

# Agenda



## Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 25 June 2024**

Time: **6.00 pm**

Place: **Committee Rooms 1, 2 and 3, Oxfordshire County Council, County Hall, New Road, Oxford OX1 1ND**

**For further information** please contact:

Emma Lund, Committee and Members' Services Officer

📞 01865 252367

✉ DemocraticServices@oxford.gov.uk

**Members of the public can attend to observe this meeting and:**

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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## Committee Membership

Councillors: Membership 11: Quorum 5: substitutes are permitted.

Councillor Mary Clarkson (Chair)	Marston;
Councillor Laurence Fouweather (Vice-Chair)	Cuttleslowe & Sunnymead;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Nigel Chapman	Headington Hill & Northway;
Councillor Mark Lygo	Churchill;
Councillor Barbara Coyne	Headington Hill & Northway;
Councillor David Henwood	Rose Hill & Iffley;
Councillor Alex Hollingsworth	Carfax & Jericho;
Councillor Jemima Hunt	St Clement's;
Councillor Rosie Rawle	Donnington;
Councillor Dianne Regisford	Holywell;
Councillor Louise Upton	Walton Manor;

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

# Agenda

Pages

## Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the  search box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

### 1 Apologies for absence and substitutions

Apologies for absence have been received from Councillors Chapman and Coyne. Councillor Lygo will substitute for Councillor Chapman for this meeting only.

### 2 Declarations of interest

### 3 23/01950/FUL: County Trading Estate, Transport Way, Oxford OX4 6LX

11 – 42

**Site Address:** County Trading Estate, Transport Way, Oxford, Oxfordshire

**Proposal:** Demolition of the existing building and construction of a new warehouse with ancillary office area

**Reason at Committee:** The proposal is a major development

#### Recommendation:

The Oxford City Planning Committee is recommended 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;

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2. **agree to 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.

**4 24/01141/POM: Land South West of St Frideswide Farm, Banbury Road, Oxford OX2 8EH**

43 – 48

**Site Address:** Land South West Of St Frideswide Farm, Banbury Road, Oxford

**Proposal:** Variation of legal agreement attached to planning permission 21/01449/FUL (Full planning permission for 134 dwellings (use class C3), informal open space including community pavilion, seating and children's play areas, hard and soft landscape and sustainable drainage areas, access, associated roads and infrastructure, car and cycle parking, bin storage, pumping station, substation and associated engineering works. To modify the change to tenure of plots 66 and 67 (2x4BH) to social rent and the tenure of plots 60 and 61 (2x3BH) to shared ownership.

**Reason at Committee:** Variation of a legal agreement associated with permission for a major development

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **approve the modification to the legal agreement** for the reasons given in the report; and
2. **agree to delegate authority** to the Head of Planning & Regulatory Services to:
  - 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 this report (including to dovetail with and where appropriate,

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reinforce the conditions and informatives attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above.

## 5 Minutes

49 – 56

**Recommendation:** to approve the minutes of the meeting held on 21 May 2024 as a true and accurate record.

## 6 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

22/02555/FUL: Plot 27, Oxford Science Park, Robert Robinson Avenue, Oxford OX4 4GA	Major
22/02954/OUT: Land at Oxpens Road, Oxford OX1 1TB	Major
22/02955/FUL: Land at Oxpens Road, Oxford OX1 1TB	Major
23/01001/CT3: Tumbling Bay, Head of Bulstake Stream, Botley Road, Oxford	Called-in
23/02262/FUL: Churchill Hospital, Old Road, Headington, Oxford OX3 7JT	Called-in
23/01870/FUL: 113 Wytham Street, Oxford OX1 4TN	Applicant is a member of staff
23/02136/FUL: 111 and 113 Wytham Street, Oxford OX1 4TN	Applicant is a member of staff
24/00667/FUL: 111 and 113 Wytham Street, Oxford OX14TN	Applicant is a member of staff

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24/00668/FUL: 113 Wytham Street, Oxford OX1 4TN	Applicant is a member of staff
24/00318/FUL: Land to the North of Goose Green Close, Oxford	Major
24/00585/VAR: Car Park, Meadow Lane, Oxford OX4 4BJ	Called-in
24/00690/FUL: Beaver House and 39-42A Hythe Bridge Street, Oxford OX1 2ET	Major
24/00732/FUL: U Y S Ltd, Garsington Road, Oxford OX4 2BW	Major
24/00812/FUL: 14 Fair View, Oxford OX3 7EZ	Called-in
24/01302/FUL: 5000 John Smith Drive, Oxford OX4 2BH	Major

## 7 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on:

16 July 2024

20 August 2024

17 September 2024

15 October 2024

19 November 2024

10 December 2024

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

*Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX*

## **Information for those attending**

### **Recording and reporting on meetings held in public**

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

### **Councillors declaring interests**

#### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

#### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

#### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

#### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". The matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

#### **Members' Code – Other Registrable Interests**

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing\*\* of one of your Other Registrable Interests\*\*\* then you must declare an

interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

### **Members' Code – Non Registrable Interests**

Where a matter arises at a meeting which ***directly relates*** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests, then you must declare the interest.

You must not take part in any discussion or vote on the matter and must not remain in the room, if you answer in the affirmative to this test:

“Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting.”

Otherwise, you may stay in the room, take part in the discussion and vote.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

\*\* Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

\*\*\* Other Registrable Interests: a) any unpaid directorships b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any Body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.



## **Procedure for dealing with planning applications at the Oxford City Planning Committee and Planning Review Committee**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interests is available from the Monitoring Officer.

### **The following minimum standards of practice will be followed:**

1. All members of the Committee will have pre-read the officers' report. Committee members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful. (In accordance with the guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:
  - (a) the planning officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant officers and/or other speakers); and
  - (f) voting members will debate and determine the application.
4. In determining an application Committee members should not:
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

### **Public requests to speak**

**Members of the public wishing to speak must notify the Committee Services Officer by noon on the working day before the meeting**, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Committee Services Officer (details are on the front of the Committee agenda).

## **Written statements from the public**

**Any written statement that members of the public or Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting.** Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

## **Exhibiting model and displays at the meeting**

Applicants or members of the public can exhibit models or displays of photos and/or pictures at the meeting or a room provided for that purpose as long as they notify the Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified. Applicants or members of the public are not permitted to exhibit photos and/or pictures in any electronic format.

## **Recording meetings**

This is covered in the general information above.

## **Meeting Etiquette**

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

**This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in March 2023.**

Oxford City Planning Committee

25th June 2024

<b>Application number:</b>	23/01950/FUL		
<b>Decision due by</b>	29th December 2023		
<b>Extension of time</b>	3 <sup>rd</sup> July 2024		
<b>Proposal</b>	Demolition of the existing building and construction of a new warehouse with ancillary office area.		
<b>Site address</b>	County Trading Estate, Transport Way, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Blackbird Leys Ward		
<b>Case officer</b>	Tobias Fett		
<b>Agent:</b>	Mr Ade Oshodi	<b>Applicant:</b>	Mr Jonathon Minoli
<b>Reason at Committee</b>	The proposal is major development.		

