

Agenda

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Planning Review Committee

This meeting will be held on:

Date: **Thursday 5 February 2026**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

For further information please contact:

Uswah Khan, Committee and Member Services Officer, Committee Services Officer

📞 01865 529117 ✉️
democraticservices@oxford.gov.uk@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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All public papers are available from the calendar link to this meeting once published

Committee Membership

Councillors: Membership 9: Quorum 5: substitutes are permitted.

Councillor Mark Lygo

Councillor Theodore Jupp

Councillor Stephen Goddard

Councillor Ian Yeatman

Councillor Mary Clarkson

Councillor Louise Upton

Councillor Linda Smith

Councillor Dianne Regisford

Councillor Edward Mundy

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.*

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

Agenda

	Pages
<p>Planning applications - background papers and additional information</p> <p>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 <input type="text"/> box.</p> <p>Any additional information received following the publication of this agenda will be reported and summarised at the meeting.</p>	
<p>1 Election of Chair</p> <p>To elect a Chair for this meeting.</p>	
<p>2 Election of Vice-Chair</p> <p>To elect a Vice-Chair for this meeting.</p>	
<p>3 Apologies for absence and substitutions</p>	
<p>4 Declarations of Interest</p>	
<p>5 Minutes</p> <p>Recommendation: That the minutes of the meeting held on 18 April 2024 are approved as a true and accurate record.</p>	9 - 16
<p>6 25/02702/FUL Unit 11 Kings Meadow</p> <p>Site address: Unit 11, Kings Meadow, Ferry Hinksey Road, Oxford</p> <p>Proposal: Change of Use from hair dressing training company with ancillary workshop (Use Class E) to a Day Nursery (Use Class E(f)). Removal of 1no. roller shutter door and insertion of 3no. windows to front elevation and alterations to existing front door. Insertion of 3no.</p>	17 - 54

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windows to side elevation.

Reason at Committee: Called into planning review committee by Councillors Pressel, Arshad, Smith, Fry, Ottino, Taylor, Hunt, Muddiman, Rawle, Kerr, Chapman and Morris

RECOMMENDATION:

Planning Review Committee is recommended to:

1. **Refuse planning permission** for the application for the reasons given in paragraph 1.2 of this report and to delegate authority to the Director of Planning and Regulation to:
 - finalise the reason for refusal including such refinements, amendments, additions and/or deletions as the Director of Planning and Regulation considers reasonably necessary.
2. The recommended reasons for refusal are as follows:
 - The proposals would involve the use of the application site for a more vulnerable use in the context of flooding in a location that falls within the defined area of highest risk of flooding (Flood Zone 3b). In addition to this the submitted Flood Risk Assessment (FRA) fails to sufficiently consider flood risk as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The application is therefore unacceptable in the context of Policy RE3 of the Oxford Local Plan (2036), Paragraph 170 of the NPPF and the Planning Practice Guidance (PPG).
 - The proposed development fails to provide adequate cycle parking for staff, parents or visitors travelling to the nursery. As a result the proposed development would be contrary to Policy M5 of the Oxford Local Plan (2036).

7 Dates of future meetings

Meetings are scheduled for 6.00pm on
5 March 2026

*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.*

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23 April 2026

Meetings will be cancelled if not required or may be rearranged.

*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.*

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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.

*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.

Procedure for dealing with planning applications at Area Planning Committees 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 at the meeting 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.

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 January 2020.

Minutes of a meeting of the Planning Review Committee on Thursday 18 April 2024



Committee members present:

Councillor Arshad (for Councillor Lygo)

Councillor Fry

Councillor Latif

Councillor Rowley

Councillor Diggins (for Councillor Waite)

Councillor Djafari-Marbini

Councillor Goddard

Councillor Pegg

Councillor Snowton (for Councillor Roz Smith)

Officers present for all or part of the meeting:

Sarah De La Coze, Principal Planning Officer

Sally Fleming, Planning Lawyer

Robert Fowler, Development Management Team Leader (West)

Emma Lund, Committee and Member Services Officer

Andrew Murdoch, Development Management Service Manager

Apologies:

Councillors Lygo, Roz Smith and Waite sent apologies.

Substitutes are shown above.

11. Election of Chair for the Council Year 2023-24

Councillor Fry was elected Chair for the Council year 2023-24.

12. Election of Vice-Chair for the Council Year 2023-24

Councillor Djafari-Marbini was elected Vice-Chair for the Council year 2023-24.

13. Declarations of Interest

Councillor Fry declared that he was a member of both Cyclox and the Oxford Preservation Trust. However, he had taken no part in any discussions by those organisations regarding the application and was approaching it with an open mind.

Councillor Rowley declared that he was previously a member of the Cabinet and had been present at a Cabinet meeting in March 2022 when the project was discussed. Councillor Rowley declared that he had no recollection of the item at Cabinet and was considering the application with an open mind.

Councillor Diggins declared that she was appointed by the Council to the Oxford Preservation Trust (OPT), which may have commented on the application. Councillor Diggins declared that she had taken no part in any discussions at the OPT relating to the application and was considering it with an open mind.

Councillor Pegg declared that she was a member of Cyclox and was also one of the councillors who had called-in the application. Councillor Pegg declared that she was considering the application with an open mind.

Councillor Latif declared that he was one of the councillors who had called-in the application but was approaching the application with an open mind.

Councillor Djafari-Marbini declared that she was one of the councillors who had called-in the application; had received a number of emails about it; and had also spoken to a member of the public who had telephoned her. Councillor Djafari-Marbini declared that she was approaching the application with an open mind and would consider it on its merits.

Councillor Smowton declared that he was a member of Oxford YIMBY which campaigned on housing matters, although it had not commented on this application. Councillor Smowton also declared that he had declined to support the call-in when requested by another councillor: this was for practical rather than planning reasons. Councillor Smowton declared that he was approaching the application with an open mind and would consider it on its planning merits.

Councillor Goddard declared that he was one of the councillors who had called-in the application and had received a number of emails about it. Councillor Goddard declared that he would consider the application on its planning merits and was approaching it with an open mind.

14. 23/02506/CT3: South Side, Oxpens Road, Oxford OX1 1RX

The Committee considered an application (23/02506/CT3) for the construction of a pedestrian/cycle bridge across the River Thames from Grandpont Nature Park to Oxpens Meadows.

The application was before the committee as the decision of the Oxford City Planning Committee on 19 March 2024 to approve the application had been called-in by 16 councillors for the following reason:

'The building of a new bridge adjacent to an existing bridge is not an efficient use of land or resources to deliver sustainable growth and development and it is therefore contrary to policies RE1 and RE2 in the Local Plan 2016-2036.'

The Planning Officer presented the report and provided the following update:

- Since the publication of the report 17 additional letters of representation had been received from properties in St John Street, Buckingham Street, Western Road, Monmouth Road, Alexandra Road and Wytham Street; the University of Oxford; as well as representations where the specific addresses were not disclosed.

The objections had related to:

- Lack of publicity of the application
- The application would require the felling of trees
- Gasworks bridge is located near by
- Area under the railway bridge floods

- No carbon footprint has been produced for the bridge
- The money for the bridge could be used for other things such as affordable housing
- It's not clear if the bridge is required for Osney or is a standalone application or not
- The tow path will be closed to facilitate the development depriving people of its use for a long period of time
- The bridge will destroy the Nature Reserve
- Money would benefit more people if it was spent on improving the existing cycling routes in the city
- There is a lack of evidence/statistics/research on how many people would benefit from this bridge compared to the number of people who would be adversely affected by it
- The application was not supported by an EIA
- Will have a detrimental impact on biodiversity in the area
- Give rise to noise pollution
- Can something be added requiring the route from west Oxford, especially from the Mill St area, into the city centre, that runs past Gibbs Crescent and along the back of the ice rink to remain open if permission is granted
- The sequential test wasn't taken
- The fields in trust can't legally be developed
- The gasworks bridge is a heritage asset
- It will be built on a floodplain
- BREEAM assessment wasn't carried out on the bridge

The letters in support had related to:

- The bridge contributes to the delivery of the objectives of the Local Plan and the West End and Osney Mead SPD
- It will deliver safe pedestrian and cycle routes from the west of the city centre
- It will contribute to economic benefits extending throughout the County and beyond
- It will enhance connectivity and increase the sense of joint identity of Osney and Oxpens, helping to cement the West End Innovation District as a whole
- It will fulfil the ecological potential of this area
- It will enable landscaping, re-planting, encourage biodiversity of plants and animals
- It will boost the attractiveness of these so called "soft mode" travel options as many prefer using cars because walking and cycling feel unsafe
- It creates an alternative north/south route across the river which will shorten the current route and be considerably easier for cyclists
- The Folly Bridge and Botley Road River Bridge are far too narrow and therefore hazardous, particularly for vulnerable road users, and there is no reasonable prospect of them being widened or refashioned
- There is an urgent need to provide a safe, rapid, higher capacity active travel link between West, South and Central Oxford
- The positioning of the proposed bridge is an effective compromise, reflecting the challenging local geography between Botley Road and Grandpont Park.

