

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 12 October 2021

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Committee members present:

Councillor Cook (Chair)	Councillor Chapman (Vice-Chair)
Councillor Altaf-Khan	Councillor Diggins
Councillor Fouweather	Councillor Hunt
Councillor Pegg	Councillor Rehman
Councillor Upton	Councillor Bely-Summers (for Councillor Abrishami)
Councillor Dunne (for Councillor Hollingsworth)	

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services
Andrew Murdoch, Development Management Service Manager
Gill Butter, Principal Heritage Officer
Clare Gray, Principal Planner
Mike Kemp, Principal Planning Officer
Sally Drury Smith, Planning Lawyer
Catherine Phythian, Committee and Member Services Officer

Apologies:

Councillor(s) Abrishami and Hollingsworth sent apologies.

Substitutes are shown above.

34. 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.

21/01185/FUL

Councillor Chapman stated that as the ward councillor for Headington Hill and Northway he had been contacted by local residents but that he had expressed no view on the application and had not made his mind up on the matter and approached it with an open mind.

21/01217/FUL

Councillor Pegg stated that she worked for The Wildlife Trusts and that, whilst she was aware that BBOWT (Berks, Bucks and Oxon Wildlife Trust) had commented on the application, she had not been involved in that and she had not made her mind up on the matter, and approached it with an open mind.

35. 21/01185/FUL: Site Of Blocks C F G H J K L And M, Clive Booth Hall, John Garne Way, Oxford, OX3 0FN

The Committee considered an application (21/01185/FUL) for planning permission for the demolition of twelve buildings (including main accommodation Blocks C, F, G, H, J, K, L and M) and the erection of twelve buildings to provide student accommodation, with ancillary communal and social facilities and associated administrative building (Class C2) and the erection of children's nursery (Class E). Alterations to car parking, installation of cycle parking structures and associated landscaping works, including reorganisation of existing footpaths and cycle ways, drainage features and ancillary development. Installation of a waste compactor unit and alterations to an existing road to enable access.

The Planning Officer presented the report and advised that since the previous application was refused, the applicant has undergone extensive pre-application discussion with officers and carried out two rounds of public consultation with the local community. She highlighted the main differences between the current application and 18/02587/FUL which had been refused in June 2019 (as detailed in paragraphs 10.6 and 10.7 of the report):

- the adoption of the Oxford Local Plan 2036 in June 2020 is a material consideration as it allocates the Clive Booth Student Village site for development, including student accommodation, under Policy SP17.
- the reduction in the net gain of student beds from 615 to 573.
- the reduction in the height of the flatted buildings on the western part of the site from 6/7 storeys to 5/6 storeys.
- The movement of buildings 3 and 5 away from the northern boundary of the site in the vicinity of John Garne Way allotments to reduce overshadowing in the winter months and early in the day at other times of the year.
- the reduction in the height of buildings 3 and 6 to two storeys nearest to the boundary with John Garne Way allotments to reduce overshadowing of the allotments.
- the movement of building 12 away from the boundary with residential properties on Pullens Field to improve amenity impact on Pullens Field.
- changes to the footprint and position of the buildings to allow for the retention of a greater number of higher quality trees and to retain a greater number of trees, with the greatest life expectancy, especially those that are necessary around the boundary and for layering through the site in filtering views in the locality.
- a revised design approach to the building's façade through a change in a materiality and greater articulation.

The Planning Officer reported the following typographical amendments:

- Para 3.1 insert “*or any other public realm scheme*” after “21/01368/FUL and 21/01369/LBC”
- Para 10.249 replace “*qualify*” with “*quantify*”

The Planning Officer concluded by reminding the Committee of the relevance of Policy H9 of the Oxford Local Plan. This policy links the delivery of new/redeveloped and refurbished university academic facilities to the delivery of university provided residential accommodation, and effectively ensures that provision of academic/administrative facilities for Oxford Brookes does not result in an increase in student numbers or the number of students living in Oxford in non-university accommodation does not exceed 4000 students. It should also be recognised that the policy states that this threshold of 4000 students shall be increased to 4500 students by 1 April 2023 if a scheme for a minimum of 500 student bedrooms has not been developed at Clive Booth Student Village.

Councillor Mary Clarkson (ward councillor, Marston), Alan Cooper (John Garne Way Allotments) and Tessa Hennessy (New Marston South Residents Association) spoke against the application.

