

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 12 December 2023



Committee members present:

Councillor Clarkson (Chair)	Councillor Hollingsworth (Vice-Chair)
Councillor Altaf-Khan	Councillor Fouweather
Councillor Kerr	Councillor Malik
Councillor Mundy	Councillor Railton
Councillor Rehman	Councillor Upton

Officers present for all or part of the meeting:

Felicity Byrne, Principal Planning Officer
Jane Cotton, Planning Lawyer
Hayley Jeffery, Development Management Team Leader (East)
Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Development Management Service Manager
Tobias Fett, Principal Planning Officer
Jonathan Gentry, Planning Officer

Apologies:

Councillor Chapman sent apologies.

52. Declarations of interest

General

Councillor Upton declared that as a member and trustee of the Oxford Preservation Trust she had taken no part in that organisation's discussions regarding any of the applications before the Committee. Councillor Upton said that she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision on them.

23/02166/FUL

Councillor Hollingsworth declared that he rented an office within a building on Transport Way. Councillor Hollingsworth stated that he was declaring this for transparency reasons as Transport Way was referred to within the officer's report for the first item.

53. 23/02166/FUL: BMW UK Manufacturing Ltd, Garsington Road, Oxford, OX4 6NL

The Committee considered an application (23/02166/FUL) for the demolition of Buildings 30.5 and 31.5, extension of Integrated Logistics Centre (Building 80.0) and

Body-in-White/Logistics building (Building 31.0/31.3), provision of a new lorry parking area, expansion of external waste storage area, realignment of internal road and installation of associated landscaping, delivery decks, canopies, shutter doors, windows, plant and equipment and all other associated works at BMW UK Manufacturing Ltd, Garsington Road, Oxford.

The Planning Officer gave a presentation, provided the following update and also highlighted the following:

- Since the committee report had been published a trial trenching exercise had been carried out. This was satisfactory as it had not yielded significant finds and therefore no further mitigation or condition above the standard site-wide archaeology condition was required.
- The off-site mitigation referenced in paragraph 10.91 referred to the car park grassland. This was outside the red line boundary of development but was within the blue line of BMW's land ownership.
- Clarity was provided in relation to the conclusion in paragraph 10.33 that the development would not cause any adverse impacts on any conservation areas or other heritage assets.
- In relation to transport, clarity was provided that supporting assessments, surveys and details had been submitted and assessed as part of the planning application. Comments had also been received from the local Highways Authority, which was content that the development and its impact were acceptable and mitigated by the proposed conditions. As an additional benefit, BMW had agreed to make improvements to several access points to the site in order to improve access for pedestrians and cyclists. This would be controlled and managed by a Section 278 agreement with the Highways Authority and these works did not require planning permission. Mitigation for the impacts of the necessary additional HGV movements had been sought through a submitted travel plan which together with active travel improvements would encourage staff and people living and working in the surrounding area to arrive by non-car modes.
- Approval of the application was recommended by officers for the reasons set out in the report, subject to the conditions set out in the report but without the requirement for further archaeological information and including a unilateral undertaking with the County Council in terms of the travel plan monitoring fee.

Tom Bradford of BMW (the applicant) 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:

- The application represented an investment in the Oxford site which would offer benefits to the local economy as well as employment opportunities, securing the future of car manufacturing in Oxford.
- The proposal also offered a sustainable future for car manufacturing through the production of electric vehicles, which was welcomed.

- The design was rated BREEAM excellent and offered 40% carbon reduction.
- A committee member commented that he hoped the travel plan associated with the proposal would help to ease congestion from lorries queueing to access or exit the site. Another committee member referred to the environmental impacts of lorries waiting in lay-bys on the Northern Bypass and commented that he hoped this could also be alleviated.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommendation to approve the planning application for the reasons set out in the report and subject to the conditions set out in the report and a legal agreement to secure the planning obligations set out in the report and removal of a requirement for archaeological trial trenching (as this had now been completed).

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of the report and subject also 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 the report; and
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;
 - 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 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 and Regulatory Services considers reasonably necessary; and
 - complete/receive the section 106 legal agreement or Unilateral Undertaking and issue the planning permission.

