

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 20 June 2023

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Committee members present:

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

Officers present for all or part of the meeting:

Jennifer Coppock, Principal Planning Officer
Natalie Dobraszcyk, Development Management Team Leader
Sally Fleming, Planning Lawyer
Mike Kemp, Principal Planning Officer
Emma Lund, Committee and Member Services Officer
Tanaka Merralls, Legal Services
Andrew Murdoch, Development Management Service Manager

Apologies:

Councillors Chapman and Kerr sent apologies.

Substitutes are shown above.

10. Declarations of interest

General

Councillor Upton declared that as a member and trustee of the Oxford Preservation Trust she had taken no part in that organisation's 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.

22/03067/FUL

Councillor Malik declared that, as ward councillor, he had received several representations by email relating to the application. He had acknowledged receipt of these, but had not formed or expressed any opinion.

22/01554/FUL

Councillor Railton 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 the applicant, she would withdraw and leave the meeting room whilst the application was considered.

11. 22/03067/FUL: Trinity House, John Smith Drive, Oxford

The Committee considered an application (22/03067/FUL) for the demolition of existing office building and erection of 1no. laboratory and office building for research and development (Use Class E); erection of gas store; provision of motor vehicle and cycle parking and landscaping at Trinity House, John Smith Drive, Oxford.

The Planning Officer provided the following updates and clarifications:

- Since publication of the committee report it had emerged that the CIL figure had been incorrectly calculated based on the incorrect Use Class E charge, rather than the development being liable for a CIL payment of £3,483,802. The revised CIL figure was £740,401.
- The 715 construction jobs stated in the committee report had been based on the economic statement which was submitted in December 2022. An updated statement had been provided which estimated that the scheme would actually deliver 475 jobs over the construction period.
- These updates had not impacted on officers' recommendation to approve the application. This was because the economic benefits of the scheme, which comprised just one element of the public benefits, were still considered to outweigh the harm to heritage assets.

The Planning Officer gave a presentation and highlighted the following:

- The site comprised a rectangular parcel of land at the junction of Garsington Road and John Smith Drive, located within the Oxford Business Park (now known as 'ARC Oxford'). The built development currently on site comprised a three storey office building with surface parking extending over the majority of the site, interspersed with soft landscaping. Surrounding built form comprised two- and three- storey buildings in a range of employment uses, and two-storey residential dwellings which lay over 100 metres to the west of the site.
- The scheme proposed the demolition of the existing Trinity House building, and erection of a six storey building with a gross internal area of 20,409m² and a gross external area of 25,448m² in research and development use with CL2 and CL3 laboratories and offices.
- The proposed building would make more efficient use of the site, whilst responding to the surrounding smaller scale buildings, with its stepped elevations reducing the proposed massing. The ground floor was also set in from John Smith Drive by 13.5m, creating an area of public realm. The proposed new footpath at the corner of Garsington Road would enhance connectivity and legibility, which is currently lacking within the Park. The perimeter landscaping would be retained and enhanced.

- The building is one of the first Life Sciences buildings to come forward on the Business Park and represented a new typology, in line with the Local Plan ambitions for the Park to achieve a step change in the type, scale and quality of development coming forward. It was considered that its distinctive design clearly responded to the site's corner plot position, and would act as a gateway to the Park.
- 130 staff car parking spaces were proposed on the basement plan, with 3 additional external visitors' spaces. This represented a reduction in the existing provision. However, the transport assessment had been based on retaining the existing provision of up to 142 spaces, which would result in a mode share of 18% based on 815 staff working on site during a typical day. Either retaining the existing provision, or reducing it by 9 spaces, was considered acceptable given the sustainable location. 220 cycle parking spaces would be provided for staff, with a further 12 external visitor spaces. This provision was also considered acceptable.
- Whilst the building would alter the outlook for residents on Phipps Road, it was considered that given the orientation and distance between the buildings, neighbouring amenity would be retained. Furthermore, it was considered an acceptable form of development within the context of the longstanding site allocation of the Business Park for the intensification of employment use.
- The proposed building, whilst visible from Shotover Country Park, would sit within the existing surrounding built form.
- It was considered that the proposal would cause a medium level of less than substantial harm to the settings of St George's Tower, Oxford Town Hall, Lincoln College Library and the setting of the central conservation area as a whole, as the building would break the skyline and detract from the landscape setting of Oxford. It was also considered that the proposal would cause a low level of less than substantial harm to St Luke's Church, a non-designated heritage asset, due to the close proximity of the new building which would detract from the Church's prominence. However, taking the social and economic benefits of the scheme into account, and whilst giving great weight to the conservation of heritage assets, it was considered that the medium level of less than substantial harm would be outweighed.
- The proposal would result in the loss of a number of category B and C trees, hedges and tree groups. To mitigate this, new trees would be planted and the larger tree belts located around the northern and eastern boundaries within ARC's ownership would all be retained. The proposal would result in a canopy cover net gain of 1.2% after 25 years when compared to a 'no development' scenario, which exceeded the policy requirement of no net loss.
- The proposal would result in a biodiversity net gain of 16% when taking into account new tree planting and the green roof and walls. This exceeded both the Local Plan policy requirement of 5% and the upcoming national legislation which would require 10% from November.