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

- 1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission;
- 1.1.2. **agree to delegate authority** to the Head of Planning and Regulatory Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers a full planning application for the demolition of the existing building and its replacement with a purpose build warehouse facility with adjacent office and display spaces with associated access, parking, landscaping and ancillary development.

2.2. The development would accord with the aims and objectives of the National Planning Policy Framework (NPPF) and to promote an efficient use of land to provide employment space.

- 2.3. The proposal is a departure to the existing Oxford Local Plan 2036 due to the extension and increase of existing B8 storage uses that would not directly support a category 1 employment site. The proposal would therefore be in principle contrary to OLP 2036 policy E1 and has been advertised as a departure.
- 2.4. The application site would however be part of a long standing local business and is vital in their running and expansion to ensure they stay competitive in the market place and to safeguard employment and longevity. Officers therefore support this as a departure from the local plan and overall is in line with and within the spirit of the plans core objectives.
- 2.5. The proposal is found to be acceptable in all other matters, would be acceptable in terms of design, archaeology, neighbouring amenity, surrounding transport network, trees (and provide enhanced landscaping), air quality, biodiversity (and provide over 5% biodiversity net gain), flooding and drainage, land quality and energy.
- 2.6. The proposal would constitute sustainable development on balance and given the above reasons is recommended for approval.

### **3. LEGAL AGREEMENT**

- 3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

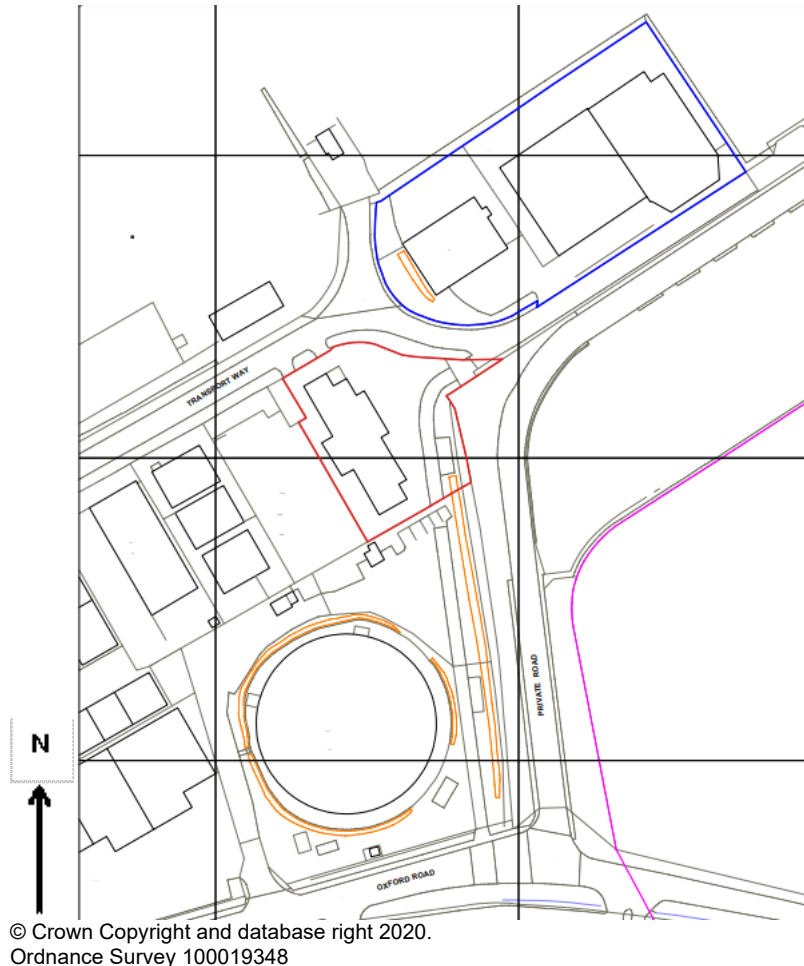
- 4.1. The proposal is liable for CIL at an amount of £86,110.00.

### **5. SITE AND SURROUNDINGS**

- 5.1. The site lies to the southeast of Transport Way which leads to a private access road to Unipart off the Watlington Road, to the south east of the city centre. The site also lies to the east of Blackbird Leys and to the south of the BMW Mini Plant and is surrounded by a mixture of office, storage and distribution, research and development and other commercial units.
- 5.2. The site is already used by Minoli which also has further related sites across the road to the north of the application site.
- 5.3. The building itself is a concrete structure with flat roofs, the majority of which is single storey, but with ribbon windowed upper floor control tower and office areas. A small, steel framed canopy sits over the entrance. The full extent of the site is defined by perimeter palisade fencing in galvanized steel.
- 5.4. Large areas of agricultural land lies further east beyond the private access road to Unipart which falls within South Oxfordshire District Council. This land forms part of an allocation for 68 hectares of land for residential and ancillary uses (allocation STRAT 12).
- 5.5. To the immediate south of the site is a former gas holder, which has received planning permission under reference 22/00949/FUL and is now completed for its

redevelopment for the 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.

5.6. See block plan of the application site below:



## 6. PROPOSAL

6.1. The application proposes to demolish the existing dated industrial warehouse building which is in Use Class B8 use, to enable a redevelopment of the site with a new purpose built facility.

6.2. The proposal is to make better use of the site by replacing the existing building with an optimally sized warehouse unit (use class B8) and loading area, sufficient manoeuvring space for delivery vehicles, and ancillary office/showroom space with a rooftop area for external product display.

6.3. The facility would replace 812 sqm of internal floor space area with 1359 sqm of internal floor area. This would be an increase of 547 sqm of usable internal floor space. The development would create an external floor area of 1558 sqm internal area on a footprint of 1,148 sqm and would be split as shown in the following chart:

GROSS EXTERNAL AREAS (m2)					
DESCRIPTION	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR	ROOF PLAN	TOTAL
OFFICE BUILDING	68	182	182	77	509
ENTRANCE PORCH	114	0	0	0	114
WAREHOUSE	935	0	0	0	935
<b>TOTAL</b>	<b>1117</b>	<b>182</b>	<b>182</b>	<b>77</b>	<b>1558</b>

- 6.4. The proposal would be comprised of one main building section (warehouse) which would sit to the centre/rear of the site. The building would measure approximately 20 metres wide (30 metres with a projecting canopy) measuring east to west and 57 metres deep measuring north to south.
- 6.5. To the front (north) of the building, the four-storey office section, would be 11.9 metres wide, as seen from the north facing street frontage and have a depth of 10 metres. The entrance would be at the side, from within the site itself.
- 6.6. The height of the warehouse section would be 12.45 metres and the tallest section would be the roof access on the north facing office section at 13.9 metres with the lower accessible roof at 11.7 metres.
- 6.7. There would be 10no. parking spaces (two marked as disabled) with landscaping and a landscaped amenity area to the side/east of the site.
- 6.8. To the centre of the site would be a loading bay, covered with a canopy, which would be 20 metres in length (north to south) and 9 metres in depth (east to west), and would be open to enable up to two three loading bays. The height of the canopy would be 7.5 metres.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

59/01249/M\_H - Land off Watlington Road - Construction of an estate road 24 feet in width with 12 feet verges and vision splays. Approved 31st December 1959.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	117-123, 124-132	DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features	

		and stores	
<b>Commercial</b>	170-183	E1 - Employment sites - intensify of uses	
<b>Natural environment</b>	91-101	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	
<b>Transport</b>	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD
<b>Environmental</b>	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN
<b>Miscellaneous</b>	7-12	S1 - Sustainable development	External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 10th October 2023 and an advertisement was published in The Oxford Times newspaper on 12th October 2023.

