

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 16 August 2022

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Committee members present:

Councillor Diggins (for Councillor Aziz)	Councillor Fouweather
Councillor Hollingsworth	Councillor Malik
Councillor Pegg	Councillor Pressel (for Councillor Clarkson)
Councillor Rehman	Councillor Fry (for Councillor Upton)
Councillor Brown (for Councillor Chapman)	Councillor Mundy (for Councillor Hunt)
Councillor Roz Smith (for Councillor Altaf-Khan)	

Officers present for all or part of the meeting:

Sally Fleming, Planning Lawyer
Robert Fowler, Development Management Team Leader (West)
Hayley Jeffery, Development Management Team Leader (East)
Mike Kemp, Principal Planning Officer
Emma Lund, Committee and Member Services Officer
Sarah Orchard, Principal Planning Officer

Apologies:

Councillors Clarkson, Upton, Altaf-Khan, Aziz, Chapman and Hunt sent apologies.
Substitutes are shown above.

28. Election of Chair

In the absence of the Committee Chair and Vice-Chair, Councillor Fry was elected to chair the meeting.

29. Declarations of interest

General

Councillor Diggins stated that she was a member and trustee of the Oxford Preservation Trust, which had commented on applications on the agenda. Councillor Diggins said that she had not been party to any prior discussion of the applications and was approaching them with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Pressel stated that she was a member and trustee of the Oxford Preservation Trust, which had commented on applications on the agenda, and was also a County Councillor. Councillor Pressel said that she had not been party to any prior

discussion of the applications and was approaching them with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Roz Smith stated that she was a member and trustee of the Oxford Preservation Trust, which had commented on applications on the agenda, and was also a County Councillor. Councillor Smith said that she had not been party to any prior discussion of the applications and was approaching them with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

21/03582/FUL

Several committee members had been present at the meeting held on 19 July 2022 at which the application had initially been considered, and may have previously voted on it. Those Committee members were asked to declare if they were unable to approach the application with an open mind, listen to all the arguments and weigh up all the relevant facts before coming to a decision. None of those members made such a declaration and so it was not necessary to recuse themselves from that item on the agenda.

30. 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 four 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 2 no. accessible car parking spaces (with EV charging points) and staff / guest cycle parking.

The Planning Officer gave a presentation on the application. In addition to the information presented at the 19 July meeting this also included new information relating to consideration of paragraph 187 of the NPPF and policy V7 of the Oxford Local Plan 2036 in relation to noise breakout as had been requested by the Committee.

The following was highlighted:

- A noise breakout assessment had been submitted, which included proposed insulation and secondary glazing to ensure adequate noise insulation for the hotel bedrooms. This would not affect the fabric of the listed building.
- A further 33 objection comments had been received since the July Committee meeting. These broadly related to: concern that a live music venue would be lost; a reduction in the amount of parking; a lack of reference to live music in the application submission; lack of an operation and management plan for a live music venue, or a separate servicing plan; lack of benchmark analysis about how the live music venue had been run previously and whether this could continue in the same manner; concern that the capacity of the venue would be reduced from 150 to 100 people; concern that the opening hours of the hotel would not match those expected for a live music venue in the community hall; bar and licensing

arrangements; concern that a Section 106 agreement could be modified or discharged after 5 years; concern that the whole of the site would no longer be designated for a community use; comment that noise from the music venue disturbing local residents was not a material planning consideration, live music had not disturbed local residents in the past; comment that new developments should protect themselves from external noise sources and restrictions should not be put on the venue; concern that the building could not be adequately insulated; concern that the committee would have made its decision before noise breakout testing was carried out; and concern that Planning Officers could not impose restrictions on licensing.

- The Planning Officer reported that there had not previously been any community access agreement for the site, and the letting of the hall for community use had been at the choice of the Deaf and Hard of Hearing charity. Officers were seeking to improve public access to the facility by securing a community access agreement via a Section 106 agreement. Whilst it appeared that the objectors wanted more of the site, or the entire site, to be retained as a community facility officers felt that this would not be viable. The unviability of the hall had contributed to the reason for the site not currently being in use and having been put up for sale, as letting out the hall did not generate sufficient income to maintain it thus an enabling development was required. The proposed hotel use would ensure a viable income for the site which would mean that the hall could be brought back into use and let out at an affordable rate, comparable to Council-owned halls.
- The Planning Officer advised that the update report referred to the heads of terms for the S106 agreement. These could be found at paragraph 3.1 of the original committee report which was appended to the update report.

Councillor Smith arrived during the course of this item and so did not take part in the debate or vote on this application.

Gregory Owen and Glenda Huish spoke against the application.

Philip Atkins, acting on behalf of Z Hotels and Craig Crowley, CEO of Action Deafness, spoke in favour of the application.

