

Minutes of a meeting of the Planning - Oxford City Planning Committee on Thursday 22 September 2022

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Committee members present:

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

Officers present for all or part of the meeting:

Sarah De La Coze, Principal Planner
Louise Greene, Planning Lawyer
Hayley Jeffery, Development Management Team Leader (East)
Mike Kemp, Principal Planning Officer
Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Acting Head of Planning Services
Sarah Orchard, Principal Planning Officer
James Paterson, Senior Planner

Apologies:

Councillor Malik sent apologies.

36. Declarations of interest

General

Councillor Upton stated that as a member and trustee of the Oxford Preservation Trust, and as a member of the Oxford Civic Society, she had taken no part in those organisations' 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.

22/00040/PIP

Councillor Rehman stated that he had been a signatory to the call-in but 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.

22/00949/FUL

Councillor Hollingsworth stated that he rented an office which was relatively close to the application site, and which was visible on some of the maps which had been provided to Members. Councillor Hollingsworth stated that he was approaching the application with an open mind.

21/03114/CT3

Councillor Hollingsworth 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 named as a party to the application, he would withdraw and leave the meeting room whilst the application was considered.

Councillor Upton 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 named as a party to the application, she would withdraw and leave the meeting room whilst the application was considered.

Councillor Chapman 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 named as a party to the application, he would withdraw and leave the meeting room whilst the application was considered.

Councillor Aziz 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 named as a party to the application, she would withdraw and leave the meeting room whilst the application was considered.

37. 22/01532/CT3: The Oxford Enterprise Centre, Standingford House, 26 Cave Street, Oxford

The Committee considered an application (22/01532/CT3) for demolition of the existing building and erection of a part two, part three storey office building in association with amended access arrangements, disabled parking, substation and landscaped space at The Oxford Enterprise Centre, Standingford House, 26 Cave Street, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The applicant had submitted additional drainage information following the raising of a drainage objection by the County Council. A response to this from the County Council had not yet been received; therefore the officers' recommendation for approval remained subject to the withdrawal of the drainage objection.
- In addition to the information provided at paragraph 10.26 of the report, the wireline within the Landscape and Visual Impact Assessment (LVIA) in relation to the South Park view showed that intervening built form and vegetation would mostly obscure views of the development. The top would be visible against the built form; however, as with the St Mary's view the development was not considered to interfere with or have an adverse impact on this view.
- The building had been designed to be an energy efficient co-working space, which would be able to accommodate a wide range of occupiers and would offer a range of different spaces depending on need. The building would have a floor area of 1,745sqm and an overall height of 11.03m. The existing building had a height of 10.62m.
- The application sought to redevelop an existing employment site. Therefore, the principle of redeveloping the site for employment purposes was considered to be acceptable and supported in policy.

- The site was not located within a conservation area, but was located within the setting of St Clement's and Iffley Conservation Area and the Central Conservation Area. A number of listed buildings were located in London Place.
- Views of the development would be mostly localised to the immediate setting, although the wirelines within the LVIA showed that parts of the top of the building would be visible from St Mary's Tower and South Park within the vegetation and built form. However, as the building would be viewed against the existing built development in the area it was not considered to have an adverse impact on these views.
- A sunlight/daylight assessment, as well as an overshadowing report, had been submitted to support the application. Officers had considered the 25/45 degree guidance alongside the sunlight/daylight and overshadowing report and were of the opinion that the development would not have an unacceptable impact on neighbouring amenity.
- Officers considered the application to be acceptable in terms of principle, design, impact on neighbouring amenity, highways and heritage issues and approval was recommended, subject to withdrawal by the County Council of its drainage objection.

Andrew Humpherson, Earon Mackie and Stephanie Weeks, the applicant, architect and agent, 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 following:

- The Local Plan included the broad principle that where existing developed sites were to be redeveloped, this should be done more intensively and with increased density so as to make best use of existing developed land which was at a premium in Oxford. This application was considered to fulfil that criteria.
- The environmental standards of the existing building were very poor.
- The site was challenging, as it was located within an existing residential area. However, it was considered that the applicants had worked with officers to produce a well-designed application which took account of this. The application was considered to offer a good quality and flexible work space which achieved high environmental and design standards.

