

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 17 October 2023

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Committee members present:

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

Officers present for all or part of the meeting:

David Butler, Head of Planning and Regulatory Services
Tristan Carlyle, Principal Ecology and Biodiversity Officer
Jane Cotton, Planning Lawyer
Chloe Jacobs, Senior Planning Officer
Hayley Jeffery, Development Management Team Leader (East)
Mike Kemp, Principal Planning Officer
Emma Lund, Committee and Member Services Officer

Apologies:

Councillor Rehman sent apologies.

The substitute for Councillor Rehman is shown above.

37. 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 any of 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 on them.

22/02446/CT3

Councillors Chapman and Railton declared that they were precluded from participating in the determination of planning application 22/02446/CT3 because of their respective roles as part of the shareholder group of Oxford Direct Services (the applicant) which could give rise to a public perception of bias should they take part. Both Councillors declared that they would leave the meeting room whilst the application was considered and would not return to the meeting.

38. 23/01509/RES: Land Bounded by A34 And A44 And A40, Parcel 1, Woodstock Road, Oxford OX2 8JP

The Committee considered a reserved matters application (23/01509/RES) for approval of scale, layout, landscaping and appearance for the central landscaping area to include provision of a pond, woodland area and play area at Land Bounded by A34 and A44 and A40, Parcel 1, Woodstock Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- Following further discussion, it had been informally agreed with the County Council that the provision of a detailed surface water drainage strategy could be secured by condition. Officers were awaiting a formal response from the County Council confirming their acceptance of this. It was therefore expected that a detailed surface water drainage strategy would become a further condition of approval in the event that committee members were minded to approve the application.
- Two further conditions to secure the provision of a Landscape and Ecological Management Plan and details of ecological enhancements before first use of the development were proposed. This would mean that the measures relating to ecological management which were listed in condition 9 (the Estate Management Plan) would no longer be required within that condition.
- The proposals included the provision of a centrally sited park located to the north-east of the Red Hall, and a new area of public open space located directly to the north of the Red Hall (known as the Market Square) as well as an access road to the south of the Red Hall and the provision of a new access link for pedestrians and cyclists linking the A40 and the A44.
- In total, the combined proposals for the Central Park and Market Square would provide 12,960 sqm of public open space. This equated to 16.8% of the total site area of the central parcel of the Oxford North Site and did not include any public open space which might also be provided in the adjacent plots outside of the application site.
- The Central area would include areas of open amenity space which could be used for events as well as general use; wildflower meadow planting; tree planting; woodland; and a dedicated children's play area. The proposal also included the addition of a new pond, which as well as providing additional storage capacity for site drainage would also provide an attractive, natural looking feature within the public realm. The park would step down toward the pond, forming an amphitheatre type space.
- Officers considered that the space was well-designed and delivered the objectives of providing an attractive area of public realm, contributing towards biodiversity net gain and sustainable drainage and providing extensive additional tree canopy cover across the site. The proposed new 4m wide shared pedestrian and cycle route linking the A40 and the A44 would also be in an appropriate location.
- Officers considered that the location of the Market Square was well-considered and was in a better location than had previously been shown (to the north of Plot G). It was of a sufficient size to accommodate a range of events and activities and would

immediately join the Central Park, providing a connection between the two areas of public open space.

- The proposals to the south of the Red Hall included the provision of a new service road which would extend off the primary street between the A40 and A44. Access to this street would be limited to servicing vehicles and vehicles using the blue badge spaces located along the street. It would be a shared surface, which would also function for pedestrians and cyclists and was therefore considered to prioritise movement for pedestrians and cyclists over vehicle movements.
- The proposal included the provision of 40 cycle parking spaces along the north and south of the road, as well as the provision of two courtyard spaces which would be provided to the north of the Phase 1a buildings.
- Officers considered that the proposals complied with the parameters set out within the hybrid planning permission and complied with the policy provisions of the Northern Gateway Area Action Plan, the Local Plan and the NPPF. The application was therefore recommended for approval.

Ron German (the applicant) spoke in favour of the application.

