

# Agenda

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## West Area Planning Committee

Date: **Tuesday 11 September 2018**

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Time: **6.00 pm**

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Place: **The Old Library - Oxford Town Hall**

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For any further information please contact the Committee Services Officer:

**Jennifer Thompson, Committee and Member Services Officer**

Telephone: 01865 252402

Email: [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk)

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If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

# West Area Planning Committee

## Membership

<b>Chair</b>	Councillor Colin Cook	Jericho and Osney;
<b>Vice-Chair</b>	Councillor Michael Gotch	Summertown;
	Councillor Lubna Arshad	Cowley Marsh;
	Councillor Nadine Bely-Summers	Holywell;
	Councillor Tiago Corais	Littlemore;
	Councillor Paul Harris	St. Margaret's;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Louise Upton	North;

The quorum for this meeting is five members. Substitutes are permitted.

### Copies of this agenda

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

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- viewed on our website – [mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk)
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# AGENDA

Pages

**1 Apologies for absence and substitutions**

**2 Declarations of interest**

**3 18/00966/RES - Wolvercote Paper Mill, Mill Road, OX2 8PR**

11 - 150

**Site address:** Wolvercote Paper Mill, Mill Road, Wolvercote Oxford OX2 8PR

**Proposal:** Reserved matters of outline planning permission 13/01861/OUT seeking permission for the appearance, landscaping, layout and scale of 190 residential units, employment space, community facilities, public open space and facilities. (Amended plans and additional information).

**Recommendation:**

West Area Planning Committee is recommended to:

**1. approve the application and agree to the discharge of the following conditions of outline consent 13/01861/OUT:**

- Condition 5 – Design Code
- Condition 12 – Landscape and Open Space Strategy
- Condition 16 – Scheme for noise mitigation
- Condition 26 – Flood Risk Assessment
- Condition 27 – Contaminated land remediation strategy
- Condition 31 – Surface Water Drainage Strategy
- Condition 37 – Natural Resource Impact Assessment
- Condition 38 – Electric Vehicle Charging Points Scheme

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.

**2. agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

- a) finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and
- b) approve the reserved matters application and discharge the conditions referred to above.

**4 18/01590/CT3 - Redbridge Park And Ride, OX1 4XF**

151 -  
192

**Site address:** Redbridge Park and Ride, Abingdon Road, Oxford.

**Proposal:** Full planning application, including means of access and landscaping layout and scale, reconfiguration of existing coach and car parking within Redbridge Park & Ride, and the erection of Recycling Transfer Station (Sui Generis use), including a building (B8 use) up to 850 GIA, office (B1 use) and ancillary development including a weighbridge, fuel tank, water tank and two static hot boxes.

**Recommendation:**

West Area Planning Committee is recommended 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.**
- 2. agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**
  - a) finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and
  - b) issue the planning permission.

**5 18/01856/CT3 - Government Building Floyds Row Oxford OX1 1SS**

193 -  
202

**Site address:** Government Building, Floyds Row, Oxford.

**Proposal:** Change of use of job centre with ancillary offices (Use Class Sui Generis) to Offices (Use Class B1). (Additional information).

**Recommendation:**

West Area Planning Committee is recommended 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**
- 2. agree to delegate authority to the Head of Planning, Sustainable**

**Development 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, Sustainable Development and Regulatory Services considers reasonably necessary

**6 18/02031/FUL - 12 Earl Street Oxford OX2 0JA**

203 -  
212

**Site address:** 12 Earl Street, Oxford, OX2 0JA

**Proposal:** Erection of a single story rear extension and insertion of 2no. rooflights to rear roofslope.

**Recommendation:**

West Area Planning Committee is recommended 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**
- 2. agree to delegate authority to the Head of Planning, Sustainable Development 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, Sustainable Development and Regulatory Services considers reasonably necessary.

**7 Minutes**

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To approve as a true and accurate record the minutes of the meeting held on 10 July 2018.

