

Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 11 February 2020

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Committee members:

Councillor Cook (Chair)	Councillor Corais
Councillor Donnelly	Councillor Harris
Councillor Hollingsworth	Councillor Iley-Williamson
Councillor Upton	Councillor Wolff
Councillor Landell Mills (for Councillor Gotch)	

Officers:

Andrew Murdoch, Development Management Service Manager
Robert Fowler, Planning Team Leader
Sally Fleming, Planning Lawyer
James Paterson, Planning Officer
Mike Kemp, Senior Planning Officer
Amy Ridding, Senior Conservation Officer
Catherine Phythian, Committee Services Officer

Apologies:

Councillor(s) Gotch sent apologies.

80. Declarations of interest

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

Councillor Upton stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. She stated that although she was a signatory to the call-in for applications 19/02141/FUL and 19/02142/LBC she had a completely open mind and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Cllr Harris stated that although he was a signatory to the call-in for application 18/02644/FUL he had a completely open mind and would listen to all the arguments and weigh up all the relevant facts before coming to a decision. For reasons of transparency he stated that, although the owners and site of application 19/03178/FUL

were known to him, he had a completely open mind and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

81. 18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ

The Committee considered an application (18/02644/FUL) for planning permission for the erection of 4 x 1 bed flats (Use Class C3) to first and second floor infills between existing block gable ends; the provision of bike storage; and retaining all car parking spaces, garages and refuse stores.

The application had been called into committee at the request of Councillors Goddard, Gotch, Harris, Garden and Smith due to concerns relating to the impact on existing residents and parking issues.

The application was previously considered by the West Area Planning Committee in November 2019, where a resolution to defer determination of the application was made to enable the correct notices to be served on the leaseholders at Millway Close and the correct certificate submitted. A request was also made to seek the comments of Thames Valley Police and the Fire Service, with a further suggestion that the proposed location of the cycle parking be amended.

The Planning Officer presented the report and gave the following verbal updates:

- Evidence had been provided to demonstrate that all correct the notices had now been served on the leaseholders of the flats.
- Amended plans had been submitted showing amendments to the position of the proposed cycle parking.
- The Police and Fire Service had been consulted and their comments were set out in full in Section 8 of the report. Overall no objections are raised.
- Comments had been received on behalf of Millway Close Leaseholders in response to the amended cycle parking proposals. In summary the comments state the view that the revised number of cycle parking spaces is considered to be sufficient, however the unanimously preferred option would be to site the cycle parking in the location of the former bin store rather than the intended locations.
- 3 additional public comments had been received objecting on the following grounds:
 - The location of the cycle parking spaces
 - No affordable housing provision
 - The loss of amenity areas owing to the location of the cycle parking
 - Concern about the dimensions of the access spaces between the flats
 - Security of the bike and bin stores
 - The design of the windows not matching the existing style
 - Natural lights to the rear facing internal spaces of the flats

The Planning Officer recommended an amendment to the wording of Condition 4, (on cycle parking) to require the provision of a cycle parking plan prior to occupation without the reference to 116 spaces.

Natasha Robinson (Millway Close Leaseholders) spoke against the application and read a statement from Nicholas Loft-Simpson (local resident).

James Gillies, the agent representing the applicant, spoke in favour of the application.

The Committee noted that the objections and concerns about security and safety would be addressed through Condition 17 which would require the applicant to obtain Secured by Design accreditation for the development. The Committee agreed to include a further condition for the provision of lighting in the access passages.

The Committee also sought assurances in relation to specific concerns raised by the public speakers about the presence of asbestos and the need for residents to vacate the properties during the construction phase. Mr Gillies, the agent, confirmed that there would be no planned requirement for the residents to vacate their properties during the construction phase and that there would be no identified need for the construction contractors to access the roof void or areas known to contain asbestos.

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

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application, subject to the amendment to Condition 4 detailed above and the addition of a new condition relating to the provision of lighting in the access passages.

