

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 13 December 2022

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Committee members present:

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

Officers present for all or part of the meeting:

Jennifer Coppock, Principal Planning Officer
Sally Fleming, Planning Lawyer
Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Acting Head of Planning Services (Development Management)

Apologies:

Councillors Chapman and Pegg sent apologies.

The substitute for Councillor Chapman is shown above.

51. Declarations of interest

21/01695/FUL

Councillor Upton stated that as a member and trustee of the Oxford Preservation Trust, and as a member of several of the other organisations which had responded to the consultation (including Cyclox and the RSPB), she had taken no part in those organisations' discussions regarding the application. Councillor Upton said 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 was a member of Cyclox, which had responded to the consultation, but that she had taken no part in that organisation's discussions regarding the application. Councillor Clarkson said 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.

52. 21/01695/FUL: Thornhill Park, London Road, Headington, Oxford, OX3 9RX

The Committee considered an application (21/01695/FUL) for demolition of The Cottage; partial demolition and alterations to Forest Lodge; erection of 402 apartments

(Use Class C3) and a 133-bed hotel (Use Class C1); employment provision in the form of offices, with additional mixed use accommodation to include gym, café and restaurant (all within Use Class E); public open space; associated landscape, bicycle and car parking and the provision of a new vehicular access onto the A40.

The Planning Officer gave a presentation and highlighted the following:

- The quantum of housing development had been requested by the Local Plan examining Inspectors within their main modifications report during the examination process. The main modifications report had been subject to public consultation, during which time local residents had had an opportunity to comment on the proposal;
- The proposal sought to erect 10 blocks of residential flats, varying in height from 3 storeys to 6, providing a total of 402 build to rent units, 50% of which would be affordable. A four storey hotel would be located to the north, comprising café and gym facilities on the ground floor. The Forest Lodge building would be altered internally, and partially demolished, to provide flexible office use with accommodation available for use by the local community (referred to within the application as 'The Innovation Centre'). A new main vehicular access would be created from London Road between the proposed hotel and the Innovation Centre, with the existing access open only to pedestrians, cyclists and emergency vehicles;
- The site would provide private amenity space for residents, and public open space which would be accessible 24 hours a day;
- The application proposed a low level of car parking across the site, with 95 unallocated spaces for the 402 residential units (including 20 accessible bays and 2 car club bays). The hotel, with 133 bedrooms, would be served by 26 parking bays including 2 accessible bays. 25% of all parking bays would be fitted with EV charging points (with potential to provide additional charging points in the future). The Innovation Centre would be car-free;
- The proposal would provide 928 cycle parking spaces for residents, which was in excess of the Local Plan requirement. Sufficient spaces would be provided for the non-residential uses and for visitors;
- The internal roads would not be offered for adoption by the County Council, and in order to ensure that the low level of parking provision would not lead to informal parking within the site a parking enforcement plan would be conditioned. The applicant would deliver, and contribute towards, improvements to sustainable transport infrastructure. The site was anticipated to become the subject of a Controlled Parking Zone (CPZ) from 2025, as part of the commitment to city-wide CPZs within the Local Plan. In the interim, double yellow lines would be laid within the vicinity of the site access, subject to public consultation. It was considered that these mitigation measures would be sufficient to address overspill parking in surrounding streets and unauthorised parking within the application site;
- The proposal would involve the loss of two Common Pipistrelle day roosts, which would be mitigated by the provision of at least 18 bat roosting devices on site and other measures to be secured by condition, maintaining the conservation status of the species. A licence from Natural England would be required by the applicant in

order to agree the mitigation measures. Conditions would also be attached to the planning permission to ensure that a population of Great Crested Newts was translocated from the application site to other suitable nearby ponds. The Planning Officer provided an update that reference to the Conservation (Natural Habitats, &c.) Regulations 2010 at paragraph 10.167 of the report should in fact refer to the Conservation of Habitats and Species Regulations 2017;

- The development would result in a net loss of 2.48 habitat units, a net gain of 0.28 hedgerow units and a net gain of 0.12 river units. Therefore, the applicant would be required to provide habitat units to achieve the necessary 5% biodiversity net gain. A biodiversity scheme would be secured under the Section 106 legal agreement;
- Thames Water had advised that the local sewerage network did not currently have sufficient capacity for the needs of the development, and upgrades and reinforcement would be required. Thames Water had recommended conditions relating to waste and water, and it was therefore considered that their capacity issues would be resolved adequately as the development was commenced;
- The scheme would achieve an overall reduction of 53% in carbon emissions when based on the 2013 building regulations. The application had been assessed on the basis of the 2013 regulations as it had been submitted in June 2021, ahead of the introduction of new regulations in June 2022;
- The application was considered to propose a high-quality residential-led mixed-use scheme which would respond appropriately to the requirement of Local Plan policy SP47 whilst providing 402 homes to help meet Oxford's housing need. Officers considered that the proposal would accord with the overall aims and objectives of the NPPF and policies within the Oxford Local Plan for the reasons set out in the report. The application was therefore recommended for approval, subject to the conditions set out at section 13 of the report and a Section 106 agreement.

Roger Smith (agent), Keith Mapingire (for the applicant) and Memory Tapfumeyi and Salim Damerджи (local residents) spoke in favour of the application.

The Committee asked questions about details of the application, which were responded to by officers. The Committee's discussions included, but were not limited to:

- The social housing to be provided would be distributed throughout the scheme;
- It would be desirable to have provision within the cycle parking spaces for cargo bikes and bikes with trailers, given that the scheme was designed for low car use with limited car parking spaces;
- The Section 106 was expected to require that the units remained 'build to rent'. The applicant would have the right, after 5 years, to request that this requirement be discharged or modified. In the event that such a request were refused by the Council, the applicant would have a right of appeal to the Secretary of State but if the requirement was still considered to be justified, an appeal was unlikely to be successful;

- A toucan crossing across London Road would be provided by the applicant, as well as contributions towards transport infrastructure improvements;
- The Government's guidance in the NPPG relating to 'build to rent' specified that build to rent developers should, as a norm, offer longer tenancy agreements of three years or more to all new tenants. Further, in granting planning permission for build to rent developments authorities should set in place a planning condition requiring scheme operators to offer tenancies of three years or more to eligible tenants. As no condition to this effect had been proposed, the Committee requested that, subject to legal advice, officers should include this requirement - either within the Section 106 legal agreement or with the addition of a condition.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommendation with, subject to legal advice, the addition of a condition or a planning obligation relating to the length of tenancies to be offered to eligible tenants.

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 addition of a condition and / or a requirement within the Section 106 legal agreement for longer tenancies of three years or more to be offered to eligible tenants for all dwellings on the development across all property tenures;
 - 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 Acting Head of Planning Services (Development Management) to:
 - finalise the recommended conditions as set out in the report and the possible additional condition as referred to above including such refinements, additions and / or deletions as the Acting Head of Planning Services (Development Management) considers reasonably necessary; and
 - 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 Acting Head of Planning Services (Development Management) considers reasonably necessary; and
 - complete the Section 106 legal agreement referred to above and issue the planning permission.

53. Minutes

The Committee resolved to approve the minutes of the meeting held on 18 October 2022 as a true and accurate record.

54. Forthcoming applications

The Committee noted the list of forthcoming applications.

55. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.22 pm

Chair

Date: Tuesday 24 January 2023

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.