The Planning Officer advised that most of the issues raised had been addressed in the committee reports, but responded to the other points as follows:

- It was not possible to include a condition requiring the route around Gibbs Crescent to be kept open, as the detail of the Construction Traffic Management Plan would need to comply with the County Council highways requirements.
- With regard to noise, officers were of the opinion that the inclusion of the bridge may bring with it a change in noise associated with its use, but the bridge was considered to be sufficiently distanced from neighbouring properties so as not to give rise to unacceptable levels of noise.
- The BREEAM requirements in policy RE1 related to new build non-residential developments of 1000m² or more. The bridge fell under this threshold and therefore the policy did not require it to meet BREEAM excellence.
- The gasworks bridge was a non-designated heritage asset and therefore the test in the NPPF which was required when dealing with designated heritage assets was not relevant. Paragraph 209 of the NPPF instead dealt with non-designated heritage assets. The development was not considered to adversely impact on the gasworks bridge due to the separation distance between them and the character of the area which included other elements of infrastructure. Whilst the bridge would be visible, it would not detract from the gasworks bridge or its setting and would be viewed in the wider context.
- In addition to the above, 3 SUDs conditions as suggested by the County Council had been added to the list of conditions in the report. The contaminated land conditions had also been amended to be more specific.

Addressing the reason for the call-in, the Planning Officer advised that the officers' considerations with regard to the call-in reasons were addressed in full in the committee report, but were summarised as follows:

Policy RE1 related to 'sustainable design construction' and Policy RE2 related to 'efficient use of land'. Policy RE1 stated that planning permission would only be granted where it could be demonstrated that the sustainable design and construction principles shown in the policy had been incorporated, where relevant. The application included a sustainability section which set out how the relevant principles applied. Officers had considered this and found it to be acceptable.

The call-in reason had also referred to sustainable growth, and officers considered that the bridge would in fact help to deliver long term sustainable growth by encouraging the use of the bridge over the use of private transport options. This view was shared by Oxfordshire County Council highways officers.

Policy RE2 referred to efficient use of land and stated that 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.

Officers considered that the bridge had been designed to respond to the site, taking into account its setting and surroundings. Its design, width and overall appearance had been considered to ensure a balance was struck between its impact on the area and useability. The bridge had been considered in the context of the other infrastructure in the area which was visible and formed part of the nature reserve's character, and officers considered that the inclusion of other bridges in the vicinity did not in itself make this bridge unacceptable.

Dan Glazebrook (a local resident) and Councillor Lois Muddiman spoke against the application.

Paul Comerford (the agent), Jenny Barker (for the applicant) and Councillor Louise Upton spoke in favour of the application.

The Committee asked questions about the details of the application, which were responded to by officers. The Committee's discussions centred on, but were not limited to, the following issues:

Bridge surfacing and lean rails

A Committee Member highlighted a concern which had been raised by Cyclox that the internal lean rails of the bridge, which would reduce its width, may cause a hazard to passing cyclists. Officers responded that the application was compliant with the Design Manual for Roads and Bridges design standard, and that County Council highways officers were satisfied with the proposed layout. However, the concern was understood and could be the subject of an informative if County Council highways officers considered this appropriate.

It was also suggested that consideration should be given to specifying the use of a surface which was conducive to low speeds, in order to improve safety for both pedestrians and cyclists. Officers responded that County Council highways officers had commented on the application and the proposal met the required safety specifications. However, this could also be the subject of an informative if County Council highways officers considered it appropriate.

Integration with the Oxpens development and the need for an Environmental Impact Assessment (EIA)

The Committee noted that two other planning applications were currently submitted for consideration which related to land affected by this proposal and which shared a red line application boundary. These related to (i) an outline application for the mixed use redevelopment of Oxpens comprising residential and student accommodation; commercial, business, service and hotel use with public realm, landscaping and associated infrastructure and works; and (ii) implementation of a flood mitigation scheme and reinstatement of Oxpens Meadow; demolition and installation of interim boundary treatments including fencing; and ground works and installation of sheet piling to regrade areas of public realm, including works to the existing towpath to allow for outfall pipes.

The Committee heard the opinion of the Planning Lawyer that the bridge development would need to be contingent on these wider Oxpens developments (and vice-versa) in order to be considered 'integral'. Whilst the bridge proposal would be of benefit to the developments outlined above, it would also benefit connectivity within the city more generally and could go ahead regardless of whether or not the other two applications were granted approval. The reverse also applied in that either of the proposed developments at the Oxpens site could also proceed in the event that permission for the bridge were declined. It was therefore the officers' view that the applications were separate, and that the bridge proposal was not integral to the wider Oxpens development. Officers had undertaken an EIA screening prior to the submission of the planning application and had considered that an EIA was not required.

The Planning Lawyer commented on the judgements in the cases of R. (on the application of Wingfield) v Canterbury City Council and R. (on the application of Ashworth Rural Parish Council) v Tewkesbury Borough Council which had been considered when assessing the need for an EIA. The judgements in these cases had

provided useful guidance relating to: matters of common ownership; whether or not the applications were determined simultaneously; the functional interdependence of the developments; and whether it was a standalone project. Advice was also given that the provision of the bridge was not considered to be integral to the other prospective developments in the area. Officers were of the view that the guidance in these judgements did not indicate a requirement for an EIA in this case.

In response to questions about the use of the term 'essential infrastructure' within the committee report, officers clarified that the bridge was considered to comprise 'essential infrastructure' due to the fact that it would provide an opportunity, and a better connected route, for active travel within the city which would open up the green and blue infrastructure networks. This did not infer that it was essential in relation to the other Oxpens developments.

Development on the floodplain and the need for the bridge

Officers clarified that the Flood Risk Assessment which had been submitted with the application considered the bridge to be essential infrastructure as defined in the NPPF, development of which was acceptable on the floodplain. Furthermore, bridges were by their very nature almost invariably sited in areas of flood risk. The sequential and exception tests relating to flood risk as set out in the NPPF had been applied, as set out in the committee report.

The need for the bridge (and the connectivity which it would achieve) was set out in the evidence base for the Local Plan and also the West End and Osney SPD and the spatial framework.

In reaching its decision the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote the Committee agreed with the officers' recommendation to approve the application subject to the required planning conditions as set out in the report and the completion of a legal agreement to secure the planning obligations as set out in the report. Officers were also asked to consider the inclusion of additional informatives relating to the bridge surface and lean rails as outlined above.

The Planning Review 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 2 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 heads of terms set out in the report; and
2. **delegate authority** to the Head of Planning and Regulatory Services to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary; and
 - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms (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.

15. Minutes

The Committee resolved to approve the minutes of the meeting held on 11 November 2021 as a true and accurate record.

16. Dates of future meetings

The dates of future meetings were noted.

The meeting started at 6.00 pm and ended at 8.09 pm

Chair

Date: Thursday 30 May 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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Planning Review Committee

5th February 2026

Application number: 25/02702/FUL

Decision due by 9th December 2025

Extension of time 6th February 2026

Proposal Change of Use from hair dressing training company with ancillary workshop (Use Class E) to a Day Nursery (Use Class E(f)). Removal of 1no. roller shutter door and insertion of 3no. windows to front elevation and alterations to existing front door. Insertion of 3no. windows to side elevation.

Site address Unit 11, Kings Meadow, Ferry Hinksey Road, Oxford – **Appendix 1** for site plan

Ward Osney And St. Thomas Ward

Case officer Robert Fowler

Agent: Mr Edward Gillibrand **Applicant:** Mr Coppe van Urk

Reason at Committee Called into planning review committee by Councillors Pressel, Arshad, Smith, Fry, Ottino, Taylor, Hunt, Muddiman, Rawle, Kerr, Chapman and Morris

1. RECOMMENDATION

Planning Review Committee is recommended to:

1.1 **Refuse planning permission** for the application for the reasons given in paragraph 1.2 of this report and to delegate authority to the Director of Planning and Regulation to:

- finalise the reason for refusal including such refinements, amendments, additions and/or deletions as the Director of Planning and Regulation considers reasonably necessary.

1.1.1. The recommended reasons for refusal are as follows:

1. The proposals would involve the use of the application site for a more vulnerable use in the context of flooding in a location that falls within the defined area of highest risk of flooding (Flood Zone 3b). In addition to this the submitted Flood Risk Assessment (FRA) fails to sufficiently consider flood risk as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The application is

therefore unacceptable in the context of Policy RE3 of the Oxford Local Plan (2036), Paragraph 170 of the NPPF and the Planning Practice Guidance (PPG).

2. The proposed development fails to provide adequate cycle parking for staff, parents or visitors travelling to the nursery. As a result the proposed development would be contrary to Policy M5 of the Oxford Local Plan (2036).

2. Background

- 2.1 At the Oxford City Planning Committee on the 9th December 2025 Members resolved to refuse planning permission for the change of use of Unit 11, Kings Meadow from a hair dressing training company with ancillary workshop (Use Class E) to a Day Nursery (Use Class E(f)), and external alterations to the building which included the removal of 1no. roller shutter door and insertion of 3no. windows to front elevation and alterations to existing front door. Insertion of 3no. windows to side elevation for the reasons set out in paragraph 1.2 of this report.
- 2.2 A copy of the officers committee report has been attached to the **appendix 2** of this report. A copy of the minutes from the Oxford City Planning Committee meeting (9th December 2026) are also attached to **appendix 3** of this report.
- 2.3 The application has been called in to Planning Review Committee by Councillors Pressel, Arshad, Smith, Fry, Ottino, Taylor, Hunt, Muddiman, Rawle, Kerr, Chapman, and Morris.
- 2.4 The grounds for call-in are as follows
 - a. The Environment Agency doesn't need to worry about flood risk, because there are always a few days' notice of any flooding in the Botley Road area, and in those instances the nursery will not open.
 - b. There are no other possible sites available, and this nursery provision is vital for the area
 - c. The reason for refusal relating to cycle parking could be addressed by the submission of additional plans and further consultation.
 - d. The Oxford Flood Alleviation Scheme will be in place quite soon
- 2.5 The purpose of this supplemental report is to provide specific comments on the matters listed above and should also be read in conjunction with the officer's committee report in **appendix 2** of this report which sets out the main assessment of the application in support of the recommendation to refuse planning permission for the application.