9.2. A further consultation to advertise the proposal as a departure from the Local Plan was posted near the application site on the 26<sup>th</sup> April 2024 and published in The Oxford Times newspaper on the 25<sup>th</sup> April 2024.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.3. This consultee raised no objection. They have considered traffic generation, cycle and car parking as well as access arrangement and impact of the construction phase. Highways officer considered that the proposal can be mitigated by conditions and requested to impose conditions to agree a construction traffic management plan and a travel plan.

#### Health and Safety Executive (HSE)

9.4. This consultee has not provided specific comment for or against the development and has referred to their standard advice and consultation procedure.

#### Thames Water Utilities Limited

9.5. The consultee has provided some comments with the conclusions that on the basis of information provided, Thames Water would advise that with regard to water and waste water network and water and sewage treatment infrastructure capacity, they would not have any objection to the above planning application.

### **Public representations**

9.6. No other public comments have been received.

### **Officer response**

9.7. The issues and concerns raised by consultees have been fully address in the report below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Archaeology
- Neighbouring amenity
- Transport
- Trees/Landscaping



- Air Quality
- Biodiversity
- Flooding/Drainage
- Land Quality
- Energy

**a. Principle of development**

- 10.2. The National Planning Policy Framework (NPPF) and Oxford Local Plan 2036 Policy RE2 encourage development proposals to make an efficient and appropriate use of previously developed land in a manner that suits the capacity of the site.
- 10.3. The NPPF encourages weight to be placed on the need to support economic growth and productivity, and in particular in areas with high levels of productivity which should be able to capitalise on their performance and potential (paragraph 80). Decisions should recognise the specific locational requirements of different sectors, including making provision for clusters or networks of knowledge industries (paragraph 82).
- 10.4. The Oxford Local Plan 2036 sets out Oxford's employment strategy which recognises the importance of the city particularly in the knowledge economy but also seeks to achieve sustainable growth by balancing the supply of labour, housing and infrastructure.
- 10.5. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make an efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford.
- 10.6. The proposal includes the extension of an existing B8 use on the site, albeit with new and better facilities. However the OLP 2036 policy E1 only supports such development if it is in direct support of a category 1 employment site. This would not be the case and the proposed development would be contrary to this policy and unacceptable in principle in terms of policy E1.
- 10.7. However, the applicant has put forward a case and provided additional justification as to why a departure from this policy would be appropriate. Officers have assessed this carefully and are of the opinion that the proposals can be supported and considered as a departure from the adopted policy for the following reasons.
- 10.8. Part of the justification provided by the applicant is that they are a long standing local business, and that they are reliant on the proposal for remaining competitive in the market place and consequently its longevity and securing employment for local people. The proposal has been advertised as a departure and no objections have been received.

- 10.9. Officers requested further information as to the previous uses at the site and are satisfied it is lawfully used B8 purposes at present. The proposal would also enable Minoli to increase staff on this site from 2 to 10, which would represent a net increase of 8 staff.
- 10.10. Officers consider that while not meeting the formal policy requirements, the proposal does meet the core objectives of the OLP 2036 in supporting local business and economic growth, while improving environmental credentials of a dated light industrial site while ensuring benefits to the local community for supporting a long standing local business.
- 10.11. The application site is already in the ownership of the applicant and is used for the running of the existing operations, namely storage of materials and equipment as well as ancillary office use. The proposal would regenerate the outdated and not purpose-built buildings with appropriate and modern facilities.
- 10.12. Therefore the only real change in addition to the B8 storage use extension would be the establishment of a display section for products on the external terrace space.
- 10.13. The proposal would constitute a regeneration, modernisation and more efficient use of the existing site.
- 10.14. In summary, the proposed re-development of the site is therefore considered acceptable in principle subject to the material considerations set out below, and would be a formal departure from policy E1 of the OLP 2036 but in compliance with the core objectives of the plan.

#### **b. Design**

- 10.15. Policy DH1 of the Oxford Local Plan 2036 requires development to be of high quality design that creates or enhances local distinctiveness. Proposals must meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1 of the Plan.
- 10.16. Policy DH2 of the Oxford Local Plan 2036 states that planning permission will be granted for developments of appropriate height or massing in accordance with the criteria identified in the policy.

#### *The proposal*

- 10.17. It is proposed to redevelop the site with a building which is designed to house a purpose built open space warehouse with an attached building section to comprise ancillary office and industrial accommodation over four floors, including a terrace showroom on the roof.
- 10.18. The showroom would be required to be outside due to the products being shown in the open air, but also needing to be away from the parking and manoeuvring areas of the work yard.
- 10.19. The building is designed to reflect the character of the surrounding area and the proposed uses and proposed building materials would be similar to those of

the other three buildings, creating a clear corporate identity and harmonious environment for the grouping.

- 10.20. The Transport Way frontage would be a three storey brick and glass office/display element, topped by a glass and metal clad exterior products display space. Behind this is the main warehouse area.
- 10.21. The building would consist of a simple design clad in light grey vertical panelling and cladding. The building would have largely blank facades however this has been broken up with the more prominent office section to the north of the site. To further break up the massing and to add interest to the building the base of the entire building would be a dark blue brick to unite both building sections and ground them.
- 10.22. This design approach is considered acceptable in relation to the intended users of the site and the character of the surrounding area.
- 10.23. Plant would be located in a plant deck within the building and to the rear of the building and it is therefore considered that reasonable efforts have been taken to make this as discrete as possible in accordance with the requirements of policy DH7 of the Oxford Local Plan 2036.
- 10.24. As such the proposal is therefore considered acceptable in accordance with policy DH1 and DH7 of the Oxford Local Plan 2036.

