

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 12 April 2022

www.oxford.gov.uk



Committee members present:

Councillor Cook (Chair)	Councillor Chapman (Vice-Chair)
Councillor Altaf-Khan	Councillor Aziz (for Councillor Hunt)
Councillor Brown (for Councillor Abrishami)	Councillor Fouweather
Councillor Hollingsworth	Councillor Pegg
Councillor Rehman	Councillor Upton

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services
Felicity Byrne, Principal Planning Officer
Sally Fleming, Planning Lawyer
Robert Fowler, Development Management Team Leader (West)
Nia George, Assistant Planner
Emma Lund, Committee and Member Services Officer

Apologies:

Councillors Abrishami, Diggins and Hunt sent apologies.

Substitutes are shown above.

89. 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. He said that he was approaching all of 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 said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

21/00110/FUL

Councillor Hollingsworth stated that as ward councillor he had been present at a meeting with the applicants held in advance of the submission of the application, at which the outline proposals had been presented. He had not discussed the application

with the applicants, was approaching it with an open mind, and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Cook stated that he had been present at a meeting with the applicants held in advance of the submission of the application, at which the outline proposals had been presented. He had not discussed the application with the applicants, was approaching it with an open mind, and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

22/00003/FUL

Councillor Chapman stated that he had been a signatory to the call-in but had had no contact with any interested parties, 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 Brown stated that she had been a signatory to the call-in but had had no contact with any interested parties, 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.

90. 21/00110/FUL: The Clarendon Centre, Cornmarket Street, Oxford, OX1 3JD

The Committee considered an application (21/00110/FUL) for partial demolition of the Clarendon Centre, including removal of roof to the mall; proposed redevelopment involving partial re-use and extension of existing buildings and erection of new buildings to form retail, offices, research and development and student accommodation; a new public square and a new pedestrian / cycle access through to Frewin Court; provision of new public access lift to rooftop with café and terrace area; and tree planting, landscaping and cycle parking provision.

The Planning Officer gave a presentation and drew attention to a number of benefits of the scheme, principally:

- the new link through to Frewin Court, including a courtyard garden, which would improve permeability across the city centre and allow improved views of Brasenose College;
- 101 units of student accommodation and a new Porter's Lodge for Brasenose College;
- a new public square including 23 trees and additional seating - both of which were currently lacking within the City centre - as well as a water feature, 'green walls', 'green roofs' and a public drinking water fountain;
- larger retail units within the Clarendon Centre (which was the market preference); as well as research and development and office accommodation;
- an opportunity to regenerate and reinvigorate the City centre.

The Planning Officer reported that the applicant had worked co-operatively with the Council to mitigate the impact on the historic skyline and address an initial objection from Historic England.

In summary, it was considered that any harm arising from the scheme was less than substantial, and was outweighed by the high level of social, economic and environmental benefits to the public. The application was therefore recommended for approval.

The following updates were provided:

- The word 'refuse' should be deleted from paragraphs 14.1 and 15.1 of the report;
- Comments were still awaited in relation to drainage from Oxfordshire County Council as the Lead Local Flood Authority, as well as removal of their objection. However, Thames Water had raised no objection regarding drainage and officers considered that the issues were technical in nature. The objection was not considered to impact on the recommendation to approve the application but the recommendation was, in any event, made subject to the removal of the objection.

Adam Smith for the applicant, and Nick Marchini for the project architects, spoke in favour of the application.

The Committee's discussions included the following points:

- The proposal would improve the visibility of the historic skyline. Whilst there was some harm in terms of the impact on views, this was relatively minor;
- The increased permeability (rather than a single footprint building), and improvements to the streetscape which the development offered, were a significant benefit;
- The developer had taken account of the views of the community, stakeholders, the Oxford Design Review Panel, Historic England and the Council to develop a proposal which was of high quality;
- The proposal involved re-purposing an existing building rather than demolishing and rebuilding;
- The provision of additional seating would be a particular benefit to elderly residents;
- The inclusion of additional trees and 'greening' would improve the City centre environment.

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

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

The Oxford City Planning 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 12 of the report and grant planning permission subject to:

- the receipt of further drainage information requested by the Lead Local Flood Authority and removal of their current objection;
- the satisfactory completion of a Unilateral Undertaking and 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 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 Unilateral Undertaking and 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 as 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 after completion of the Unilateral Undertaking issue the planning permission.

91. 21/02513/FUL: Victoria Hotel, 178-184 Abingdon Road, Oxford

The Committee considered an application (21/02513/FUL) for demolition of existing hotel; erection of a three storey 38no bedroom hotel (use class C1) and creation of 1no 2 bedroom maisonette (use class C3); provision of plant room, soft landscaping, vehicular and cycle parking, and bin storage. The application was currently the subject of an appeal which had been lodged on the grounds of non-determination and therefore the application could not now be determined by the Council. The report therefore recommended refusal reasons for the purposes of defending the appeal.