3 Grounds (a) and (d) - Flood Risk and Oxford Flood Alleviation Scheme

- 3.1 The units in Kings Meadow are within the flood plain of the River Thames, and are located within Flood Zone 3b, the highest risk flood zone, and the functional flood plain, in which flooding would be regularly expected. The estate last flooded in January 2024 and was subject to a formal investigation by the Lead Local Flood Authority which was published in January 2025.
- 3.2 The officers committee report (**appendix 2**) sets out the assessment of the application against the national and local plan policies and explains why the application would be contrary to these flood risk policies in paragraphs 7.18 – 7.30 of the officers report.
- 3.2 The grounds for call-in suggest that the Environment Agency does not need to worry about flood risk, because there are always a few days' notice of any flooding in the Botley Road area, and in those instances the nursery will not open.
- 3.3 Officers would make members aware that the Environment Agency are a statutory consultee for development within certain areas of flood risk, and they provide flood risk guidance for developers and local planning authorities on how to address flood risk. As such their advice in relation to the potential flood risk from any development should be given significant weight in the determination of this application. It is inappropriate to suggest, as the call-in does, that the Environment Agency does not need to worry about flood risk in this location. Members should be aware that despite what is suggested in the call-in, the Environment Agency would be fully aware of the manner in which the area floods during such events, including what notice is provided to landowners, given that they are one of the responsible authorities who provide the necessary flood alerts. Despite this understanding, they have still objected to the application.
- 3.4 The Environment Agency have objected to the development and their objection is set out within paragraph 6.3 of the officers committee report (**appendix 2**). The officers report makes clear that the proposal would be contrary to national and local planning policy as the use would fall within a flood risk vulnerability category that has been identified as being inappropriate to the Flood Zone in which the site is located. The Environment Agency response goes on to state that the Flood Risk Assessment has not sufficiently considered the risk from flooding as set out in paragraphs 20-21 of the Flood Risk and Coastal Change Planning Practice Guidance. It has not properly considered the impacts of appropriate allowances for climate change, nor has it proposed adequate flood risk mitigation measures to address the flood risk for the lifetime of the development and included these appropriate measures to make the development safe or resilient to flood risk or to provide sufficient resistance and resilience measures, or safe access and escape routes.
- 3.5 The officers report makes clear in paragraphs 7.18 to 7.24 of the policy context for considering the flood risk implications for the change of use. In summary, the report sets out that there is an objection to the principle of the change of use in flood terms. The change of use would constitute a 'more vulnerable' use which the NPPF identifies as being incompatible within Flood

Zone 3b (the functional flood plain) and therefore should not be permitted. That would be contrary to national planning policy.

- 3.6 The report also makes clear that Policy RE3 of the Oxford Local Plan 2036 states that permission will not be granted for development within Flood Zone 3b except where it is for water-compatible uses or essential infrastructure, or where it is on previously developed land, and it will represent an improvement for the existing situation in terms of flood risk. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding. Although Policy RE3 does permit development in Flood Zone 3b where it is on previously developed land and where it will represent an improvement for the existing situation in terms of flood risk. The policy sets out a number of criteria which must all be met in order for the development to be acceptable in the context of Policy RE3. These being
- a. it will not lead to a net increase in the built footprint of the existing building and where possible lead to a decrease; and
 - b. it will not lead to a reduction in flood storage (through the use of flood compensation measures) and where possible increase flood storage; and
 - c. it will not lead to an increased risk of flooding elsewhere; and
 - d. it will not put any future occupants of the development at risk.
- 3.7 The report goes on to advise that the proposal would fail requirement (d) of this set of criteria as it would involve the change of use of the building from a 'less vulnerable' use to a 'more vulnerable use' which the National Planning Policy Framework has identified as being incompatible within this Flood Zone. Moreover even with this in-principle objection, the Environment Agency have also identified that the Flood Risk Assessment has failed to provide adequate flood risk mitigation measures and safe access and egress which should be considered essential within what is the highest area of risk given it forms the functional flood plain.
- 3.8 The call-in has also made reference to the Oxford Flood Alleviation Scheme (OFAS) as being implemented soon, which one presumes those who have signed the call-in consider will reduce the potential flood risk. In response to this, officers would make members aware that this is directly discussed in paragraphs 7.27 – 7.28 of the officers report (**appendix 2**). The report makes clear that the planning permission has not yet been finalised for OFAS and there is no timeline for its implementation. As such any benefits that could arise from the OFAS scheme would not have material weight in the determination of this application.
- 3.9 Members should therefore be aware that the application would be contrary to national and local plan policy by introducing an incompatible use into the highest area of flood risk. This being Flood Zone 3b or the functional flood plain. Not only is the principle of this use contrary to policy, but the Flood Risk Assessment has been identified by the Environment Agency as being

inadequate and they have objected to the application. The grounds for call-in have not advanced any material considerations to outweigh the clear policy objection set out within the first reason for refusal.

4. Ground (b) - Lack of Available Sites

- 4.1 The second call-in reason has suggested that there are no other possible sites available for the nursery and that this nursery provision is vital for the area. It is not clear from the call-in, the context for advancing this ground as part of the decision-making process.
- 4.2 It is understood that the current nursery site is subject to redevelopment proposals, which has established the need to relocate. The Design and Access Statement also notes that the existing nursery is housed in a temporary building that was meant to last 5 years, but has been in place for circa 20 years, and as such has out of date facilities. However although the application has mentioned these redevelopment proposals and quality of facilities, they have provided no information on the time pressures for relocation by which to demonstrate the urgency.
- 4.3 The officers report has raised no objection to the principle of providing this use within the building, notwithstanding the flood risk concerns, in purely land use terms within paragraphs 7.11 to 7.16 of the officers report (**appendix 2**).
- 4.3 It is important to appreciate that the original application has not provided any information to support the claim that there are no other possible sites available for the nursery. Additional representations were made to the Oxford City Planning Committee by the applicant prior to the December meeting, which stated that there *'no alternative affordable sites close to our catchment area, West Oxford, with no nurseries providing under 2s spaces in the area and we cannot find a suitable site without flood risk'*. However officers would make clear that no specific detailed evidence has been provided with regards to the length of time that the applicant has been searching for alternative sites; what sites have been looked at during this period; and why such sites were discounted.
- 4.4 Without any detailed evidence to support these claims, it is difficult to attribute any weight to this material consideration in the determination of the application whether that be in the general planning balance of the application as a whole, or in order to specifically outweigh the clear national and local plan policy objections to the introduction of such a incompatible use into Flood Zone 3b.

5. Ground (c) – Cycle Parking Provision

- 5.1 The third ground of appeal relates to the reason for refusal surrounding cycle parking. The ground of appeal has identified that the applicant could provide details of cycle parking and that any such change could be addressed

through an amendment to the description of development and the submission of amended plans which would then need reconsultation.

- 5.2 The officers report sets out clearly in paragraph 7.41 – 7.44 the concerns regarding the applicants omission of details regarding staff, visitors, or parents dropping off or collecting children. Bearing in mind that the Design & Access Statement submitted with the application suggests that cycling to the nursery is one of the more popular transport modes for users, it is surprising that details of the cycle parking provision to support this transport mode has not been provided within the application.
- 5.3 Having regards to the requirements of Oxford Local Plan Policy M5 which seeks the provision of well-designed and well -located, convenient, secure, covered, cycle parking provision, it is right that the absence of such information would conflict with the policy. Furthermore, as stated in the report, the constrained nature of the site means that it would not be possible to secure such provision by means of planning condition if permission was to be granted for the proposal as officers cannot be sure whether there is sufficient space to provide a suitable level of cycle parking for users. As such the proposal would be considered contrary to Policy M5 of the Oxford Local Plan 2036.
- 5.2 Despite the proposed use there are no site plans suggesting that any part of the site would be enclosed to provide an outdoor play space for the day nursery. The existing car parking area is proposed to be used for pick up and drop off. There is no existing cycle parking or proposed cycle parking for staff or visitors. The application description for the proposed development does not include the provision of any other changes to the building or the development of stores in associated with the change of use.

6. Conclusion

- 6.1 Having regards 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.
- 6.2 Officers recommend that the application should be refused because of the impact on flood risk. The proposed development would involve a change of use to a more vulnerable use in a high flood risk area which means that the development is unacceptable in planning terms. The submitted flood risk assessment also uses a methodology which is incorrect in terms of the climate change allowance.

- 6.3 An objection from a statutory consultee, the Environment Agency's advice is reflected in the officer recommendation. In the event that planning permission is granted then reconsultation with the Environment Agency would be necessary in order for them to be provided an opportunity to respond with respect to conditions or requests for further information.
- 6.4 The proposals also fail to provide details of cycle parking and as a result of this not being included in the application description this cannot be required by condition if planning permission is granted.
- 6.5 Other aspects of the proposals including highways, drainage and ecology could be resolved or conditions imposed if planning permission is granted.
- 6.6 The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy S1 of the OLP 2036 repeats this.
- 6.7 Officers consider that the proposal would fail to accord with the overall aims and objectives of the NPPF and policy S1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be refused.
- 6.8 Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 6.9 It is recommended that the Committee resolve to refuse the planning application.