After debate and being proposed, seconded and put to the vote, the Committee agreed with the officers' recommendation to approve the application subject to the required planning conditions set out in section 12 of the report and resolution of the drainage objection set out by Oxfordshire County Council.

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 subject to resolving the drainage objection set out by Oxfordshire County Council to the satisfaction of the drainage officer at Oxfordshire County Council; and
2. **delegate authority** to the Development Management Service Manager to finalise the recommended conditions set out in the report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager considers reasonable necessary.

38. 22/00040/PIP: The Crown and Thistle, 132 Old Road, Headington, Oxford OX3 8SX

The Committee considered an application (22/00040/PIP) for permission in principle for the redevelopment of the former public house for between 7no and up to 9no dwellinghouses (Use Class C3) at The Crown and Thistle, 132 Old Road, Headington.

The Planning Officer gave a presentation and highlighted the following:

- Following publication of the officer report, an additional representation had been received which had raised objection to the application on the grounds that the proposal did not meet the requirements of the Council's Statement of Community Involvement. The Planning Officer advised that the application had been advertised in accordance with the Council's policies and the requirements of the Development Management Procedure Order (2015). The representation did not change the considerations of planning officers as set out in the report.
- The building was in an extremely poor state of repair and had not operated as a public house since its closure in 2011. Externally, the garden was in a dilapidated state and overgrown, and the associated buildings were in various states of disrepair. There was also evidence of anti-social behaviour on the site. However, the dwelling at first and second floor level of the building remained in use. The building was included on the Oxford Heritage Asset Register (OHAR).
- The application site did not include the entirety of the curtilage of the pub, but only the pub itself and a small area of land surrounding it.
- The application was for permission in principle. Therefore, the Council could only consider matters relating to the location of the development, the proposed land use, and the amount of development being proposed. The application sought the redevelopment of the site for between 7 and 9 dwellings whilst retaining the pub building. No additional details were required nor had been supplied by the applicant.

- Officers considered that the amount of development was appropriate. Retention of the pub building, which had a floor space of 268m², was proposed and officers considered that at least seven flats with a minimum floor space of 37m² could be accommodated. Officers also considered that the proposal was acceptable in terms of design, heritage and neighbourliness, as well as its location. The site was in a sustainable location in an existing residential area, which would therefore be suitable for the conversion of the public house to dwellings.
- However, officers did not consider that the proposal was acceptable in terms of the proposed land use, due to the loss of an existing public house which was contrary to Policy V6. Policy V6 included three criteria where the loss of a public house would be accepted. These were set out in the Policy and further clarified in the associated Technical Advice Note (TAN).
- The first criteria related to a requirement for a marketing statement detailing the agents which had been used, the amount of time on the market, and the advertised price. Officers considered that this criteria had not been met as the site had not been marketed on a freehold basis. This was considered to be a serious omission which limited the usefulness of the marketing exercises which had taken place.
- The second criteria was viability, specifically in terms of the business model of the pub, and whether measures could be made to improve its operation and allow its continued use. Officers considered that this had not been demonstrated as the pub had not reopened since its acquisition by the applicant, using either the previous or a revised business model. Officers had also received independent expert advice that a business model based on a traditional co-habitant team could potentially operate successfully from the site.
- The final criteria related to ensuring that adequate alternative facilities existed which could continue to meet the needs of local patrons were the existing pub use to be lost. The applicant had submitted evidence which suggested that sufficient alternative public houses existed in the wider Headington and Wood Farm area which could meet this requirement. Officers considered that the identified pubs offered a good range of services; however, on balance were of the view that this criteria had also not been met since there were no other pubs on the Wood Farm estate, a sizeable suburb of 6,500 residents, and the alternative identified pubs were not within easy walking distance.
- In summary, officers considered that the proposal did not meet any of the three tests set out in Policy V6. However, there were material planning considerations which outweighed this consideration which would justify a departure from the development plan in this instance, as detailed in the officer report. The principal reason was the extent of the dilapidation of the site. Advice from an independent expert witness indicated that investment to bring the site back into use as a public house would be very high risk, and prospective publicans would be unlikely to want to take it on. Additionally refusal of the application, leading to the likely continued vacancy of the site and continuing erosion of the value of the locally listed building, was a material consideration.