- The scheme would achieve a 45% reduction in carbon emissions when set against Part L of the 2021 Building Regulations, exceeding the requirements of the local policy. It was anticipated that the scheme would achieve BREEAM excellence.
- 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 within the report. It was therefore recommended for approval, subject to the conditions and legal obligations set out in the report and the resolution of any comments made by the Environment Agency with regard to groundwater contamination.

Adam Wlodarczyk-Black (the applicant) spoke in favour of the application.

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

- The scheme proposed a £329,474 section 106 contribution towards the Cowley Branch Line or an equivalent local transport infrastructure project. In the event that the Cowley Branch Line project did not proceed, planning officers, in collaboration with the County Council, would ensure that it was used for a transport project which delivered the same level of public benefits as would have been delivered by the Cowley Branch Line.
- The containment level of laboratories are governed by separate regulations from the Health and Safety Executive and the Advisory Committee for Dangerous Pathogens. For each category (CL2 and CL3) there is a set of pre-defined and well-established standard operating procedures governing activities within the laboratory. It was not unusual for CL2 and CL3 labs to be sited close to residential accommodation.
- A Community Employment and Procurement Plan would be secured via a section 106 agreement, to ensure that local people were given the opportunity to apply both for construction jobs and jobs within the operational phase. All of the jobs would be advertised through the Council as well as by the applicant's own agency, with the aim of ensuring that a proportion of local people and those from disadvantaged backgrounds (who may not normally be exposed to such jobs, or think that they could apply) would have the same opportunities. The Community Employment and Procurement Plan would also require a certain number of apprenticeships to be provided.
- A Lighting Strategy would be conditioned, in order to ensure that local ecology and biodiversity was protected. This would limit the lux levels, and it was therefore not considered that lighting levels would have a negative impact on long distance views. However, further consideration would be given to the wording of the condition, or a new condition added, to ensure that regard was also given to the setting of the conservation area and broader amenity in relation to lighting levels.

On being proposed, seconded and put to the vote, the Committee agreed with the officers' recommendation to approve the application for the reasons set out in the report

including a new condition or an amendment to the condition in the report relating to the Lighting Strategy in order to ensure that regard is given to the setting of the conservation area and broader amenity in relation to lighting levels.

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 13 of the report including a new condition or an amendment to the condition in the report relating to the Lighting Strategy in order to ensure that regard is given to the setting of the conservation area and broader amenity in relation to lighting levels, and grant planning permission subject also 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; and
 - respond to comments made by the Environment Agency with regards to groundwater contamination, resolve any concerns or objections and finalise any recommended conditions;
 - 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.

12. 22/01554/FUL: Land at Elizabeth Place and Westlands Drive, Oxford

The Committee considered an application (22/01554/FUL) for closure of the vehicular access from Westlands Drive to Elizabeth Place and erection of a three storey building to create 15no residential units (amended plans).

Councillor Railton left the meeting room for this item and did not participate in determining the application or return to the meeting afterwards.

The Planning Officer gave a presentation and highlighted the following:

- The application site lay at the centre of Northway and included an area of public open space with landscaping, trees, amenity grass areas, access paths, and an area containing recycling bins. The development included Elizabeth Place, which was a road which was open to vehicles and provided a secondary route from Westlands Drive to Gorse Leas.

- To the south west of the site was a row of shops with two storey maisonettes located above. To the south of the site was a row of garages, which were owned by the City Council and rented out. Housing to the north and east of the site comprised two storey houses, with the Plowman tower block to the north-west. There was a large area of open recreation space to the west of the site, on the opposite side of Westlands Drive.
- The proposal involved the development of 15 homes consisting of 8 houses and 7 apartments within a single L shaped building. The building would be sited partly on Elizabeth Place and partly on the adjoining area of public open space: the north-western side of the building would face Westlands Drive; the houses would face the retained area of public open space to the north-east; and the gardens of the houses would face the retained section of road.
- The houses would be 100% affordable, consisting of 6 socially rented units, 5 affordable rented units and 4 shared ownership homes. The proposal included the partial closure (stopping up) of Elizabeth Place which would cease to function as a through route for vehicles between Westlands Drive and Gorse Leas. Vehicle access would be retained to serve two disabled parking spaces which were proposed on site and access to the retained garages.
- Two routes for pedestrians would be provided: one to the south-west of the building adjoining the maisonettes, and one to the north of the proposed houses. The route to the north would be a 3m wide segregated pedestrian and cycle route.
- With the exception of the disabled parking spaces, it was proposed that the houses would not be provided with dedicated parking. The site was in a sustainable location in terms of access to local shops and facilities. The bus service to Northway had recently been reduced in terms of frequency and was now a half-hourly service: it was considered that the site was in a location where occupiers would not be dependent on access to a private car. The site was in a controlled parking zone, and the Highways Authority had concluded that any displacement of vehicles or overspill parking would not have a severe impact on the function of the local road network. Oxfordshire County Council had raised no objections to the closure of the route to through traffic: there were already two routes between Gorse Leas and Westlands Drive (Halliday Hill and Saxon Way) to the north and south of the site, and the route at Elizabeth Place was lightly used at the current time.
- Around 25% of the public open space at the site would be lost, with around 75% retained as public open space. Policy G5 of the Oxford Local Plan, which reflected the requirements of paragraph 99 of the NPPF, required that where developments resulted in the loss of public open space, this should be replaced by better provision in terms of quantity and quality. The applicant had shown a commitment to enhance the remaining area of open public space: this would be secured through the Section 106 agreement, which would also include the requirement to secure 5% biodiversity net gain in line with Policy G2.
- The proposals would not strictly fully comply with Policy G5; therefore the development was considered to be a departure from the development plan on this basis. However, as outlined in the report there were several accessible areas of