APPENDICES

Appendix 1 – Site location plan

Appendix 2 – Officers Committee Report

Appendix 3 – Oxford City Planning Committee Minutes 9th December 2025

HUMAN RIGHTS ACT 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

RIGHTS OF THE CHILD

The UN Convention on the Rights of the Child (UNCRC) outlines the fundamental rights of every child, regardless of their race, religion or abilities. The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights.. The UK ratified the UNCRC in 1991 making it binding under international law, however the UK does not automatically incorporate international treaties into domestic law. The principles of the UNCRC informed the Children Act 2004. As set out in the above report, in reaching a recommendation for approval, officers consider that the proposal will not undermine the rights of the child under the Convention and the Children Act.

Appendix 1 – Site Plan – Unit 11 Kings Meadow , Ferry Hinksey Road, Oxford



(Extract from Site Plan, MANGNALLS ARCHITECTURE LTD, 2nd June 2025)

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Application number:	25/02702/FUL		
Decision due by	9th December 2025		
Extension of time	16 th December 2025		
Proposal	Change of Use from hair dressing training company with ancillary workshop (Use Class E) to a Day Nursery (Use Class E(f)). Removal of 1no. roller shutter door and insertion of 3no. windows to front elevation and alterations to existing front door. Insertion of 3no. windows to side elevation.		
Site address	Unit 11, Kings Meadow, Ferry Hinksey Road, Oxford – Appendix 1 for site plan		
Ward	Osney And St. Thomas Ward		
Case officer	Robert Fowler		
Agent:	Mr Edward Gillibrand	Applicant:	Mr Coppe van Urk
Reason at Committee	The application was called in by Councillors Pressel, Brown, Ottino, Taylor, Railton and Smith due to concerns over the site's flood risk as a reason for refusal.		

RECOMMENDATION

Oxford City Planning Committee is recommended to:

- 1.1 refuse the application for the reasons given in paragraph 1.2 of this report and to delegate authority to the Director of Planning and Regulation to:
 - finalise the reason for refusal including such refinements, amendments, additions and/or deletions as the Director of Planning and Regulation considers reasonably necessary.
- 1.2 The recommended reasons for refusal are as follows:
 - (1) The proposals would involve the use of the application site for a more vulnerable use in the context of flooding in a location that falls within the defined area of highest risk of flooding (Flood Zone 3b). In addition to this the submitted Flood Risk Assessment (FRA) fails to sufficiently consider flood risk as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The application is therefore unacceptable in the context of Policy RE3 of the Oxford

Local Plan (2036), Paragraph 170 of the NPPF and the Planning Practice Guidance (PPG).

- (2) The proposed development fails to provide adequate cycle parking for staff, parents or visitors travelling to the nursery. As a result the proposed development would be contrary to Policy M5 of the Oxford Local Plan (2036).

2. EXECUTIVE SUMMARY

- 2.1 This report considers the change of use of an existing industrial on the Kings Meadow Estate, a complex of established industrial units that forms part of the wider Osney Mead Industrial Estate. Planning permission is required for the change of use as a result of conditions imposed on the original planning permission for the site that preclude the use of the site for any purpose other than a light industrial use.
- 2.2 In addition to the proposed change of use the application seeks planning permission for small-scale alterations to the appearance of the building including removal of an existing roller shutter and the installation of doors and windows.
- 2.3 The proposed development would be unacceptable in principle because of its impact on flood risk. The proposed development lies within the functional floodplain (Flood Zone 3b) which is the defined highest risk area of flooding. Additionally the access road and much of the surrounding area lies within the Flood Zone 3b which would contribute further to the flooding risk issue as it could preclude safe access and egress to the site in the event of a flood.
- 2.4 The submitted Flood Risk Assessment (FRA) is inadequate in terms of its methodology and level of information. The Environment Agency who are the statutory consultee on flood matters have objected to the application.
- 2.5 The application site lies within an industrial estate where there are no pavements and surrounding units are in industrial use. The Local Highway Authority have recommended that some improvements could be carried out to the surrounding site (including marked walkways as there are no pavements) but have not raised objections to the proposals.
- 2.6 The proposed development does not include provision of cycle storage which is a policy requirement associated with the proposed change of use; the fact that this is not included in the application description and other constraints of the site mean that this could not be resolved by condition.
- 2.7 The minor alterations proposed to the design of the industrial unit are acceptable in all other respects including design and impact on amenity.

2. LEGAL AGREEMENT

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

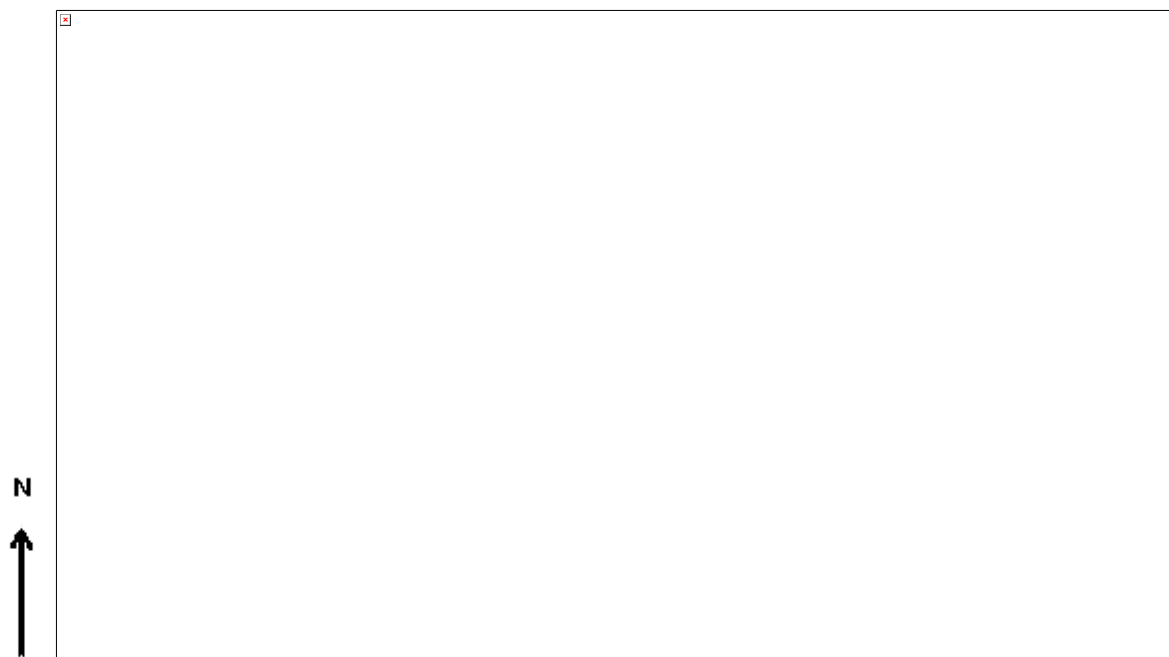
3 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 3.1 The proposal would not be liable for CIL if planning permission was granted.

4. SITE AND SURROUNDINGS

- 4.1 The application site is Unit 11 on the Kings Meadow Estate. The Kings Meadow Estate is located at the entrance to the Osney Mead Industrial Estate and is accessed directly off the mini-roundabout at the junction of Ferry Hinksey Road and Osney Mead. It comprises 21 units of a similar design that were granted planning permission in the late 1980s for light industrial use (reference 87/00820/NF).
- 4.2 Unit 11 lies in the middle of the Kings Meadow Estate adjacent to the eastern boundary and is serviced by a vehicular access (without a pavement) from a short access drive connected to Ferry Hinksey Road. Unit 11 is typical of the other units in this part of the estate with a red brick façade, large red framed horizontal metal windows and a metal shallow pitched roof. An area at the front of the industrial unit provides space to park two cars.
- 4.3 The application site was used until recently as an office for a hair dressing training company with a workshop. There are a number of other uses taking place on the industrial estate including a tyre fitting shop (opposite no. 11), antenna design and distribution centre and a mechanical services company (the latter occupy the adjacent unit). Whilst it should be noted that there are some uses taking place on the Kings Meadow Estate that would likely not be considered to be light industrial uses they are nonetheless in commercial use (with some uses having previously been granted planning permission).

See block plan below:



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Ordnance Survey 100019348

5. PROPOSAL

- 5.1 The application proposes the change of use of the site to a Day Nursery (Use Class E(f)) and involves the removal of 1no. roller shutter door, insertion of 3no. windows to front elevation, alterations to existing front door, and insertion of 3no. windows to side elevation.
- 5.2 The application description makes reference to the existing use of the unit being a 'hair dressing training company with ancillary workshop (Use Class E)'; members should be aware that this has not been certified to be the existing lawful use of the building and that use does not benefit from planning permission. In anycase, it is not clear that the previous use of the site was a Class E use.
- 5.3 Despite the proposed use there are no site plans suggesting that any part of the site would be enclosed to provide an outdoor play space for the day nursery. The existing car parking area is proposed to be used for pick up and drop off. There is no existing cycle parking or proposed cycle parking for staff or visitors. The application description for the proposed development does not include the provision of any other changes to the building or the development of stores in associated with the change of use.

