

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 9 November 2021



Committee members present:

Councillor Cook (Chair)	Councillor Chapman (Vice-Chair)
Councillor Abrishami	Councillor Altaf-Khan
Councillor Fouweather	Councillor Hollingsworth
Councillor Hunt	Councillor Upton
Councillor Fry (for Councillor Diggins)	

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services
Robert Fowler, Development Management Team Leader (West)
Louise Greene, Planning Lawyer
Catherine Phythian, Committee and Member Services Officer
Gill Butter, Principal Heritage Officer
Sarah De La Coze, Principal Planner
James Paterson, Senior Planner

Apologies:

Councillor(s) Diggins, Pegg and Rehman sent apologies.
Substitutes are shown above.

40. Declarations of interest

General

Councillor Cook stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Upton stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

21/02007/PA18

Councillor Cook stated that although, as ward councillor, he had previously engaged in discussion with Network Rail and his constituents about the generic proposals for the new railway station he had not discussed or commented upon the specific application and that he was approaching it with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

41. 21/02007/PA18: Oxford Railway Station

The Committee considered an application (21/02007/PA18:) for Prior Approval Part 18 of General Permitted Development Order (GPDO) for Oxford railway station proposed west side engineering works to construct an additional platform 5 railway line with associated platform canopy cover and platform enclosures providing passenger facilities, along with a stair and lift access to a subway connection to a proposed secondary station entrance incorporating retail, public toilets, an open concourse, staff accommodation and a relocated station refuse area; proposed replacement rail and pedestrian bridges over Botley Road along with alterations to the road to provide grade separated pavements each side; reconfiguration of Roger Dudman Way to connect onto Cripsey Road and replacement of Sheepwash Bridge; proposed demolition of the single storey railway buildings at the rear of platform 4, along with the Youth Hostel and removal of two small single storey commercial units between Cripsey Road and Roger Dudman Way; formation of public realm to the west side of the proposed station building along with cycle parking facilities

The application was before the Committee as it had been called in by Councillors Cook, Pressel, Clarkson, Upton, Munkonge and Rowley due to concerns about delivering a high public realm and sufficient cycle parking.

The Planning Officer presented the report and made the following verbal updates:

- Paragraph 9.66 refers to a condition being included for network rail to set out measures to minimise drop off/pick up. Oxfordshire County Council (the County) have since withdrawn this condition and it is therefore not included in the list of conditions in chapter 11.
- As part of the phase 2 project there is a need to re-provide the two blue badge spaces and 6 operational spaces (2 for Network Rail Operational Staff, 2 for GWR and 2 for British Transport Police). There will be no public car parking provided. Therefore an additional condition will be included requiring details and the location of the parking spaces to be provided.
- Paragraph 9.43 references Part 19 of the General Permitted Development Order (GPDO) this should instead reference Part 18 of the GPDO.
- Paragraph 10.8 - should read 'station building would not injure the amenity of the neighbourhood'.

The Planning Officer said that since the publication of the report the Environment Agency had provided updated comments following the submission of additional information. Those comments did not amount to a formal objection but a number of technical concerns had been identified. Planning officers were satisfied that those concerns raised could be addressed through the inclusion of additional conditions:

1. To obtain the modelling results identified as not included by the EA.
2. Flood resilience and resistance measures are to be submitted

3. Any changes to the scheme, including those related to flood mitigation shall be provided
4. The pumps under the Botley Road Bridge must be replaced and upgraded and details of these pumps shall be provided
5. A flood warning and evacuation plan for the station shall be submitted
6. A flood plan to demonstrate how the Botley Road will be managed in the event of a flood shall be submitted.
7. A SuDS strategy for the development shall be submitted.

The Planning Officer advised the Committee that the issues raised in the email they had received works to the footpath under Sheepwash Bridge reiterated comments that were submitted as part of the consultation process. This issue was addressed in the report as the improvements suggested were outside the scope of the prior approval application. Similarly the letter from the Abbey and Cripsey Road Residents Association had been submitted as part of the consultation process and the issues had been addressed in the report.

