

## Minutes of a meeting of the PLANNING REVIEW COMMITTEE on Tuesday 30 April 2019

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### Committee members:

Councillor Fry (Chair)

Councillor Munkonge (Vice-Chair)

Councillor Azad

Councillor Goddard

Councillor Malik

Councillor Howlett (for Councillor Linda Smith)

Councillor Pressel (for Councillor McManners)

Councillor Tarver (for Councillor Djafari-Marbini)

Councillor Harris (for Councillor Altaf-Khan)

### Officers:

Adrian Arnold, Acting Head of Planning Services

Robert Fowler, Planning Team Leader

Andrew Murdoch, Development Management Service Manager

Sally Fleming, Planning Lawyer

Catherine Phythian, Committee Services Officer

Anita Bradley, Monitoring Officer

Mike Kemp, Senior Planning Officer

John Mitchell, Committee and Member Services Officer

### Apologies:

Councillors Altaf-Khan, Djafari-Marbini, McManners and Linda Smith sent apologies.

## 11. Declarations of Interest

### 19/00249/FUL

Councillors Fry, Howlett, Malik and Tarver each stated that although they were a signatory to the call-in of this application they were approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Pressel said that as she had initiated the call-in and could not claim to have an open mind about the application she would not take part in the determination of the application and would leave the members area for that item.

### 18/03827/FUL

Councillors Azad, Harris and Malik each stated that although they were a signatory to the call-in of this application they were approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Pressel left the members area but remained in the room but she did not take part in the debate or vote on application 19/00249/FUL .

## **12. 19/00249/FUL: 16 East St, Oxford OX2 0AU**

The Committee considered an application (19/00249/FUL) for planning permission for the demolition of the existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2) and the provision of cycle spaces.

The application had been called in to the Planning Review Committee by Councillors Pressel, Rowley, Chapman, Taylor, Kennedy, Fry, Simm, Iley-Williamson, Lygo, Henwood, Malik, Howlett, Djafari-Marbini and Corais because of concerns about the impact of the proposed development on the Conservation Area.

The Planning Officer presented the report and drew attention to the following points.

The site is located within the Osney Town Conservation Area but it is not a protected employment site.

The application had been considered at West Area Planning Committee on 9 April 2019 when members of that committee resolved to grant planning permission subject to conditions and delegated authority to the Acting Head of Planning Services to consider and deal with any new material planning considerations that may be raised through public consultation which expired on 11 April 2019 and deal with any representations that might be received as a result of the notice which had been served on the owner which expired on 29 April 2019 including deciding whether it was necessary to refer the application back to the committee prior to issuing the permission.

Some additional comments had been received in relation to the application; some of these comments were received after the consultation period. Since the agenda had been published an additional 7 comments had been received in support and 3 objecting. Additional comments had been received from some local residents who had already objected. One of the comments objecting was from the local MP.

The Oxford Preservation Trust's comments had been circulated before the Committee meeting earlier in the day.

The Officers' view was that no matters received in public consultation raised any material matters that had not already been considered and dealt with in the report with the exception of concerns relating to bats.

Officers had therefore sought the advice of the Council's ecologist and the applicant's agent had produced a bat survey. The survey concluded that the site had negligible ecological value and there was no evidence of bats. However, an additional condition was recommended to secure ecological enhancements.

The officer recommendation was to grant planning permission subject to the recommended conditions with an additional condition requiring ecological enhancement measures and to delegate authority to the Acting Head of Planning Services to finalise those conditions.

The Legal Adviser added a few points of clarification and confirmed that it was normal practice to take into account comments received after the expiry of the consultation period if the application had not been determined as to not do so would leave the decision at risk of challenge if such comments had raised new material planning considerations.

She confirmed that her verbal response at the last meeting to the Counsel's opinion which had been submitted by one of the objectors about the application had been included in the covering report for the meeting. However, she did summarise the main points she had made.

Vernon Orr and Bianca Elgar, local residents, spoke against the application, with particular reference to the opinion of Counsel referred to above and the number of local residents who were said to object to the application.

Mr James Pritchard (Applicant) and Mr Adrian James (Agent) spoke in favour of the application referring to the number of local residents who were said to support the application and the relatively little difference the proposed studio would have on footfall in East Street given the other establishments at either end of it.