RELEVANT PLANNING HISTORY

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

81/00274/NO - Osney Mead Industrial Estate Ferry Hinksey Road - Outline application for erection of light industrial/warehouse units totalling 38,666 sq. ft. PERMISSION GRANTED 25th August 1983.
87/00820/NF - Kings Meadow Osney Mead - Development for light industrial and ancillary storage/offices. 21 units in 4 two storey blocks (40788 sq. ft total floor space) plus 55 car parking spaces (amended plans). PERMISSION GRANTED 16th October 1987.
87/00923/NF - Land corner Ferry Hinksey Road and Osney Mead - Mixed development for B1 (Business) and B8 (Storage) use, 21 units in 4 two storey blocks (4369,24 sq. m total floor space) plus 70 car parking spaces.(Duplicate application). WITHDRAWN 29th January 1988.
89/00724/A - Entrance to Kings Meadow Ferry Hinksey Road - Non-illuminated free-standing sign board. PERMISSION GRANTED 18th August 1989.
25/00557/CPU - Application to certify that the proposed replacement of 1no side door to east elevation is lawful development (amended plans and description). PERMISSION GRANTED 15th May 2025.
25/01375/FUL - Change of Use from hair dressing training company with ancillary workshop (Use Class E) to a Day Nursery (Use Class E(f)). Removal of 1no. roller shutter door and insertion of 3no. windows to front elevation and alterations to existing front door. Insertion of 3no. windows to side elevation. (additional Flood Risk Assessment). WITHDRAWN 13th October 2025.

RELEVANT PLANNING POLICY

The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Other planning documents
Design	131, 135	DH1 – High quality design and placemaking	
Natural environment	161-162, 170-182	RE3 – Flood risk management	Flood Risk and Coastal Change Planning Practice Guidance
Social and community		E1 – Loss of employment floorspace V7 – Infrastructure, cultural and community	
Transport	117-123	M1 – Prioritising walking, cycling and public transport M3 – Motor vehicle parking M5 – Bicycle parking	
Environmental		RE7 – Managing the impact of development	
Miscellaneous	7-12	RE2 – Efficient use of land	

6. CONSULTATION RESPONSES

- 6.1 Site notices were displayed around the application site on 5th November 2025.

Statutory and non-statutory consultees

- 6.3 Environment Agency

Object to the proposed development for the following reasons:

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to paragraph 170 of the NPPF and planning practice guidance (PPG). Additionally, the submitted Flood Risk Assessment (FRA) fails to sufficiently consider flood risk as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess flood risk as required by paragraph 181 of the NPPF. The proposal as submitted is contrary to Local Plan policy RE3 – flood risk management.

We recommend that planning permission is refused on this basis.

Reasons: NPPF Annex 3 classifies development types according to their vulnerability to flood risk. PPG Table 2 provides guidance on which developments are incompatible with certain Flood Zones. This site lies within Flood Zone 3b, which is land defined by the PPG and your Strategic Flood Risk Assessment (SFRA) as having a high probability of flooding.

The proposed development is classed as more vulnerable in accordance with Annex 3 of the NPPF. Table 2 of PPG makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

Your local plan policy RE 3: Flood risk management recognises that some carefully planned development in Flood Zone 3b would be allowed providing certain conditions are met. Criteria d) seeks to ensure future occupants will not be put at risk from flooding. This proposal fails to meet criteria d) because the proposed use is more vulnerable to flood risk when compared to the existing/previous use and there is no mitigation to manage flood risk.

The submitted Flood Risk Assessment (ref 5031210-RDG-ZZ-XX-T-FR-0001) fails to sufficiently consider the risk of flooding as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site specific flood risk assessment checklist.

In particular, the FRA fails to:

- Adequately take the impacts of climate change into account using appropriate allowances set out in government guidance. Different climate change allowances have been used to assess future flood risk than those advised in 'Flood risk assessments: climate change allowances', without adequate justification. Table 2 of the PPG identifies that this development is incompatible with the Flood Zone. In line with the above referenced climate change allowance guidance, if your Authority considers the development is necessary despite not following table 2, the FRA should use the Gloucestershire and the Vale Management Catchment 2080s higher central allowance (41%)*
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development safe or resilient to the flood levels using the Gloucestershire and the Vale Management Catchment 2080s higher central allowance (41%). Consequently, the development proposes inadequate: i. Raised finished floor levels ii. Resistance and resilience measures iii. Safe access and escape routes*

(Extract from Environment Agency, Thames Region consultation response, 17th November 2025)

Public representations

- 6.4 Comments were received from the following addresses in **support** of the application: : 39, 49 Grandpoint Place, 63 Robinson Road, 54 Arthray Road,

22 Binsey Lane, 30, 38, 39, 4 and 6 Duke Street, 1, 17, 19a, 23, 26 and 43 Hill View Road, Another property in Hill View Road (no number provided), 16 Lamarsh Road, 21a Riverside Road, 12, 27, 37, 41 and 5 Alexandra Road, 22 Boulter Street, 24 Chatham Road, 5 Helen Road, 5, 43 Henry Road, Another property in Henry Road (no number provided), 19 Kings Meadow Ferry Hinsey, 48 Mill Street, 31, 35, 36, 11 and 46 Oatlands Road, 124 Oxford Road, 9 Pochard Place, 15 Seven Sisters Way, 23 West Street, 120 Alexander Close (Abingdon), 35 Bridge Street, Flat 8 Park View Lamarsh Road, 4 Thornhill Close (Wantage), 5, 26 South Street, 31 Harley Road, 7 Rawlinson Road, 17 Lamarsh Road, Kings Meadow Unit 4 and 5 Hawthorn Close.

In summary, the main points of comment were:

- Support for nursery provision
- Sustainable and convenient location for the proposed development
- The proposals are for a valuable community facility
- The Oxford Flood Alleviation Scheme would ensure that any flood risk or adverse impacts from flooding would be resolved (in the future)
- The proposals align with benefits of '15 minute neighbourhoods'
- Proposals align with ambitions to regenerate Osney Mead
- Application site is accessible by bike
- Site is a safe location
- Planning permission is not required for the development
- Support development despite location in higher flood risk area
- Nursery provider is more affordable than other options
- Site is close to West Oxford Primary School

Comments were received **neither objecting nor supporting** the application from the following address: Unit 19 Kings Meadow

- Understand requirement for nursery provision
- The site sees deliveries from 8am till 4pm of HGVs
- There may be concerns about impact of staff with children walking through the industrial estate
- Parking concerns, provision on the site is poor for drop-off

Officer response

- 6.5 The objection from the Environment Agency as the statutory consultee on flooding matters carries significant weight. A thorough discussion of their objection and other material considerations relating to flooding and drainage matters are set out in the report below.
- 6.6 Officers note the comments in support of the proposals which reflects the need for the use proposed; though this does not outweigh the policy context, objections from a statutory consultee or site specific circumstances which make that use unacceptable in this location. The comment neither objecting to nor supporting the proposed development has been carefully considered in the context of the potential conflict between the proposed use and surrounding lawful uses in the immediate environs of the application site.

7. PLANNING MATERIAL CONSIDERATIONS

Officers consider the determining issues to be:

- I. Principle of development
- II. Flooding
- III. Design
- IV. Impact on Amenity
- V. Highways
- VI. Other Matters

I. Principle of development

Planning History

- 7.1 The application site forms part of an established industrial estate that was granted planning permission in 1987 (reference 87/00820/NF). A condition of the planning permission (Condition 3) restricts the uses of the site to light industrial uses as set out below:

- 3 (a) Notwithstanding Class B1 of Part B to the Town and Country Planning (Use Classes) Order 1987, the development shall be confined to light industrial use being an industrial use of the type which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- (b) For the avoidance of doubt, no retail use shall be undertaken at the premises hereby permitted.

Reason

Because of the limited car parking proposed in accordance with the Council's policies and to avoid any uses which are likely to generate additional traffic which would exacerbate traffic problems in the area and cause additional noise & disturbance to residents in Ferry Hinksey Road.

- 7.2 The above planning condition is highly relevant to this application. The approved use of the site is a business use (Use Class B1). There have been changes made to the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO) since the granting of the planning permission. Specifically, in September 2020 there were changes made by the introduction of legislation (referred to as SI 2020/757); the effect of this change meant that most lawful B1 premises were now classified as falling within a new 'Class E' use of the purposes of the UCO. This would allow for a far greater range of uses to be provided within the building including offices, retail and nurseries. It is understood that the applicant in this case took the premises on the basis that they believed that they could use the existing industrial unit as a nursery without the need for a change of use and only subsequently became aware of the existence of the aforementioned condition which restricts the use to light industrial use only after they took

possession of the premises. This has led to the submission of this application and the specific requirement to seek a change of use.

- 7.3 In considering this application members should be aware that there are a number of units within the vicinity of the application site that are used for purposes other than light industry. Some of these uses may be either unauthorised or lawful over time (with the time limit for enforcement action having expired). This does not weigh in favour of this application and officers consider that the overall characteristics of the area, the presence of light industry in the locality and the nature of the site where there are limited pavements and frequent access by vans and deliveries mean that the condition is still relevant in land use terms.
- 7.4 There are two other conditions of the planning permission, Conditions 7 and 8 of planning permission (87/00820/NF) which restricted the use of the site to companies that have an operational need in the City and required notification to the Council of who was occupying the site. These conditions are also still extant but are less relevant to the use of the site given what is proposed as part of this application.
- 7.5 The application includes information relating a previous informal officer view that was sought about the use of the site for training and development workshop with an ancillary office (reference 06/01483/FUL). Officers have referred to the Council's records on this and it is understood that at the time there was an informal advice letter sent suggesting that planning permission was not required. Regrettably the nature of the use and the information included with that application is not on the Council's files but it was concluded in that case that planning permission was not required. This was not a formal decision from the Council that planning permission was not required, only an informal officer view.
- 7.6 The application that is the subject of this report has a description referring to the existing use of the application site being a 'hair dressing training company with ancillary workshop (Use Class E)'; this has not been certified to be the lawful use of the site (through the granting of a lawful development certificate) and neither does the use benefit from planning permission. The application site has been vacant for a period in excess of 18 months. If the last use of the site was a hair dressing training company with ancillary workshop this may not be a Class E use (for the purposes of the UCO) as this may have fallen within a different use class depending on the nature of the use; if the workshop involved the production of materials for hairdressing (for example) then this may have been considered to be a light industrial use.
- 7.7 The design and access statement submitted with the application refers to a variation of condition application that was made with respect to condition 3 of 87/00820/NF; seeking to remove the condition which could have facilitated a greater number of potential tenants. It is understood that the application was withdrawn by the applicant as it was no longer required; the withdrawal of the application is not material to the consideration of this application and it is

clear from the correspondence at the time that the applicant believed that Condition 3 of 87/00820/NF was still extant.