The Planning Officer reminded the Committee that the proposal before them was a Prior Approval application which had to be considered within the parameters set out in legislation: GDPO Part 18 states that prior approval is not to be refused nor are conditions to be imposed unless

- a) The development ought to be and could be reasonably carried out elsewhere on the land
- b) The design or external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Julian Le Vay, representing Abbey and Cripsey Road Residents Association and Councillor Andrew Gant spoke against the application.

Colin Field, Claire Mahoney and Chris Nash, representing Network Rail (NR), spoke in favour of the application.

The Committee asked questions of the officers and public speakers about the details of the application and their discussion included, but was not limited to, the following points:

Botley Road cycle and pedestrian path

The Committee was mindful that the proposed raised cycle and pedestrian path did not require prior approval consent but had been included in the application for completeness. In view of the level of public concern about these works the Committee welcomed the fact that NR and the County had entered in to a legal agreement which would require the input from an independent highway advisor to ensure the best possible option for the highway arrangement.

Nevertheless the Committee felt that it was incumbent upon them to explore what reasonable scope there was to suggest variations to the design of the bridge and its impact on the cycle and pedestrian path. The Committee learnt that the “piers” of the bridge, which delineated the vehicle highway and the cycle and pedestrian path, were physically constrained by the existing bridge structure and sewer such that any variation in width of the respective paths would be quite limited. A further operational constraint was presented by the need to keep both the Botley Road and the railway line open during the construction programme.

The Committee was encouraged to hear the NR representatives re-state their commitment to working with the independent highway adviser, the County and City Councils and the local residents to achieve the best practicable solution for vehicle, cycle and pedestrian flow at the interface of the Botley Road and Frideswide Square.

Noise

The Committee noted the arguments presented in the report that noise mitigation would be sufficiently addressed by the erection of a 2.2m high noise barrier between Botley Road and Sheepwash Bridge. Nevertheless the Committee acknowledged the concerns of local residents and welcomed the positive response from the NR representatives that they were, in principle, willing to work with the Council and local residents to consider options to increase the height of the barrier at appropriate locations (most likely at the Sheepwash Bridge end).

Construction noise

The Committee noted that Condition 22: Construction Traffic Management Plan (CTMP) would require that out of hours contact details be provided and that the hours of operation specified in the CTMP would reflect national best practice and would seek to balance local considerations with operational requirements to undertake some works outside of normal working hours (to avoid peak hours for rail travel).

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 officer's recommendation to grant prior approval subject to the inclusion of the 7 additional conditions to address the Environment Agency concerns; and an informative that all relevant departments across Oxford City Council should work with NR and local residents to achieve optimal solutions for the overall delivery of the scheme in discharging conditions, with particular reference to the Construction Environmental Management Plan (CEMP), the design of the acoustic barrier and traffic flows on the west side of the station.

The Oxford City Planning Committee resolved to:

1. Delegate authority to the Head of Planning Services to:
 - grant prior approval, provided he is satisfied the flooding issues have been satisfactorily addressed and to also include the updating of plans to ensure they are correctly cross referenced, for the reasons given in the report and subject to the required conditions as set out in section 11, and the additional 7 conditions and informative mentioned above, including such refinements, amendments, additions and/or deletions to those conditions and plans as the Head of Planning Services considers reasonably necessary.

42. 21/02053/FUL- Unit 1 And Unit 2, Botley Road

The Committee considered an application (21/02053/FUL) for planning permission for the erection of extensions to the front and rear and external alterations throughout, including the installation of cladding and new glazing; provision of dedicated foot/cycle access from Botley Road, cycle parking, erection of substation, external lighting, hard and soft landscaping, external loading bay, means of enclosure (including car park barriers) and associated works to enable the use of the building within Use Class E (Commercial, Business and Service) for research and development.

The Planning Officer presented the report and briefed the Committee on the background to the Environment Agency (EA) position regarding this application.

He confirmed that no formal comment has been received from the EA in response to the Council's consultation request. Correspondence was received from the EA by planning officers on 27 September 2021 stating that they would likely object because no ground levels had been provided by the applicant. Ground levels, provided by the applicant, were sent to the EA on the following day. At that point they EA advised that an additional 21 days would be needed to respond to the Council's consultation request; which meant that a comment was expected by 19 October 2021. No formal comment was subsequently received by planning officers.