The West Area Planning Committee resolved to:

1. **approve** the application for the reasons given in the report and subject to the required 17 planning conditions set out in section 11 of the report and subject to the amendment to Condition 4 detailed above and the addition of a new condition relating to the provision of lighting in the access passages; and grant planning permission.
2. **delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

82. 19/02032/FUL: Sir Geoffrey Arthur Building, Long Ford Close, Oxford, OX1 4NJ

The Committee considered an application (19/02032/FUL) for planning permission for the demolition of existing accommodation building and music room block to ground floor level and erection of replacement buildings to create 77 student bedrooms, 8 studio rooms and ancillary provision for Pembroke College on the Geoffrey Arthur Site in form of a Graduate building and a separate studio block, including adjustments to the public realm and pedestrian / vehicular access from Baltic Wharf.

The Planning Officer presented the report and gave the following verbal updates:

- Two objection comments had been received since the agenda was published from addresses in Trinity Street and Baltic Wharf. The matters raised in those comments have already been addressed in the officer's report.
- There was a concern about the use of the vehicular access; for clarity this is proposed to be retained as it is currently – for emergency vehicles and servicing only – specifically refuse and recycling trucks. Officers considered that this was acceptable as it would not worsen the impact of the access on local residents above and beyond the existing situation.

The Planning Officer advised that the Environment Agency had withdrawn its objections subject to conditions, the wording of which could be delegated to officers if the Committee was minded to grant planning permission. Following the removal of the Environment Agency's objections there was no longer a requirement to refer the application to the Secretary of State and complete a statutory consultation period.

The Planning Officer advised that since the application was considered by the West Area Planning Committee on 21 January 2020 further information had been supplied to demonstrate sight lines and views from the study bedrooms into the neighbouring property and evidence to support the assertion that the internal layout of the study bedrooms, which would be secured by condition, would serve as adequate mitigation. Additional obscure glazing had been proposed to mitigate against harmful overlooking of the neighbouring property, No. 4 Baltic Wharf.

Mike Naworynsky, representing the applicant, and Stuart Cade, agent spoke in favour of the application and answered questions from the Committee.

The Committee welcomed the modifications and commended the applicant for their constructive response to the previous request from the Committee to explore measures to mitigate against the overlooking of No.4 Baltic Wharf.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the 32 required planning conditions and 1 informative set out in section 9 of the report with additional conditions to secure obscure glazing to the windows that would overlook 4 Baltic Wharf and to cover the matters required by the Environment Agency and grant planning permission subject to:
 - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; and
2. **delegate authority** to the Head of Planning 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 Services considers reasonably necessary; and

- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

83. 19/02141/FUL: 42 Park Town, Oxford, OX2 6SJ

The Committee considered an application (19/02141/FUL) for planning permission for the amalgamation of ground dwelling and basement flat to form one dwellinghouse, erection of a two storey side extension to basement and ground, insertion of lightwells to the front and rear, associated landscaping to front and rear gardens, replacement railings to front boundary and alterations to fenestration. (Amended Plans).

The application was called in by Councillors Fry, Munkonge, Pressel, Tanner and Upton due to concerns of overdevelopment, resulting in harm to the conservation area, and the impact on the amenity of neighbours.

The Planning Officer presented the report. He apologised for some labelling errors on the slides (referencing No.44 rather than No.42) which he corrected as he went through the presentation. He explained that the application originally included repairs and alterations to the roof which were omitted in the final proposal and that the original plans also erroneously included the replacement of the existing garage and the removal of the Lawson cypress tree in the front garden. These errors have been rectified in the final plans and did not form part of the application.

Caroline Grange spoke against the application.

Simon Sharpe, Kieron Roberts and Patrick Maguire, on behalf of the applicant, spoke in favour of the application.

The Committee was satisfied that the information set out in the officer report addressed the concerns raised in the call-in about overdevelopment, potential harm to the conservation area, and the impact on the amenity of neighbours.

