

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

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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 Smowton (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 Snowton declared that he was a member of Oxford YIMBY which campaigned on housing matters, although it had not commented on this application. Councillor Snowton 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 Snowton 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.