**8 Forthcoming applications**

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

15/03524/FUL: Oxford Spires Four Pillars Hotel, Abingdon Road, Oxford, OX1 4PS	Major application - awaiting response from applicant
17/02447/FUL: 8 Chadlington Road Oxford OX2 6SY	Called in by Cllrs Fry, Pressel, Upton, Tanner and Chapman
17/02817/FUL: 472 - 474 Banbury Road, Oxford, OX2 7RG	Committee level decision
17/02832/FUL: 276 - 280 Banbury	Major development

Road, Oxford, OX2 7ED	
17/03332/FUL: New College Sports Ground, St Cross Road	
18/00896/FUL: The Mitre, No. 16 High Street And Nos. 3-7 Turl Street Oxford OX1 4AG	Called in
18/00897/LBC: The Mitre, No. 16 High Street And Nos. 3-7 Turl Street Oxford OX1 4AG	Called in Councillor Pressel, Fry, Upton and Rowley (Taylor and Tanner): all will withdraw on refusal
18/00975/FUL: 176 Cowley Road, Oxford, OX4 1UE	Committee Level Decision
18/01340/FUL: Trinity College, Broad Street, OX1 3BH	Committee Decision
18/01341/LBC: Trinity College, Broad Street, OX1 3BH	Committee decision
18/01371/OUT: Site Of Millway Close, Oxford OX2 8BL	Committee decision
18/01389/FUL: 16 Northmoor Road, Oxford, OX2 6UP	Called in by Councillors Harris, Goddard, Landell-Mills and Goff
18/01687/FUL: St Edward's School, Woodstock Road, OX2 7NN	Committee Decision
18/01712/FUL: 16 East Street, Oxford, OX2 0AU	Called in
18/01992/FUL: St Giles' Toilets, Oxford, Oxfordshire	Called in
18/02065/OUTFUL: Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout, Northern By-Pass Road, Wolvercote, Oxford, OX2 8JR	Major application

## 9 Dates of future meetings

The Committee will meet at 6.00pm on the following dates:

2018	2019
9 October	15 January
13 November	20 February
11 December	12 March
	9 April

## **Councillors declaring interests**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

## **Code of practice for dealing with planning applications at area planning committees and planning review committee**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

### **At the meeting**

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

### **Preparation of Planning Policy documents – Public Meetings**

4. At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### **Public requests to speak**

5. Members of the public wishing to speak must notify the Democratic Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

### **Written statements from the public**

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.



### **Exhibiting model and displays at the meeting**

7. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

8. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. The Council asks those recording the meeting:
  - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
  - To avoid recording members of the public present unless they are addressing the meeting.

### **Meeting Etiquette**

10. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
11. Members should not:
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**Code updated to reflect Constitution changes agreed at Council in April 2017.**

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## WEST AREA PLANNING COMMITTEE

11 September 2018

<b>Application number</b>	18/00966/RES		
<b>Decision due by</b>	10 August 2018		
<b>Extension of time</b>	25 September 2018		
<b>Proposal</b>	Reserved matters of outline planning permission 13/01861/OUT seeking permission for the appearance, landscaping, layout and scale of 190 residential units, employment space, community facilities, public open space and facilities. (Amended plans and additional information)		
<b>Site address</b>	Wolvercote Paper Mill, Mill Road – see paragraph 5.6 for site plan		
<b>Ward</b>	Wolvercote Ward		
<b>Case officer</b>	Nadia Robinson		
<b>Agent</b>	Mrs Emily Pugh	<b>Applicant</b>	Mrs Roe
<b>Reason at Committee</b>	Major development		

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### 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** and agree to the discharge of the following conditions of outline consent 13/01861/OUT:

- Condition 5 – Design Code
- Condition 12 – Landscape and Open Space Strategy
- Condition 16 – Scheme for noise mitigation
- Condition 26 – Flood Risk Assessment
- Condition 27 – Contaminated land remediation strategy
- Condition 31 – Surface Water Drainage Strategy
- Condition 37 – Natural Resource Impact Assessment
- Condition 38 – Electric Vehicle Charging Points Scheme

for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the Head of Planning, Sustainable Development 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, Sustainable Development and Regulatory Services considers reasonably necessary; and
- approve the reserved matters application and discharge the conditions referred to above.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers a reserved matters application following the approval in 2017 of an outline application for 190 new dwellings, some non-residential floorspace, and ancillary development in lower Wolvercote on the site of the former paper mill.

