

Planning Review Committee

5th February 2026

Application number: 25/02702/FUL

Decision due by 9th December 2025

Extension of time 6th February 2026

Proposal Change of Use from hair dressing training company with ancillary workshop (Use Class E) to a Day Nursery (Use Class E(f)). Removal of 1no. roller shutter door and insertion of 3no. windows to front elevation and alterations to existing front door. Insertion of 3no. windows to side elevation.

Site address Unit 11, Kings Meadow, Ferry Hinksey Road, Oxford – **Appendix 1** for site plan

Ward Osney And St. Thomas Ward

Case officer Robert Fowler

Agent: Mr Edward Gillibrand **Applicant:** Mr Coppe van Urk

Reason at Committee Called into planning review committee by Councillors Pressel, Arshad, Smith, Fry, Ottino, Taylor, Hunt, Muddiman, Rawle, Kerr, Chapman and Morris

1. RECOMMENDATION

Planning Review Committee is recommended to:

1.1 **Refuse planning permission** for the application for the reasons given in paragraph 1.2 of this report and to delegate authority to the Director of Planning and Regulation to:

- finalise the reason for refusal including such refinements, amendments, additions and/or deletions as the Director of Planning and Regulation considers reasonably necessary.

1.1.1. The recommended reasons for refusal are as follows:

1. The proposals would involve the use of the application site for a more vulnerable use in the context of flooding in a location that falls within the defined area of highest risk of flooding (Flood Zone 3b). In addition to this the submitted Flood Risk Assessment (FRA) fails to sufficiently consider flood risk as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The application is

therefore unacceptable in the context of Policy RE3 of the Oxford Local Plan (2036), Paragraph 170 of the NPPF and the Planning Practice Guidance (PPG).

2. The proposed development fails to provide adequate cycle parking for staff, parents or visitors travelling to the nursery. As a result the proposed development would be contrary to Policy M5 of the Oxford Local Plan (2036).

2. Background

- 2.1 At the Oxford City Planning Committee on the 9th December 2025 Members resolved to refuse planning permission for the change of use of Unit 11, Kings Meadow from a hair dressing training company with ancillary workshop (Use Class E) to a Day Nursery (Use Class E(f)), and external alterations to the building which included the removal of 1no. roller shutter door and insertion of 3no. windows to front elevation and alterations to existing front door. Insertion of 3no. windows to side elevation for the reasons set out in paragraph 1.2 of this report.
- 2.2 A copy of the officers committee report has been attached to the **appendix 2** of this report. A copy of the minutes from the Oxford City Planning Committee meeting (9th December 2026) are also attached to **appendix 3** of this report.
- 2.3 The application has been called in to Planning Review Committee by Councillors Pressel, Arshad, Smith, Fry, Ottino, Taylor, Hunt, Muddiman, Rawle, Kerr, Chapman, and Morris.
- 2.4 The grounds for call-in are as follows
 - a. The Environment Agency doesn't need to worry about flood risk, because there are always a few days' notice of any flooding in the Botley Road area, and in those instances the nursery will not open.
 - b. There are no other possible sites available, and this nursery provision is vital for the area
 - c. The reason for refusal relating to cycle parking could be addressed by the submission of additional plans and further consultation.
 - d. The Oxford Flood Alleviation Scheme will be in place quite soon
- 2.5 The purpose of this supplemental report is to provide specific comments on the matters listed above and should also be read in conjunction with the officer's committee report in **appendix 2** of this report which sets out the main assessment of the application in support of the recommendation to refuse planning permission for the application.

