

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 19 July 2022

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Committee members present:

Councillor Clarkson (Chair)	Councillor Upton (Vice-Chair)
Councillor Altaf-Khan	Councillor Aziz
Councillor Chapman	Councillor Fouweather
Councillor Fry (for Councillor Hunt)	Councillor Hollingsworth
Councillor Malik	Councillor Pegg
Councillor Rehman	

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services
Gill Butter, Team Leader Urban Design and Heritage Team
Tristan Carlyle, Ecology and Biodiversity Officer
Jennifer Coppock, Principal Planning Officer
Clare Gray, Principal Planner
Louise Greene, Planning Lawyer
Hayley Jeffery, Development Management Team Leader (East)
Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Development Management Service Manager
Sarah Orchard, Principal Planning Officer

Apologies:

Councillor Hunt sent apologies.

Substitutes are shown above.

18. Declarations of interest

General

Councillor Upton stated that as a member and trustee of the Oxford Preservation Trust, and as a member of the Oxford Civic Society, she had taken no part in those organisations' discussions regarding the applications before the Committee. Councillor Upton said that she 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.

21/01176/FUL

Councillor Pegg stated that she worked for the Royal Society of Wildlife Trusts. Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust had commented on the application and Councillor Pegg declared that she was approaching the application with an open mind.

Councillor Hollingsworth declared that as one of the Council's appointed representatives to the Shareholder and Joint Venture Group for the Oxford City Council wholly-owned housing company, which was named as a party to the application, he would withdraw and leave the meeting room whilst the application was considered.

Councillor Aziz declared that as one of the Council's appointed representatives to the Shareholder and Joint Venture Group for the Oxford City Council wholly-owned housing company, which was named as a party to the application, she would withdraw and leave the meeting room whilst the application was considered.

Note: Councillor Chapman was not present whilst the application was discussed and joined the meeting after it had been determined.

22/00289/FUL

Councillor Rehman declared an interest as the applicant and owner of the property and stated that he would withdraw and leave the meeting room whilst the application was considered.

19. 21/01176/FUL: Former Dominion Oils Site, Railway Lane, Oxford OX4 4PY

The Committee considered an application (21/01176/FUL) for the redevelopment of the former Dominion Oils site and adjacent land to provide residential development comprising 100% affordable housing (50 houses and 40 flats) and open spaces; estate road; access; footpaths; landscaping, and car parking.

The Planning Officer presented the report and showed plans of the development, and drew attention to a number of key points of the scheme:

- The site comprised a redundant and vacant former employment site which had last been used in excess of 15 years ago as a depot for Dominion Oils and as railway sidings. Since usage had ceased the site had been vacant, leading to vegetation growth and an increase in biodiversity. However, it been largely cleared by the landowner prior to the submission of the planning application. The site was a constrained shape, and comprised changes in levels. The site would need to be levelled as part of the development;
- The development would comprise 100% affordable housing. Parking was proposed at a ratio of lower than 1:1 (76 spaces to be provided off plot, adjacent to the street);
- The scheme would seek to increase permeability through the site by improving footpath access at three nodes, including provision to be made for a footpath to align with a footpath on St Nicholas Place which could help to facilitate any future addition of a bridge, should this be forthcoming in the future;
- The dwellings would be all electric. The houses would utilise air source heat pumps and the flats would utilise PV panels;
- The site was not allocated in the Local Plan, but had been previously allocated in the Sites and Housing Plan. The proposal would contribute to addressing the severe shortage of affordable housing in Oxford. The affordable housing would be secured as 100% via a Section 106 agreement;