Planning officers were aware that the applicant had worked positively and proactively with the EA via formal pre-application discussions, during which time the EA had indicated that they would not have grounds to object, and the applicant has submitted all the documentation that has been required by the EA. Furthermore, no objection was raised by the Lead Local Flood Authority or the Council's flood officers.

The officer report was issued on that basis, having regard to the statutory period in which the Council must determine planning applications.

Since publication of the report, planning officers had received an informal email from the EA stating that they intended to comment on the application and would likely object, although the reason for doing so was not substantiated. Planning officers were confident that any objection the EA may raise via a formal comment could be addressed via the submission of additional technical information by the applicant.

On this basis, planning officers maintain the recommendation set out in the officer report that the committee approve this application subject to formal written confirmation from the EA that they raise no objection to the application.

The Committee welcomed the application as a positive example of how a large retail unit could be re-purposed to create a sustainable employment site through improvements to the building and landscaping. They hoped that this scheme would be a model for further changes on other retail sites in the city. They expressed concern at the behaviour of the EA and endorsed the planning officers' intention to write to the EA about the matter. The Committee accepted the planning officers' assurance that any objection from the EA could be resolved, noting that if that was not the case the application would be brought back to them for.

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 officer's recommendation to approve the application recommendation set out in the officer report that the committee approve this application subject to formal written confirmation from the EA that they raise no objection to the application.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission, subject to:
 - the satisfactory completion of a legal agreement (or unilateral undertaking) under section 106 of the Town and Country Planning Act 1990 and other

enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

- the receipt of confirmation from the Environment Agency that they raise no formal objection.

2. **agree to delegate authority** to the Head of Planning Services to:

- decide whether the application needs to be referred back to the committee on receipt of a response from the Environment Agency; and
- finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement (or unilateral undertaking) under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- following the completion of the section 106 legal agreement (or unilateral undertaking) referred to above issue the planning permission.

43. 21/00672: 4 Bladon Close, Oxford, OX2 8AD

The Committee considered an application (21/00672) for planning permission for the demolition of existing dwellinghouse and garage; erection of 5 x 2 bedroom flats (Use Class C3); provision of amenity space, bin and cycle stores.

The application was before the Committee as it had been called in by Councillors Wade, Landell-Mills, Gant, Goddard, Roz Smith, Altaf Khan due to concerns around design, car parking, neighbouring amenities, legal covenants, land subsistence, asbestos, drainage, access, bin storage and sustainability.

The Planning Officer presented the report and proposed a revision to the wording of Condition 9: Ecology.

Liz Sharp (neighbour), Ian Robinson (local resident) and Councillor Andrew Gant (ward councillor) spoke against the application.

In response to questions from the Committee planning officers advised that the Neighbourhood Plan policies referenced by the public speakers were in fact aspirational statements or community policies which carried less weight than the policies in the Oxford Local Plan and NPPF.

The Committee suggested that, for a sustainable development of this nature, it would be desirable for the proposed cycle storage to be designed to accommodate larger electric models and cargo bikes, recognising that this was not something that could be secured by condition as it went beyond the policy requirements of the Oxford Local Plan.

The Committee noted the concerns expressed by the public speaker about overlooking and sought advice from the planning officers on what mitigation measures might be reasonable to include by condition. Planning officers suggested adding conditions for

the window treatment on the eastern elevation to require a front facing oriel window on the first floor and non-opening windows on the eastern elevation of the mansard roof.

After debate and on being proposed, seconded and put to the vote, the Committee agreed to include an amendment to the officer recommendation to include further conditions on window treatment.

On being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application, subject to the revision of the wording of Condition 9, and the inclusion of two further conditions on window treatment as detailed above.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report, with the amended condition 9 and additional 2 conditions regarding windows referred to above, and grant planning permission.
2. **agree to delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

44. Minutes

The Committee resolved to approve the minutes of the meeting held on 7 October 2021 as a true and accurate record.

45. Forthcoming applications

The Committee noted the list of forthcoming applications.

46. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.00 pm

Chair

Date: Monday 22 November 2021

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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