

## Minutes of a meeting of the Planning - Oxford City Planning Committee on Wednesday 23 March 2022



### Committee members present:

Councillor Cook (Chair)	Councillor Chapman (Vice-Chair)
Councillor Abrishami	Councillor Diggins
Councillor Fouweather	Councillor Fry (for Councillor Hollingsworth)
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  
Sally Fleming, Planning Lawyer  
Emma Lund, Committee and Member Services Officer  
Felicity Byrne, Principal Planning Officer  
Katharine Owen, Principal Conservation Officer  
Emma Winder, Heritage Officer  
Mike Kemp, Principal Planning Officer

### Also present:

Allison Blakeway, Evolution PDR Ltd

### Apologies:

Councillors Altaf-Khan, Hollingsworth, Hunt and Pegg sent apologies.

Substitutes are shown above.

## 81. 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 Diggins** stated that as she would be speaking on applications 20/01276/FUL and 20/01277/LBC during the public slot, and had expressed a view, she would recuse herself from the Committee whilst these applications were considered.

**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.

## **82. 20/01276/FUL: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX**

Councillor Diggins withdrew from the committee table whilst this application was considered.

The Committee considered an application 20/01276/FUL for the demolition of existing structures and garages, redevelopment to provide mixed residential, community centre and boatyard uses, including associated works for the provision of new public realm, ramped access to the Church and works to the Oxford Canal.

The Planning Officer gave a presentation on both the planning application and the associated listed building application and provided the following updates:

- The officer's report contained some minor typographical errors – notably 'pizza' for 'piazza' and 'comprise' instead of 'compromise' at paragraphs 10.73 and 10.79.
- Some relevant planning history had been omitted; the planning history which was set out in the associated Listed Building Consent report also applied to the full application. However, both planning histories had omitted a previous outline approval in 2009 for a community centre in the same location which had been granted in 2010.
- The Highways Authority had removed its objection which had been based around the provision of three sub-standard car parking spaces. The amended plans before the Committee showed those spaces as lost and replaced by one.
- There are bats on site, and regard was needed to the likelihood of a Natural England licence being granted. Officers were of the view that the three tests required by the Conservation of Habitats and Species Regulations 2017 would be met and that it was likely that a licence would be granted. Updated bat surveys would be required in the event of approval.
- For clarity in terms of amenity for future occupiers, the internal space was sufficient in accordance with Policy H15. Whilst the external spaces were considered to be a low level provision, the proximity of the site to the towpath and Port Meadows was a material consideration and was considered to mitigate the small amenity space provided. Therefore, the proposal accorded with policy H16.

The Planning Officer highlighted that the site was constrained, of an unusual shape and involved a number of landowners, all of which presented challenges. It had been allocated for mixed use in the Local Plan and the principle of the proposal was considered acceptable.

Dr Phyllis Starkey, David Feeny and David Edwards, on behalf of the Jericho Wharf Trust, spoke against the application.

Councillor Lizzy Diggins spoke against the application.

George Taylor, resident, spoke against the application.

Oliver Holland, applicant, spoke in favour of the application.

The Committee's discussion included the following points:

- No affordable housing was included as part of the proposal, nor any contribution to affordable housing elsewhere off-site. Officers considered that the independent viability assessment had been robust and had demonstrated that the proposed development was not viable to provide affordable housing. Mitigation would be provided by way of a review mechanism secured by a S106 legal agreement, which would secure a 60% proportion of any surplus profit as a contribution to affordable housing in the City. The Committee considered that this was not guaranteed, but was contingent on profits which may or may not grow. Additionally, the affordable housing would not be provided within the Jericho area.
- The Committee raised questions about the viability appraisal and associated valuations. There was a lack of directly comparable new-build properties in Jericho on which to base an assessment and the use of Barton, Wolvercote and Headington as comparators had been strongly challenged.
- The Canal and River Trust had expressed objection and strong concerns about the proposal. Whilst officers had given great weight to this, there was a question as to whether even greater weight should be given.
- Car parking had been included as part of the proposal, in order to increase property values which in turn would fund some of the benefits to be provided. This included, potentially, some affordable housing. It was considered that this represented an unacceptable compromise against the accepted policy in relation to parking provision where there was existing access to shops and buses.
- The size of the public space had been reduced and the Design Review Panel had not been invited to comment.
- There was a lack of consensus around the proposal. This was significant given the importance of the development.

Contrary to the officer's recommendation of approval, the Committee was not persuaded that the viability assessment had successfully demonstrated that the delivery of affordable housing would make the scheme unviable, and after debate and being proposed, seconded and put to the vote the Committee agreed that the application should be refused on that basis.

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

**1. Delegate authority to the Head of Planning Services to:**

- Finalise the recommended reasons for refusing the application including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary; and
- Refuse the planning application.

**83. 20/01277/LBC: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX**

Councillor Diggins withdrew from the committee table whilst this application was considered.

The Planning Officer amended the recommendation to require that any consent granted be subject also to the completion of the section 106 agreement referred to in the recommendation for the associated planning application.

The Committee considered an application (20/01277/LBC) for the construction of a ramp and steps to the south-west elevation of the church and demolition of curtilage boundary walls to the south-west.

The associated full planning application 20/01276/FUL having been refused, it was agreed that the Listed Building Consent application should also be refused on the basis that the harm identified was only justified by the main associated development and outweighed the public benefits derived thereof and after being proposed, seconded and put to the vote it was agreed that it should be refused on that basis.

