

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 23 May 2023



Committee members present:

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

Officers present for all or part of the meeting:

Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Development Management Service Manager
Robert Fowler, Development Management Team Leader (West)
Louise Greene, Planning Lawyer
Felicity Byrne, Principal Planning Officer
Sarah De La Coze, Principal Planning Officer
Gill Butter, Principal Heritage Officer

Apologies:

Councillor Mundy sent apologies.
The substitute is shown above.

1. Election of Chair for the Council Year 2023-24

Councillor Mary Clarkson was elected Chair for the Council year 2023-24.

2. Election of Vice-Chair for the Council Year 2023-24

Councillor Alex Hollingsworth was elected Vice-Chair for the Council year 2023-24.

3. 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 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.

23/00326/FUL

Councillor Fouweather stated that he had been a signatory to the call-in but was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

22/00962/FUL

Councillor Clarkson stated that she lived near the application site, in Dunstan Road. However, not sufficiently close as to be affected by the application.

Councillors Nala-Hartley and **Altaf-Khan** stated that they were former students of Ruskin College. However, each declared that they had not taken part in any discussions with the College regarding the application.

Councillor Kerr joined the meeting late, and during consideration of the item declared that she had objected to the application on the grounds of a lack of cycle storage. However, she was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

4. 22/02849/FUL: Land at Winchester Road, Banbury Road and Bevington Road, Oxford

The Committee considered an application (22/02849/FUL) for the development of land at Winchester, Banbury and Bevington Road for the provision of student accommodation through the construction of accommodation buildings, a new villa on Bevington Road and the conversion of 43-45 Banbury Road together with a student pavilion building, and academic accommodation building, maintenance and repair works to the conservatory at 59 Banbury Road and associated landscaping works including walls and railings to roadside frontages, electrical substation, associated ancillary accommodation, access, cycle parking, accessible parking and refuse and recycling facilities.

The Planning Officer provided the following updates and clarifications:

- The applicant was both the University of Oxford and Hertford College.
- The CIL amount shown in the report was incorrect, due to the way it had been reported and calculated. Following an amended CIL form and calculation the correct figure was £784,457.
- The Section 106 highways contribution had also been re-negotiated with the County Council. The contribution was now proposed to be £100,000.
- Since publication of the report three additional letters of representation had been received. The issues raised related to conditions; impact on water and sewerage infrastructure; intensification of the site; the location of access points; traffic construction times and general noise. All of the planning issues raised had been addressed in the officer's report. With regard to the use of conditions, planning policy guidance was clear that conditions could enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. Therefore the use of planning conditions was a recognised way of dealing with planning issues.

The Planning Officer gave a presentation and highlighted the following:

- The application sought planning permission for the redevelopment of land to the rear of Winchester Road, Banbury Road and Bevington Road in the north of Oxford. It sought to provide a new academic community, with the introduction of student accommodation and a new departmental building - Southeast Asian Studies Centre (SASC) - bringing together Hertford College, Kellogg College, Reuben College and Oxford School of Global and Area Studies (OSGA).
- The proposed development would provide 130 new graduate student rooms for Hertford College, Kellogg College and Reuben College across 6 new buildings, together with the conversion and upgrade of the existing detached twin villa building at 43 - 45 Banbury Road.
- Additional ancillary student facilities would also be provided, including a pavilion which would accommodate a reading room, recreation room and common room. The ground floor of 11 Winchester Road would be partially refurbished to provide a Porter's Lodge, an accessible bedroom and staff facilities, replacing an existing bedroom and communal kitchen.
- The site would provide 7 car parking spaces and 346 cycle spaces across the site.
- The site was located within the North Oxford Conservation Area. In addition, 59 Banbury Road and Gees Restaurant were Listed Buildings which were located within the setting of the proposed development. Great weight had been given to preserving these heritage assets when determining the application.
- The buildings had been designed and arranged to limit the harm to the Conservation Area and Listed Buildings. The buildings had been located in positions which would seek to retain views into the site from the street. The heights of the buildings also related to their position and context on the site, with the taller elements being located on the edge of the site and the lower lying buildings on the boundaries where they were located closer to neighbouring properties.
- The report set out the impact of the development on the historic environment. Whilst less than substantial harm had been identified, great weight had been given to the conservation of these designated heritage assets.
- Historic England had raised no objection to the application. Notwithstanding this, the NPPF required that where less than substantial harm to the significance of a designated heritage asset is identified, this harm should be outweighed by the public benefits. The public benefits of the scheme were set out in the report, the greatest of which would be new landscaped frontages including new tree planting and the reinstatement of the front gardens and railings, and the delivery of 130 student rooms which equated to the equivalent of 52 dwellings being released back into the housing market.
- With regard to impact on neighbouring amenity, the buildings had been designed so not to have an unacceptable impact with regard to loss of light, outlook, overlooking