In discussion the following matters were raised and clarifications provided.

- The Committee was reminded that its decision must be based on the relevance of representations made in support or opposition of an application and not the number of them.
- Article 4 Direction did not apply to the current building as it was not a dwelling.
- The site was subject to flood risk and, therefore, while not suitable for residential use, was suitable for the proposed use.
- The assertion that there was "an excess of yoga studios" was not a basis for refusal.
- The assertion that the report and the one considered by the Committee on 9 April had been prepared by officers without the necessary specialist heritage expertise was unfounded. The report's principal author was very experienced and had drawn on such additional in-house specialist expertise as was required.
- The limited opening hours of the proposed studio would mitigate concerns about "noise and disturbance" which would in any case, and as had been mentioned by the Agent, not add significantly to that caused by the two establishments at either end of the street.
- The NPPF did not prohibit the addition of contemporary design in a conservation area and that which was proposed had been the subject of extensive pre-application discussion.
- The current building had an authorised Class B1 use. If the current proposal did not proceed it could be used for activities which were potentially more intrusive than that which was proposed.

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 addition of a condition requiring ecological enhancements.

**The Planning Review Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 6 of the report, with the addition of a condition requiring ecological enhancements, and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in the report and the additional condition referred to above including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

Councillor Pressel returned to the members area of the room at the conclusion of this item.

**13. 18/03287/FUL: Former Murco Service Station, Between Towns Road, Oxford, OX4 3LZ**

The Committee considered an application (18/03287/FUL) for planning permission for the demolition of existing structures, and the erection of a part 3, 4 and 5 storey apartment block comprising 35 residential flats (Use Class C3) and 3 x 3 storey townhouses (Use Class C3) with associated access, parking and landscape arrangements.

The application had been called in to the Planning Review Committee by Councillors Henwood, Simmons, Wolff, Gant, Gotch, Malik, Altaf-Khan, Wade, Landell-Mills, Kennedy, Arshad, Curran and Azad for the following reasons:

- The use of St Omer Road as the only means of accessing the site is inadequate as insufficient space is provided for vehicles to manoeuvre within the proposed turning head. This would impact on neighbour amenity and air quality.
- The report to members did not address overshadowing of neighbouring properties and the three townhouses.
- Insufficient parking is provided for visitors and service vehicles.
- Insufficient provision of larger family dwellings within the development and the proposals would not comply with the target housing mix identified within the Council's Balance of Dwellings Supplementary Planning Document.

The Planning Officer presented the reports and referred the Committee to the relevant paragraphs in the officer reports and to paragraph 123 of the NPPF which addressed the issues raised by the call-in. In summary he confirmed that planning officers considered that the proposed development makes best use of the site, given its highly sustainable location in a primary district centre, and that the development is fundamentally in line with the requirements of the NPPF and the Emerging Local Plan.

Councillor David Henwood (local ward councillor) and Mark Watson (local resident) spoke against the application.

Alan Wylde (representing Oxford City Council) as applicant spoke in favour of the application and he and Simon Lea (architect) answered questions from the Committee.

The Committee discussion focussed on the issues identified in the call-in specifically with regard to parking provision, emergency and service vehicle access and the proposed balance of dwellings.

The Committee agreed to include an additional condition to make provision for electric charging points in association with the disabled parking bays.

The Committee recommended that the provision of electrical charging points for bikes and parking for cargo-bikes should be included as part of recommended Condition 24 (details of cycle parking).

The Committee noted that the applicant had indicated a willingness to explore the scope for service/delivery vehicle parking within the development and that the plans for a funded CPZ were expected to be implemented in 2020. The Committee considered that the point relating to the scope for service/delivery vehicle parking should be formally included as an informative to the planning approval.

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 Planning Review Committee resolved to:**

1. **Approve** the application for the reasons given in the report and subject to the 29 required planning conditions set out in section 7 of the report, a further condition to provide electric charging points for disabled parking and the informative detailed above;
2. **Grant** planning permission; and
3. **Delegate** authority to the Acting Head of Planning Services to finalise the recommended conditions as set out in the report and the additional condition referred to above including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## **14. Minutes**

The Committee resolved to approve the minutes of the meeting held on 15 October 2018 as a true and accurate record.

**15. Date of Future Meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 8.30 pm**

**Chair .....**

**Date:**