

## Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 8 March 2022



### Committee members present:

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

### Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services  
Andrew Murdoch, Development Management Service Manager  
Robert Fowler, Development Management Team Leader (West)  
Hayley Jeffery, Development Management Team Leader (East)  
Gill Butter, Principal Heritage Officer  
Jennifer Coppock, Principal Planning Officer  
Sarah De La Coze, Principal Planner  
Louise Greene, Planning Lawyer  
Emma Lund, Committee and Member Services Officer

### Apologies:

Councillors Altaf-Khan and Pegg sent apologies.

Substitutes are shown above.

## 74. Declarations of interest

**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.

**Councillor Wade** stated that as a member of the Oxford Civic Society she had taken no part in that organisation's 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.

#### **21/03057/FUL**

**Councillor Cook** stated that as a member of, and employed by, the University of Oxford he had no prior involvement or prejudicial interest in the application before the Committee. He was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**Councillor Upton** stated that she was employed by the University of Oxford but had no prior involvement or prejudicial interest in the application before the Committee. She was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

#### **21/03328/OUTFUL**

**Councillor Hollingsworth** stated that the officer's report included three references which implied the applicant was Oxford City Homes Ltd (OCHL), the Council's wholly-owned housing company. Whilst OCHL was not the applicant, staff from OCHL had provided some consultancy support for the application. He stated that as the Cabinet Member for housing delivery he had regular engagement with OCHL, and whilst he had not discussed this particular application he would, for the avoidance of any appearance of bias, withdraw from the meeting whilst it was decided.

### **75. 21/03057/FUL: Radcliffe Observatory Quarter, Woodstock Road, Oxford, OX2 6GG**

The Committee considered an application (21/03057/FUL) for the construction of a new humanities building in the Radcliffe Observatory Quarter to include: academic faculty space; a concert hall; a theatre; experimental performance lab; lecture hall; public engagement and outreach facilities; and new public realm and landscape space with associated access, servicing route, disabled parking facility and covered and open cycle spaces. The building would be publicly accessible: the public spaces would be located on the ground and lower floors, with the upper floors housing the faculties and academic spaces.

The Planning Officer gave a presentation and made the following verbal updates:

- Oxfordshire County Council had requested a number of contributions for highway improvements around the site in order to mitigate the pedestrian impact of the development. Discussions between the applicant and the County Council regarding these contributions were ongoing. It was proposed to update the recommendation shown in the report to include agreement to delegate to the Head of Planning Services authority to finalise, agree and secure additional contributions for highway improvements around the site through either S106 or a condition.
- A condition relating to drainage, which was required by the County Council, had been omitted from the report and required inclusion as an additional condition.

In presenting the report the Planning Officer informed the Committee that a small area of the site was located in the North Oxford Conservation Area. The remainder of the

site was bounded by three other conservation areas: Walton Manor, Jericho and Central. Additionally, there were a number of listed buildings in close proximity: most notably, Observatory Tower and St Paul's Church (Freuds). Great weight had been given to preserving these heritage assets when determining the application.

With a total height of approximately 22.5 metres to the top of the dome, the building would be visible from Castle Mound, St Mary's Tower and Raleigh Park. This had been considered by officers as set out in the report. Whilst some harm had been identified, the impact of the development on the skyline was considered to result in a moderate level of less than substantial harm. Historic England had raised no objection to the application, and it was considered that the moderate level of less than substantial harm caused by the development would be outweighed by the public benefits as described in the report. The site was an allocation site, and the proposal was considered to comply with the requirements of the allocation as well as the other policies of the Oxford Local Plan and be acceptable in terms of principle, design, impact on neighbouring amenities, highways and heritage issues.

Reverend Dr William Whyte, on behalf of the applicant, spoke in favour of the application.

In discussion, Committee Members sought clarification on: the visual impact of the plant and plant housing, in particular from Observatory Tower; the retention of the existing route from Woodstock Road past the Andrew Wiles Building to Walton Street as a public pedestrian and cycle right of way; capacity for foul water and sewerage discharge; the scope for improvements to the setting of Freuds at the eastern end; the construction traffic management plan, including spoil removal arrangements and routing of heavy vehicles given the high cycle use in the area; and measures to prevent service access routes being obstructed by parking. In relation to the construction traffic management plan it was noted that details could not be known until the contractor had been appointed, but would require the agreement of the County Council. The landscaping design would do much to minimise the potential for obstruction caused by ad-hoc parking; vehicular access would also be controlled providing further mitigation.

