

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 21 May 2024

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Committee members present:

Councillor Clarkson (Chair)	Councillor Hollingsworth
Councillor Altaf-Khan	Councillor Chapman
Councillor Coyne	Councillor Fouweather (Vice-Chair)
Councillor Hunt	Councillor Max Morris (for Councillor Regisford)
Councillor Rawle	Councillor Upton

Officers present for all or part of the meeting:

Jennifer Coppock, Principal Planning Officer
Natalie Dobraszcyk, Development Management Team Leader
Mike Kemp, Principal Planning Officer
Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Development Management Service Manager
Jane Cotton, Planning Lawyer

Apologies:

Councillor Regisford sent apologies.

Substitutes are shown above.

1. Election of Chair for the Council Year 2024-25

Councillor Mary Clarkson was elected Chair for the Council year 2024-25.

2. Election of Vice-Chair for the Council Year 2024-25

Councillor Laurence Fouweather was elected Vice-Chair for the Council year 2024-25.

3. Declarations of interest

General

Councillor Upton declared that she was a member of the Oxford Civic Society, which had commented on one of the applications on the agenda. Councillor Upton stated that she had taken no part in any discussions by the Civic Society regarding any of the applications before the committee and was approaching them with an open mind.

4. 24/00075/OUT: Land at Bayswater Farm, Bayswater Farm Road, Oxford

The Committee considered an outline application (with all matters reserved except access) for up to 121 dwellings and a care home, including open space and green infrastructure at Land at Bayswater Farm, Bayswater Farm Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The application site was a 7.16 hectare area of land located to the north of Sandhills, consisting primarily of undeveloped fields with a rural character. A public right of way ran through the site from east to west. The application site crossed the boundaries of both the Oxford City and South Oxfordshire district administrative areas, with the vast majority of the site lying within the South Oxfordshire District Council (SODC) area.
- Approval was sought for all matters reserved except for the proposed means of access into the site from Delbush Avenue and Burdell Avenue. The Planning Officer highlighted that it was only in the Council's remit to determine the acceptability of those parts of the development which fell within the city council's administrative area; this included cumulative impacts such as the impact of traffic generation.
- A separate application had been submitted to SODC, which had been refused on 10 grounds. A copy of the delegated decision report from SODC, including the reasons for refusal, was included in the agenda pack.
- The development site was included in the SODC Local Plan under site allocation STRAT13. The parcel of land which formed the subject of this application was part of the larger Bayswater Brook allocation. This was the subject of joint planning applications submitted to OCC and SODC for 1450 homes, 20 assisted living units and commercial and community uses. The site policy did not specify the number of homes which should be provided within the parcel of land which comprised the development site.
- SODC had confirmed within its delegated decision report that the application complied with the adopted South Oxfordshire Local Plan in terms of the principle of development and the acceptability of the site for housing. However, South Oxfordshire and Vale of White Horse District Councils were in the process of developing a joint Local Plan (JLP) which was currently under consultation. This recommended that the site be de-allocated, primarily on the basis of the suitability of obtaining access into the site. However, the Planning Officer advised that the South and Vale JLP was not at a sufficiently advanced stage to afford it weight when assessing the merits of this planning application at the current time.
- The proposal would require the removal of a single large, mature Norway Maple tree in order to facilitate access into the wider site beyond the City Council's boundary. Owing to the loss of the tree and the lack of suitable mitigation it was considered that the development would be contrary to policy G7 of the Oxford Local Plan.

- The County Council had advised, in respect of both accesses and the impact on surrounding roads leading to the site, that there was no provision for on-street cycling infrastructure. As such, the development would also be contrary to policies M1 and M2 of the Oxford Local Plan and the relevant paragraphs on the NPPF.
- The report outlined several issues which had been raised by County highways officers in respect of the methodology which had been applied in the transport assessment in terms of: how the trip generations were assessed; assessment methodology; and highways impact assessment. For the reasons which were covered in detail in the report, it was considered that the transport assessment could not be relied upon and therefore it had not been demonstrated that the proposal would not have a severe impact on the surrounding road network. Therefore it was considered to be contrary to policies M1 and M2 of the Oxford Local Plan and relevant provisions of the NPPF on that basis also.
- Whilst the public benefits of the scheme – in particular the provision of housing – were acknowledged, officers did not consider that this would outweigh the overriding harm in respect of the impact on highways safety, lack of suitable access and the removal of the mature tree. The application was therefore recommended for refusal for the reasons outlined in the report.

Reuben Bellamy (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.

On being proposed, seconded and put to the vote the Committee agreed with the officers' recommendation to refuse the application for the reasons given in the report.

The Oxford City Planning Committee resolved to:

1. **Refuse planning permission** for the following reasons:

1. The applicant has not provided sufficient detail for the proposed accesses off Delbush Avenue and Burdell Avenue to demonstrate the proposed accesses provide safe and suitable access into the site for all users and modes of transport. As such the proposed development is not in accordance with policies M1, M2 and DH1 of the Oxford Local Plan 2016-2036 and paragraph 114 of the National Planning Policy Framework.
2. The highways impact assessment has not been undertaken in accordance with the Highway Authority's adopted 'Implementing 'Decide & Provide': Requirements for Transport Assessments (September 2022), whereby highway impacts resulting from this development cannot be fully assessed. As such, any proposed highway mitigation may fail to deliver appropriate off-site infrastructure that mitigates the highway impacts of the proposal. The proposed development therefore is not in accordance with policies M1 and M2 of the Oxford Local Plan 2016-2036, paragraphs 108 and 114 of the National Planning Policy Framework and Policy 36 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.