Loss of existing use

- 7.8 The application site is situated within the Kings Meadow Estate which forms part of the wider Osney Mead Industrial Estate. Local Plan Policy E1 identifies Osney Mead as a category 2 employment site. Policy E1 states that planning permission will not be granted for development that results in the loss of employment floorspace on Category 2 sites, except where:

- d) the redevelopment creates new housing or community use; and
- e) the number of employees in B class uses on the site when the site was at full capacity is retained; and
- f) more efficient use of land can be demonstrated.

- 7.9 Officers have had regard to the exceptions made in Policy E1 with respect to Category 2 sites and consider that the proposed development is likely to be acceptable in principle. Specifically as a nursery use the proposals would meet a community use that is beneficial in terms of its social and community value. Officers cannot precisely determine how many people were employed on the site when it was last at full capacity but the proposals would generate 15 time jobs and having had regard to the size of the unit this is likely to meet requirement (e) listed above. Lastly, with respect to the efficient use of the site it has been indicated that the nursery has received considerable support (evidenced by public comments) and is therefore likely to be well-used; on this basis it would be an efficient use of the site.

- 7.10 As a result of the above, officers recommend that the proposed development would be acceptable in the context of the loss of employment uses on the site in accordance with Policy E1 of the Oxford Local Plan (2036).

Proposed use

- 7.11 Policy V7 of the Oxford Local Plan (2036) sets out the Council's planning policy with respect to new community facilities which include nurseries. Planning permission will be granted for the alteration and expansion of existing schools, primary healthcare facilities and community centres. Planning permission will be granted for new schools, primary healthcare facilities and community centres where the City Council is satisfied that the following criteria are satisfied.

- a) the location is easily accessible by walking, cycling and public transport; and
- b) the proposal will meet an existing deficiency in provision or access, or the proposal will support regeneration or new development; and
- c) the proposal will not result in an unacceptable environmental impact .

- 7.12 The application site is situated approximately 600m from the nearest bus stop on Botley Road and is well situated for traffic free cycle routes (specifically for

access to the river and Willow Walk which provide easy cycle access to the City Centre and Botley). The accessibility of the application site from the road and the layout of the industrial estate is less legible and this is considered later in this report. Officers consider that the application site meets the objective (a) with respect to the sustainable nature of the location.

- 7.13 The proposals have come about because the existing nursery premises in St Thomas Street are expected to no longer be available and as a result the proposals would meet a specific deficiency or requirement as required by criteria (b) of Policy V7.
- 7.14 The environmental impacts of the development would be limited in the context of noise, disturbance or other amenity impacts. The application site is surrounded by commercial uses and whilst the nature of the proposed use would operate at different peak hours this would not give rise to an adverse impact in amenity terms. The proposals would give rise to a flooding impact which is dealt with in detail in that part of the officer report; apart from the flooding impacts the proposals would be acceptable in environmental terms.
- 7.15 Paragraph 100 of the NPPF requires Local Planning Authorities to give great weight to the need to create, expand or alter early years provision through the decision making process. Paragraph 100 of the NPPF also requires engagement with providers which has taken place prior to the submission of the application (albeit not as a formal pre-application submission) and during the course of the application.
- 7.16 On the above basis officers recommend that the proposals would likely meet the requirements of Policy V7 of the Oxford Local Plan (2036).

Osney Mead Policy

- 7.17 Policies in the Oxford Local Plan (2036), specifically Policies AOC1 and SP2 consider the redevelopment of parts of Osney Mead. These policies are supportive of the regeneration and redevelopment of the area; this would include the provision of new uses in the area which arguably could include nursery provision. Officers have had regard to the requirements of the Policy, which envisage the redevelopment of the site coming forward in a comprehensive way with the provision of new public space, infrastructure and no loss of employment uses. It is a specific requirement of these policies that any proposals on the site are accompanied by relevant flood risk assessments that consider the impact on flooding from the development as a whole. Officers therefore recommend that the proposed development does not meet the requirements of Policy SP2 of the Oxford Local Plan (2036).

II. Flooding

Assessment of Flood Risk

- 7.18 Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood Zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land, and it will represent an improvement for the existing situation in terms of flood risk. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
- 7.19 Paragraphs 173-181 of the NPPF set out the necessary steps for determining planning applications with respect to flooding impacts. The NPPF sets out the relevant flood risk vulnerability classification in Annex 3 which details specific uses and categorises them by vulnerability; this is particularly important to consider in this case given that the proposals are for a change of use. Officers consider that the extant use of the site would be a building used for general industry or business use which would be a 'less vulnerable use' for the purposes of the NPPF. The proposed use of the site as a nursery would fall within the 'more vulnerable use' classification.
- 7.20 Paragraph 44 of the NPPF requires that a site-specific flood risk assessment is required for an application such as this; in this case this has found that the application site lies within the defined highest area of flood risk, Flood Zone 3b. The national planning practice guidance sets out the following table with respect to how planning applications should be assessed with respect to their flood risk in the context of their flood risk vulnerability classification in respective flood zones:

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *

Key:

✓ Exception test is not required

X Development should not be permitted

(Table 2: Flood risk vulnerability and flood zone 'incompatibility', National Planning Practice Guidance, Paragraph: 079 Reference ID: 7-079-20220825, Revision date: 25 08 2022)

7.21 The above is clear that the proposed development would not be acceptable in planning terms. No sequential test or exception test are required in this case to consider whether the use could be provided within the respective flood zone. The table is clear that 'more vulnerable' development in Flood Zone 3b should not be permitted. Officers would suggest that the above matter amounts to meaning that the development proposed in this case, specifically in relation to the proposed use of the site means that this would not be acceptable in principle in flooding terms.

7.22 Officers have had regard to the specific wording of Policy RE3 of the Oxford Local Plan (2036) which does permit development in flood zone 3b where it is on previously developed land and where it will represent an improvement for the existing situation in terms of flood risk. The policy sets out a number of criteria which must all be met in order for the development to be acceptable in the context of Policy RE3:

- a) it will not lead to a net increase in the built footprint of the existing building and where possible lead to a decrease; and
- b) it will not lead to a reduction in flood storage (through the use of flood compensation measures) and where possible increase flood storage; and
- c) it will not lead to an increased risk of flooding elsewhere; and
- d) it will not put any future occupants of the development at risk.

7.23 Officers consider that the development would fail requirement (d) of this set of criteria as the proposed development would involve a change in the use of the building from a 'less vulnerable' use to a 'more vulnerable' use. Officers also consider that the application has failed to identify how safe access and egress to the site would be possible during a flood event having had regard to the extensive area of functional flood plain that surrounds the site which would likely lead to the site being inaccessible.

7.24 The above approach and specifically that the development is not acceptable in flooding terms has been stipulated clearly by the Environment Agency who are the statutory consultee for flooding matters and have objected to the proposed development.

Flood Risk Assessment

7.25 The Environment Agency have raised a specific concern relating to the methodology used in the submitted Flood Risk Assessment; specifically that the climate change allowance for projected future flood risk (applied as a requirement) has taken a lower figure than the required figure in this location. Officers have considered these comments and recommend that if this matter was resolved by the applicant it would not overcome the objections to the application in flooding terms as set out above having had regard to the proposed use and the location of the development in Flood Zone 3b.

- 7.26 Officers have considered some of the comments made which suggest that the flooding in the area does not affect the application site. It is understood that parts of the application site and the surrounding area last flooded in January 2024 and this was investigated by Council officers as part of our role with respect to the flooding of premises.

Oxford Flood Alleviation Scheme

- 7.27 The application site lies in close proximity to the proposed Oxford Flood Alleviation Scheme (OFAS). The OFAS scheme is proposed to alleviate flooding in parts of West Oxord, Botley, Grandpont, New Hinksey and South Hinksey. Specifically, the scheme could reduce the risk, frequency and magnitude of flooding events on Osney Mead. Whilst Oxfordshire County Council resolved to grant planning permission for the development in July 2024 subject to a legal agreement the decision has not been issued and the scheme has not been implemented. In any case, the specific improvements that this could arise with respect to the application site are uncertain and it unlikely that the delivery of OFAS would lead to the redrawing of flood risk areas.
- 7.28 On the basis of the above, the proposed development would be unacceptable in flooding terms and would fail to meet the requirements of Policy RE3 of the Oxford Local Plan (2036), Paragraph 170 of the NPPF and the Planning Practice Guidance (PPG).

Drainage

- 7.29 Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.
- 7.30 The proposals would not include an increase in hard surfaced areas of the site which is already developed and paved in permeable surfacing. Officers consider that if planning permission was granted then some improvements to the existing drainage on the site could be secured by condition. Officers recommend that the proposed development would be acceptable in the context of Policy RE4 of the Oxford Local Plan (2036) and Paragraph 182 of the NPPF.