Simran Gill, the applicant, spoke in favour of the application.

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

- Significant investment would be required to refurbish the property to a level where it could resume trading as a pub. This was unlikely to prove financially viable for leasehold purchasers, unless the lease were of sufficient length to allow for costs to be recovered and was offered at an acceptable price. Marketing on a freehold basis should therefore be explored;
- The trading environment for the hospitality industry remained challenging, and cost of living pressures and fuel inflation had had further impacts recently;
- The failure to comply with Policy V6 was significant, and the marketing evidence was not sufficient to justify the conflict;
- There was a danger of setting a precedent which might encourage property owners to purposely allow an asset to degrade in order to be able to secure a change of use.

A proposal to approve the application as set out in the report was moved and seconded. On being put to the vote the motion fell.

A proposal to refuse the application for the reasons shown below was moved and seconded. On being put to the vote the Committee resolved to refuse the application.

The proposed change of use of the site from a public house to dwellings would fail to accord with the requirements of Policy V6 of the Oxford Local Plan 2036 as it has not been adequately demonstrated that all reasonable efforts have been made to market the premises for its existing use as a public house. Furthermore it has not been adequately demonstrated that all reasonable efforts have been made to support and improve the operation and management of the business in order to allow the site to continue to operate in its existing lawful use as a public house. There are also not adequate alternative public houses within the vicinity of the application site that would meet the needs of the local community that the existing use of the site as a public house could currently accommodate. The proposal would therefore fail to accord with Policy V6 of the Oxford Local Plan 2036 and paragraph 84 of the NPPF.

The Oxford City Planning Committee resolved to:

1. **Refuse the application** for the following reasons:

The proposed change of use of the site from a public house to dwellings would fail to accord with the requirements of Policy V6 of the Oxford Local Plan 2036 as it has not been adequately demonstrated that all reasonable efforts have been made to market the premises for its existing use as a public house. Furthermore it has not been adequately demonstrated that all reasonable efforts have been made to support and improve the operation and management of the business in order to allow the site to continue to operate in its existing lawful use as a public house. There are also not adequate alternative public houses within the vicinity of the application site that would meet the needs of the local community that the existing use of the site as a public house could currently accommodate. The proposal

would therefore fail to accord with Policy V6 of the Oxford Local Plan 2036 and paragraph 84 of the NPPF.

39. 22/00949/FUL: Gas Holder Station, Watlington Road, Cowley, Oxford OX4 6LX

The Committee considered an application (22/00949/FUL) for erection of a commercial building (Use Classes E(g)(ii), E(g)(iii) and B2 applied flexibly) with associated access, parking, landscaping and ancillary development at Gas Holder Station, Watlington Road, Cowley, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The gas holder had been demolished under previous prior approval for demolition. The proposal before the Committee was for redevelopment of the site and erection of a commercial building with research and development or light industrial uses. The site was surrounded by storage and distribution units, offices, research and development, and industrial units. The land to the east of the site was within the control of South Oxfordshire District Council and had been allocated for housing within its Local Plan.
- Since the publication of the officer report, the applicant had advised that the S106 agreement being drafted with the County Council would also be used to secure an improved cycleway to the site from the junction with Watlington Road. This would either be delivered by the applicant, or a financial contribution would be made to the County Council to deliver it.
- The officer's recommendation was to approve the application for the reasons set out in the report, subject to the S106 agreement with the County Council.

Paul Derry, agent, spoke in favour of the application.

The Committee asked questions on details of the application, which were responded to by officers. Discussion included the following:

- There was no net gain in terms of parking over the previous capacity of the site. It was considered that the transport sustainability of the site was better than had been indicated by the County Council, with several other bus routes being available within a reasonable walking distance. It was also easily accessible by bicycle;
- Employment needs assessments in the Local Plan had indicated that employment space was much needed within the city.