#### *Views*

- 10.25. The site sits on the edge of Oxford with open fields further to the east and a new redeveloped gas holder site adjacent to the south of the site. The fields, Oxford Road and the village of Garsington in South Oxfordshire offer views of the site. Despite the height of the former gas holder, views of the site are fairly limited to the junction of Oxford Road with Watlington Road to the west of the site and from Transport Way to the north and east of the site.
- 10.26. The scale of the building has been dictated by the end users of the site. The building would be partially a single volume space and partially ancillary office accommodation and a reception set over four floors (including the roof) to the north of the building.
- 10.27. The proposal would sit to the rear/west of the plot and would be no more visually prominent than the existing dated industrial building. The form and shape of the proposal would also be more in keeping with the form and design of buildings in the surrounding area. Whilst the building would appear in views from Garsington, it would not be the dominant feature due to larger scale buildings at the BMW Mini and Unipart House. It would be more visually appropriate in relation to the surrounding context, especially considering the variety of similar uses.
- 10.28. The most recent addition has been a very large industrial office building at the former gas holder site, which would still dominate the surrounding area, and the proposed development would fit in and not visually compete within this context.

10.29. The proposal would include additional landscaping to the site and would not interrupt any views to the historic core of Oxford which are limited in this area. The proposed use of dark anthracite grey materials would also help blend the building into the surrounding context.

10.30. The proposal is therefore considered acceptable in relation to policy DH2 of the Oxford Local Plan 2036.

### **c. Archaeology**

10.31. Policy DH4 of the Oxford Local Plan 2036 requires that where application sites have a likelihood of archaeological deposits or features, they should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical.

10.32. This site is of interest because it is located adjacent to the Alchester-Dorchester Roman Road in area that has potential for Roman roadside settlement and/or burial activity. The site also lies within a wider zone of dispersed pottery manufacturing compounds. The Historic Environment Record notes that in 1903, just to the south of the application site, 'Burnt earth, ashes, burnt bones and charcoal' were found when the turf was cleared off preparatory to digging stone on the west side of the Roman Road from Dorchester to Alchester, where it crosses the road from Cowley to Garsington'.

10.33. In this case, bearing in mind the site constraints, officers consider that in line with the advice in the National Planning Policy Framework paragraphs 209 and 211, any consent granted for this application should be subject to conditions to secure controlled demolition and a programme of archaeological work, with both mitigating the impact caused by the proposal.

10.34. The proposal is therefore acceptable in relation to policy DH4 of the Oxford Local Plan 2036.

### **d. Impact on neighbouring amenity**

10.35. Policies RE7 and H14 of the Oxford Local Plan 2036 require consideration to be given to the amenities of neighbouring occupiers during the course of construction and post completion of the development in relation to privacy, daylight and sunlight and sense of enclosure.

#### *Privacy*

10.36. The proposed development would largely be a windowless building in regard to the warehouse section. Windows would be located in the northern section of the building only which relates to the office spaces, where there will be windows to all three elevations visible from Transport Way to the north, east and west. The nearest residential accommodation is located away from the site on Watlington Road (approx. 400 metres away beyond other large industrial buildings) and would therefore not be impacted by the proposals. Whilst the site to the east of the application site (Northfield Brook) is allocated for residential development, the access road to Unipart sits between the application site and this future development and is therefore sited a reasonable distance from the application

site. It would be for any future proposal for those sites to address the environment in place at that time.

10.37. The proposal is therefore considered acceptable and adequate regard has been given to privacy in accordance with policies RE7 and H14 of the Oxford Local Plan 2036.

#### *Daylight/Sunlight*

10.38. The application has not been accompanied by a daylight/sunlight assessment however the site is located within an industrial/commercial area and there are no neighbouring properties that would be sensitive to loss of daylight or sunlight. Considering the size and location of the proposed development it is also considered unlikely to have an adverse impact on any future residential development at Northfield Brook in South Oxfordshire in terms of daylight/sunlight.

#### *Noise*

10.39. The proposal comprises a bank of Air Conditioning (AC) condensers to the side of the reception area. The works include the relocation of the existing air source heat pump (ASHP).

10.40. The location of the development is not in what is considered as a noise sensitive location and hence there is no adverse noise impact.

10.41. The selection and specification of the AC condensers will need to follow current guidance such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings and BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound" and policy RE8 of the Oxford Local Plan 2036.

10.42. The applicant will have to ensure design parameters and location of the units have been adequately assessed and suitable for the location that will meet current guidance.

10.43. Officers are satisfied that the scheme should meet the local plan criteria given appropriate design choice of plant and mitigation measures and therefore acceptable in environmental health terms. The proposal can be mitigated by three conditions managing the demolition and construction methods as well as the installation of proposed equipment and ensuing anti-vibration measures are incorporated.

10.44. Subject to these conditions the proposal is considered to comply with policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

### **e. Transport**

#### *Access Arrangements*

10.45. The proposal does not include any changes to the existing access arrangements at the site, with all vehicles entering/exiting from Transport Way via the access at the north eastern boundary. The plans to retain the existing access are accepted, with the proposals expected to generate a similar level of use as the existing demand.

#### *Car/Motorcycle Parking*

10.46. The proposals include the provision of ten car parking spaces, two of which are to be disabled parking spaces. The number of parking spaces provided is in line with Oxfordshire County Council's parking standards and is accepted.

10.47. Electric charging would be incorporated and would be acceptable as per M4 of the OLP 2036.

10.48. The proposals would provide twelve cycle parking spaces allocated for staff use. This would be in the form of two covered and secure bikehanger units next to the office element of the proposal, adjacent to Transport Way. An extra Sheffield stand is to be provided for visitor parking near the office entrance. Both the staff and visitor cycle parking areas are in a suitable location and are in line with OCC's cycle parking standards.

#### *Traffic Impact*

10.49. The Transport statement, which included a TRICS assessment, indicates that the proposed development is expected to generate a total of 14 two-way trips in the AM peak and 8 in the PM peak. The proposed trip generation reflects the existing use and is unlikely to result in a detrimental impact on the local highway network.

#### *Construction management*

10.50. A Construction Traffic Management Plan would be required prior to the commencement of works and would be secured by condition. This would follow Oxfordshire County Council's template and would require and ensure that no deliveries would take place during network peak times (i.e. 07:30-09:30hrs & 16:30-18:30hrs).

#### *Highways Conclusion*

10.51. The proposal is considered to be able to be mitigated by a suitable construction traffic management plan and would not have adverse impacts on the wider highway network. As such the proposal would be acceptable as it would be in accordance with policies M1, M2, M3, M4 and M5 of the OLP 2036.

#### **f. Trees/Landscaping**

10.52. Policies G1, G7 and G8 require consideration to be given to retaining green landscape features wherever possible, however where their loss is justified then a suitable replacement should be found. Enhanced green landscaping features should also be sought.

## *Trees*

10.53. There are no Arboricultural constraints that apply to this scheme. The submitted details and plans are acceptable, but a condition would be imposed for a revised document to include the location of the barrier fencing.

## *Landscaping*

10.54. The development includes landscape works and these indicate that there would be a positive change to the site. Subject to conditions requiring a finalised landscaping plan, a detailed planting plan, implementation of the landscaping plan, reinstatement of any tree of planting which fails to establish, and a tree protection plan the proposal is considered acceptable in relation to policies G2, G7 and G8 of the Oxford Local Plan 2036.