The Committee discussion centred on the fact that the application, if approved, would be in contravention of Policy HP1 of the Sites and Housing Plan as it would result in the loss of the basement dwelling. The Committee acknowledged the importance of Policy HP1 but felt that on balance its significance was outweighed by the considerations set out in the officer report, in particular the fact that the existing basement flat provided poor quality accommodation and sub-standard living space and would be considered unsuitable for habitation in the current policy and legislative context. On balance the

Committee concluded that this was a balanced judgement and that, while substantial weight should be given to Policy HP1, the loss of the basement dwelling was acceptable in the overall context of the improvements resulting from the development.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the 12 required planning conditions and 3 informatives set out in section 12 of the report and grant planning permission.
2. **delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

84. 19/02142/LBC: 42 Park Town, Oxford, OX2 6SJ

The Committee considered an application (19/02142/LBC) for planning permission for the replacement of existing side extension with a two storey side extension to lower ground and upper ground floor levels. Internal alterations to include reinstatement of staircase at lower ground floor level, new openings, removal of partitions, closing up existing doorways and alterations to fenestration at lower ground floor level. Insertion of lightwells to front and rear, external renovations including replacement of render and refurbishment of existing windows. Installation of railings to front boundary and associated landscaping to the front and rear gardens. Works in association with amalgamation of existing dwellinghouse and basement flat to form one dwellinghouse. (Amended Plans) (Amended Description).

The application had been called in by Cllrs Fry, Munkonge, Pressel, Tanner and Upton because of concerns about overdevelopment of the site, an overbearing impact to neighbouring houses, and conflict with the North Oxford Victorian Suburb Conservation Area Appraisal.

The officer presentation and Committee discussion of this application for listed building consent was taken as part of the previous item.

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

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the 13 required listed building conditions and 3 informatives set out in section 12 of the report and grant listed building consent.

2. **delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

85. 19/03178/FUL: 31 Charlbury Road Oxford OX2 6UU

The Committee considered an application (19/03178/FUL) for planning permission for the demolition of an existing outbuilding and the erection of a single storey outbuilding for use as ancillary space.

A previous application was determined by the West Area Planning Committee after the Head of Planning Services decided it should not be delegated following concerns raised by the applicant about the determination of the application. This revised application was being determined by the committee for the same reasons.

The Planning Officer presented the report and apologised for the omission in paragraph 10.15 of the report: the empty brackets should contain *19/02089/FUL*. He reminded the Committee that a similar application (19/02089/FUL) was refused by the West Area Planning Committee on 11 November 2019 and that an appeal had been made against the refusal of planning permission in addition to an application for an award for costs against the Council.

He explained that the new application differed from the previous application in that it had a reduced glazed gable as the cill of the glazing had been raised by 10cm. In recommending approval Planning Officers had been cognisant of the Committee's decision on the previous application but on balance, considered that the raised cill of the window would lessen the impact on neighbours by limiting views out of the outbuilding and light spillage from the outbuilding.

Mr Daly, neighbour, spoke against the application.

Mr Crean, applicant, spoke in favour of the application.

In reaching its decision, the Committee considered all the information put before it, including the planning officer's recommendation for approval and was mindful of the permitted development rights pertaining to the application site.

A proposal to approve the application in accordance with the officer recommendation set out in the report was moved and seconded. On being put to the vote the proposal was lost.

A proposal to refuse the application for the following reasons was moved and seconded:

- i. The glazing in the gable end facing 31a Charlbury Road would impact and create light pollution to the adjoining property contrary to policies CP10 and CP20 of the Oxford Local Plan
- ii. The glazing in the gable end as a result of proximity to the boundary, and

the adjoining property at 31a Charlbury Road would result in a loss of privacy contrary to Policy CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

An amendment to that proposal to refuse the application solely on the grounds that the glazing in the gable end facing 31a Charlbury Road would impact and create light pollution to the adjoining property contrary to policies CP10 and CP20 of the Oxford Local Plan was moved and seconded.

On being put to the vote the amendment was carried on the Chair's casting vote and became the substantive proposal.

On the substantive proposal being put to the vote the West Area Planning Committee resolved to refuse planning application (19/03178/FUL) on the following grounds with the precise wording of the reasons for refusal being delegated to the Head of Planning Services to determine:

- i. The glazing in the gable end facing 31a Charlbury Road would impact and create light pollution to the adjoining property contrary to policies CP10 and CP20 of the Oxford Local Plan.**

86. Minutes

The Committee resolved to approve the minutes of the meeting held on 21 January 2020 as a true and accurate record.

87. Forthcoming applications

The Committee noted the list of forthcoming applications.

88. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.05 pm

Chair

Date: Tuesday 10 March 2020