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

- A committee member recommended that adequate seating should be provided around the play area; that the play equipment provided should be suitable for a range of users; and that the bins provided should be suitable for recycling. The Planning Officer responded that condition 8 required approval of the design and specification of play equipment, and seating may also be considered as part of this. The suitability of bin provision could be considered as Part of condition 9 (the Estate Management Plan).
- A committee member commented that tree shade would be very important in the summertime (given that the area would be paved and therefore absorb a lot of heat) and recommended that the applicant consider planting semi-mature trees (rather than saplings) so that the area would be usable immediately.
- Two committee members questioned whether the wording of condition 4 would allow officers to ensure that the type of crossings which the County Council considered appropriate were provided. Officers clarified that the condition required the Local Planning Authority to approve the details of pedestrian and cycle crossings, and officers would seek to ensure as part of that process that the requirements of the County Council were met.
- The applicant advised that Thames Valley Police had requested that the spaces surrounding the children's play area not be lit; however, CCTV and 24-hour security would be provided.
- The play area was primarily designed for younger children. However, there were some incidental play features south of the Market Square which could be aimed at

older children and used flexibly for independent play. There was also scope for the lawn area to be used for play by various age groups and for various uses. Further amenity space would also be provided within the residential part of the scheme which would be suited to older children.

The Committee was informed that since publication of the officer's report, the role of the Head of Planning Services had changed to include regulatory services and the former Head of Planning Services had become the Head of Planning and Regulatory Services. The delegations shown in the report should therefore now refer to the Head of Planning and Regulatory Services (not the Head of Planning Services).

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 set out in the report and two additional conditions requiring a Landscape and Ecological Management Plan and an Ecological Enhancements Plan and the resolution of the County Council's remaining objections relating to drainage, which was delegated to the Head of Planning and Regulatory Services.

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, an additional condition requiring a Landscape and Ecological Management Plan and an Ecological Enhancements condition and the removal of the measures relating to ecological management from condition 9 (the Estate Management Plan) and grant planning permission.
2. **Delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary and issue the planning permission.
 - respond to any comments received by Oxfordshire County Council (Lead Local Flood Authority) to resolve any concerns or objections and to finalise any recommended conditions relating to site drainage.

39. 22/02446/CT3: Donnington Recreation Ground, Freelands Road, Oxford OX4 4BT

Councillors Chapman and Railton left the meeting.

The Committee considered an application (22/02446/CT3) for removal of existing fencing and formation of footpath and cycle path, the installation of staggered timber bollards, timber kissing-gate and associated landscaping and associated signage at Donnington Recreation Ground, Freelands Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The full description of works at the top of the first page of the published report should read: 'Removal of existing fencing and formation of footpath and cycle path, the installation of staggered timber bollards, timber kissing-gate and associated landscaping and associated signage.' The Planning Officer confirmed that the

application had been correctly advertised with this full description, and this was the proposal in front of members.

- Paragraph 10.27 required a minor correction to include the word 'upon' so it reads: 'Policy G7 of the Oxford Local Plan 2036 states that planning permission will not be granted for development that results in the net loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest, and it must be demonstrated that their retention is not feasible and their loss will be mitigated.'
- The application related to a public open space which was used for sports and recreation and sought planning permission for the formation of a footpath and cycle path and associated landscaping and signage. The site was bound by mature trees, including a strong mature tree line along the western boundary along Meadow Lane, and the surrounding area was predominantly residential.
- The aerial view showed a 'desire line' cutting across the field, which the proposal sought to mitigate and remove through the installation of a 3m wide shared cycle and footpath running along the southern edge of the site connecting Cavell Road to a new proposed entrance along Meadow Lane. This would allow for the grassed area to be repaired and reinstated for uses such as football.
- The proposal included the creation of a new entrance / exit to the south of Meadow Lane. To facilitate this, a number of trees were proposed to be removed.
- There had been a significant amount of public concern about the loss of the mature trees, and an updated arboricultural impact assessment had been submitted which had confirmed that 12 trees and one group of trees would be removed to facilitate the development, along with associated works within the root protection area of a number of trees along the southern boundary.
- It had been demonstrated that the works could not be achieved without the loss of some trees, and officers had assessed the impact in terms of the canopy area which would be lost. It was proposed that approximately 275sqm of tree canopy cover would be removed to facilitate the development. Subject to a condition requiring the works within the root protection area of trees and pruning work to be carried out in accordance with mitigation measures outlined in the Arboricultural Method Statement, officers were of the opinion that these works would be acceptable.
- To mitigate the loss of trees, the proposal included the planting of 7 trees on site. These would be planted in open areas, thereby having space to grow to their full potential size. The exact type and species had not yet been detailed: however, based on the number of trees provided and their location officers were satisfied that there would be a net gain in canopy cover regardless of species. The proposal was considered to enhance the appearance of the park by the placement of trees in locations where there were currently large gaps in the tree cover. The application was subject to a condition requiring further landscaping details to be submitted, which included details of the trees.