open space within the local area; the proposals would not result in localised under-provision of open space; and when the public benefits were considered against the loss of the open space (in particular, those arising from the provision of 15 affordable homes, enhancements to the retained area of open space, and biodiversity net gain) it was considered that there were significant material reasons to justify a departure from the development plan in this instance.

- Each of the proposed houses complied with nationally described space standards in terms of indoor space provision, and were compliant with Policy H15 of the Local Plan. The houses would each be provided with an external amenity space in the form of gardens for the houses and balconies for the flats, in line with Policy H16. Cycle parking would be provided in the rear gardens of the houses, and within a dedicated space for the flats at ground floor level. The cycle parking provision was fully compliant with Policy M5 of the Local Plan.
- The proposal included two maisonette flats at second floor level which would be located above three of the houses. To deal with potential overlooking of the houses below and amenity spaces, screening would be required along the adjacent walkway, as well as the fitting of obscure glazing to a height of 1.8m in the rear facing windows. These would be secured by planning conditions.
- The proposal was considered to be appropriate in design terms and commensurate in scale with the surrounding built form of the area.
- The impact on the amenity of surrounding properties had been carefully considered, and it was considered that the development would not have an adverse impact on the amenity of the surrounding dwellings with regard to overlooking, the scale of development, or overshadowing.
- The application was accompanied by an energy statement, which identified the relevant measures which would see the building achieve a 66% reduction in carbon emissions compared with the 2021 Part L Building Regulations, significantly exceeding the 40% Policy RE1 requirement. The proposal was therefore high performing in terms of sustainability.
- The key planning considerations were set out in the officer's report, and the development was recommended for approval subject to the conditions set out in the report and the matters to be secured by the accompanying legal agreement.

Stuart Moran (for the applicant) spoke in favour of the application.

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

- Balance had been needed between retaining the privacy of future occupiers and retaining surveillance over the public realm. Whilst retaining visual permeability through the gates had been considered to be the best approach in this case, there was a risk that future occupiers could put up some form of privacy screening on the gates. However, there would be adequate surveillance of the public realm from the

first floor and second floor backs of the houses and flats, and therefore the rear access road was not considered to be unsafe.

- A Committee Member questioned whether controls could be put in place to prevent future residents from using their amenity space for the purpose of parking. Officers responded that controlling parking on privately owned space was difficult, but that consideration could be given to this within the conditions (for example, by conditioning the proposed means of enclosure, in particular that the rear boundary walls were permanently retained).
- A Committee Member suggested that, given that the proposal involved the loss of a small area of public open space, one way in which the applicant might seek to enhance the remaining green space could be to provide some raised beds which could be used for community food growth.
- A Committee Member commented that whilst private covenants were outside the Committee's remit, he had concerns relating to the potential for private amenity spaces to be paved by future residents and used for car parking. He requested that his suggestion that OX Place and the City Council consider the use of a covenant in this instance, in order to prevent this, be recorded in the minutes.
- A Committee Member commented that the site was challenging in that it required access to the shops and for refuse lorries to be retained, and was on a slope. The proposal made astute use of a difficult site in order to bring forward much needed affordable housing. The integration with the remaining green spaces was good. However, he foresaw some housing management challenges, and urged OX Place and the City Council to give consideration to these, and in particular the management of the spaces at either end of the site. Notwithstanding this, he expressed the view that the benefit arising from the provision of the affordable housing clearly outweighed the small scale breach of policy.

On being proposed, seconded, and put to the vote the Committee agreed with the officer's recommendation to approve the application for the reasons set out in the report, subject to the conditions and planning obligations set out in the report and the inclusion of a condition requiring the retention of the boundary walls to the rear gardens.

The Oxford City Council 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 inclusion of a condition requiring the retention of the boundary walls to the rear gardens 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; 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 Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above.

13. Minutes

The Committee resolved to approve the minutes of the meeting held on 23 May 2023 as a true and accurate record.

14. Forthcoming applications

The Committee noted the list of forthcoming applications.

15. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.32 pm

Chair

Date: Tuesday 18 July 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.