2.2. The outline application fixed the access to the site but the appearance, landscaping, layout and scale were reserved matters. Planning permission is now sought for these matters via this application. A number of conditions were attached to the outline consent and this application also seeks to discharge many of these.

2.3. The application would involve the redevelopment of a site that has been allocated for residential development within the Sites and Housing Plan. The site allocations within this development plan document are a key part of ensuring that the objectives of the Oxford Core Strategy 2026 are achieved. In terms of residential development this means contributing to the overall housing need as set out within the Oxford Core Strategy, along with demonstrating that the Council has a five year housing land supply.

2.4. The scheme would accord with the aims and objectives of the National Planning Policy Framework, would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

2.5. The decision notice for the outline consent 13/01861/OUT can be found in **Appendix 3**, with the Section 106 legal agreement in **Appendix 4**.

## **3. LEGAL AGREEMENT**

3.1. This application is a reserved matters application following approval of outline consent 13/01861/OUT. The outline consent was subject to a Section 106 legal agreement covering the following points:

### Obligations to Oxford City Council

- Affordable Housing on site – 50%, integrated into the development as a whole

- Public open space – minimum of 2.46ha including Duke’s Meadow (recreation/play/wildlife habitats); informal open space and nature reserve along Mill Stream; ‘green gateway’ at site’s entrance; walkway around reservoir; local area for play
- Community facilities of at least 110 square metres
- Habitat creation and protection plus maintenance – habitat suitable for reptiles in Duke’s Meadow
- GP surgery space – reasonable endeavours for two years to reach agreement on terms for transfer of GP surgery area to a GP partnership or the local health authority. If not, change of use to B1(c) light industrial use or D1 non-residential institutional space permitted. If the developer is unable to agree a transfer after 6 months, permission may be sought for C3 residential use.

Obligations to Oxfordshire County Council

- Traffic Regulation Order contribution for parking restrictions at the new mini roundabout (payable at commencement)
- Bus service contribution of £275,000 (index linked) to improve frequency and hour of operation roundabout (payable at commencement)
- Travel Plan monitoring – 5 years from first occupation (payable at commencement)
- Bus stop infrastructure contribution (including real time information display) for two stops on Godstow Road (payable at commencement)
- Highway works – mini-roundabout, access arrangements, bus shelter with seats that can take a real-time information display unit (i.e. ducting and cabling), plus commuted sum for maintenance

3.2. This legal agreement remains in force and would apply to the development under consideration, should permission be granted. No new legal agreement is needed in relation to the reserved matters application.

**4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for a CIL contribution of £2,895,960.93.

**5. SITE AND SURROUNDINGS**

5.1. The site is located within lower Wolvercote between the residential properties of Home Close to the east and Wolvercote Mill Stream to the west. It is bounded to the north by the A34 and Mill Road to the south, from where it is accessed.

5.2. The site was formerly home to a paper mill with large-scale industrial buildings located in its southern part. Most of the buildings associated with the mill have been demolished although areas of hardstanding remain, as well as some smaller buildings, including an office building on Mill Road. Demolition of these buildings is understood to be taking place, which is allowed for by the terms of the outline consent and associated legal agreement.