- Concern had also been raised about the impact of the loss of the trees on local ecology and biodiversity. The application had been accompanied by an ecological impact assessment which had identified the potential impact on breeding birds and reptiles. It was considered that these impacts could be avoided through sensitive work practices, and that subject to a detailed construction environmental management plan for biodiversity the proposal would not have a significant impact on habitats or protected species.
- The applicant had sought to provide a biodiversity net gain: whilst the NPPF requires planning decisions to minimise impacts on, and to provide net gains for biodiversity the application was not a major development and therefore there was no Local Plan policy requirement for the site to deliver a 5% biodiversity net gain. The requirement for a 10% biodiversity net gain through the Environmental Act has not yet come into force. It would therefore be unreasonable for officers to require the proposed development to demonstrate an improvement of a minimum of 5% from the existing situation. In support of the application, the applicant had provided a biodiversity metric as a means of demonstrating that the project would deliver an increase in biodiversity and therefore comply with the overall aims of the NPPF. The applicant was proposing on-site enhancements as well as off-site enhancements at Greyfriars School which included enhancing a 0.25ha of grassland, a small extent of tree planting, the enhancement of two existing hedges and approximately 300m of new hedge planting. Officers were satisfied that the proposed development would achieve a net gain in biodiversity and therefore would comply with national planning policies, subject to a legal obligation to ensure that the biodiversity net gain was delivered.
- For the reasons set out in the report, the application was recommended for approval subject to the conditions outlined in the report and subject to a S106 legal obligation to secure the off-site planting and biodiversity net gain.

Dominic Woodfield spoke against the application.

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

- The trees which were proposed for removal were healthy. They were all category C trees, which was the lower level of importance within the tree hierarchy.
- The footpath was proposed to be accessible for all users over the existing situation, including those with mobility scooters and buggies, as well as cyclists and pedestrians.
- Two committee members expressed concerns about the proposal, relating particularly to the need for the removal of the mature trees, whether the proposed route represented the best solution to preventing use of the desire line, and whether the application had sufficiently demonstrated compliance with Policy G7 to show that retention of the mature trees was not feasible. Officers advised that the proposal would not have a significant adverse impact as set out in Policy G7.
- The desire line had caused significant damage to the recreation ground and was affecting its use for activities which required a level surface such as football. The new path, which would likely represent a more attractive route for cyclists and

pedestrians, would make it possible for the damaged ground to be re-grassed and incorporated for uses such as a football pitch.

The Committee was informed that since publication of the officer's report, the role of the Head of Planning Services had changed to include regulatory services and the former Head of Planning Services had become the Head of Planning and Regulatory Services. The delegations shown in the report should therefore now refer to the Head of Planning and Regulatory Services (not the Head of Planning Services).

A proposal to refuse the application was moved and seconded as being contrary to Policy G7 as the applicant had not shown that the retention of the trees was not feasible and the proposal would have a significant adverse impact as set out in Policy G7. On being put to the vote the proposal was lost.

A proposal to approve the officer's recommendation was moved and seconded. On being 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 set out in the report and a legal agreement to secure the planning obligations 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 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 and Regulatory 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 and Regulatory 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 and Regulatory Services considers reasonably necessary; and
 - complete the legal agreement referred to above and issue the planning permission.

40. Minutes

The Committee resolved to approve the minutes of the meeting held on 19 September 2023 as a true and accurate record.

41. Forthcoming applications

The Committee noted the list of forthcoming applications.

42. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.27 pm

Chair

Date: Tuesday 21 November 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.