Having been proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application, subject to the required planning conditions set out in section 12 of the report and 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 set out in the report and the improved cycleway as clarified by the Planning Officer and set out above.

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 subject to the receipt of 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 set out in the report and as amended by the Planning Officer; and
2. **delegate authority** to the Development Management Service Manager to:
 - finalise the recommended conditions and informatives as set out in the report including such refinements, amendments, additions and / or deletions as the Development Management Service Manager 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 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 Development Management Service Manager considers reasonably necessary; and
 - upon completion of the Section 106 legal agreement referred to above issue the planning permission.

40. 22/00675/RES: Part Of 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 (22/00675/RES) (appearance, landscaping, layout and scale) for the erection of 317 dwellinghouses (Use Class C3) on the Canalside parcel of the Oxford North site located to the south of the A40 and north-west of Wolvercote.

The Planning Officer gave a presentation and highlighted the following:

- Section 10.90 of the report outlined that a total of 3.01 biodiversity units were expected to be delivered, based on the net gain metric in the submitted biodiversity assessment. The applicant had subsequently re-run the metric in response to a request from the Council's Ecology Officer, and had confirmed that the extent of the biodiversity units would be higher, at 4.63 units, once the net gain to be delivered via the brown roofs on the site had been accounted for.
- Three further public comments had been received following publication of the officer report. Each of the representations had raised concerns about the developer's capacity to meet the 5% biodiversity net gain target. Concern had also been expressed about the potential impact of noise and air quality on future

occupiers, and also the adequacy of mitigation measures in terms of building design.

- The Planning Officer clarified that the applicant was required to deliver 5% biodiversity net gain across the entirety of the Oxford North project. 5% was not required within each of the reserved matters applications. Where there was a shortfall in the estimated net gain, as was the case with this application, this would need to be met elsewhere on the site in the later phases of the development, or delivered off-site if required. The strategy for biodiversity enhancements as outlined by the applicant would therefore not conflict with either the legal agreement or local or national policy.
- The Council's Ecology Officer had recommended inclusion of a condition requiring specifications for the brown roofs to be provided. This was in order to ensure that the brown roofs delivered the required number of biodiversity units as outlined in the biodiversity strategy.
- The hybrid application had been subject to extensive viability testing in terms of the percentage of affordable homes to be provided. It had established a requirement for 35% of all the homes to be delivered as affordable units; 80% of which would be delivered as socially-rented homes. The Section 106 agreement also outlined the required mix of affordable homes, and aligned with Policy H4 of the Oxford Local Plan. The percentage of affordable homes which would be delivered on the site, and the mix of these houses, would be fully compliant with these requirements and was considered to be acceptable.
- The buildings fronting the A40 would be of a larger scale and height, as reflected in the height parameter plan and the design and access statement accompanying the hybrid permission. The height of the flats was considered to be commensurate with the site context and the adjacency of the buildings to the A40, as well as the sizeable scale of development on the opposite side of the road and the employment buildings to be delivered on the central area of the Oxford North site.
- A number of the submitted representations had related to the potential impact of noise and air pollution on the amenity of the occupiers of the flats. The Planning Officer responded that it had always been intended that residential dwellings would be sited in this location on the site: whilst some of the homes had balconies which would face on to the A40, none of the units were solely dependent on their external amenity space facing the A40. The façade and glazing specification would achieve what was classed as acceptable living standards for future occupiers, and had been assessed by the Council's Environmental Health team. It was considered that future occupiers would not be exposed to unacceptable levels of noise disturbance, and the proposal was considered compliant with Policy RE8 of the Oxford Local Plan.
- All of the units were compliant with the government's nationally described space standards in terms of the size of the internal accommodation, and with Policy H15 of the Oxford Local Plan.

- The proposal was considered to be fully compliant with the Oxford Local Plan, the Wolvercote Neighbourhood Plan and the NPPF, and for the reasons set out in the report approval of the application was recommended.