A Committee Member also drew attention to the fact that there was a relatively well-used pedestrian and cycle route along the southern edge of the site, between the Somerville Building and the application site, which was the only route to a local Post Office for residents in Jericho. It was suggested that an informative be added recommending that access to this route be retained during the construction period.

In discussion it was noted that overall the proposal had been very positively received. It was considered that it would represent a unique opportunity to develop an important long term asset which was well designed and which would greatly benefit the local community, improve the cultural offer, offer new opportunities in particular for young people, and encourage new and existing talent to the City.

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.

**The Oxford City Planning Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 13 of the report and the addition of a drainage condition and a condition or S106 to secure additional contributions for highways improvements required by the County Council and an informative regarding the retention of the pedestrian and cycle route along the

southern edge of the site between the Somerville Building and the application site during construction and grant planning permission subject to:

- the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **delegate authority** to the Head of Planning Services to finalise, agree and secure additional contributions for highway improvements around the site through either S106 or a condition; and
  3. **delegate authority** to the Head of Planning 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 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 this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
    - complete the section 106 legal agreement referred to above and issue the planning permission.

## **76. 21/03328/OUTFUL: Northfield House, Sandy Lane West, Oxford, OX4 6LD**

Councillor Hollingsworth withdrew from the meeting whilst this application was considered.

The Committee considered an application (21/03328/OUTFUL) for demolition of the existing Northfield Hostel buildings and erection of 2no. 4 storey buildings to provide 51 dwellings (Use Class C3); provision of new pedestrian and vehicular accesses; vehicular and bicycle parking; landscaping; amenity space; refuse storage and noise attenuation works; and outline planning permission for the erection of up to 10 dwelling houses (Use Class C3) on a former playing field to the east of the existing Northfield Hostel buildings.

The Planning Officer gave a presentation and made the following verbal updates:

- The applicants were Oxford City Council and Oxfordshire County Council. References to Oxford City Housing Ltd (OCHL) at sections 6.3, 7.3 and 10.13 of the report were incorrect; the scheme would be delivered by Oxford County Council, with Oxford City Council developing and managing the site. OCHL had no legal interest in the scheme.
- Two public comments had been received following publication of the committee report. One comment had been in support of the application. One comment had objected to the application on the grounds that the site was over-developed; there would be insufficient parking; the four-storey blocks would not be in keeping with

the surrounding area; the development would impact on neighbouring amenities; highways improvements were required; and the local infrastructure was insufficient. These comments did not alter the officer's recommendation, and all of the issues raised had been addressed in the report. The site was allocated in the Local Plan, and in the preparation of the Plan any necessary infrastructure to support residential development on the site had been considered.

- Due to the presence of roosting bats, a bat mitigation licence from Natural England would be required prior to the commencement of development, as set out in the report. Natural England would apply three tests in order to decide whether to grant a licence. These were: (i) preserving public health or public safety or other imperative reasons of overriding public interest; (ii) there must be no satisfactory alternative; and (iii) the action authorised would not adversely affect the favourable conservation status of the species in their natural range. The Planning Committee must consider the three tests and the likelihood of a licence being granted. Having considered the three tests, officers had concluded it likely that a bat licence would be granted by Natural England.

With regard to affordable housing, the Planning Officer informed the Committee that the proposal included 51 affordable units, equating to 84% of the total dwellings on site. This would exceed the Local Plan requirement of 50%. 27 of the 51 units would be social rented, which also exceeded the Local Plan requirement when taking into account development on the site as a whole. The Government's First Homes policy would come into effect on 28 March: if a legal agreement and planning decision had not been issued by this date then 25% of the affordable housing would be required to be delivered as First Homes. Based on viability work, this would mean that only 40% of the overall units would be for social rent.

The proposal comprised 16 parking spaces for the flats, including 3 accessible spaces and 1 car club space. Whilst this number was low it was policy compliant; the low number derived from the need to protect several trees and root protection areas on site. The site was considered sustainable by the Highways Authority given the high frequency of buses along Blackbird Leys Road. Conditions relating to parking management had been included, and on-street parking controls were proposed in order to manage overspill parking. Officers were therefore satisfied that the proposed parking arrangements were satisfactory. A new pedestrian crossing would be constructed to the left of the emergency access, with advisory cycle lane markings to encourage sustainable travel. It was expected that residents would be made aware through tenancy agreements that it was a low parking scheme and that parking space was therefore very limited both for residents and also visitors.