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

**1. Delegate authority to the Head of Planning Services to:**

- Finalise the recommended reasons for refusing the listed building consent including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary; and
- Refuse the listed building application.

**84. 21/02580/FUL: Marston Paddock, Butts Lane, Oxford, OX3 0QN**

The Committee considered an application (21/02580/FUL) for full planning permission for a proposed development comprising 40 dwellings (Use Class C3), access arrangements and public open space, landscaping, associated infrastructure and works including pedestrian and cycle routes at Marston Paddock, Butts Lane.

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

- Sections 10.34 and 10.46 of the officer's report referred to Paragraph 193 of the NPPF. This should read Paragraph 199, which was the correct policy to consider in the context of assessing significance in relation to heritage assets;
- Oxfordshire County Council had advised that it no longer intended to object to the development following the submission of the applicant's surface water drainage

strategy. This was subject to two drainage conditions, which were listed in the conditions list. Accordingly, the recommendations at 1.1.1 and 1.1.2 were to be amended to reflect that approval was no longer subject to further consultation with the Local Lead Flood Authority.

- In relation to paragraph 10.13, which stated a definitive time when the First Homes policy would start to apply, a wider interpretation was being taken of the wording of the written ministerial statement around the meaning of determination and the transitional arrangements, which could enable a longer time before First Homes applies.

The Planning Officer summarised that the proposal represented development on an allocated site which would exceed the number of units required under the site policy, including 20 affordable units. It was considered that the proposals were well designed and complied with the wider aims of the Local Plan. The low level of less than substantial harm to the Conservation Area would be demonstrably outweighed by the public benefits of the development, and the proposal was therefore recommended for approval subject to conditions and to the measures to be secured through the S106 agreement as outlined in the report.

Ian Ashcroft, agent, spoke in favour of the application.

The Committee's discussion included the following points:

- The access via Butts Lane was single track and would be shared for vehicles, pedestrians and cycles. Oxfordshire County Council had considered that separate arrangements were not required due to predicted low vehicle speeds. The narrow width of the lane also did not allow for a separate pedestrian / cycle access.
- Acoustic barriers would be installed adjacent to the two properties nearest to the A40. The orientation of the flats would be facing into the site, and the area to the north closest to the A40 would not be used for public amenity, in order to preserve biodiversity. The Council's Environmental Health Officer had been satisfied that the correct noise abatement measures had been taken in terms of building design, securing the right amenity standards for those living in the flats.
- The financial contribution to be secured towards compensatory measures to account for the site's release from the Green Belt would involve works to improve recreation and biodiversity at Cutteslowe and Sunnymead Parks. Officers had consulted with the Council's Parks and Leisure Services Team and had taken the view that there was sufficient latitude and need to improve those areas to give confidence that this was a reasonable approach to take and no contrary evidence had been received. At the suggestion of a Councillor, it was agreed that provision should be included in the S106 agreement to allow for a 'cascade' of alternative projects to secure equivalent Green Belt compensatory measures in the event that the aforementioned measures were found to be unviable.

After debate and being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application subject to conditions and the prior completion of a S106 agreement, subject to the agreement allowing sufficient flexibility for suitable compensatory measures to be included were the projects at Cutteslowe and Sunnymead Parks found to be unviable.

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

1. **Delegate authority to the Head of Planning Services to approve the application** for the reasons given in the report subject to the planning conditions set out in section 12 of the report and the satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; and
2. **Delegate authority to the Head of Planning 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 reasonable 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 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. The S106 agreement to include flexibility for alternative projects for the use of the financial contribution to be secured towards compensatory measures to account for the site's release from the Green Belt should the projects at Cutteslow and Sunnymead parks be found to be unviable; and
  - Complete the Section 106 agreement referred to above and issue the planning permission.

## **85. Nominations for the Oxford Heritage Asset Register**

The Committee considered nominations for addition to the Oxford Heritage Asset Register: a register of buildings, structures, features or places within Oxford, outside of Conservation Areas, which make a special contribution to the character of Oxford and its neighbourhoods through their locally significant historic, architectural, archaeological or artistic interest.

The proposed nominations before the Committee had been made between Spring 2018 (which was the last time that assets had been added to the Register) and November 2021. The nominations had been subject to a public consultation.

On being proposed, seconded and put to the vote the Committee agreed with the officer recommendation in the report.

**The Committee resolved to approve the following nominations listed in the appendix to the report for addition to the register:**

1. Temple Cowley Library, Temple Road, Cowley
2. Headington Shark, 2 New High Street, Headington
3. The Printworks, Crescent Road, Cowley
4. 69 London Road, Headington
5. 105 London Road, Headington
6. Medieval Wall, The Grates, Cowley
7. The Lodge, Binsey Lane

8. The Lodge, Rose Hill Cemetery, Church Cowley Road
9. Weirs House, Weirs Lane
10. The Chapel, Rose Hill Cemetery, Church Cowley Road
11. Bailey Bridge, Port Meadow
12. Crown and Thistle Pub, 132 Old Road, Headington
13. The Westgate Hotel, 1 Botley Road
14. 182 – 184 Abingdon Road
15. Scout Hall, 238 Marston Road
16. The Old Vicarage, 41 Lake Street, New Hinksey
17. United Reformed (formerly Congregational) Church, Temple Cowley

## **86. Minutes**

The Committee resolved to approve the minutes of the meeting held on 8 March 2022 as a true and accurate record.

## **87. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **88. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 9.00 pm**

**Chair .....**

**Date: Tuesday 12 April 2022**

*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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