve** application 18/01555/FUL for the reasons given in the report and subject to the 6 required planning conditions set out in section 12 of the report and the requirement for permeable tarmac on the driveway, and grant planning permission; and
- (b) **delegate** authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

**44. Minutes**

The Committee resolved to approve the minutes of the meeting held on 1 August 2018 as a true and accurate record.

**45. Forthcoming applications**

The Committee noted the list of applications.

**46. Dates of future meetings**

The Committee noted the dates.

**The meeting started at 6.00 pm on 5 September, adjourned at 9.00pm on 5 September, reconvened at 6.00pm on 12 September and ended at 7.35pm on 12 September.**

Chair .....

Date: Wednesday 3 October 2018