The main ecological interest of site was the presence of roosting bats. A total of 21 bat boxes was proposed as on site compensation, and a condition securing details of ecological enhancements would be imposed. The applicants had been liaising with the Trust for Oxfordshire's Environment with a view to identifying potential suitable land close to Oxford (or at least within Oxfordshire) for biodiversity offsetting. In the event that this proved not to be possible, the applicant could purchase credits from the Environment Bank.

The Planning Officer advised the Committee that the proposal represented a high quality residential scheme which would respond appropriately to the site and the context of the surrounding area whilst providing up to 61 homes to help meet Oxford's need. The dwelling mix was considered to be appropriate for the area; the site was

allocated for residential development within the Local Plan; and the scheme was considered to satisfy the requirements of the policy. The proposed dwellings would achieve acceptable internal and external living standards for prospective residents, and would not materially impact the neighbouring amenity. The scheme would deliver highways improvements, including a pedestrian crossing and marked advisory cycle lanes at Sandy Lane West, thereby promoting sustainable modes of transport.

Maurice Smithson and Michael Evans, local residents, and Councillor Tiago Corais spoke against the application.

Alec Arrol, agent and Stuart Moran, applicant spoke in favour of the application.

Committee Members sought clarification on elements of the proposal, including emergency vehicle access; issues of privacy and overlooking, and the heating system to be used. It was noted that roof mounted solar panels were proposed, with the apartments being serviced by electric heat pumps. Officers were content that there would not be issues of overlooking or loss of privacy due to the distances between the properties, the angling of windows, and the use of inset balconies. Privacy screening had been conditioned to avoid overlooking of the dwellinghouse gardens by residents in the eastern elevation of block B and a tree belt would also be retained. Amenity spaces around the buildings would enable access to all faces for servicing or emergency access.

Following debate about the level of parking to be provided, it was recommended that an informative be included to encourage an increase to the number of parking spaces allocated for car club use.

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.

#### **The Oxford City Planning Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 13 of the report and an informative recommending that consideration be given to increasing the number of parking spaces allocated for car club use and grant planning permission; subject to:
  - the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **delegate authority** to the Head of Planning 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 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 this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- Complete the section 106 legal agreement referred to above and issue the planning permission.

## **77. 21/03361/FUL: 152 London Road, Headington, Oxford OX3 9ED**

The Committee considered an application (21/03361/FUL) for the demolition of an existing retail store (Use Class E); erection of new building at 1 to 5 storeys containing retail store (Use Class E) and hotel (Use Class C1), service area, landscaping, cycle parking, and drop-off bays on Stile Road.

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

- The Tree Officer comments referred to in section 10.118 of the report had been received. The Tree Officer had advised that the additional information which had been submitted had helped to address the previous comments made, and suitably worded conditions could be imposed to secure further measures and information in respect of the trees were the application otherwise considered acceptable;
- Clarification was required with regard to the final two sentences of section 10.28 of the report relating to building height. These sentences were misleading as they implied that the proposed building was higher than others, notably Holyoake Hall along London Road, when in fact it was not. These sentences should therefore be deleted and replaced as follows: *'Moreover, what is clear is that where this height is in the locality it is limited in its width and/or depth. Where there is this depth this quickly transitions down to the domestic scale buildings behind. By comparison, the proposal with the size, height and massing due to its significant height, width and depth would cumulatively appear as an incongruous and bulky addition in an area characterised by low scale buildings.'*
- Reason for refusal no. 5 relating to the amenity impacts of the scheme should also refer to shading as an unacceptable impact on the adjacent school. This had been detailed in the report, but not carried through to the reason for refusal.