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

- There was a process whereby the owner of the land could, after five years, apply to modify or discharge a Section 106 agreement. The decision would be taken by the Council, who could decline the request if it was felt that there was a need for the Section 106 to continue. If this decision were then appealed, the Secretary of State could decide to hold a hearing or a public inquiry at which members of the public would be able to make representations. However, it was important to note that if there were good reason for the Section 106 agreement not to be discharged then the Council would not agree to it, and the Secretary of State would be likely to take the same stance.
- The proposal involved a reduction in car parking to two disabled parking spaces. The removal of the current informal car park would allow for landscaping in front of the listed building so as to improve its setting and would allow the creation of 10

cycle spaces. The reduction in the amount of parking was in line with Local Plan policies; additionally, the Highways Authority considered that the level of provision for deliveries and servicing could be met on street for the needs of the site.

- Specifications relating to the management, advertisement and fee hire of the community facility could be included within the Section 106 agreement for a community use agreement. This would be based on arrangements for other community facilities within the city and would be subject to monitoring by the Council. Z Hotels had indicated that it would be responsible for managing the bookings and promoting the availability of the facility, under the supervision of the hotel's General Manager. Z Hotels had also indicated that it did not wish to use the hall, and the Section 106 agreement was being drafted on the basis that it would be solely for community use.
- Indicative details relating to public art and revealing the significance of the archaeology of the site had been submitted. Submission and approval of further details had been included as a condition.
- The proposal would bring back into use a building which was under-used and in poor condition.

After debate and being proposed, seconded, and put to the vote the Committee agreed with the officer's recommendation to approve the application as set out in the report, subject to planning conditions and the satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers.

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 5 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 shown in the original committee report; and
2. **delegate authority** to the Head of Planning Services to:
 - finalise the recommended conditions and informatives 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 defined in the heads of terms set out in the original committee 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.

31. 21/01405/FUL: 1 & 3 Jack Straw's Lane and 302 304 & 312 Marston Road, Oxford

The Committee considered an application (21/01405/FUL) for the demolition of existing carpenters yard buildings; 302, 304 and 312 Marston Road; and 1 and 3 Jack Straw's Lane and erection of a residential care home (Use Class C2) with associated landscaping and car parking.

The Planning Officer gave a presentation and highlighted the following:

- The plans had been subject to minor amendment since publication of the report to include reinstatement of a pedestrian access path from Marston Road into the site. This was considered important in order to provide a link to Marston Road and the adjoining bus stops and pedestrian and cycle routes.
- 30 parking spaces were to be provided, comprising 18 spaces for staff (many of whom worked very early or very late shifts) and 12 for visitors. Operational need for the spaces had been outlined in the transport assessment. Four of the visitor spaces would be used by medical staff, contractors, and visitors hosting activities with the remainder to be used by those visiting residents.
- The development was expected to generate around an additional 86 vehicle movements per day. The County Council had indicated that this would not have a severe impact on the surrounding road network.
- The proposal would involve the loss of 5 housing units on the site, as well as an employment site. Policy H11 of the Local Plan supported the development of care accommodation in appropriate locations and acknowledged that there was a shortfall of 434 specialist care rooms by 2023 which would need to be delivered. The location of the accommodation proposed within the application was considered to align with policy H11 in that the site was located within a balanced community and accessible to local services and facilities. Whilst the loss of the housing units represented a departure from policy H5, the proposals would provide a total of 80 bedrooms falling within use class C2 which would equate to the provision of 44 dwellings using the Government's housing delivery test.
- As the accommodation was not self-contained there was no requirement to provide affordable housing on site, nor any financial contribution towards the off-site delivery of affordable housing.
- Following amendment of the plans, the proposal now included reduced height hipped roofs instead of pitched roofs. This was considered to more effectively integrate with the dwellings in Marston Road. It was not considered that the proposal would have adverse impact on the amenity of surrounding residents; the scale of the building was considered to be appropriate for the site and surrounding area; and the design was considered to be of a high standard.

Kerry Dearden of the Orders of St John Care Trust and Oliver Neagle, agent, spoke in favour of the application.

