

# Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 24 September 2019

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## Committee members:

Councillor Cook (Chair)

Councillor Corais

Councillor Harris

Councillor Upton

Councillor Simmons (for Councillor  
Wolff)

Councillor Gotch (Vice-Chair)

Councillor Donnelly

Councillor Hollingsworth

Councillor Clarkson (for Councillor Iley-  
Williamson)

## Officers:

Adrian Arnold, Head of Planning Services

Anita Bradley, Monitoring Officer

Andrew Murdoch, Development Management Service Manager

Nadia Robinson, Principal Planning Officer

John Mitchell, Committee and Member Services Officer

## Also present:

Stephen Ashworth, Dentons, Legal Adviser

Chanika Farmer, Oxfordshire County Council, transport & highways

Nigel Simkin, JLL/HLD viability consultant

## Apologies:

Councillors Iley-Williamson and Wolff sent apologies.

## 37. 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 application before the Committee and that he was 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 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 application before the Committee and that she was 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 Clarkson stated that she had been an undergraduate at St John's, the applicant in this case, had had no contact with the college about this application, approached it with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Donnelly stated for transparency that although he did not have a disclosable pecuniary interest he was currently studying at St John's College but had had no discussion with college about this application, approached it with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Simmons stated that he was aware that the Oxford North & West Green Party had made a representation about the application but confirmed, for the avoidance of doubt, that although he was a member of Oxford East Green Party he was not a member of Oxford North & West Green Party and had taken no part in submitting the representation.

### **38. 18/02065/OUTFUL: Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout, Northern By-Pass Road, Wolvercote, Oxford, OX2 8JR**

The Committee considered a Hybrid planning application (18/02065/OUTFUL) comprising:

- (i) Outline application (with all matters reserved save for "access"), for the erection of up to 87,300 m<sup>2</sup> (GIA) of employment space (Use Class B1), up to 550 m<sup>2</sup> (GIA) of community space (Use Class D1), up to 2,500 m<sup>2</sup> (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace, up to a 180 bedroom hotel (Use Class C1) and up to 480 residential units (Use Class C3), installation of an energy sharing loop, main vehicle access points from A40 and A44, link road between A40 and A44 through the site, pedestrian and cycle access points and routes, car and cycle parking, open space, landscaping and associated infrastructure works. Works to the A40 and A44 in the vicinity of the site.
- (ii) Full application for part of Phase 1A comprising 15,850 m<sup>2</sup> (GIA) of employment space (Use Class B1), installation of an energy sharing loop, access junctions from the A40 and A44 (temporary junction design on A44), construction of a link road between the A40 and A44, open space, landscaping, temporary car parking (for limited period), installation of cycle parking (some temporary for limited period), foul and surface water drainage, pedestrian and cycle links (some temporary for limited period) along with associated infrastructure works. Works to the A40 and A44 in the vicinity of the

site. (Amended plans and additional information received).

Councillor Gotch observed that the summary he had requested prior to committee for one of the affordable housing options of the application had only been made available within the previous 24 hours. This was an important application and he considered that more time was needed to understand this summary fully. He therefore proposed that the matter be deferred. Officers noted that sufficient information was contained in the substantive report to enable the Committee to make an informed decision. The proposal was seconded. On being put to a vote the proposal to defer was lost (5:3).

The Planning Officer introduced the report. This was a hybrid application and its approval would give permission for the detailed part of the application to proceed. The rest of the site was just in outline with access details; detailed proposals for those sections of the site would come forward as reserved matters applications in due course.

She provided two verbal updates

1. Page 62, paragraph 10.47 – the offer of 30% affordable overall was based on a tenure split of 60:40 not 70:30
2. Page 86, paragraph 10.179 – the two measurements (92.85 and 91.75) refer to heights above sea level. The Red Hall is actually proposed to be 24.35m in height from ground level and the Workspace buildings 23.5m.