and overbearing impact. Where harm had been identified, mitigation measures had been incorporated.

- No technical objections had been received.
- The site was an allocated site and the proposal was considered to comply with the requirements of the allocation as well as the other policies of the Oxford Local Plan.
- Officers had considered the application to be acceptable in terms of principle, design, impact on neighbouring amenity, highways, heritage and the issues set out in the report. Therefore the application was recommended for approval subject to conditions and a Section 106 agreement.

Nik Lyzba (on behalf of Mogford Group) and Richard Katz (local resident) spoke against the application.

Stephen Sensecall (agent) spoke in favour of the application.

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

- The buildings were new pieces of architecture of a high design quality that was appropriate for buildings in the conservation area; they were not intended to copy or imitate the original Victorian Gothic architectural language but rather take reference and re-interpret this in a contemporary manner.
- The County Council would agree a Construction Transport Management Plan. Any issues relating to unacceptable levels of noise could be dealt with by the Council's Environmental Health team. The Council expected developers to sign up to the Considerate Contractors Scheme, and there were many examples of large scale construction projects having been successfully undertaken in residential areas of the city previously.
- The proposal would require biodiversity offsetting in order to comply with Policy G2 of the Oxford Local Plan 2036.
- The provision of the student accommodation would allow for the private sector rented accommodation and affordable housing which was currently occupied by students to be released into the market for the benefit of other Oxford residents.
- The proposal had been thoughtfully designed, and allowed for better, more efficient use of the neglected garden spaces behind the buildings.
- The buildings would be of Passivhaus standard across the entirety of the site, and the development would be car free.
- There would be some harm to the heritage asset (the North Oxford Victorian Suburb Conservation Area) arising from the loss of the rear garden plots in particular. However, this would be balanced by enhancements to the significance of the heritage asset by way of the careful restoration of the frontages to gardens

with front boundary walls topped with railings. It was considered on balance that the sum of benefits resulting from the development would outweigh the lower level of less than substantial harm that would be caused to the significance of heritage assets.

- Thames Water had requested additional information which could be provided through a condition, which was considered standard for these types of application. A condition had been included to ensure that the scheme complies with the requirements of Thames Water.
- The requested Oxfordshire County Council Highways Section 106 contribution was to help improve the Bevington Road junction for cyclists which would include signage and symbols.
- The site allocation policy included three different sites in Oxford; this application related to one of the three allocations.

Councillor Kerr, having arrived at the meeting after the conclusion of the officer's presentation, did not participate in determining the application.

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 and subject to the conditions and 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 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 Services to:
 - finalise the recommended conditions 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 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 Services considers reasonably necessary; and
 - complete the Section 106 agreement referred to above and issue the planning permission.

5. 23/00326/FUL: 39 South Parade, Oxford OX2 7JL

The Committee considered an application (23/00326/FUL) for partial demolition of the existing building; erection of a three storey building to create 6 x 1 bed flats (Use Class C3); alterations to fenestration of the west elevation; provision of bin and bicycle stores; and alterations to landscaping and ancillary works at 39 South Parade, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- There was a minor error in the officer's report in that paragraphs 10.68 – 10.70 suggested that only part of the roof would be used for photovoltaic solar panels. In fact, solar panels would be maximised over most of the roof. The figures given in the report were correct, and the scheme was policy compliant with regard to energy efficiency measures.
- The application was a resubmission of two previously refused applications (22/01994/FUL and (22/00393/FUL). Application 22/00393/FUL had been the subject of an appeal decision, details of which were provided in the report.