54. 22/03076/FUL: 135-137 Botley Road, Oxford

The Committee considered an application (22/03076/FUL) for the demolition of existing buildings and replacement with new building comprising Research & Development, office and café space (Use Class E), including external lighting, hard and soft landscaping, ramped access, service bay, bin store, car and cycle parking, altered vehicular access onto Botley Road, pedestrian and cycle paths, means of enclosure, utilities, and associated works at 135 – 137 Botley Road, Oxford.

The Planning Officer gave a presentation and provided updates and also highlighted the following:

- A correction was provided to paragraph 3.1 to reflect that the applicant was not now required to enter into a s278 agreement with the County Council.
- In relation to paragraphs 10.15 and 10.50 which referred to the NPPF in relation to heritage assets, clarification was provided that the NPPF also stated that substantial harm to or loss of a scheduled ancient monument should be 'wholly exceptional'. For this application, the Castle Mound and the Tower referred to in the report comprised the scheduled ancient monument.
- Confirmation was provided that the County Council had removed its objection in relation to the provision of cycle parking.
- In relation to paragraph 10.85, clarification was provided that the transport assessment showed a net gain of six traffic movements in peak hours, which included servicing and delivery.
- In relation to paragraph 10.157, a correction was provided that the first set of obligations related to the County Council, and the second set to the City Council.
- Since publication of the report several additional representations had been received. The points raised had largely been addressed in the officer's report. One additional matter had been raised which had related to a comment by the Oxford Design Review Panel about considering the application in the context of a wider masterplan. The Planning Officer clarified that there was no wider masterplan for the area: as set out in the report there was a Technical Advice Note which gave guidance only on how future development of the Botley Road area might come forward. One representation had also objected that proper public consultation had not taken place: the Planning Officer clarified that there had been three rounds of statutory advertisement in the newspaper and issuing of site notices as part of the application process. The applicant had also undertaken an extensive consultation during the pre-application process which had included a drop of 1800 letters to properties surrounding the site, as well as engagement in the media and with ward councillors and other stakeholders. Officers were satisfied that proper consultation had been undertaken.
- The principle of the development was considered acceptable: it was in a highly sustainable location and would provide flexible floor space offering high quality research and development labs and office space creating a total of 620 jobs for the local economy and would help meet the high need and demand for research and development space for life sciences in Oxford, thus contributing to Oxford's economic growth. It would also provide a café and ground floor amenity which would be open to the public.
- The development was considered to be of high quality and sustainably designed, and to enhance the character and appearance of that part of Botley Road and of the retail park. A new enhanced landscape area would be provided to the front of Botley Road, to include the removal of poor quality trees within the car park to the front of the existing buildings and replacement with a significant number of new trees.

- The proposal would meet policy requirements on biodiversity net gain and achieve a 40% carbon reduction.
- Officers considered that there would be no overbearing impact and no direct overlooking. The use of additional planting, distance and automated roller blinds would mitigate any perception of overlooking.
- The development was situated within Flood Zone 3. The Environment Agency had therefore stipulated that the ground floor of the new building could not be any larger in area than the existing footprint and this, together with moving the building as far away as possible from the Earl Street properties had resulted in the height and massing shown in the application. Whilst the height of the building would go above the guidance in the development brief technical note due to these site constraints, the applicant had minimised the floor to ceiling heights as much as possible. Officers were content that the building size, massing and height were justified in this case.
- The drainage strategy took account of climate change and would represent a betterment on the existing situation. The proposal would not lead to any increased flooding or risk of flooding elsewhere along Botley Road.
- A new cycle and pedestrian footpath from the north to the southern end of the site, offering a public benefit, would be secured by a s106 agreement.
- The proposal would result in a reduction of 84 car parking spaces. 28 EV charging spaces would be provided, a number of which could also be used by Earl Street residents, as well as a minimum of 1 and up to 5 car club spaces depending on future demand and also made available for use by Earl Street residents. The applicant had also agreed to contribute towards Botley Road improvements in order to facilitate employees choosing more sustainable travel options from either Thornhill Park and Ride or the train station. This would involve changing the junctions of Lamarsh Road, the application site, Earl Street and Duke Street as well as upgrading the bus stop at the front of the application site to provide real time travel information.
- There would be some less than substantial harm to views, to the setting of Oxford, to the setting of the Central Conservation Area and to the setting of the Castle scheduled ancient monument arising from the proposal. However, officers considered that the public benefits of the development would outweigh any harm to heritage assets. These public benefits included the improvements to Botley Road, the cycle and pedestrian footpath across the site, new publicly accessible landscaped area and café and the economic benefits provided by the creation of jobs. The application was therefore recommended for approval for the reasons set out in the report and subject to conditions and the relevant s106 agreements.