III. Design

- 7.31 Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high-quality design that creates or

enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1 of the Oxford Local Plan (2036).

- 7.32 Officers recommend that the external changes proposed to the existing industrial unit would represent a minor form of development that would be acceptable in terms of its design impacts. The proposals include the loss of the existing roller shutter and replacement with windows that are similar design to the upper floor windows. New windows are proposed on the side elevation with a similar design.
- 7.33 On the above basis the proposed external changes would be a sympathetic and high quality development that would meet the requirements of Policy DH1 of the Oxford Local Plan (2036) and Paragraph 135 of the NPPF.

IV. Impact on Amenity

- 7.34 Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected including the amenity of communities, occupiers and neighbours. Developments must also not have unacceptable unaddressed transport impacts. Where developments do impact standards of amenity then appropriate mitigation measures should be provided where necessary. The factors the City Council will consider in determining compliance with the above elements of this policy include visual privacy, outlook, sunlight, daylight and overshadowing.
- 7.35 The proposed development is not located close to any residential properties and would therefore not impact on sunlight, daylight or privacy for local residents. Officers have had regard to the proposed changes to the building and the use and consider that this would likely be acceptable in terms of its impact on surrounding uses. As a result, the proposed development would be acceptable in the context of Policy RE7 of the Oxford Local Plan (2036).

V. Highways

- 7.36 Policy M1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport.
- 7.37 Policy M3 of the Oxford Local Plan 2036 states the parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of

the development. In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.

- 7.38 The proposed development could involve an increase in the number of journeys made to the application site, especially at the beginning and end of the nursery's opening hours. The application site, whilst accessible in terms of access to nearby bus routes and traffic free cycle routes can only be accessed through a shared vehicular and pedestrian space in an industrial estate. Whilst Oxfordshire County Council in their role as the local highway authority have not objected to the application they have suggested that some changes could be made within the parking area or parts of the surrounding site to improve safety. Officers question whether routes through the site could be changed as these may lie outside of the application site. A management plan could be required for the opening hours and operation of the nursery that could assist with the impacts of the use especially at peak times and this could be secured by planning permission if this was granted.
- 7.39 It is a requirement for nurseries to have outdoor space provision or access to outdoor space for children required by the regulatory body that inspects childcare providers (OFSTED). Officers queried this requirement with the applicant and their agent as there is currently no garden or outdoor space on the site. It is understood in this case that the applicant is seeking to lease some nearby land for this purpose. Officers recommend that a condition to deal with the management of this aspect of the development would be required in the event that permission was granted as this could involve an increase in journeys to and from the site, passing the adjacent industrial units during the working day. These journeys are likely to include the children and staff attending the nursery who are accessing this space, which therefore necessitates safety measures in order to provide safe access and egress from the site.
- 7.40 On the above basis the proposed development would be acceptable in the context of Policy RE7 of the Oxford Local Plan (2036) and Paragraph 116 of the NPPF.

Cycle Parking

- 7.41 Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.4. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as and facilities for electric charging infrastructure.
- 7.42 The application does not include details relating to cycle parking either for staff, visitors or parents dropping off or collecting children. The submitted

design and access statement suggests that cycling to the nursery is a popular transport mode for users and the site is highly accessible to nearby traffic-free routes. During the course of the application officers raised the lack of cycle parking provision with the applicant and their agent and they have suggested that this could be provided in the front (car) parking area of the site which would provide sufficient space. However, as the application description does not include provision of cycle parking and there are no plans showing the design, layout or number of cycle stands this has to form a basis for refusal.

7.43 The area at the front of the site is also constrained and currently used for car parking (some of which would likely be required to be retained); officers recommend that this presents additional challenges with finding a suitable location for cycle parking.

7.44 The proposed development would involve a change of use of the site that would likely increase the requirement for cycle parking, as this has not been included in the proposals then this requirement would not be met. The application is therefore contrary to Policy M5 of the Oxford Local Plan (2036).

VI. Other Matters

Best Interests of the Child

7.45 Article 3.1 of the United Nations Convention on the Rights of the Child provides that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. Section 11 of the Children Act 2004 requires Local Authorities to, “make arrangements for ensuring that...their functions are discharged having regard to the need to safeguard and promote the welfare of children...”

7.46 Article 3 and the Children Act 2004 principle of the ‘best interests’ of the child are accepted that in planning decisions concerning children. Planning case law says that their best interests must be of primary importance, and that planning decisions ought to have regard to that principle. This principle is a material consideration in planning decisions where Article 3 and Section 11 of the Children act are engaged. As outlined in the above report the education, safety and welfare needs of children, particularly those attending the nursery have been carefully considered. In this case it is considered that the proposed development would not be acceptable due to the location of the development in a high flood risk area; this is a view that is supported by a statutory consultee.

7.47 Several impacts on children were identified within the representations from the public. These relate principally to the provision of childcare given the loss impending loss of the existing nursery. Officers have had regard to the requirement for nursery provision in line with Policy V7 of the Oxford Local

Plan (2036) and Paragraph 100 of the NPPF. Officers recommend that the above requirements have been met including consideration of Article 3.1 of the United Nations Convention on the Rights of the Child and the Children Act 2004.

Ecology

- 7.48 Policy G2 of Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.
- 7.49 The proposed development would involve small-scale changes to the existing building and no proposals would impact on the roof. Whilst the application site lies close to areas of open space, watercourses and mature vegetation the existing building is in good condition and is unlikely to be used by bats and their roosts. Officers recommend that if planning permission is granted then an informative relating to unexpected ecology should be included with any decision in the unlikely event that bats are encountered.
- 7.50 Given the nature of the proposals they would not be subject to statutory biodiversity net gain requirements.
- 7.51 On this basis the proposed development would be acceptable in the context of Policy G2 of the Oxford Local Plan (2036), the Wildlife and Countryside Act (1981) (as amended) and the Habitats Regulations (2017).

8. CONCLUSION

- 8.1 Having regards 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.
- 8.2 Officers recommend that the application should be refused because of the impact on flood risk. The proposed development would involve a change of use to a more vulnerable use in a high flood risk area which means that the development is unacceptable in planning terms. The submitted flood risk assessment also uses a methodology which is incorrect in terms of the climate change allowance.
- 8.3 An objection from a statutory consultee, the Environment Agency's advice is reflected in the officer recommendation. In the event that planning permission is granted then reconsultation with the Environment Agency

would be necessary in order for them to be provided an opportunity to respond with respect to conditions or requests for further information.

- 8.4 The proposals also fail to provide details of cycle parking and as a result of this not being included in the application description this cannot be required by condition if planning permission is granted.
- 8.5 Other aspects of the proposals including highways, drainage and ecology could be resolved or conditions imposed if planning permission is granted.
- 8.6 The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy S1 of the OLP 2036 repeats this.
- 8.7 Officers consider that the proposal would fail to accord with the overall aims and objectives of the NPPF and policy S1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be refused.
- 8.8 Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 8.9 It is recommended that the Committee resolve to refuse the planning application.

APPENDICES

Appendix 1 – Site location plan

HUMAN RIGHTS ACT 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

RIGHTS OF THE CHILD

The UN Convention on the Rights of the Child (UNCRC) outlines the fundamental rights of every child, regardless of their race, religion or abilities. The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights.. The UK ratified the UNCRC in 1991 making it binding under international law, however the UK does not automatically incorporate international treaties into domestic law. The principles of the UNCRC informed the Children Act 2004. As set out in the above report, in reaching a recommendation for approval, officers consider that the proposal will not undermine the rights of the child under the Convention and the Children Act.

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 9 December 2025

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Committee members present:

Councillor Fouweather

Councillor Hollingsworth

Councillor Railton

Councillor Kerr

Councillor Ottino (For Councillor Upton)

Councillor Henwood

Councillor Hunt

Councillor Rehman

Councillor Muddiman (For Councillor
Regisford)

Officers present for all or part of the meeting:

Uswah Khan, Committee and Member Services Officer

Andrew Murdoch, Development Management Service Manager

Robert Fowler, Development Management Team Leader (West)

Tom Sunter, Planning Lawyer

Victoria Ashton, Planning Officer

37. Election of Vice-Chair

Councillor Railton was elected Vice-Chair for the duration of the meeting.

38. Apologies for absence

Councillor Clarkson, Upton and Regisford sent apologies.

Substitutions are shown above

39. Declarations of interest

General

For 25/01788/FUL, Councillor Fouweather declared that he had been involved in the call-in regarding the application and that he would watch from the public gallery for this item.

For 25/02702/FUL, Councillor Railton declared that she was pre-determined, as she had been part of the call-in for the application and that she would leave the meeting for this item.

For 25/02702/FUL, Councillor Ottino declared that he was pre-determined, as he had been part of the call-in for the application and that he would leave the meeting for this item.

For 25/02702/FUL, Councillor Muddiman declared that she was pre-determined as she was speaking in favour of the application and would watch from the public gallery for this item.

For 25/02092/FUL, Councillor Kerr stated that the site was in her ward and that she had visited it. She stated that she had not discussed planning matters in detail and was not pre-determined.

For 25/01788/FUL, Councillor Hollingsworth declared that although he had received emails from individuals objecting to the application, he had not pre-judged the matter or expressed any opinion and was not pre-determined.

For 25/01788/FUL, Councillor Kerr stated that the applicant was the University and that her husband was a senior member of the institution. She stated that she had been unaware that the applicant was the University and approached the meeting with an open mind and had not discussed the matter at all.

40. Minutes

The Committee resolved to approve the minutes of the meeting held on 18 November 2025 as a true and accurate record.