## **g. Air Quality**

10.55. Policy RE6 of the Oxford Local Plan requires air quality impacts to be taken into consideration during the course of construction and post construction. This should also consider the impact of air quality on users from external sources as well as the impact of the development on existing neighbouring residents.

10.56. The baseline assessment submitted with the application shows that the application site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO<sub>2</sub> air quality objective (AQO).

10.57. The air quality baseline desk assessment shows air quality conditions for future users of the proposed development have been shown to be acceptable, with concentrations measured at nearby roadside monitors consistently below the air quality objectives in recent years.

10.58. Moreover, the proposed development is a warehouse facility, and as such, its use falls outside the scope for an exposure assessment to be undertaken in accordance with the EPUK and IAQM guidance. Therefore, the location of the application site is considered beforehand suitable for its intended use.

10.59. The design and access statement argues that the new site will all be built within the grounds of an industrial estate, and far away from a major emission source, traffic route and far away from the location of any sensitive receptor/residential area, which considering the site constraints is agreed by officers.

10.60. The energy statement and submitted drawings for the proposed development indicate that on site renewables are proposed in the form of solar photovoltaic panels and that these technologies would supplement in full the electricity requirements for the entire development.

10.61. According to the site's transport assessment, it is concluded that the proposals will not result in a material deterioration of existing road conditions. The assessment determined that a total of 14 and 8 two-way vehicular trips could be expected during the AM and PM peak periods, which is in line with the existing

demand and also falls below of IAQM threshold for the need for this impact to be accounted for in an air quality assessment.

- 10.62. According to the site's transport statement, the site should provide no more than a maximum of 14 car parking spaces. Currently the masterplan suggests that 10 parking spaces are to be provided, of which 2 are disabled which is within the maximum standards. This also aligns with the expected number of staff working at the building. Policy M4 (Provision of Electric charge points) of the OLP 2036 requires a minimum of 25% of parking spaces to be provided with charging points on non-residential developments, and adequate ducting should be provided to all spaces to enable additional charging points in the future as demand requires. This would be secured by condition.
- 10.63. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed having regard to the baseline air quality assessment, which identified that the development is a low-risk site for dust impacts. However, it is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable/negligible level. Provided these measures are implemented and included within a dust management plan, the residual impacts are not significant. This would be secured by condition.
- 10.64. Based on the information above, it is considered that air quality should not be viewed as a constraint to granting planning permission, and the proposed development conforms to the air quality principles of National Planning Policy Framework and the OLP 2036 Local Plan based on the conditions proposed.

#### **h. Biodiversity**

- 10.65. Oxford Local Plan policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity and for major development this should be demonstrated in a biodiversity calculator.
- 10.66. The Local Planning Authority (LPA) has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017 '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species (EPS) , both in and out of European sites.



10.67. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to do the following without the benefit of a licence from Natural England:

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
  - a) to impair their ability –
    - i) to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

10.68. In addition, The Wildlife and Countryside Act 1981 protects all birds and their nests, providing offences subject to certain exceptions.

10.69. Furthermore, the LPA should have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006).

10.70. The application site is comprised of an existing building, associated hardstanding, bare ground, and scattered trees. The existing trees are the only ecologically valuable habitat within the application site and would be retained under the development proposals.

10.71. Following a preliminary roost assessment and a single dusk emergence survey in July 2023, the project ecologist has concluded the building does not support roosting bats. Officers are satisfied that a robust assessment was undertaken.

10.72. The existing building presents opportunities for nesting birds, and the ecologist has recommended a check prior to works commencing. This forms part of a set of recommendations, including the provision of a bat and bird box, that would be secured via planning condition. Therefore, the proposed development would not give rise to any ecological impacts.

10.73. The applicant would create small parcels of semi-natural habitat as part of the proposed landscaping, which would constitute an ecological enhancement. Policy G2 of the Oxford Local Plan 2036 requires major developments on vegetated sites to deliver a minimum 5% biodiversity net gain, demonstrated through a recognised biodiversity metric.

10.74. The applicant has submitted a Biodiversity Impact Assessment indicating the proposed development will deliver an increase of 0.16 habitat units (+38.60%) and 0.19 hedgerow units (from a baseline of zero).

10.75. Given the nature and small scale of the proposed habitats, officers are satisfied that the delivery of these habitats can be achieved through a Landscape

Ecological Management Plan (LEMP), which would be required and secured via planning condition.

10.76. Therefore, based on the imposition of two conditions the proposal can be reasonably mitigated and as such would accord with OLP 2036 policies G1 and G2 and would be acceptable.

#### **i. Flooding and Drainage**

##### *Flooding*

10.77. Policies RE3 and RE4 of the Oxford Local Plan 2036 require consideration to be given to the risk of flooding to the proposed development as well as the impact on flooding elsewhere that the development could cause. Policy RE4 also requires the incorporation of sustainable urban drainage (SuDs) into all schemes.

10.78. The proposal is located in Environment Agency Flood Zone 1 and is not at a high risk of flooding. The proposal is therefore considered acceptable in relation to policy RE3 of the Oxford Local Plan 2036.

##### *Drainage*

10.79. Initial concerns were raised by the Lead Local Flood Authority (LLFA) regarding the proposed SuDs scheme as it would rely on attenuation tanks which do not provide wider benefits in relation to biodiversity and water quality. The site however is located on impermeable ground and infiltration is not a viable alternative and therefore attenuation tanks have been accepted in this case. Permeable paving with tanks has been incorporated in parking areas but it is not suitable to be used in heavily loaded service areas. Following concerns about the run off rate, this was reduced to 3 l/s and the size of the attenuation tanks have been increased to accommodate this.

10.80. Concerns were also raised that the proposal drainage system included the use of a pump which are potential flood risk hazards if they malfunction or fail. However the drainage outfall to the Thames Water sewer outside the site is only around 1m below ground level, and to achieve the required cover over the attenuation tanks and the necessary fall in pipes it isn't technically possible to do this without a pump. The discharge rate is restricted and therefore the majority of runoff is stored on site and released slowly, and this would still be the case in the event of a pump failure. Exceedance routes would be away from the building and towards the public highway, maintaining flood safety.

10.81. These points were accepted by the LLFA subject to the submission of calculations for the permeable paving for all storm events up to and including the 1:100 year storm event plus 40% climate change and construction details of the proposed SuDS and drainage infrastructure. These were provided and found acceptable by the LLFA and their objections to the scheme were removed, subject to conditions requiring that the drainage system is provided in accordance with the submitted details and a record of the installed SuDs shall be submitted for deposit with the Lead Local Authority Asset Register.

10.82. Subject to this condition the proposal is considered to accord with policy RE4 of the Oxford Local Plan 2036.

#### *Thames Water*

10.83. Thames Water have confirmed that with regard to both foul water sewerage network infrastructure capacity and surface water network capacity, they would not have any objection to the planning application, based on the information provided.

10.84. Thames Water also advise that there are no concerns with regard to water network and water treatment and information with regard to Thames Water assets should be included with any grant of planning permission.