Rosalind Philps (local resident) spoke against the application.

Nik Lyzba (agent) and Bruce Coburn (architect) spoke in favour of the application.

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

- The new application sought to overcome the existing basis for the development being found to be unacceptable, as determined by the Planning Inspector. The proposal before the Committee only significantly differed from the previous application with respect to the proposed rear staircase which would be enclosed, with light provided by high level windows only.
- With the exception of the outstanding issue of privacy (which had now been addressed), the judgement of the Planning Inspector overrode all previous reasons for refusal.
- There had been no material change to national or local planning policy since the Planning Inspector's judgement, nor had anything factually changed on ground. This application only significantly differed from the previous in respect of the proposed rear enclosed staircase, to deal with the privacy issue. Refusal of this application risked the decision being appealed and under the circumstances discussed it was suggested that a refusal relating to the design and amenity impacts of the development would be unlikely to be upheld by a Planning Inspector with a further risk of costs being awarded against the Council.

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 and subject to the conditions 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 grant planning permission; and
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.

6. 22/00962/FUL: Ruskin Hall, Dunstan Road, Oxford, OX3 9BZ

The Committee considered an application (22/00962/FUL) for demolition of existing 24-bed student accommodation building (Bowen Building) and erection of 65 bed student accommodation building and erection of 30 bed student accommodation building with associated landscaping at Ruskin Hall, Dunstan Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The scheme would provide 95 rooms, representing a net gain of 71 student rooms, on a site which was allocated for student accommodation. The new accommodation would also be of a higher standard than that currently provided within the Bowen building.
- The proposal followed a series of identical applications for the proposed new student blocks. The principle of the development had therefore been previously established and accepted in principle.
- A representation had been received subsequent to the publication of the report which had referred to part of the land to the north of the site being designated as peat. The Planning Officer clarified that whilst this had been the case in the past, updated British Geological Survey mapping had changed this designation. However, the applicant had nonetheless worked with officers and the Lead Local Flood Authority to move the attenuation tank out of that zone. Officers were therefore satisfied that there would be no harm, and that the applicant had done as much as was necessary, with regard to sustainable drainage.
- Correction was required to the percentage figures provided at paragraph 10.100 of the report in relation to carbon reduction, due to errors in the modelling. However, the development was still policy compliant. Block A would achieve carbon reduction of 41.3% against a 2021 Part L compliant baseline. The figure for Block B was 54.4%.
- There was considered to be a level of less than substantial harm in terms of reducing the glimpsed views of the crinkle crankle wall and the parkland setting to the listed building (The Rookery), and also to the character and appearance of the Old Headington Conservation Area by reducing the sense of a house within a parkland setting. However, the public benefits of the scheme, including the provision of housing for students and meeting the College's needs for their full-time students; increasing biodiversity; provision of sustainable buildings; and increasing tree canopy were considered to outweigh the harm that would be caused to the significance of heritage assets in this case. Conditions had been included to

prevent harm to the Sequoia tree, and further to original objections there was now policy compliant cycle parking. Officers were also satisfied that there would be no harm caused by overlooking of the Rookery Villa.

David Ramsey (agent) spoke in favour of the application.

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

- Parking of cars on the campus driveway and in Stoke Place was currently an issue for local residents. Officers were requested to include wording within the conditions to the effect that parking should only be permitted within designated parking spaces.
- The cycle route through the site included provision for cyclists to cycle down steps by way of a ramp. Officers were requested to include wording relating to this within the conditions, requiring the applicant to reconsider that part of the route to make it accord with LTN1/20.
- Committee members agreed that officers be authorised to progress these using delegated authority.

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 and subject to the required planning conditions 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 grant planning permission; and
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
 - issue the planning permission.

7. Minutes

The Committee resolved to approve the minutes of the meeting held on 18 April 2023 as a true and accurate record.

8. Forthcoming applications

The Committee noted the list of forthcoming applications.

9. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.56 pm

Chair

Date: Tuesday 20 June 2023

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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