- 5.3. The landscape consists of scrub vegetation, tree belts, some woodland to the north of the site, and a reservoir connected with the historic use of the site. The northern part of the site includes Duke's Meadow and much of this part of the site is designated as Green Belt.
- 5.4. The Wolvercote with Godstow Conservation Area lies to the south of the site, taking in Mill Road and Godstow Road as well as the south-western corner of the application site. There are a number of Grade II listed buildings close to the site boundary: 1-7 and 11 Mill Road, the White Hart Public House and the Red Lion Public House (now operating as Jacob's Inn).
- 5.5. The site lies to the east of Pixey Mead which is a Site of Special Scientific Interest (SSSI) that forms part of the internationally protected Oxford Meadows Special Area of Conservation (SAC).
- 5.6. See block plan below:



## 6. PROPOSAL

- 6.1. The application seeks planning permission for the reserved matters from outline permission 13/01861/OUT (appearance, landscaping, layout and scale). The site layout would accommodate:
- 190 residential units, of which 74 would be flats in four blocks and 116 would be houses;
  - a community centre of 126m<sup>2</sup> at the entrance to the site;
  - a doctor's surgery of 400m<sup>2</sup> on the ground floor of one of the four apartment blocks (block C);
  - a commercial, light industrial B1c unit, of 165m<sup>2</sup> also on the ground floor of an apartment block (block C), adjacent to the doctor's surgery.
- 6.2. Fifty per cent of the residential units are proposed as affordable housing, in compliance with local plan policy and the Section 106 legal agreement connected to the outline consent.
- 6.3. The development proposes 3.41ha of open space of which 2.77ha would be public open space, 0.2ha would be a landscape buffer along the boundary with Home Close, plus 0.44ha of open water reservoir.
- 6.4. The proposed built form is concentrated at the southern and eastern parts of the site, retaining an undeveloped area in the northern part of the site which is designated Green Belt.
- 6.5. The landscape masterplan has a series of public spaces including a central square around which local bus services would turn. The proposal includes a woodland children's play area, a nature reserve, and public access to the woodland to the north of the site. The tree belt along the Home Close boundary is proposed to be retained and managed.
- 6.6. A design and access statement, including design code, has been submitted as part of the application and this sets out the appearance of the proposed development.
- 6.7. In addition to the four reserved matters, details have been submitted in relation to the following conditions placed on the outline consent:
- Condition 5 – Design Code
  - Condition 12 – Landscape and Open Space Strategy
  - Condition 15 – Construction Traffic and Environmental Management Plan
  - Condition 16 – Scheme for noise mitigation
  - Condition 18 – Secured by Design
  - Condition 21 – Travel Plan
  - Condition 26 – Flood Risk Assessment
  - Condition 27 – Contaminated land remediation strategy

- Condition 30 – Foul Water Drainage Strategy
- Condition 31 – Surface Water Drainage Strategy
- Condition 35 – Landscape and Ecological Management Plan
- Condition 36 – Archaeology (partial discharge)
- Condition 37 – Natural Resource Impact Assessment
- Condition 38 – Electric Vehicle Charging Points Scheme

6.8. The application follows a positive and creative period of pre-application advice beginning in early 2017 with the applicant, CALA Homes. The scheme was reviewed by the Oxford Design Review Panel (ODRP) whose letter can be found in **Appendix 2**. The main areas covered by the pre-application process were:

- A revised masterplan to improve on the illustrative outline masterplan
- Bus turning – removing the ‘island block’ that was a weakness of outline and early iterations
- Omitting cul-de-sacs, creating perimeter blocks and enclosing backs of houses, minimising parking courts, improving overall legibility of site
- Maximising access to the water for as much of the development as possible, as well as legible routes to green space
- Creating pedestrian access
- Reducing the highway engineered character of the entrance – an alien geometry in Wolvercote
- Locating community uses close to the others
- Consideration of central tree belt significance

6.9. Revised plans and additional information were received during the course of the application with a covering letter and response to the comments received during the initial consultation period. These covered the followed main changes:

- Layout and design changes to ensure active frontages
- Bus and servicing vehicle tracking
- Additional cycle parking
- Further drainage details
- Amended travel plan
- Revised Landscape and Ecological Management Plan
- Additional electric vehicle charging points
- Revised energy strategy including additional solar panels
- Affordable Housing tenure plan



6.10. Following the second round of public consultation, minor amendments were made and clarification sought to resolve issues already raised, including such matters as the bus tracking, drainage details, and low-carbon energy targets and calculations.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