Jerry Woods, (Oxford Brookes University) spoke in favour of the application. The following representatives from the university and its advisers were present to answer questions: Brendan Casey, Rob Linnell, Jon Alsop, James Roach and Dafydd Warburton.

The Committee asked questions of the officers and public speakers about the details of the application.

In discussion the Committee explored the following points:

- the potential impact of the development on the local community infrastructure due to demands on local health services
- the impact on the local network of roads and footpaths from increased number of cars, pedestrians, and cyclists
- the proposed development’s “green” credentials in response to climate change and its impact on the environment and bio-diversity
- the height and scale of the development and the level of harm it would have on the various conservation areas and the Designated Heritage Assets and the process for determining “levels of harm”
- the benefit of purpose built student accommodation releasing private homes back into the general market and affordability of purpose build accommodation over private rented accommodation

In response to the first of these points Planning Officers advised the Committee that the development would attract Community Infrastructure Levy and that the remaining points were fully addressed in the officer report. They said that the proposed development would deliver a 70% Carbon Reduction, which exceeded the local plan policy requirement of 40% and whilst an initial loss of tree cover would impact upon biodiversity, the compensation and mitigation measures of substantial tree planting and biodiversity enhancements would deliver a net gain of 11.87% to offset this loss, in excess of the Local Plan policy requirement of 5%. In response to the point about

traffic generation, they explained that students were not allowed to bring cars to the city and this is currently managed by Oxford Brookes. They also confirmed there would not be significant trips resulting from the development, and any increase in pedestrian and cycling from the facility should be welcomed. Officers also explained how this is a sustainable site for centralising student accommodation within walking distance of academic buildings and services. Officers indicated that the test within the NPPF was that highway impacts needed to be 'severe' to justify refusal. In response to the question about public benefit of proposed built student accommodation, officers explained this was an integral part of the councils local plan policy to manage the growth of student numbers. They explained that this was an existing student campus, which had been allocated within the local plan to deliver a minimum of 500 student rooms over the existing accommodation on site and therefore formed a critical part of the Council's housing delivery.

A motion to approve the application for the reasons set out in the officer's report was proposed, seconded and put to the vote. That motion fell.

The Committee then debated the reasons for refusal of the application.

Members of the Committee were not persuaded that the application before them had moved far enough to address the concerns of local residents or mitigate the reasons for refusal identified in June 2019. They considered that the siting, scale and density of the application before them would have a detrimental impact on the environment and on the local community infrastructure. They considered the loss of trees and canopy cover too significant. Furthermore they were not convinced that the scheme would deliver a public benefit in terms of creating additionality in the housing market as a result of students moving out of the private rental sector into the university accommodation.

The planning officers reminded the Committee that all of these issues had been addressed during the review of the Oxford Local Plan 2036 which concluded that the site should be allocated for development, including student accommodation, under Policy SP17.

The planning officers and legal adviser re-iterated their advice that the application was policy compliant and that all of the issues raised and reasons for refusal for the previous application had been overcome and addressed in the officer report and presentation or would be satisfactorily secured by condition. Furthermore, the statutory consultees had raised no objections to the application. Consequently the Committee was advised that there were no valid or reasonable grounds for refusal. The planning officers advised the Committee about the likely effect of such a refusal should it be appealed including the possibility of costs being awarded against the Council.

Notwithstanding the Planning Officers' advice that the application before them was policy compliant and that a refusal would be difficult to defend at appeal a motion to refuse the application for the same three reasons as given for the previous application's refusal in June 2019 was seconded and put to the vote. The Committee agreed to refuse planning permission for the reasons set out below.