Andrew Siantonas, local resident, and Councillor Andrew Gant spoke against the application. Councillor Jo Sandelson had also registered to speak against the application but had been unable to do so due to illness.

Glynn Mutton, applicant, spoke in favour of the application.

The Committee asked questions on the details of the application, which were responded to by officers. Discussion included the following:

- As a reserved matters application, the principle of residential development at the site had already been established, as well as the nature of the development, and the percentage of affordable housing. The reserved matters application before the committee was solely for approval of the design, layout and tenure mix.
- The affordable housing would be contained in two blocks on the site, rather than the 'small clusters' which the officer report had suggested. However, it was acknowledged that social housing landlords and housing associations often preferred their properties to be in close proximity to each other for management purposes, and the ability to secure a registered social landlord to purchase the properties was important. It was therefore not considered that this should constitute a reason for refusal.
- Issues of concern relating to the application (for example, relating to boundary treatments, noise attenuation and drainage issues) had been addressed by way of conditions.

Having been proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application, subject to the addition of a condition requiring the applicant to submit a specification for the brown roofs.

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 an additional condition requiring the applicant to submit a specification for the brown roofs and grant reserved matters approval; and
2. **delegate authority** to the Development Management Service Manager to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and / or deletions as the Development Management Service Manager considers reasonably necessary and issue the reserved matters approval.

41. 21/03114/CT3: Former Workshop at Lanham Way, Oxford, OX4 4PU

The Committee considered an application (21/03114/CT3) for the erection of 10no new affordable dwellings on a former depot site at Lanham Way, Oxford.

Councillors Aziz, Chapman, Hollingsworth and Upton left the meeting room for this item and did not take part in determining the application.

The Planning Officer gave a presentation and highlighted the following:

- The proposal was for 10 affordable houses with 9 parking spaces. Three of the parking spaces would be disabled sized, and one would be allocated for car club use. The application site was a former playing field maintenance site which had been disused for a significant period of time and was currently unoccupied and overgrown with vegetation.
- Vehicular access to the site was proposed via Medhurst Way.
- The proposal had been carefully designed to avoid detrimental impact to the nearest neighbouring properties on Lanham Way, David Nicholls Close and Medhurst Way.
- The application was recommended for approval for the reasons set out in the report and subject to the conditions set out in the report and the removal of the objection by the County Council in relation to drainage. The Planning Officer reported that the latter issue was close to being resolved: there appeared to have been a technical error in the drainage calculation for the porous paving, which the applicant's consultant had updated. Officers were awaiting confirmation from the County Council that this had resolved the outstanding issue. The application was also subject to a Section 106 agreement with the City Council and the County Council.

Martin Shaw, agent and Kenny Phillips on behalf of the applicant spoke in favour of the application.

The Committee asked questions about details of the application which were responded to by officers. In debate the following was noted:

- The tenure mix for the development would be 5 shared-ownership properties and 5 social rent properties, rather than 100% social rented units as stated in the report. However, this remained in accordance with development plan policy, which stated that for any residential scheme above a certain size, 50% should be affordable. Of this 50%, there should be a 80/20 split of social rent to shared ownership. So, although the percentage of social rent units had dropped to 50% of the total number of units the requirements of the policy were still comfortably met. Additionally, as the whole site would remain 100% affordable housing overall, there was no requirement for First Homes to be delivered.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to 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, the removal of the objection by the Lead Local Flood Authority, and 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 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 subject to:
 - receipt of further drainage information requested by the Lead Local Flood Authority and removal of their current objection;
 - 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 set out in the report; and
2. **delegate authority** to the Development Management Service Manager to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and / or deletions as the Development Management Service Manager 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 this 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 Development Management Service Manager considers reasonably necessary; and
 - complete the Section 106 legal agreement referred to above and issue the planning permission.

42. Minutes

The Committee resolved to approve the minutes of the meeting held on 16 August 2022 as a true and accurate record.

43. Forthcoming applications

The Committee noted the list of forthcoming applications.

44. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.50 pm

Chair

Date: Tuesday 18 October 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.