<p><b>13/01861/OUT</b> – Outline application (seeking means of access) for up to 190 residential units, employment space, community facilities, public open space and ancillary services and facilities.(Amended plans)(Additional information). <b>Approved 21st September 2017</b></p> <p><b>13/01861/CND</b> – Details submitted in compliance with conditions 32 (Buffer Zone to Mill Stream), 33 (Repeat Biodiversity Survey) and 34 (Biodiversity Method Statement) of planning permission 13/01861/OUT. <b>Approved 5th April 2018</b></p>
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## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	124-132	CP1 CP8 CP9 CP10 CP13 CP14	CS4 CS13 CS18	HP9	
Conservation/ Heritage	184-202	HE2 HE3 HE7			
Housing	59-76	CP6	CS2 CS23 CS24	HP3 HP12 HP13 HP14 SP63	
Commercial	85-90		CS1		

Natural environment	133-147 148-169 170-183	CP11 NE6 NE11 NE12 NE13 NE14 NE15 NE16 NE20 NE21 NE22 NE23	CS12		
Social and community	91-101		CS15 CS19 CS20 CS21		
Transport	102-111	TR1 TR2 TR3 TR4 TR7		HP15 HP16	Parking Standards SPD
Environmental	117-121	CP17 CP18 CP19 CP20 CP21 CP22 CP23	CS9 CS10 CS11	HP11	Energy Statement TAN
Miscellaneous	7-12			MP1	

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 17th May 2018 and an advertisement was published in The Oxford Times newspaper on 17th May 2018. Following the submission of additional information and amended plans, site notices were displayed around the application site on 11th July 2018 and an advertisement was published in The Oxford Times newspaper on 12th July 2018.
- 9.2. The consultation responses received in relation to the application are summarised below. Officers would make members aware that copies of all the consultation responses listed below are available to view in full on the Council's public access website.

## **Statutory and non-statutory consultees**

### Oxfordshire County Council (Highways)

9.3. No objection subject to conditions. Key issues:

- 309 car parking spaces in total including a large proportion of unallocated bays
- Number of bays to be monitored and if found inadequate after a year, further spaces are to be provided as stated in the Travel Plan.
- Bus loop sufficient width as per plan 8160534/6106 Rev C.
- Bus loop to be adopted – S278 Agreement needed to agree materials
- Travel Plan needs updating to meet OCC criteria and additional car parking linked to plan 8160534/610 Rev A.

### Oxfordshire County Council (Drainage)

9.4. No objection. Condition 26 of the outline permission covers drainage matters.

### Oxfordshire County Council (Local Member Views)

9.5. Comments from Cllr Paul Buckley. The proposed design of the site embodies an agreeable compromise between packing in as many new homes as possible, to meet the extreme demand, and creating an attractive place in which to live. Particular comments as follows:

- Access design may not allow for delivery vehicles delivering to the White Hart pub.
- Will shared space roads be safe in a residential zone with young children, elderly people?
- Not convinced that the proposed width of two-way street 'Meadow Way' is sufficiently wide to comfortably carry two-way traffic.
- 'Mill Square' too tight for buses to negotiate comfortably.
- The plan does too little to draw in the community from the rest of Wolvercote, to enjoy attractive features of the site.
- The areas of woodland at the northern and south-western ends of the site are potentially a very attractive feature of the design. How can they be preserved and developed. I hope an arrangement will be made with an organisation such as the Oxford Preservation Trust, to manage these areas in perpetuity.
- An excellent feature of the site design is that it includes a community centre. It is however too small and too rudimentary, needs a further toilet and a kitchen.