The Oxford City Planning Committee resolved to refuse the planning application for the reasons previously stated at the East Area Planning Committee meeting on 5 June 2019, noting that the planning officers would need to update the references to policies

to reflect the changes in the newly adopted Oxford Local Plan. Those reasons (with updated policy references) are set out below:

- 1) *The proposed development by reason of its siting, scale, density, and height would appear as a strident and consequently intrusive and incongruous intervention on the prominent wooded hillside that makes a significant contribution to the character and appearance of the Headington Hill Conservation Area, and the setting of Central Conservation Area, resulting in harm to the character and appearance of the area and the significance of these designated heritage assets. It would also have an adverse impact on the setting of the John Garne Way allotments and views from the allotments back towards the wooded hillside that makes an important contribution to the character and appearance of the Headington Hill Conservation Area. Moreover the resultant harm has not been sufficiently mitigated by a careful design or adequately justified. The identified public benefits would not outweigh the less than substantial harm to designated heritage assets that would arise from the development contrary to paragraph 196 of the NPPF. The proposal therefore fails to comply with the governments planning policies in the NPPF, the policies DH1, DH2 and DH3 of the Oxford Local Plan 2036 and policies CIP1, CIP2, CIP3 and GSP4 of the Headington Neighbourhood Plan, and therefore fails to discharge the statutory duty set out within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990*
- 2) *The proposed development by reason of its size, scale, and siting would result in the loss of significant trees within the site that contribute to its distinctive sylvan character and position within the Eastern Hills. Further, the proposed mitigation planting would fail to offset the loss of these trees in the short to medium term. Consequently the development would have a significant adverse impact upon public amenity of the site and its setting within the hillside contrary to policy G7 of the Oxford Local Plan 2036*
- 3) *That having regards to the reasons listed above, the public benefits of the proposal, in particular the releasing of houses back to the private rental market would not be sufficient to outweigh the less than substantial harm caused by this development to the local area including to the significance of a number of designated heritage assets, and therefore would not meet the test set out in paragraph 202 of the NPPF, or constitute sufficient material considerations that would outweigh policies DH1, DH2, DH3 and G7, of the Oxford Local Plan 2036, and policies CIP1, CIP2, CIP3 and GSP4 of the Headington Neighbourhood Plan.*

36. 21/01217/FUL: Land To The West Of Mill Lane, Marston, Oxford, OX3 0QA

The Committee considered an application (21/01217/FUL) for planning permission for the erection of 80 residential dwellings (use class C3) formed of 13 one-bedroom apartments and 28 two-, 35 three- and 4 four-bedroom houses with associated public open space, access and landscaping.

The Planning Officer presented the report. He advised the Committee that a letter circulated by the Oxford Preservation Trust (OPT), after the publication of the agenda, initially made reference to the lack of a “winter” Local View Impact Assessment (LVIA).

He confirmed that such a LVIA had been submitted and that the OPT letter had been revised to reflect that.

Charlotte Vinnicombe (Old Marston Parish Councillor and Chair of the Elsfield Road and Oxford Road Old Marston Residents' Association), Debbie Dance (Oxford Preservation Trust) and Roger Crisp (Friends of Old Marston) spoke against the application.

Vicky Trietline (Oxford City Housing Limited) and Ghazala Javed (Arcadis) spoke in favour of the application with Andrew Wilkins available for questions on design or highways matters from the Committee.

The Committee asked questions of the officers about the details of the application. The Committee noted that this application raised the same issues regarding traffic flows, road safety, parking and cycle paths which had been discussed and debated in relation to a separate, but adjacent, application at the meeting on 26 May 2021.

The Committee indicated that they would like a dialogue to be re-opened with Oxfordshire County Council to explore the possibility of creating access via the A40. Planning Officers explained that such a condition or informative would not be considered reasonable. It was a matter for the City Council to take forward through other channels.

In reaching its decision, the Committee considered all the information put before it. The Committee concluded that, on balance, the public benefits identified in the report outweighed their concerns about the traffic issues.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application, subject to the provision that the section 106 legal agreement allows sufficient flexibility for the financial contribution, which was allocated to be spent on improvements to Back Lane to be spent on alternative improvements to other public rights of way or pedestrian and cycle infrastructure in the immediate area where this is considered to be appropriate.

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 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 subject to the amendment detailed above regarding funding for enhancements to public rights of way and/or cycle infrastructure in the area.
2. **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; 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; and
- Complete the section 106 legal agreement referred to above and issue the planning permission.

37. Minutes

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

38. Forthcoming applications

The Committee noted the list of forthcoming applications.

39. Dates of future meetings

The Committee noted the dates of future meetings.

In view of the large number of forthcoming applications the Committee agreed to schedule additional meetings during November and December 2021. The exact dates to be confirmed.

The meeting started at 6.00 pm and ended at 9.30 pm

Chair

Date: Tuesday 9 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.