The Committee asked questions of officers and the applicant and agent, and discussion included the following:

- Consideration had been given in the design of the proposal to the wellbeing needs of staff and learning arising from the covid-19 pandemic.
- The development would sit below the skyline when viewed from Doris Field Close, and was not considered to have an adverse effect on the Headington Hill conservation area.
- There had been no reference within the County Council's response as statutory consultee to Jack Straw's Lane being a primary cycle route / designated quiet way and the potential for impact between those cycling along the route and those entering and exiting the application site by car. It was also noted that trees were shown close to the entrance to the car park which may serve to obscure the view of cyclists by car drivers. Although condition 5 required the provision of vision splays each side of the access, it was suggested that consideration also be given to modifying the landscaping to improve the siting of the trees and including signage to warn of the presence of cyclists. Planning officers advised that the developer would be required to enter into a Section 278 agreement with the Highways Authority in relation to highways works, and consideration could be given at that point to adding signage to warn drivers of the presence of cyclists. The landscaping plans were indicative at this stage; changes may be required as part of engineering works within the Section 278 agreement, and the final form of landscaping would be approved as part of the landscaping conditions. It was also suggested that the inclusion of a speed hump at the entrance to the car park could further help to improve the safety of cyclists, but again that any such requirement would be secured under Section 278 works if County deemed such measures necessary.
- A number of new trees would be planted as part of the landscaping proposals and it was considered that these should be of species which could tolerate extremes of climate.
- The proposal would provide employment which would exceed that provided under the previous employment site use as a carpenter's yard.

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 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 an informative to refer to the possibility of the Section 278 agreement including measures aimed at protecting the safety of cyclists using Jack Straw's Lane in the vicinity of the site.

The Oxford City Planning Committee resolved to:

1. **approve** the application for the reasons given in the report subject to:
 - the required planning conditions set out in section 12 of the report and the informative referred to above; and

- the satisfactory completion of a legal agreement and / or unilateral undertaking 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 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; and
- finalise the recommended legal agreement and / or unilateral undertaking 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
- issue the planning permission after the completion of the legal agreement and / or unilateral undertaking.

32. 22/00081/RES: Oxford North Northern Gateway, Land Adjacent A44, A40, A34 and Wolvercote Roundabout A40 Section from Cherwell District Council Boundary to Wolvercote Roundabout, Oxford OX2 8JR

The Committee considered a reserved matters application (22/00081/RES) for construction of a spine road for access to phases 1b, 1c and 1d of the Oxford North development and the provision of landscaping to create Canalside Park.

The planning officer presented the application, and highlighted the following:

- Following receipt of the biodiversity scheme shortly before the report was published, the Council's Ecology Officer had recommended that two further conditions should be added to the planning permission for the site, if granted. These related to (i) a requirement for the developer to submit a landscape and ecological management plan prior to first use of the access road; and (ii) a requirement that the biodiversity enhancement measures contained in the biodiversity strategy are implemented prior to first use of the access road.
- The application was a reserved matters application specifically for an access road and park intended to serve the southern parcel of the Oxford North site. It was aligned with another reserved matters application currently under consideration for 317 dwellings on the Canalside parcel of the Oxford North site, but had come forward first due to time pressure to commence the works on the loop road. Were approval for the spine road to be granted, a Grampian condition would be recommended to be applied to any permission for the housing development, in order to ensure that the road and park were delivered in full.

- The layout and landscaping of the Canalside Park aligned with the wider vision for the space as approved in the Oxford North masterplan in terms of providing a natural break between the residential development and semi-rural landscape to the south, as well as providing substantial open space for existing and future residents. The layout included the provision of pedestrian and cycle connections between the Canalside housing and Joe White's Lane, which was important in terms of the wider access strategy, as well as a swale which was important for the sustainable drainage strategy for the wider Oxford North site.
- The park was important in terms of the delivery of the 5% biodiversity net gain across the Oxford North site. The provision of wildflower grassland, wet grassland and hedgerows would be significant contributors to biodiversity enhancement measures.
- The proposal would provide fundamental supporting infrastructure which was vital for supporting the development of 317 homes. The moderate level of less than substantial harm to the Wolvercote with Godstow Conservation Area and the setting of the Grade II listed Manor Farm which the development as a whole was considered to involve, having been assessed under the hybrid application, would be outweighed by the public benefits of the development as a whole: principally the delivery of 480 homes and substantial employment provision and the benefits proposed in this application, namely the delivery of vital supporting infrastructure in terms of the access road and park.
- The proposal was considered to be in accordance with the wider vision for the Oxford North site, the Wolvercote Neighbourhood Plan, the Local Plan and the NPPF.

Councillor Diggins left the Chamber for a short time during the presentation of this item and so did not take part in the debate on this item or vote on this application.

The Committee asked questions about details of the application which were responded to by officers.

Having been 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 and the addition of two new conditions which the Planning Officer had updated the Committee on in the presentation of the application:

- (i) a condition that the developer submits a landscape and ecological management plan prior to first use of the access road; and
- (ii) a condition that the biodiversity enhancement measures contained in the biodiversity strategy are implemented prior to first use of the access road.

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 the addition of two conditions as noted above 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.

33. Minutes

The Committee resolved to approve the minutes of the meeting held on 19 July 2022 as a true and accurate record.

34. Forthcoming applications

The Committee noted the list of forthcoming applications.

35. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.20 pm

Chair

Date: Tuesday 20 September 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.