41. 25/02092/FUL Magdalen College School

The Committee considered an application for the demolition of the existing Science Buildings. Partial demolition of the Quinn and 1928 Buildings. Erection of a three storey academic building (Use Class F1(a)). Installation of solar panels, alterations to landscaping and associated works. Provision of cycle parking.

The Planning Officer gave a presentation outlining the details of the location and the proposal. This included site photos and existing and proposed elevations and plans:

- The proposals include the retention of the existing mature trees on Iffley Road, except for one diseased ash tree and one lime tree that were removed. Landscaping was enhanced along the Iffley Road frontage and within the school site, with biodiversity improvements around the prominent School assembly hall at the corner of Cowley Place and the Plain. Partial demolition of a 1928 single storey building on Cowley Place, identified as a non-designated heritage asset with architectural interest, was justified within the proposals.
- Officers found that the development caused less than substantial harm to the Conservation Area and views, but this was outweighed by the educational benefits and improvements to the partnerships program. The harm to non-

designated heritage assets, including the 1928 building and setting of Big School were also considered outweighed Archaeological concerns were addressed through conditions.

- Transport impacts during construction and operation were carefully assessed. Although more classrooms were added, student numbers were not increased and vehicle movement remained unchanged. The school monitored traffic closely and improved the coach program in consultation with Oxfordshire County Council Highways and local residents. A legal agreement was included to be required as part of the officer recommendation to secure travel plan monitoring, along with conditions to enhance cycle parking.
- The development was recommended as acceptable in design. Heritage impact and neighbour amenity, with remaining issues to be addressed by conditions.

Helen Pike and Lyana Powlesland spoke in favour of the application.

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

- Concerns were raised around construction traffic management during demolition and building works, with questions around delivery hours and controls. The Development Management Team Leader responded that these would be regulated by conditions.
- Questions were raised around the demolition of the 1928 building. The Development Management Team Leader explained that the demolition was necessary to create more space and facilitate construction access as part of the application.
- Questions were raised around the engagement with local primary schools and the continuity of the outreach program. The Development Management Team Leader and the applicant confirmed ongoing discussions with local schools were underway and that the program would be required to be expanded by condition ensuring increased participation.
- Concerns were raised about the impact of the development on the Conservation Area, including harm from demolition and site boundaries. The Development Management Team Leader acknowledged that there was less than substantial harm but emphasised that public benefits outweighed the harm. The partial loss of the 1928 building was also considered to be harmful but outweighed by public benefits. In considering this matter officers pointed out that the 1928 building has already been partially demolished previously.
- Concerns were raised about the landscaping and tree retention. The Development Management Team Leader responded that the buildings staggered design would protect existing trees and create more space,

acknowledging the buildings large scale and seasonal considerations for tree maintenance.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer's recommendation to approve the application for the reasons listed on the report.

The Oxford City Planning Committee resolved to:

- 1. Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to the satisfactory completion of a unilateral undertaking between the applicant and Oxfordshire County Council to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
- 2. Agree to delegate authority** to the Director of Planning and Regulation to: finalise the recommended conditions and unilateral undertaking as set out in this report including such refinements, amendments, additions and/or deletions as the Director of Planning and Regulation considers reasonably necessary; and issue the planning permission.

42. 25/01788/FUL Summertown House

Councillor Fouweather left the meeting for this item.

Councillor Railton stood as Vice-Chair during this item.

The Committee considered an application for the demolition of existing boundary railings and access gate, installation of 2 no. air source heat pumps to the North and South elevations. Alterations to fenestration, formation of new boundary railings and access gate. (additional information).

The Planning Officer gave a presentation outlining the details of the location and the proposal. This included site photos and existing and proposed elevations and plans:

- Officers stated that the proposed development was acceptable in principle, design and its impact on designated heritage assets including archaeology, subject to recommended conditions. It was determined that the proposal would not cause any detrimental impacts to the amenity of any neighbouring dwellings, subject to the recommended conditions. The proposal was deemed acceptable in regard to flood risk, surface water, drainage, tree impacts, ecology, biodiversity, land contamination and highways. Overall, the proposal complied with relevant local and neighbourhood planning policies.

- The planning officer provided a verbal update noting that written materials circulated to members before the meeting included a comment about unclear recommended conditions, specifically condition 4 regarding noise levels from installed air source heat pumps. To clarify, officers recommended a clear and enforceable timeframe requiring a post installation noise assessment within three months of installation and implementation of any necessary mitigation within three months of approval.
- Another comment in the written material referred to officers not applying paragraph 198 of the local policy framework. However, officers confirmed that relevant local plan policies addressed this. The proposal included suitable noise mitigation measures, which officers deemed acceptable.

Dr Victoria Whitford and Chris Botsman spoke against the application.

Tom Heel and Neil Eaton spoke in favour of the application.

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

- Questions were asked about the specifics of condition 4, particularly how and when background noise levels were measured and the steps for mitigating noise if necessary. The Senior Planning Officer explained that a post-installation noise assessment would be required within three months, with mitigation measures implemented if noise levels exceeded expectations. Background noise data would be gathered according to established standards, addressed by environmental health specialists to address any difference of opinion regarding noise levels.
- Members asked if condition 4 could include a strict noise ceiling of 37 decibels for the pumps, but it was clarified that the current approach, recommended by environmental health officers, provided an established and enforceable method for managing noise rather than a fixed limit.
- Concerns regarding the differing opinions on noise impact between objectors and the applicants noise impact assessment were noted. However, the Senior Planning Officer was of the view that these had been considered by Environmental Health Officers who were of the view that the mitigation measures and assessments secured by condition would prevent harm. The condition required establishing the background noise level prior to installation, with no allowance for noise to exceed the background noise level once installation was in place, when measured from the nearest noise sensitive premises.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer's recommendation to approve the application for the reasons listed on the report and subject to the amended wording of condition 4.

The Oxford City Planning Committee resolved to:

1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 (subject to the amended wording of condition 4 as agreed at Committee) of this report and grant planning permission
2. **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.

43. 25/02702/FUL Unit 11 Kings Meadow

Councillor Fouweather rejoined the meeting for this item.

Councillor Ottino, Railton and Muddiman left the meeting for this item.

The Committee considered an application for the change of use from hair dressing training company with ancillary workshop (Use Class E) to a Day Nursery (Use Class E(f)). Removal of 1no. roller shutter door and insertion of 3no. windows to front elevation and alterations to existing front door. Insertion of 3no. windows to side elevation

The Planning Officer gave a presentation outlining the details of the location and the proposal. This included site photos and existing and proposed elevations and plans:

- The proposed development was deemed unacceptable in principle due to its location within the floodplain, the highest flood risk area. The access road and much of the surrounding area also lay within Flood Zone 3b, increasing flood risk and potentially preventing safe site access during flooding.
- The submitted Flood Risk Assessment was found inadequate in methodology and detail, leading to an objection from the Environmental Agency. The site was located within an industrial estate lacking pavements, with surrounding units in industrial use. While the Local Highway Authority suggested some improvements, such as marked walkways, they did not object to the proposals.
- The development failed to provide cycle storage; a policy requirement linked to the change of use. This, combined with site constraints, meant the issue could not be resolved through a planning condition. Additionally, the minor design alterations to the industrial unit were considered acceptable in terms of design and amenity impact.
- The Planning Officer made a verbal update on the written material circulated by members of the public, responding that were no matters in the material that were not already addressed in the officers report.

Coppe Van Urk spoke in favour of the application.

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

- Concerns were raised around the absence of an outdoor playground. It was noted that the site had no external play space and a question was raised about whether planning permission could be conditioned on the provision of such a space. The Development Management Team Leader responded that the applicant had shown intent to lease an outdoor area nearby and to take children off site, potentially using handcarts, therefore a condition tied specifically to the application site would not be necessary.
- Questions were raised about whether a cycle-parking condition could be imposed. The Development Management Team Leader explained that as cycle parking had not been included within the application description, it had not been subject to consultation and therefore could not be required.
- Members were reminded that they could, if granting permission, consider conditions relating to management or hours of operation.
- Concerns were raised regarding the use of the existing site and whether the floodplain designation pre-dated the use of the land. The Development Management Service Manager explained that the previous industrial use had been acceptable at the time and that the shift from an industrial use to a more vulnerable nursery use now required planning permission. It was noted that flood risk was considered fundamental and that the Environmental Agency had assessed the proposal as unacceptable in flood risk terms.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer's recommendation to refuse the application for the reasons listed on the report.

The Oxford City Planning Committee resolved to:

1. **Refuse the application** for the reasons given in paragraph 1.2 of this report and to delegate authority to the Director of Planning and Regulation to:

finalise the reason for refusal including such refinements, amendments, additions and/or deletions as the Director of Planning and Regulation considers reasonably necessary.

2. **The recommended reasons for refusal are as follows:**

1. The proposals would involve the use of the application site for a more vulnerable use in the context of flooding in a location that falls within the defined area of highest risk of flooding (Flood Zone 3b). In addition to this the submitted Flood Risk Assessment (FRA) fails to sufficiently consider flood risk as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The application is therefore unacceptable in the context of Policy RE3 of the Oxford Local Plan (2036), Paragraph 170 of the NPPF and the Planning Practice Guidance (PPG).
2. The proposed development fails to provide adequate cycle parking for staff, parents or visitors travelling to the nursery. As a result the proposed

development would be contrary to Policy M5 of the Oxford Local Plan (2036).

44. Forthcoming applications

The Committee noted the list of forthcoming applications.

45. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6pm and ended at 8.25pm.

Chair

Date: Tuesday 20 January 2026

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.