It had yet to be decided whether certain requirements in the report would be best secured by condition or legal agreement. The Committee was therefore being requested to delegate the ability to take that decision to officers.

Highways England had now submitted its final comment on the application and raised no objection subject to two conditions, both of which were already included in the report in Appendix 3.

Notwithstanding the number of appendices and associated documents in the application the report was comprehensive and distilled all the information necessary to enable the Committee to determine the application.

She went on to address four key issues: affordable housing, transport, sustainability and design.

### Affordable Housing

The application sought permission to build 480 homes overall, an important contribution to addressing Oxford's housing need. It was important to note that while the Council's affordable housing policies start at 50% on-site provision, if a site was demonstrated to be unviable with 50%, the policy then requires a cascade approach to work through until a site becomes viable. This process had been followed by officers and the Council's advisors JLL over the last two and a half years. The applicant's viability work had been thoroughly scrutinised and

tested in an effort to make the overall development viable, as well as maximising the amount of affordable housing on site. This work followed National Planning Guidance as well as guidance on financial viability from the Royal Institute of Chartered Surveyors (RICS).

The viability appraisal could not take into account the particular circumstances of the applicant or of any price paid for land. The conclusion of the assessment was that that the development could only afford 25% affordable housing. However, on the basis of the lowest feasible land value, 35% affordable housing was just viable which the applicant had accepted and now proposed. An upwards only review mechanism was also included in the heads of terms of the legal agreement so that any future improvement in the viability could be captured to improve the percentage of affordable housing.

### Transport

The visualisations of the proposals for the A40 and A44, demonstrated the intention of transforming them into “humanised streets”, or urban boulevards through speed limit reductions, tree planting and bus, cycle and pedestrian infrastructure plus the buildings providing activity onto the street. This would of course be significantly different from the present hostile environment; these changes were integral to the proposal and would have wide public benefits. The proposals had been shaped through input from Highways England, which is responsible for the A34, and the County Council as local highways authority. It was important to note that the Wolvercote roundabout was not part of the application, the County Council having completed works to the roundabout in 2016.

### Sustainability

A fundamental part of the energy strategy was a site-wide energy sharing loop network. This was an innovative and low-carbon solution, based on ground source heat pumps which was easy to modularise. The development would seek to meet BREEAM Excellent standards and there would be a Carbon Offset Contribution if they fail to meet those standards.

### Design

Consideration had been given to the impact of the development from a number of viewpoints. The development would be visible from Wolvercote and Port Meadow but there was a significant separation between the two. The photomontage and wireframe views shown to the Committee demonstrated that the impact on the setting will be less than substantial. The report set out how the public benefits of the scheme clearly outweighed this low level of less than substantial harm. Officers were also recommending conditions to control lighting as well as materials to minimise the impact.

The application as a whole complied with the development plan policies and the policies of the AAP and would deliver the objectives of the AAP.

The AAP inspector’s report noted “the need to provide employment-led development, which is critical to the knowledge spine, the absence of alternative sites within Oxford,

the opportunity to deliver up to 500 homes, and to address traffic issues.” The application would deliver employment space estimated to create 4,500 jobs and £150m value into the local economy, the much-needed highways improvements and ‘humanised’ A40 and A44, 480 homes, including 168 affordable homes, in a new urban district for Oxford. These are significant public benefits that add up to sustainable development. When an application complies with the development plan, the NPPF requires the Council to approve it without delay. Officers were therefore recommending approval subject to the planning conditions and a legal agreement as set out in appendices 3 and 4.

County Councillor Paul Buckley, City Councillor Liz Wade, Robert Colenutt (local resident), Adrian Arnbib (local resident) and Richard Lawrence-Wilson (local resident) spoke against the application.

David Jackson (Savills) spoke in favour of the application. Other representatives were present to answer questions.

The Committee sought clarification about a number of matters from officers and other representatives at the table which included but were not limited to the following.