3 Grounds (a) and (d) - Flood Risk and Oxford Flood Alleviation Scheme

- 3.1 The units in Kings Meadow are within the flood plain of the River Thames, and are located within Flood Zone 3b, the highest risk flood zone, and the functional flood plain, in which flooding would be regularly expected. The estate last flooded in January 2024 and was subject to a formal investigation by the Lead Local Flood Authority which was published in January 2025.
- 3.2 The officers committee report (**appendix 2**) sets out the assessment of the application against the national and local plan policies and explains why the application would be contrary to these flood risk policies in paragraphs 7.18 – 7.30 of the officers report.
- 3.2 The grounds for call-in suggest that the Environment Agency does not need to worry about flood risk, because there are always a few days' notice of any flooding in the Botley Road area, and in those instances the nursery will not open.
- 3.3 Officers would make members aware that the Environment Agency are a statutory consultee for development within certain areas of flood risk, and they provide flood risk guidance for developers and local planning authorities on how to address flood risk. As such their advice in relation to the potential flood risk from any development should be given significant weight in the determination of this application. It is inappropriate to suggest, as the call-in does, that the Environment Agency does not need to worry about flood risk in this location. Members should be aware that despite what is suggested in the call-in, the Environment Agency would be fully aware of the manner in which the area floods during such events, including what notice is provided to landowners, given that they are one of the responsible authorities who provide the necessary flood alerts. Despite this understanding, they have still objected to the application.
- 3.4 The Environment Agency have objected to the development and their objection is set out within paragraph 6.3 of the officers committee report (**appendix 2**). The officers report makes clear that the proposal would be contrary to national and local planning policy as the use would fall within a flood risk vulnerability category that has been identified as being inappropriate to the Flood Zone in which the site is located. The Environment Agency response goes on to state that the Flood Risk Assessment has not sufficiently considered the risk from flooding as set out in paragraphs 20-21 of the Flood Risk and Coastal Change Planning Practice Guidance. It has not properly considered the impacts of appropriate allowances for climate change, nor has it proposed adequate flood risk mitigation measures to address the flood risk for the lifetime of the development and included these appropriate measures to make the development safe or resilient to flood risk or to provide sufficient resistance and resilience measures, or safe access and escape routes.
- 3.5 The officers report makes clear in paragraphs 7.18 to 7.24 of the policy context for considering the flood risk implications for the change of use. In summary, the report sets out that there is an objection to the principle of the change of use in flood terms. The change of use would constitute a 'more vulnerable' use which the NPPF identifies as being incompatible within Flood

Zone 3b (the functional flood plain) and therefore should not be permitted. That would be contrary to national planning policy.

- 3.6 The report also makes clear that Policy RE3 of the Oxford Local Plan 2036 states that permission will not be granted for development within Flood Zone 3b except where it is for water-compatible uses or essential infrastructure, or where it is on previously developed land, and it will represent an improvement for the existing situation in terms of flood risk. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding. Although Policy RE3 does permit development in Flood Zone 3b where it is on previously developed land and where it will represent an improvement for the existing situation in terms of flood risk. The policy sets out a number of criteria which must all be met in order for the development to be acceptable in the context of Policy RE3. These being
- a. it will not lead to a net increase in the built footprint of the existing building and where possible lead to a decrease; and
 - b. it will not lead to a reduction in flood storage (through the use of flood compensation measures) and where possible increase flood storage; and
 - c. it will not lead to an increased risk of flooding elsewhere; and
 - d. it will not put any future occupants of the development at risk.
- 3.7 The report goes on to advise that the proposal would fail requirement (d) of this set of criteria as it would involve the change of use of the building from a 'less vulnerable' use to a 'more vulnerable use' which the National Planning Policy Framework has identified as being incompatible within this Flood Zone. Moreover even with this in-principle objection, the Environment Agency have also identified that the Flood Risk Assessment has failed to provide adequate flood risk mitigation measures and safe access and egress which should be considered essential within what is the highest area of risk given it forms the functional flood plain.
- 3.8 The call-in has also made reference to the Oxford Flood Alleviation Scheme (OFAS) as being implemented soon, which one presumes those who have signed the call-in consider will reduce the potential flood risk. In response to this, officers would make members aware that this is directly discussed in paragraphs 7.27 – 7.28 of the officers report (**appendix 2**). The report makes clear that the planning permission has not yet been finalised for OFAS and there is no timeline for its implementation. As such any benefits that could arise from the OFAS scheme would not have material weight in the determination of this application.
- 3.9 Members should therefore be aware that the application would be contrary to national and local plan policy by introducing an incompatible use into the highest area of flood risk. This being Flood Zone 3b or the functional flood plain. Not only is the principle of this use contrary to policy, but the Flood Risk Assessment has been identified by the Environment Agency as being

inadequate and they have objected to the application. The grounds for call-in have not advanced any material considerations to outweigh the clear policy objection set out within the first reason for refusal.