The Planning Officer advised the Committee that officers considered that the scale and massing of the building, occupying a wide and deep frontage, along with the overall height of 16.3 metres would be unacceptable and out of character in its setting, given the suburban two-storey character of the surrounding uses. The development also failed to take into account the significance of the non-designated heritage asset of St Andrew's School. There were highway concerns with the proposal in that the application had not been supported by an appropriate assessment of the existing trip rate of the retail store, nor had local car parks been surveyed to assess whether there was capacity to meet the demands of the development. Officers were concerned that the lack of operational parking on site to service hotel drop-offs and pick-ups could lead to indiscriminate parking on the highway and thus obstruction, which would be detrimental to highway safety. There were also significant amenity concerns as detailed in the report. These included a loss of privacy to neighbouring properties and the school from the hotel windows; the proposal would be overbearing and intrusive and would impact on sunlight to the school and cause undue shade. The proposed hotel was heavily reliant on obscured glazing in an attempt to reduce overlooking, which in turn compromised the amenity of the occupiers of the hotel rooms. There were also deficiencies in the health impact assessment, and in relation to energy efficiency; in particular achieving the BREEAM excellent standard.

Dr Sanja Thompson and Trish Elphinstone, local residents, spoke against the application.

Nik Lyzba, agent, spoke in favour of the application.

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

After being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to refuse the application.

**The Oxford City Planning Committee resolved to:**

1. **refuse the application** for the reasons considered fully in the report and stated to be:
  1. The proposed development by reason of its scale, height and massing would result in an inappropriate overdevelopment of this open and prominent peripheral edge of District Centre, location at odds with the prevailing character and appearance of the area. The development would be highly visible and a strident building in the street scene, visually discordant in views on London Road and Stile Road resulting in a form of development that would fail to be locally distinctive, and would not be of high quality design. The proposed development is therefore contrary to Policies DH1 and DH2 of the Oxford Local Plan, Policies CIP1, CIP2, CIP3 and GSP4 of the Headington Neighbourhood Plan, and guidance in the NPPF.
  2. The proposed development fails to take into account the effect of the proposal on the significance of St Andrews CE Primary School, as a non-designated heritage asset. The proposal, by reason of its scale, siting, massing and height will dominate this Victorian school building and will reduce the school's prominence in views on London Road, resulting in a low to moderate level of less than substantial harm to the significance of this heritage asset. The proposal is therefore contrary to policy DH3 of the Oxford Local Plan, policy CIP4 of the Headington Neighbourhood Plan 2017 and paragraph 203 of the NPPF.
  3. The proposed development, by reason of failure to provide operational parking on site and drop off/pick up layby could result in indiscriminate parking on street, by those visitors to the site, resulting in hazard and obstruction to the detriment of highway safety. The proposed development is therefore contrary to policies M2 and M3 of the Oxford Local Plan 2036 and guidance in the NPPF.
  4. The proposed development fails to adequately provide accurate trip generation of the existing retail store and appropriate TRICS data for the proposed development to accurately assess highway impact. The proposed development has failed to provide any assessment of the capacity of public car parks in Headington to meet the demands of the proposal. The failure to undertake and provide such assessment could result in adverse highway impacts to the detriment of highway safety and infrastructure contrary to policies M2 and M3 of the Oxford Local Plan 2036 and guidance in the NPPF.
  5. The proposed development by reason of its siting, scale, massing and height, and windows, will create an intrusive and overbearing form of



development and a loss of privacy through overlooking and shading detrimental to the amenities of the occupiers of the adjacent school and neighbouring dwellings on Stile Road. The development would thus have an unacceptable impact on these neighbouring occupiers contrary to policy RE7 of the Oxford Local Plan 2036.

6. The proposed development by reason of its use of opaque glass will result in a poor outlook and amenity for the occupiers of the hotel, and a substandard level of accommodation, contrary to policy RE7 of the Oxford Local Plan 2036.
7. The proposed development fails to demonstrate that the proposal will meet BREEAM Excellent standard and be a sustainable design and construction, contrary to policy RE1 of the Oxford Local Plan 2036.
8. Had the above overriding reasons for refusal not applied, an amended Health Impact Assessment would have been sought to address how measures in the assessment would be monitored and implemented. Without a robust Health Impact Assessment, the proposed development is contrary to policy RE5 of the Oxford Local Plan 2036 and the objectives to promote a strong and healthy community and to reduce health inequalities.

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

- finalise the recommended reasons for refusing the application as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## **78. Minutes**

The Committee resolved to approve the minutes of the meeting held on 15 February 2022 as a true and accurate record.

## **79. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **80. Dates of future meetings**

The Committee noted the dates of future meetings. An additional meeting had been scheduled for Wednesday 23 March at 6.00pm.

**The meeting started at 6.00 pm and ended at 8.19 pm**

**Chair .....**

**Date: Wednesday 23 March 2022**

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