- The proposal was considered to be acceptable in design and heritage terms. It was also considered acceptable in terms of energy efficiency, crime prevention, trees, flooding, noise and vibration;
- Highways impact concerns had been addressed by the highways authority, which had raised no objections subject to (i) conditions and managing parking, and (ii) S106 contributions to secure improvements to public transport, a bus shelter, real-time passenger information and a raised table in the junction of Railway Lane and Chapel Lane;
- The biodiversity value of the site had been examined extensively through the use of a biodiversity metric and the scheme comprised an assessment of the impact of the proposal on any protected species. The metric had assessed the site at pre-clearance levels and identified that 17.96 habitat credits would be required to compensate for the biodiversity lost by the development and the 5% biodiversity net gain required by the Local Plan. This would not be able to be provided in its entirety within the scheme itself; the applicant therefore proposed to off-set in accordance with Policy G2 by paying a financial contribution equivalent to 16 habitat credits to the Trust for Oxfordshire's Environment and providing 1.96 credits on site through the open space areas and inclusion of gardens, secured through a S106 agreement. A population of slowworms had been identified on site, which was a protected species, and a mitigation strategy showing translocation to Shotover Country Park had been proposed;
- Further remediation would be needed in relation to contamination. The need for further investigation had been conditioned as set out in the report and the results would require approval by the Local Planning Authority and the Environment Agency, who would jointly need to approve a remediation strategy;
- Since production of the report, a representation, dating from July 2021, had been received from Oxford Civic Society which had not previously been uploaded to the planning portal. This had welcomed the bringing forward of affordable housing but raised concerns about additional vehicular traffic; the level of shared ownership properties; compromises to the quality of the architectural design in order to achieve economies of construction; and security of cycle parking arrangements. The Planning Officer clarified that at the time the representation had been written (which was a year ago) the comments of the Highways Authority had not been received; however, it had commented subsequently and expressed no objection;
- The application had been closely considered against the policies of the Local Plan and the concerns of local residents taken into account. Whilst the issues had been finely balanced, it was considered that the delivery of 90 affordable units would make an efficient use of the land and would be a positive use of a neglected area of Railway Lane. The proposal was therefore recommended for approval, subject to conditions and the completion of a Section 106 agreement.

Frank Gargent, local resident, and Councillor Nadine Bely-Summers spoke against the application.

Nik Lyzba, agent, spoke in favour of the application.

The Committee asked questions of officers and the applicant about the detail of the application, and the following was noted:

- The site had not been allocated in the Local Plan as it had not been promoted as available and deliverable at the time the current Local Plan was being prepared. The NPPF was clear that windfall sites were an important part of the process of delivering land for housing;
- 20% of the properties would have shared ownership;
- The Highways Authority was satisfied that the width of the access road was adequate for capacity and two-way traffic;
- Thames Water had expressed no concerns with regard to the sewerage infrastructure;
- Informal play equipment was included in the proposal;
- The landowner would be responsible for working with Network Rail with regard to boundary enclosures and ensuring safety regulations were met to prevent direct access to the active railway line;
- There would be no PV panels on the houses; however, PV panels would be provided on the roofs of the flats;
- Sustainable transport issues, including the lack of bus services and the likely need for residents to retain a car, as well as the cumulative impact of developments within Littlemore were identified as a concern;
- The lack of biodiversity compensation being delivered within the development or immediate locality within Oxford City was raised as a detriment of the scheme.

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

After debate and being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application, subject to the conditions set out in the report, any necessary additional conditions, and the satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers, and to delegate authority to the Head of Planning Services to finalise the legal agreement and the recommended conditions and informatives.

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 13 of the report 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;
- 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.

20. 22/01215/FUL: Anna Watts Building, Radcliffe Observatory Quarter, Woodstock Road, Oxford OX2 6GG

The Committee considered an application (22/01215/FUL) for the retention of an existing research modular building (The Anna Watts Building, located on Plot K of the Radcliffe Observatory Quarter), for the Department of Experimental Psychology (Use Class D1) for a temporary period of 4 years.

