

Agenda Item 3

West Area Planning Committee

9th July 2013

Application Number: 11/02881/FUL

Proposal: Extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate units consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 car parking spaces.

Site Address: Castle Mill, Roger Dudman Way.

Ward: Jericho And Osney Ward

Applicant: The University Of Oxford

Recommendation: Committee is recommended to agree to:

- i) The appointment of an Independent Person to carry out an Independent Review. This person being commissioned to prepare a report to be submitted in draft in the first instance to the WAPC Working Party which is to be convened by Councillor John Goddard.
- ii) The Independent Person to be appointed by the Executive Director, Regeneration and Housing in consultation with the Chair of WAPC and the Working Party Convenor.
- iii) The Terms of Reference for the Independent Review that are attached to this report.

Background to Report.

1. The Committee, at its meeting on 7th February 2013, agreed to establish a working party, to include members of local amenity groups as well as members and officers, to recommend to the Council any changes to procedures or policies which the process of handling and determining the application

Independent Review.

2. It is proposed that the City Council should appoint an Independent individual to carry out a thorough Independent Review. The draft Terms of Reference for such a review are attached as an appendix to this report.
3. It is confirmed that the Membership of the Working Party should be Cllr John Goddard, as Convenor, Cllr Oscar Van Nooijen and Cllr Elise Benjamin from the

WAPC plus Mr Toby Porter of the Protect Port Meadow campaign umbrella group and one representative of the Oxford Civic Society and one representative of the Oxford Preservation Trust.

4. The first task of the Working Group will be to meet the Person appointed to prepare the Independent Review and confirm the terms of reference. The Working Group will receive the draft Independent Review Report from the Independent Person and will be able to ask for the Report to be adjusted. When the Working Party has an agreed Report it will submit this to WAPC.
5. In terms of timing it is anticipated that if the Independent Person is appointed in August the draft Report could be prepared by November and the WAPC should be able to receive this report at its meeting in December.

Background Papers: *Planning applications 97/00342/NOY, 02/00898/RES, 11/02881/FUL.*

Contact Officer: Michael Crofton Briggs

Extension: 2360

Date: 4th July 2013

DRAFT
DEVELOPMENT OF BY UNIVERSITY OF OXFORD OF STUDENT ACCOMMODATION AT
ROGER DUDMAN WAY, OXFORD
REVIEW OF PLANNING PROCESSES

Purpose of the Review

The purpose of the review is to assess whether in the context of this development the City Council complied with its planning processes and met statutory and National Policy requirements, how the processes compare with other Local Planning Authorities, and to identify best practice. Specifically, in determining the planning application in 2012 for this development:

- Whether the material planning considerations were adequately assessed and described to the Planning Committee
- Whether best practice was adopted in informing and consulting residents and stakeholders
- Whether all the factors that could reasonably be considered by the Planning Committee were reported by officers and in a reasonable format.

In addition the Council wishes to identify best practice to maximise assurance in the planning process, promote good design and ensure that residents are consulted and listened to.

Background

The development by the University of Oxford for student accommodation at Roger Dudman Way has attracted adverse comment since construction commenced. The development comprises some 19,241m² (312 flats), bounded by the railway line and allotments, and is visible from Port Meadow, which is important as a public amenity and as a landscape setting.

There are two planning permissions (2002 and 2012). The 2012 planning application was approved by the West Area Planning Committee on a vote of 8 to 1. This second planning permission increased the development by 83 flats and construction is now being completed. The first phase of the 2002 permission was implemented, and the 2002 permission is relevant to the planning context.

Earlier this year the West Area Planning Committee decided that it wishes to commission an independent review of the planning procedures in this case to identify where processes could be improved. Officers have advised that the correct procedures were adopted and that the committee came to its decision in a rational fashion, bearing in mind all the material circumstances. Nevertheless it is appropriate to review these procedures in the light of public comment.

This reflects the Council's view that the planning application process is much more than notification of the receipt of a new planning application and it is important for officers, elected members, applicants and third parties to be mindful of:

- the importance of positive engagement with stakeholders and interested parties at both pre application and planning application stages;
- the need to understand the characteristics of a site, including the identification of positive and negative features to inform the design process and assessment of its impact; and
- the challenges Oxford faces in meeting the development needs of its communities in an environment which holds many physical constraints.

The Brief

There are four issues which are of specific concern which the review needs to address:

- The extent, form and effectiveness of the planning consultations
- The assessment and analysis of the visual impact of the development.
- The presentation of analyses and recommendations in officers' reports.
- The processes for assessing and analysing ground contamination

These are discussed below. A full briefing will be provided to the appointed consultant who is asked to focus on these issues, as well as provide any wider observations of the Council's planning and environmental processes.

The consultant will also be invited to include any other concerns that they feel appropriate that arise from their investigation.

1. Planning Consultation

The Council's consultation processes comprise web-based notification and consultation, site notices and written notification to amenity, community and other interest groups. In addition for major developments there is encouragement for the applicant to undertake additional consultation, which in this case included a public exhibition and written notification to potential interest groups. In this context some objectors to the development contest whether the applicant, the University of Oxford, contacted the full range of interest groups identified in their consultation.

2. Assessment and Analysis of Visual Impact

An assessment and analysis of the visual impact of the development were included in the committee report and placed on the internet. At the time of the planning application the visual impact of the development attracted little or no comment from amenity societies or the wider public, although it was debated extensively at the planning committee. Objectors to the development assert that that the visual analysis presented to the committee was

misleading, did not represent the full impacts of the scheme, and that planning committee members did not have an adequate understanding of the issue.

3. Presentation of Analyses and Recommendations in Officers Report

The Head of Planning presents to the Planning Committee a single consolidated officer report and recommendations based on advice from the officers. External consultants' reports and public representations are reported separately to avoid the potential for misunderstanding. Some objectors to the development assert that in this context internal reports were suppressed and that the report to the planning committee failed to balance and take sufficient weight of the visual and environmental factors.

4. Ground Contamination and Planning Conditions

The planning application form identified that the site was not contaminated. However, the application documentation included an Environmental Review which did identify ground contamination. The planning conditions included a requirement to submit and agree a risk assessment for contamination, prior to a start on site. The assessment was submitted after the commencement of construction, and was assessed by the Council as deficient. The Council and the Environment Agency have been working with the University to address the outstanding conditions, and there is some provision for retrospection in enforcement. Some objectors to the development assert that the enforcement of planning and environmental conditions should be strengthened. The review needs to advise on whether the planning conditions were discharged in an appropriate manner and whether there were other options available to the Council in the drafting, discharge and enforcement of the planning conditions.

Method

The appointed consultant will be provided with further background material and have full access to Council files. The officer's report and recommendation and a review of the planning decision are attached as background (Appendices 1 and 2).

The consultant will agree a method statement and programme for the review on appointment. They will be appointed by the Council and report to the West Area Planning Committee Working Party.

As part of the review the consultant will agree with the Council a structured consultation to include:

- a range of individuals, interest and amenity groups
- University of Oxford officers and their development consultants
- Council officers, members and consultants.

Reporting

The consultant will provide a draft report for review and agreement by the West Area Planning Committee Working Party before delivering a final report.

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