#### **j. Land Quality**

10.85. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990 (EPA 1990). The following planning legislation and policies apply:

- National Planning Policy Framework, paragraphs: 119, 174, 183 -185
- Oxford Local Plan 2016-2036 - Policy RE9 - Land Quality

10.86. The former uses of the land include warehousing, a scrapyards and fuel storage for the previous commercial site uses. These previous uses have the potential to cause ground contamination risks at the site which could cause harm to future end-users, buildings or the surrounding environment.

10.87. The Phase 1 Ground Conditions Assessment has identified the above contamination risks together with other potential risks associated with the adjacent gas holder site and a former quarry area which may straddle the site boundary. To ensure that all potential contamination risks at the site are assessed appropriately, an intrusive contamination site investigation and formal risk assessment would be required which would determine whether or not any contamination risks require mitigation to make the site suitable for the proposed use.

10.88. Subject to three conditions to secure the above, the proposal is considered to comply with policy RE9 of the Oxford Local Plan 2036.

10.89. Policy RE1 of the Oxford Local Plan relates to sustainable design and construction and requires that new commercial development meets BREEAM excellent standard and achieves a 40% reduction in carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. In this case the proposal meets these requirements with a fabric first approach to reduce energy demand (with good building insulation) and also through the use of solar panels on the roof and air source heat pumps. Furthermore the proposal seeks to use sustainable materials and minimise waste during construction and operation.

- 10.90. A compliance condition would ensure that the proposed development is built to comply with the commitments of the submitted energy strategy. This would also ensure that the proposed development reaches a minimum of four credits under BREEAM assessment in relation to water efficiency given that Oxford is located in an area of water stress.
- 10.91. The applicant has provided their Pre-Assessment report and Credit Tracker demonstrating the commitment of the client and design team to achieving an Excellent rating under BREEAM and to show the strategy by which they intend to achieve this. The targeted credits achieve an Excellent Rating under BREEAM New Construction 2018 with an overall score of around 72%. The Targeted Score comprises of a category score of around 68% and an additional allowance of around 4% for Credit ENE01. 4 credits have been targeted to this issue as required to achieve the minimum core standard for Excellent. All other minimum core standards are targeted to achieve an Outstanding Level. The Pre-Assessment includes a table showing a score of 72% and the Credit Tracker lists out all targeted credits that will be included within the design.
- 10.92. Given the above and subject to compliance conditions, the proposal is considered to meet the requirements of policy RE1.

## **11. CONCLUSION**

- 11.1. Having regard to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be an acceptable development and would also make an efficient use of the site. While the development would constitute an acceptable departure from the OLP 2036 policy E1, the proposals are suitable in design terms and comply with policies DH1 and DH2 of the Oxford Local Plan 2036. The proposals would be acceptable in relation to neighbouring amenity and also compliant with H14 and RE7 of the Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policies M1, M2, M3 and M5 of the Oxford Local Plan 2036.

Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036, drainage under policies RE3 and RE4 of the Oxford Local Plan 2036, contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036.

11.5. Therefore, officers consider that despite the specific policy E1 departure, the proposal would accord with the rest of the development plan as a whole, subject to the conditions as recommended by officers.

11.6. Therefore, it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 12 of this report.

## **12. CONDITIONS**

### *Time Limit*

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### *Approved Plans*

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2036.

### *Materials*

- 3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

### *Noise details*

- 4 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council of the noise emitted from the proposed installations located at the site which shall not exceed the existing background level at any noise sensitive premises when measured and corrected in

accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound".

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with policy RE7 and RE8 of the OLP 2036.

#### *Anti-vibration measures*

- 5 Prior to commencement of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that the air source heat pump is mounted on proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration in accordance with policy RE7 and RE8 of the OLP 2036.

#### *Demolition method statement and construction management plan*

- 6 Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 - 18:00 Monday to Friday daily, 08:00 - 13:00 Saturdays, no works to be undertaken on Sundays or bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with policy RE7 and RE8 of the OLP 2036.

#### *Dust mitigation*

- 7 No development shall take place until the complete list of site-specific dust mitigation measures and recommendations that are identified on Chapter 6 (pages 27 and 28) of the Air Quality Assessment that was submitted with this application (AQA Report Ref: P6783-R1-V1), are included in the site's Construction Environmental Management Plan (CEMP). The CEMP shall be submitted to and approved in writing by the Local Planning Authority prior to

commencement of the development. The approved CEMP shall be implemented throughout the project period.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, and with RE6 of the Oxford Local Plan 2016- 2036.

*Landscape Plans Carried out as approved*

- 8 The Landscape Plans ASA-688-DR-401 REV P01; ASA-688-DR-402 REV P03 and ASA-688-DR-403 REV P01 as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

*Arboricultural Impact Assessment*

- 9 Prior to any relevant above ground works a revised Arboricultural Impact Assessment Plan and associated drawings (Appendix 5 of Sylva's Arboricultural Report) shall be submitted to and approved in writing by the Local Planning Authority to include the position of the barrier fencing, as referenced in the report the under section 7.4.2. Only the approved details shall be implemented.

Reason: In the interests of biodiversity and Arboricultural matters and for clarity to ensure the proposal is in compliance with OLP 2036 policies G1, G7 and G8.

*Replacement greenery*

- 10 Any existing retained trees, or new trees or plants planted in accordance with the details of the approved Landscape Plan that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

*Landscape and ecological management plan (LEMP)*

- 11 A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved LEMP shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To deliver Biodiversity Net Gain Oxford City in accordance with Policy G2 of the Oxford Local Plan 2036 and the National Planning Policy Framework.

#### *Ecological Impact Assessment*

- 12 The development hereby approved shall be implemented strictly in accordance with the recommendations stated in Section 5 of the report 'Ecological Impact Assessment' produced by Ecology by Design and dated 5<sup>th</sup> July 2023. Prior to occupation, the proposed bat box and bird box shall be installed under the oversight of a suitably qualified ecologist and retained as such thereafter.

Reason: To comply with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended) and enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework.

#### *Archaeology Demolition*

- 13 No demolition shall take place until a demolition statement has been submitted setting out how the building is to be demolished to slab level only in the first instance to facilitate archaeological trial trenching. All works shall be carried out and completed in accordance with the approved written scheme of demolition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Roman in accordance with Oxford Local Plan Policy DH4.

#### *Programme of archaeological work*



- 14 No development shall take place until the implementation of a programme of archaeological work has been secured comprising Stage 1) post demolition trial trenching and Stage 2) Archaeological mitigation in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological investigation shall consist of a post demolition trial trenching followed by further work as appropriate. The archaeological investigation shall be undertaken by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority.

All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Roman remains in accordance with Oxford Local Plan Policy DH4.