4. Ground (b) - Lack of Available Sites

- 4.1 The second call-in reason has suggested that there are no other possible sites available for the nursery and that this nursery provision is vital for the area. It is not clear from the call-in, the context for advancing this ground as part of the decision-making process.
- 4.2 It is understood that the current nursery site is subject to redevelopment proposals, which has established the need to relocate. The Design and Access Statement also notes that the existing nursery is housed in a temporary building that was meant to last 5 years, but has been in place for circa 20 years, and as such has out of date facilities. However although the application has mentioned these redevelopment proposals and quality of facilities, they have provided no information on the time pressures for relocation by which to demonstrate the urgency.
- 4.3 The officers report has raised no objection to the principle of providing this use within the building, notwithstanding the flood risk concerns, in purely land use terms within paragraphs 7.11 to 7.16 of the officers report (**appendix 2**).
- 4.3 It is important to appreciate that the original application has not provided any information to support the claim that there are no other possible sites available for the nursery. Additional representations were made to the Oxford City Planning Committee by the applicant prior to the December meeting, which stated that there *'no alternative affordable sites close to our catchment area, West Oxford, with no nurseries providing under 2s spaces in the area and we cannot find a suitable site without flood risk'*. However officers would make clear that no specific detailed evidence has been provided with regards to the length of time that the applicant has been searching for alternative sites; what sites have been looked at during this period; and why such sites were discounted.
- 4.4 Without any detailed evidence to support these claims, it is difficult to attribute any weight to this material consideration in the determination of the application whether that be in the general planning balance of the application as a whole, or in order to specifically outweigh the clear national and local plan policy objections to the introduction of such a incompatible use into Flood Zone 3b.

5. Ground (c) – Cycle Parking Provision

- 5.1 The third ground of appeal relates to the reason for refusal surrounding cycle parking. The ground of appeal has identified that the applicant could provide details of cycle parking and that any such change could be addressed

through an amendment to the description of development and the submission of amended plans which would then need reconsultation.

- 5.2 The officers report sets out clearly in paragraph 7.41 – 7.44 the concerns regarding the applicants omission of details regarding staff, visitors, or parents dropping off or collecting children. Bearing in mind that the Design & Access Statement submitted with the application suggests that cycling to the nursery is one of the more popular transport modes for users, it is surprising that details of the cycle parking provision to support this transport mode has not been provided within the application.
- 5.3 Having regards to the requirements of Oxford Local Plan Policy M5 which seeks the provision of well-designed and well -located, convenient, secure, covered, cycle parking provision, it is right that the absence of such information would conflict with the policy. Furthermore, as stated in the report, the constrained nature of the site means that it would not be possible to secure such provision by means of planning condition if permission was to be granted for the proposal as officers cannot be sure whether there is sufficient space to provide a suitable level of cycle parking for users. As such the proposal would be considered contrary to Policy M5 of the Oxford Local Plan 2036.
- 5.2 Despite the proposed use there are no site plans suggesting that any part of the site would be enclosed to provide an outdoor play space for the day nursery. The existing car parking area is proposed to be used for pick up and drop off. There is no existing cycle parking or proposed cycle parking for staff or visitors. The application description for the proposed development does not include the provision of any other changes to the building or the development of stores in associated with the change of use.

6. Conclusion

- 6.1 Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 Officers recommend that the application should be refused because of the impact on flood risk. The proposed development would involve a change of use to a more vulnerable use in a high flood risk area which means that the development is unacceptable in planning terms. The submitted flood risk assessment also uses a methodology which is incorrect in terms of the climate change allowance.

- 6.3 An objection from a statutory consultee, the Environment Agency's advice is reflected in the officer recommendation. In the event that planning permission is granted then reconsultation with the Environment Agency would be necessary in order for them to be provided an opportunity to respond with respect to conditions or requests for further information.
- 6.4 The proposals also fail to provide details of cycle parking and as a result of this not being included in the application description this cannot be required by condition if planning permission is granted.
- 6.5 Other aspects of the proposals including highways, drainage and ecology could be resolved or conditions imposed if planning permission is granted.
- 6.6 The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy S1 of the OLP 2036 repeats this.
- 6.7 Officers consider that the proposal would fail to accord with the overall aims and objectives of the NPPF and policy S1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be refused.
- 6.8 Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 6.9 It is recommended that the Committee resolve to refuse the planning application.

APPENDICES

Appendix 1 – Site location plan

Appendix 2 – Officers Committee Report

Appendix 3 – Oxford City Planning Committee Minutes 9th December 2025

HUMAN RIGHTS ACT 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of

Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

RIGHTS OF THE CHILD

The UN Convention on the Rights of the Child (UNCRC) outlines the fundamental rights of every child, regardless of their race, religion or abilities. The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights.. The UK ratified the UNCRC in 1991 making it binding under international law, however the UK does not automatically incorporate international treaties into domestic law. The principles of the UNCRC informed the Children Act 2004. As set out in the above report, in reaching a recommendation for approval, officers consider that the proposal will not undermine the rights of the child under the Convention and the Children Act.