Andrew Tyson, local resident and Councillor Lois Muddiman spoke against the application.

Colin Brown and Artem Korolev (applicants) spoke in favour of the application.

Councillor Susanna Pressel spoke to request an additional condition.

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

- The current Local Plan had no car parking standard for research and development, and so each application needed to be considered on a case-by-case basis and justified for each site. Higher levels of car parking had been permitted in other recently approved research and development sites. The number of car parking spaces proposed was considered by the applicant to be necessary to allow the building to function properly in the event that it were occupied by either a single or several different occupiers. It included provision for disabled or vulnerable people who did not want to, or were not able to, walk from the park and ride or station, particularly late at night or in poor weather. The County Council had removed its objection on car parking grounds.
- It was not envisaged that the use of the site would involve late night deliveries, and a delivery and service management plan had been conditioned. At the suggestion of a committee member, officers undertook to include the avoidance of evening and late night deliveries, particularly by HGV, into the proposed condition for the delivery and service plan.
- A sympathetic external lighting strategy had been conditioned, to ensure that there would be no adverse impact on neighbouring amenity. Automated roller blinds would prevent light spill from the building.
- Members were reminded that the site could be used for Research and Development use without planning permission but this would be more harmful in planning terms and not achieve the benefits outlined.

The meeting paused at 7.59pm and reconvened at 8.03pm.

- A committee member expressed regret that the development included staff car parking spaces; however, it was recognised that the Council would not be able to justify refusal on that basis at appeal, given that the County Council as Highways Authority had withdrawn its objection.
- Some committee members expressed reservations about the number of traffic movements which might be generated as a result of the size of the car parks.
- A committee member commented that whilst the proposal involved some slight harms, these were outweighed by the clear benefits when applying the planning balance. These benefits included a new building which represented an improvement on the existing; development in a sustainable location which would be less impactful than in a more rural location; and the economic and public benefits.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommendation to approve the application for the reasons set out in the report, subject to the conditions set out in the report, inclusion of the avoidance of evening and late night deliveries, particularly by HGV, into the proposed condition for the delivery and service plan, and a legal agreement to secure the planning obligations set out in 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 the report and inclusion of the avoidance of evening and late night deliveries, particularly by HGV, into the proposed condition for the delivery and service plan 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 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 set out in the 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 and Regulatory Services considers reasonably necessary; and
 - on receipt of the completed section 106 legal agreement referred to above issue the planning permission.

55. 23/02423/FUL: 38 Stile Road, Oxford OX3 8AQ

The Committee considered an application (23/02423/FUL) for the raising of roof height, formation of 1no dormer and 1no rooflight to north-west roofslope, formation of 3no rooflights to south-east roofslope in association with loft conversion; insertion of 1no window to front and 2no windows to rear elevation; re-render of external walls and removal of chimney stack at 38 Stile Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The application was a householder application which was before the Committee as the applicant was employed within the Planning and Regulatory Services department of Oxford City Council.
- A correction was required to condition 4 as clarification had been received that the rooflights referenced in the condition would stand above head height in the room. There was therefore no risk of them generating harmful overlooking of neighbouring properties and so the requirement for obscure glazing was not needed. This would be replaced by a condition to ensure that the roof light on the opposite elevation shown in error on the proposed loft plan does not form part of the development and is not permitted.
- Officers considered that the application was acceptable in terms of design and would not adversely impact neighbouring amenity. Given that the works related

only to the upper level of the property there would be no identified impacts in terms of highways or parking. The application was therefore recommended for approval.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommended to approve the application, subject to the required planning conditions set out in the report and as amended / referred to 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 and grant planning permission; 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.

56. Minutes

The Committee resolved to approve the minutes of the meeting held on 21 November 2023 as a true and accurate record.

57. Forthcoming applications

The Committee noted the list of forthcoming applications.

58. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.24 pm

Chair

Date: Tuesday 23 January 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.