#### *Unexpected contamination*

- 15 Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued. Proposed landscaped areas must include the addition of clean, pre-tested soils that are suitable for use and will support plant growth.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

#### *Remedial works*

- 16 The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in

accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

#### *Phased Contamination risk assessment*

- 17 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

Phase 1 has been completed and approved and has included a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

#### *Electric Vehicle charging infrastructure*

- 18 Prior to above ground works, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:
- Location of EV charging points;
  - The amount of electric car charging points should cover at least 25% of the amount of permitted parking of the development;
  - Appropriate cable provision to prepare for increased demand in future years.

The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first in operation and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with policy M4 of the Oxford Local Plan 2016-2036 and enable the provision of low emission vehicle infrastructure.

#### *Travel Plan*

- 19 The development shall only be undertaken and operated in accordance with the submitted Travel Plan dated August 2023 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to encourage the uptake of sustainable transport modes in accordance with Policy M1 and M2 of the Oxford Local Plan 2036.

*Construction Traffic Management Plan (CTMP)*

- 20 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP. A Construction Traffic Management Plan (CTMP) will need to incorporate the following in detail:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0345 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times in accordance with policies RE7 and M1 of the OLP 2036.

### *Water Efficiency*

- 21 The building shall meet a minimum of four credits under BREEAM assessment in relation to water efficiency in perpetuity.

Reason: In accordance with the requirements of policy RE1 of the Oxford Local Plan 2036 as Oxford is located in an area of water stress.

### *Energy Efficiency*

- 22 The development shall be carried out in accordance with the energy and water efficiency measures set out in the 'MBA Consulting Engineers - Energy Strategy' dated 29th March 2022 and the measures shall be retained in place thereafter.

Reason: In the interests of energy efficiency in accordance with the requirements of policy RE1 of the Oxford Local Plan 2036.

### *Drainage Strategy*

- 23 Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. This shall confirm mitigation measures to be implemented and demonstrate flood risk is suitably managed. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
  - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
  - Details of how water quality will be managed during construction and post development in perpetuity;
  - Confirmation of any outfall details.

- Consent for any connections into third party drainage systems

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 173 of the National Planning Policy Framework (NPPF), OLP 2036 policy RE3 and National Standards.

### *Sustainable Drainage Scheme (SuDS)*

- 24 Prior to first occupation, a record of the installed Sustainable Drainage Scheme (SuDS) and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
  - (b) Photographs to document each key stage of the drainage system when installed on site;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information.

Reason: In the interests of flooding and sustainable drainage in accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 3 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed

and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) .

Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 6 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 7 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>

### **13. APPENDICES**

- **Appendix 1** – Site location plan

### **14. HUMAN RIGHTS ACT 1998**

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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**Oxford City Planning Committee**

10/06/2024

**Application number:** 24/01141/POM

**Decision due by** 25<sup>th</sup> June 2024

**Extension of time** 23<sup>rd</sup> July 2024

**Proposal** Variation of legal agreement attached to planning permission 21/01449/FUL (Full planning permission for 134 dwellings (use class C3), informal open space including community pavilion, seating and children's play areas, hard and soft landscape and sustainable drainage areas, access, associated roads and infrastructure, car and cycle parking, bin storage, pumping station, substation and associated engineering works. To modify the change to tenure of plots 66 and 67 (2x4BH) to social rent and the tenure of plots 60 and 61 (2x3BH) to shared ownership.

**Site address** Land South West Of St Frideswide Farm, Banbury Road, Oxford, Oxfordshire.

**Ward** Wolvercote Ward

**Case officer** Felicity Byrne

**Agent:** N/A                      **Applicant:** Sovereign Network Group

**Reason at Committee** Variation of a legal agreement associated with permission for a Major development.

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the modification to the legal agreement for the reasons given in the report; and**

1.1.2. **agree to delegate authority** to the Head of Planning & Regulatory Services to:

- 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 this report (including to dovetail with and where appropriate, reinforce the conditions and informatives attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above.

## **2. EXECUTIVE SUMMARY**

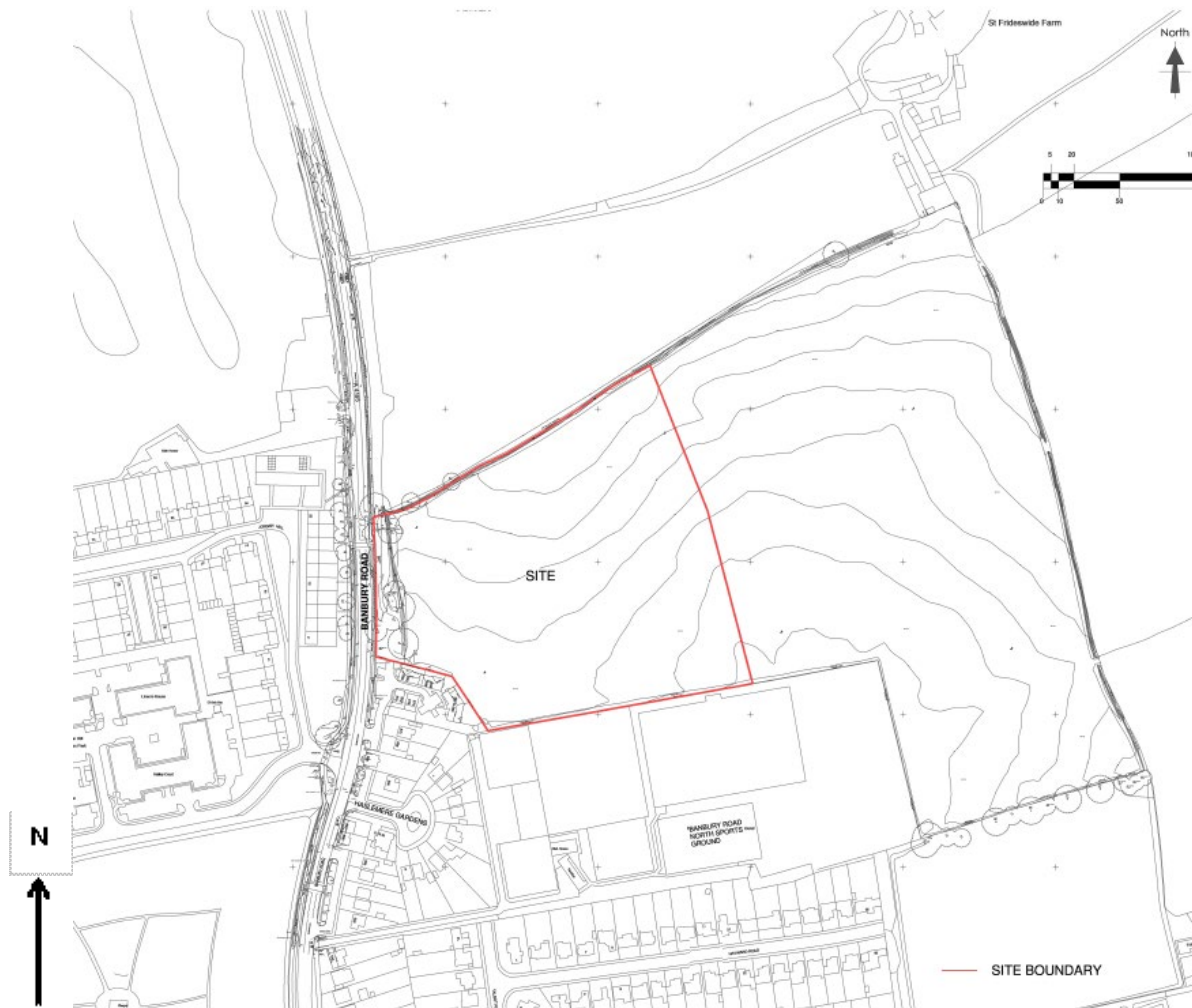
- 2.1. This report considers the proposed modification of the S106 legal agreement that accompanies approval 21/01449/FUL to allow the change to the tenure of plots 66 and 67 (2x4Bed House (BH)) from shared ownership to social rent and the tenure of plots 60 and 61 (2x3BH) from social rent to shared ownership.
- 2.2. Officers conclude that the proposed amendment would not alter the 50% affordable housing provision secured on this site under 21/01449/FUL. The change in tenure would not alter the approved 80:20 shared ownership to social rent split. The change of the two 4bed shared ownership units to social rent and two 3bed social rent units to shared ownership would be acceptable.
- 2.3. The proposed modifications comply with policies H2 and H4 of the Oxford Local Plan 2036.