The Planning Officer gave a presentation and made the following updates:

- The Oxfordshire Architectural and Historical Society had submitted a further written comment on Thursday 8 April following the publication of the committee report. This expressed concerns that the demolition of the recently locally-listed building had not formed a recommended reason for refusal. In response, officers advised that the inclusion of a building or a place on the Oxford Heritage Asset Register placed no additional legal requirements or responsibilities on property owners over and above those required for planning permission or building regulation approval. There was no additional protection from demolition. Officers had carefully considered the acceptability of the proposals as outlined in the officer's report, and having regard to paragraph 203 of the NPPF and policy DH5 of the Oxford Local Plan and advised that demolition of the building should not be put forward as a refusal reason for the purposes of defending the appeal.

Officers had also been mindful of the impact of the proposed development on non-designated heritage assets, and had formed the view that the public benefits

of the scheme would outweigh the loss of the non-designated heritage asset in this case.

- The officer's report had specifically referred to the application site not being within a controlled parking zone (CPZ). In fact, the surrounding area was within the South Oxford Extension CPZ. Abingdon Road itself was not within that CPZ as it was already subject to restrictions which precluded parking within much of the vicinity of the site. This did not impact on the assessment which officers had made in the report, and the proposals already included a significant reduction in car parking.
- As set out in the report, the applicants had lodged an appeal against non-determination in March 2022 in the expectation that this would speed up the decision process. The appeal had not yet started, but given recent appeals it was anticipated that there may be a backlog of a few months. When the appeal did start, the committee report and minutes from this meeting would form the basis of the Council's Statement of Case. Members of the Committee were not in a position to refuse the application, but rather to resolve that, if an appeal had not been lodged, the application would have been refused for the reasons given in the committee report. This formed the officers' recommendation.

In discussion, a question was raised as to whether the stated reasons for refusal involved issues which might be resolved, and whether due consideration had been given to all of the elements of the application when making the recommendation. The Planning Officer responded that the application had been subject to pre-application discussions, a previous application, and amended plans. Many prior considerations beyond the technical ones which formed the basis for refusal – such as matters around the design; the impact on the non-designated heritage asset; car parking; and policy considerations - had therefore already been addressed. It was considered that the concerns around drainage and providing safe access and egress from the site in a flood event, and the objections of the Lead Local Flood Authority, may be insurmountable. In the event that the appeal had not been lodged, officers would have sought further information in an attempt to resolve the issues contained in the reasons for refusal.

In discussion, officers were asked to note concerns about the proposed parking, access and servicing arrangements. It was recommended that a servicing strategy / traffic management plan should be requested as a condition of any future approval. Landscaping improvements could also be made.

In reaching its decision the Committee considered all the information put before it and noted the reasons for refusal as detailed in the officer report.

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

The Oxford City Planning Committee resolved to:

1. **agree** that if an appeal had not been lodged the application would have been refused for the reasons given in the report;
2. **delegate authority** to the Head of Planning Services to:

- finalise the recommended reasons referred to in paragraph 1.1.1 of the report for the purposes of defending the appeal including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary. These were stated to be:
 1. Having had regard to the proposals being situated in a high flood risk area and the proposals potentially putting more people at risk, insufficient information has been submitted, in particular the application is deficient in its failure to provide a comprehensive flood warning and evacuation plan in accordance with policy RE3 of the Oxford Local Plan 2036 and paragraphs 167 of the NPPF.
 2. Insufficient information has been submitted, in particular the application is deficient in its failure to provide nocturnal bat surveys and therefore the extent to which the species may be impacted cannot be fully assessed on the basis of the submitted information. The application therefore does not conform to the requirements of Policy G2 of the Oxford Local Plan 2036.
 3. Insufficient information has been submitted, in particular the application is deficient in its failure to provide a sufficient drainage strategy with consistent calculations and acceptable half drain down times and therefore, the proposal does not conform to the requirements of Policy RE4 of the Oxford Local Plan 2036.

92. 22/00003/FUL: 40 Masons Road, Oxford OX3 8QJ

The Committee considered an application (22/00003/FUL) for change of use from dwellinghouse (use class C3) to House in Multiple Occupation (use class C4) (retrospective).

The Planning Officer gave a presentation and reported that the property was already in use as a House in Multiple Occupation (HMO) and was licenced by the Council as such until 4 January 2023, for up to 6 occupants. Whilst change of use from Class C3 to Class C4 did not usually require planning permission, an Article 4 Direction introduced on 24 February 2012 meant that planning permission was required for this change of use class within Oxford City.

The Planning Officer informed the committee that the development was considered acceptable in principle, complied with the concentration of HMOs allowed in the local area, and would not result in a change to the character of the area or imbalance within the community. The property provided a good standard of accommodation which complied with the Council's Landlord Guide to Amenities and Facilities for Houses in Multiple Occupation.

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

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

The Oxford City Planning 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 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 this report including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary.

93. Minutes

The Committee resolved to approve the minutes of the meeting held on 23 March 2022 as a true and accurate record.

94. Forthcoming applications

The Committee noted the list of forthcoming applications.

95. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.28 pm

Chair

Date: Tuesday 24 May 2022

When decisions take effect:

Cabinet: after the call-in and review period has expired

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

All other committees: immediately.

Details are in the Council's Constitution.