The Planning Officer presented the report and photographs of the building and highlighted the following:

- The reason for retention was to enable experiments to continue whilst the Life and Mind Building (LaMB) was being constructed. The LaMB was due to be completed in late 2024;
- The permission, if granted, would be conditioned to require the building to be removed and the land reinstated with a period of 4 years from the grant of permission, or when experiments had concluded if sooner;
- Officers were confident that there would be no further application to retain the temporary building, as the Life and Mind Building was currently under construction;
- Officers considered that there was less than substantial harm to St Paul's Church, as the building interrupted views of the church from the site and also views onto the conservation area from the Radcliffe Observatory Quarter. It was considered that the public benefits derived from retaining the employment, and the benefits which Oxford University brought to the economy, outweighed the less than substantial harm which would be caused by a temporary building;

- The boundary wall and existing vegetation largely screened the building from view from Walton Street. It was therefore not considered that the building significantly impacted on the streetscape from Walton Street.

After being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application subject to the required planning conditions.

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 11 of the report and grant planning permission; 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.

21. 21/03582/FUL: The Deaf and Hard of Hearing Centre, 10 Littlegate Street, Oxford OX1 1RL

The Committee considered an application 21/03582/FUL for conversion and partial redevelopment of the Oxford Deaf and Hard of Hearing Centre to create a hotel (Use Class C1) with ancillary community facility venue. The proposal included the retention, refurbishment and repair of the principal Grade II listed building (10 Littlegate Street); conversion, refurbishment and repair of the former Baptist Chapel Building; demolition of side and rear extensions (10a and 10b Littlegate Street); erection of a 4 storey side extension and part 2/4 storey rear extension; provision of hard / soft landscaping; installation of green / blue roofs and green walls; and provision of 2no accessible car parking spaces (with EV charging) and staff / guest cycle parking.

Planning Officers gave a presentation covering the application and the related Listed Building Consent application 21/03583/LBC which was the subsequent item on the agenda.

The following was highlighted:

- The proposal involved the removal of 19th century extensions to the listed cottage which were considered to be detrimental to the character of the building;
- Consideration had been given in the proposal to avoid overlooking of the Lucy Faithfull House development currently under construction;
- 12 further objections had been received since publication of the report. These were similar, and all related to the loss of the site as a live music venue, stating that the music community had not been consulted by the applicant at the pre-application stage and that the application submission did not acknowledge that the music community were active users of the site;
- The Planning Officer responded that it was officers' understanding that the primary use of the site was as the Deaf and Hard of Hearing Centre. The Chapel building,

which was sought to be retained, was let to various community users understood to have included, on an ad-hoc basis, some live music. However, the hall was not considered to be a live music venue within its own right. The proposal was recommended for approval subject to a Section 106 agreement to secure the hall to be retained for community use which could include live music. The site was currently vacant so that no access or use of it could currently be made; securing availability for the community through a Section 106 agreement was therefore considered to be an improvement on the current situation;

- The Planning Officer reported that although paragraph 10.33 of the report referred to the former chapel building as being locally listed, it was not currently on the Oxford Heritage Asset Register. However, officers were able to identify buildings as a local heritage asset through the application process and had done so in this case, with the relevant tests in the NPPF having been applied.

Gregory Owen spoke against the application.

Philip Taylor, agent, spoke in favour of the application.

The Committee's discussions included, but were not limited to, the following points:

- The extent to which the proposal met the requirements of Local Plan policy V7 which sought to protect and retain existing cultural and community facilities, and the 'agent of change' principle set out in the NPPF that those introducing a change in the use of land should manage the impact of that change. Officers responded that the continued use of the community facility would be sought through a S106 agreement and the Council's Communities Team had been approached for input to ensure that the facility remained available to a wide range of people and at an affordable rent. Paragraph 187 of the NPPF stipulated that *'planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities....Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including change of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'*. Officers responded that the community hall is already in a sensitive location adjacent to residential properties and the existing users would need to be mindful of the noise impact on neighbours. Therefore adding a hotel into this location would not be considered to change this situation or introduce an inappropriate use that would put unreasonable restrictions on the use of the community hall;
- The lack of a condition in the report relating to sound-proofing and assurance about the adequacy of the proposed sound insulation required to allow community use for live music. Officers clarified that a condition relating to noise levels had been included; however, a further or amended condition specifying sound insulation requirements could be added in order to ensure adequacy for live music events. However, it was also highlighted that the proposed primary use was as a hotel and not a live music venue; a balance was therefore needed in terms of requiring the applicant to meet specific insulation standards;

- Potential loss of residential space. The Planning Officer clarified that planning permission which had been granted in the 1960s had included provision for a 'warden's flat' which formed part of the Deaf and Hard of Hearing Centre and was only accessible through the building. There was no planning history to indicate that it had ever been let for a separate residential use, nor whether this was on a lawful basis. The property was now vacant, so that any residential use had in any event ceased;
- The proposal would increase the provision of hotel accommodation which was lacking in the city centre.