## **3. LEGAL AGREEMENT**

- 3.1. A deed of variation to the original legal agreement to modify the change of tenure of plots 66 and 67 (2x4BH) to social rent and the tenure of plots 60 and 61 (2x3BH) to shared ownership.

## **4. SITE AND BACKGROUND**

- 4.1. The site is an allocated site for housing under policy SP24 of the Oxford Local Plan 2036. It sits within St Frideswide Farm and is located on the northern most edge of the City Council boundary. To the east is the A4165 Oxford Road between Oxford and Kidlington, to the south are existing sports facilities comprising the Tennis Club and tennis courts and the Hockey Club and pitches. To the north and east are fields within Frideswide Farm allocated within Cherwell District Council for housing and recently granted outline planning permission.
- 4.2. Planning permission was granted for 134 dwellings (use class C3), informal open space including community pavilion, seating and children's play areas, hard and soft landscape and sustainable drainage areas, access, associated roads and infrastructure, car and cycle parking, bin storage, pumping station, substation and associated engineering works on 25th August 2022. Construction is well under way. See Figure 1 which shows the Site Location Plan.



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Ordnance Survey 100019348

Fig. 1 Site Location Plan

## 5. PROPOSAL

5.1. This is not a planning application. It is an application to modify the accompanying s106 legal agreement attached to planning permission 21/01449/FUL under S106a of the Town and Country Planning Act.

## 6. RELEVANT PLANNING HISTORY

6.1. The table below sets out the relevant planning history for the application site:

<p>21/01449/FUL - Full planning permission for 134 dwellings (use class C3), informal open space including community pavilion, seating and children's play areas, hard and soft landscape and sustainable drainage areas, access, associated roads and infrastructure, car and cycle parking, bin storage, pumping station, substation and associated engineering works. Approved 25th August 2022.</p>
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## 7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	96-101, 123-130, 131-141,			
Conservation/Heritage	195-214			
Housing	60-81	Policy H2- affordable housing Policy H4- mix of dwellings		
Commercial	85-87 90-95			
Natural environment	102-107, 157-175, 180-182, 185-194			
Social and community	118-122			
Transport	108-117			
Environmental	157-175			
Miscellaneous	7-12 123-130, 152-156,			

## 8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 25.05.2024 and an advertisement was published in the Oxford Mail newspaper on 23.05.2024.

### Statutory consultees

8.2. None.

### Public representations

8.3. None.

## **9. PLANNING MATERIAL CONSIDERATIONS**

9.1. Officers consider the determining issues to be:

- Affordable Housing
- Mix of Housing

### **a. Affordable Housing**

9.2. Policy H2 of the Oxford Local Plan requires provision of affordable housing on sites of 10 or more units or sites which exceed 0.5 hectares. A minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market (defined in the Glossary). At least 40% of the overall number of units on a site should be provided as on-site social rented dwellings (equivalent to 80% of the affordable housing). The remaining element of the affordable housing may be provided as intermediate forms of housing provided that they are affordable in the Oxford market.

9.3. The approved development provided 50% of the 134 units as affordable housing, equating to 67 units. 80% (54 units) of these are social rent and 20% (13 units) shared ownership. The provision was secured via a s106 legal agreement dated 25<sup>th</sup> August 2022.

9.4. Currently as approved and secured two 4bed units (plots 66 and 67) are designated as shared ownership. The 3bed units on Plots 60 and 61 are designated as social rent units.

9.5. It is proposed to modify the legal agreement to allow the 4bed units to become social rent and the two 3bed units to become shared ownership. This is due to the Open Market Value (OMV) of the four-bedroom units for those looking to buy with Shared Ownership. Even a share as low as 10% is not financially feasible for the people who would qualify for shared ownership under the Homes England Capital Funding Guide (CFG). Thus, these units would most likely remain unsold and unoccupied. However, 3bed units are feasible as shared ownership and could be sold as such.

9.6. The proposed switching of the 4bed units and 3bed units would benefit the Council by providing larger 4 bed houses as Social Rent to help meet the current housing need for these types. The change is therefore considered acceptable in this case.

9.7. The proposed amendment would not alter the approved provision of 50% affordable housing or the 80/20 split between social rented to shared ownership and would help meet the need for larger social rented units. Therefore, the approved development still accords with Policy H2. Officers therefore consider the proposed modification to the legal agreement would also be acceptable.

## **b. Mix of affordable Housing**

9.8. Policy H4 of the OLP requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of affordable dwelling sizes. The approved mix of dwelling sizes for the affordable units is summarised below:

Required Numbers	Proposed Numbers
1 bed 20%-30%	19 x 1 bed - 28%
2 bed 30%-40%	22 x 2 bed - 33%
3 bed 20%-40%	18 x 3 bed - 27%
4 bed 8%-15%	8 x 4 bed - 12%

9.9. There is no change to the mix as set out above and the development still accords with Policy H4.

## **10. CONCLUSION**

10.1. The change of two 4bed shared ownership units to social rent and two 3bed social rent units to shared ownership would be acceptable in this case in accordance with the Oxford Local Plan 2036 and the legal agreement should be amended accordingly.

10.2. It is recommended that Oxford City Planning Committee resolve to agree modification of the legal agreement under section 106a of the Town and Country Planning Act 1990 and under authority delegated to the Head of Planning and Regulatory Services.

## **11. HUMAN RIGHTS ACT 1998**

11.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to modify this legal agreement. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

12.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation, officers consider that the proposal will not undermine crime prevention or the promotion of community.



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



### 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 Dobraszczyk, 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.*

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