It was important to note that many detailed aspects of this hybrid application would be dealt with subsequently. A previous, unrelated, proposal for a 4 lane link road was not part of this application and the AAP made it clear that such a road was not required. The AAP included requirements relating to employment; it was not possible to reduce the amount of office space with a view to increasing the amount of affordable housing as that would reduce viability. The balance of office accommodation (and therefore jobs) and houses was driven by the AAP.

The viability of the scheme took account of the risks and complexity of its atypical nature and had to be based on the assumption that it was being promoted by a ‘typical developer’. No account could be taken of the fact that, in this case, the developer was not typical and the landowner too. The proposed review mechanism to guarantee a minimum of 35% affordable housing and capture further opportunities to increase the affordable housing offer would take account of changing costs or values as the result of inflation.

The pedestrian/cycle link to Oxford Parkway would be dependent on the proposed legal agreement to require the applicant to negotiate with the relevant landowners. HGV use through the site would be restricted by enforceable weight restrictions and other vehicle use would be inhibited by traffic calming and design to encourage pedestrian and cycle use. The application did not seek (and it was not its purpose) to resolve the A40 pinchpoint of the Wolvercote roundabout, it did however seek to introduce significant works to the A40 and A44 to calm traffic speeds and transform them into urban boulevards with upgraded cycle and bus lanes. The emerging Local Plan was referenced throughout the report where relevant but it was not, yet, in force and so only limited account could be taken of it.

The benefits of adjusting the phasing of the project had been (and continued to be) closely looked at. The alignment of buildings as indicated on the master plan was not final, and there would be opportunities to realign some to maximise the potential benefit

from solar panels. In the context of the Council's declaration of a climate emergency, the application took full account of current policies relating to environmental matters. The scheme had, from the outset, taken full account of the importance of ensuring that the needs of those with protected characteristics would be met.

Members of the Committee made a number of comments about the application, which included but were not limited to the following.

There were concerns about the likelihood of increased traffic volumes which did not sit comfortably alongside the Council's declaration of a climate emergency and a view that the number of proposed parking spaces was inadequate. The need for housing was considered to be greater than the need for jobs. The potential for spin out enterprises from both universities on the site was welcome. One of the objectives stated in the AAP was to "deliver a low carbon lifestyle"; would the application deliver that?

There remained significant concerns about the question of viability and the percentage of affordable housing. While the judgements about viability might be applicant blind, it was not unreasonable to take account of decisions made by the applicant. The final proposal of 35% affordable housing with a parallel review mechanism begged questions about the nature of the mechanism and the likelihood that it would, in practice, deliver a higher percentage over time. The presentation had included a slide which summarised the scenarios discussed in 10.62 to 10.67 of the report. Option G of those scenarios (providing 50% affordable housing) was currently assessed as being unviable. Councillor Hollingsworth, while being very supportive of the principle of the development, proposed that the decisions sought of the Committee be deferred to give time for option G to be revisited and adjusted to take account of inflation

The Head of Planning Services advised the Committee of the risks associated with deferral which included an appeal against the decision; the possible reduction of the current offer of 35% affordable housing; and the possible loss of Homes England Housing Infrastructure Funding of £10m.

Councillor Hollingsworth noted the advice but maintained that the previously expressed concerns warranted deferral as a means of securing as fair a deal as possible from the Council's point of view. On being put to a vote, the proposal to defer was carried (8:1).

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

**Defer** consideration of the application pending further information on the following:

- a) Further modelling work around scenario G that looks at the level of affordable housing that could be provided if both cost and value inflation is included; and
- b) A clear review mechanism that captures future improvements in value across the development .

**39. Minutes**

The Committee resolved to approve the minutes of the meeting held on 10 September as a true and accurate record.

**40. Forthcoming applications**

The Committee noted the list of forthcoming applications.

**41. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 8.50 pm**

**Chair .....**

**Date: Tuesday 8 October 2019**