A proposal to approve the application as set out in the report was moved and seconded. On being put to the vote the motion fell.

A proposal to defer the application to a future meeting in order to allow for further work in relation to Policy V7 and 'agent of change', and in particular the wording and deliverability of condition 10 as it relates to sound and any condition relating to vibration, was moved and seconded. On being put to the vote the Committee resolved to defer the application.

The Oxford City Planning Committee resolved to:

1. **Defer the application** to a future meeting.

22. 21/03583/LBC: The Deaf and Hard of Hearing Centre, 10 Littlegate Street, Oxford OX1 1RL

The Committee considered an application (21/03583/LBC) for Listed Building Consent for the demolition of a C20 century addition to 10 Littlegate Street and alterations to, and refurbishment of, the retained building.

The Planning Officers gave a joint presentation covering the application and the related full application 21/03582/FUL which was the preceding item on the agenda. The following was noted:

- The listed building known as 'the cottage' comprised a five bay, timber-framed, 17th century building which had been built over the surviving remains of a 12th century gatehouse to the Blackfriars Friary, some of which remains were presently visible within the building. The removal of the later extension would offer the opportunity to make publicly visible a stone archway which was currently only visible from within the building as well as any additional surviving stonework in the west wall of the listed building that may be uncovered during the proposed restoration;
- The proposal involved the removal of a large flat roof dormer and restoration of the roof to a single pitched roof;
- The requirement for an archaeological watching brief and building recording had been included in a recommended condition;
- Correction was provided to paragraph 1.1.1 of the officer's report stating that this should refer to planning conditions set out in section 15 (not as written section 12) of the report and that the recommendation should be for the issue of Listed Building Consent (not planning permission);

- The 17th century timber frame building, although significantly altered, retained some of the original timber frame and this would be restored and repaired in a conservative manner as part of the proposal.

A proposal to grant Listed Building Consent was moved and seconded.

On being put to the vote the Committee agreed with the officer's recommendation to grant Listed Building Consent.

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 15 of the report and grant Listed Building Consent; 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
 - issue the Listed Building Consent.

23. 22/00289/FUL: 75 Langley Close, Oxford OX3 7DB

The Committee considered an application (22/00289/FUL) for erection of a part single, part two storey side extension at 75 Langley Close, Oxford. The application was before the Committee as the applicant was an elected Councillor of Oxford City Council.

The Planning Officer gave a presentation and reported that the property had already been extended by way of a single storey side extension, and was also currently being extended further under permitted development rights.

In response to a question about parking, the Planning Officer advised that following the grant of planning permission the property was operated as a House of Multiple Occupation (HMO). As this permission had been granted, it was not possible to retrospectively add conditions relating to parking. However, on checking the terms of the planning permission granted under application 21/01989/FUL it was confirmed that the property had been excluded from the Controlled Parking Zone as part of this permission allowing the change of use to an HMO.

A proposal to approve the application was moved and seconded, and on being put to the vote the Committee agreed with the officer's recommendation to approve the application as set out in the report.

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; 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.

24. Other Business

The Chair reported that Adrian Arnold was attending his final planning committee meeting as Head of Planning Services, after 6 years' service with the Council. On behalf of the Committee the Chair thanked Adrian for his work and wished him well for the future.

25. Minutes

The Committee resolved to approve the minutes of the meeting held on 21 June 2022 as a true and accurate record.

26. Forthcoming applications

The Committee noted the list of forthcoming applications.

27. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.42 pm

Chair

Date: Tuesday 16 August 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.