3. The proposals fail to fully provide for safe and suitable off-site walking and cycling provision in accordance with LTN 1/20. Without these modes of transport suitably facilitated, the occupants of the site will be encouraged to rely on the private car for access to services and facilities. The proposed development therefore does not represent sustainable development and is contrary to policies M1 and M2 of the Oxford Local Plan 2016-2036 paragraphs 114 and 116 of the National Planning Policy Framework and Policies 1, 2, 18 of the Oxfordshire Local Transport and Connectivity Plan 2022-2050.
4. In the absence of agreed heads of terms for and the subsequent completion of a Section 106 legal agreement, the proposed development fails to secure infrastructure necessary to meet the needs of the development. As such the proposal is contrary to Policies S2, M1 and M2 of the Oxford Local Plan 2016-2036.
5. The proposals would result in the loss of a prominent, mature tree which provides an important contribution to the character and visual amenity of the streetscape, public rights of way and the local landscape setting. The proposals would be contrary to Policy G7 of the Oxford Local Plan 2016-2036 and Paragraphs 136 and 180 of the NPPF.

2. **Delegate authority** to the Head of Planning and Regulatory Services to:

- finalise the recommended reasons for refusing the application 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.

5. 24/00335/FUL: 4200 Nash Court, John Smith Drive, Oxford OX4 2RU

The Committee considered an application for demolition of existing office buildings and erection of 1no. laboratory-enabled office building for research and development with ancillary commercial use (all within Use Class E); provision of new access, alterations to existing footpath, motor vehicle and cycle parking, landscaping and services infrastructure at 4200 Nash Court, John Smith Drive, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The figure for the total liability for Community Infrastructure Levy, shown in the report as £852,980.70, had been mis-calculated by the CIL team. The correct figure for the CIL liability was £170,555.70.
- The Environment Agency had now submitted its response to the proposal and confirmed that it did not object, subject to the inclusion of conditions relating to a remediation strategy, piling, boreholes, infiltration and the storage of oils, fuels and chemicals.
- The application sought approval for the redevelopment of plot 4200 at ARC Oxford, a category 1 employment site which was allocated for employment use. Demolition of all of the existing two storey office buildings was proposed, with replacement with a three storey lab-enabled office building with a gross internal area of 9,829

sqm. This would accommodate containment level 2 labs with internal ancillary amenity uses and a roof terrace at the third floor. Five single-storey ancillary buildings to store cycles, lab gasses and bins were also included, with generators and a sub-station located to the north, south and west of the main laboratory building.

- The proposed building was, by way of its form and design, considered to make an efficient use of the development plot which would sit comfortably within the local context. The existing footpath to the south of Plot 4200 and included within the application site would be partially widened to create an enhanced entrance plaza with seating and visitor cycle spaces. The gate fronting Boswell Road would be removed, allowing 24-hour public access. A spur from the footpath, which would be gated, would lead directly to Plot 4200 providing a shortcut for staff and visitors to the building. The main pedestrian entrance to the plot would be via the existing central vehicular access off John Smith Drive which would be stopped up with the addition of a drop off bay.
- Vehicular access was proposed towards the northern and southern boundaries of the site. 166 vehicular surface level parking spaces, including visitor parking and accessible bays, would be provided on site. This was a reduction of 77 spaces when compared to the existing provision, equating to an acceptable mode share of 41.5%. 29% of spaces would be equipped with EV charging, with a condition requiring ducting for 100% of the spaces in order to meet future need.
- 117 cycle parking spaces would be provided for staff and visitors, exceeding Local Plan requirements.
- It was considered that the proposal would represent a modest addition to the conservation area's wider setting to the south, which would result in a very low level of less than substantial harm to the central conservation area. In accordance with paragraph 206 of the NPPF it was considered that the pressing need for high quality laboratory enabled office space within this area provided clear and convincing justification for the low level of less than substantial harm caused. Further, in accordance with paragraph 208 of the NPPF the public benefits provided by the development - which included local economic uplift, a commitment to employ a proportion of local residents, enhanced pedestrian and cycle infrastructure, a reduction in car parking provision with a commitment to reduce this further once the Cowley Branch Line was operational, a 5% biodiversity net gain within ARC Oxford, a marginal net gain increase in tree canopy cover and a 45.4% reduction in carbon emissions - would collectively outweigh the very low level of less than substantial harm to the setting of the central conservation area.
- Officers considered that the proposed development would respond appropriately to the site context, the Oxford Business Park site allocation and the Local Plan policies as a whole. The application was therefore recommended for approval subject to a S106 legal agreement and the finalisation of conditions.

Steven Sensecall (agent) spoke in favour of the application.

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

A Committee Member welcomed the fact that the enhanced footpath would lead directly to the bus stops on Barns Road, thereby improving the transport route into the business park. Additionally, there was further potential to improve public transport and pedestrian access through the S278 agreement. Pedestrian links within ARC Oxford provide an almost straight line route to the Cowley Branch Line station. The Committee Member also welcomed the reduction in car parking, and the efficient use of the site.

On being proposed, seconded and put to the vote the Committee agreed with the officers' recommendation to approve the application subject to the conditions set out in the report and the conditions required by the Environment Agency 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 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 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
- respond to the comments made by the Environment Agency with regards to a remediation strategy, piling, boreholes, infiltration and the storage of oils, fuels and chemicals 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 and Regulatory Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

6. Minutes

The Committee resolved to approve the minutes of the meeting held on 19 March 2024 as a true and accurate record.

7. Forthcoming applications

The Committee noted the list of forthcoming applications.

8. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 6.56 pm

Chair

Date: Tuesday 25 June 2024

*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.*