## Environment Agency

### *First comment 11 June 2018*

- 9.6. Condition 27 (remediation strategy): We have reviewed the March 2017 RSK Geo-environmental Site Investigation report. This shows that following demolition of most of the structures, there are likely to be buried foundations, drains and the bases of former settling lagoons in-situ on site. The report identifies that there are elevated total petroleum hydrocarbons (TPH) measured on site (diesel re-fuelling area, tar lagoons, tarry soils). It appears that groundwater samples were taken from trial pits rather than groundwater monitoring wells, which is not the expected standard method. The impacted soils in Zone C correspond to a smear zone at depth and it is considered that the source of TPH is within groundwater and not in the soils. Considering that there is not likely to be an offsite source for this contamination in the vicinity of the site, the on-site source of this groundwater contamination should be investigated. It has also been suggested that agreement be sought from the local authority and ourselves to allow the contamination identified on site (tarry soils and two in-filled lagoons) to remain on site. However we have been asked to review a site investigation for the tarry areas of the site – RSK Delineation and Detailed Quantitative Assessment – dated December 2017. This report presented results for sampling taken in November 2017 and showed that high concentrations of contaminants were measured in groundwater on site. RSK conclusions in this December 2017 report were that further delineation of the plumes within the tarry area and the re-fuelling area is required. The March 2017 report does not supply sufficient information and therefore we consider that landscaping in Zones A and C (in particular) should be avoided until further assessment of the contamination on site (including groundwater) is carried out, and remedial measures agreed. Until a further site investigation report for those areas of this site that are impacted by contamination is submitted and a remediation strategy agreed we are not in a position to recommend discharge parts c and d of condition 27 (parts a and b were satisfied by the reports submitted with the planning application).
- 9.7. Condition 30 (foul sewage): We have no comments to make on this condition as we did not recommend it.
- 9.8. Condition 35 (Landscape Management Plan): We have reviewed the Landscape and Ecological Management Plan (March 2018) and consequently we recommend the discharge of Condition 35.

### *Second comment 25 July 2018*

- 9.9. We have reviewed the RSK Options Appraisal, Remediation Strategy and Verification Plan Report Ref 28924R06 (03) dated June 2018 and the RSK Letter report dated 10 May 2018 reference: 28924 R09 (00) re: Additional groundwater monitoring, Former Wolvercote Paper Mill submitted in compliance with Condition 27. We are pleased to see that an additional monitoring point has been included in the surface water sampling strategy and that analytical results have confirmed that there is no impact from this site on the Wolvercote Stream. We agree with the recommendations of the report

that further groundwater and surface water monitoring and sampling should be carried out during and post piling to assess any migration caused by the development. We are therefore now in a position to recommend discharge of condition 27 parts c and d for a remediation strategy.

*Third comment 30 August 2018*

- 9.10. We have reviewed the revised 1 in 1000 year assessment dated August 2018 by Glanville. This assesses the 1 in 1000 risk to the site to be between 58.37 and 58.53m AOD and the bank/wall levels range between 58.58 and 58.85m AOD. This demonstrates that the site lies in Flood Zone 1. Therefore we have no objections to the variation of condition 26.
- 9.11. We recommend that finished floor levels are still set at a minimum of 300mm above the 1% including climate change annual probability flood level.

Natural England

- 9.12. Statutory nature conservation sites – no objection
- 9.13. Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Oxford Meadows SAC has been classified. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Wolvercote Meadows SSSI and Pixey and Yarnton Meads SSSI has been notified.
- 9.14. Protected species: We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Thames Valley Police

*Response dated 15 May 2018*

- 9.15. Objection, although the fundamental concern could be addressed by the applicant via an amendment to the submitted plans and upon approval I would be happy to withdraw the objection.
- 9.16. Consider some aspects of the design and layout to be problematic in terms of crime and anti-social behaviour. I have significant concerns relating to the access provided from the side of Block D to the rear boundaries of plots 161 to 140. The concern is exacerbated by the potential vulnerability of the proposed occupants of these plots which from the DAS are to have disability access.

- 9.17. I have significant concerns relating to the parking strategy specifically for the 'Waters Edge' properties where a single integral garage space is provided for the occupants of these 3 bedroom dwellings. Condition recommended for garage doors to be operated remotely.
- 9.18. Lack of active surveillance from a number of plots – revised plans needed to include an appropriate level of active surveillance from the dwellings to the public realm.
- 9.19. Bin stores, postal services and access control details needed prior to approval.
- 9.20. Ground floor access to private terraces on flats should be removed. Bin and cycle stores in flats need external access. Secure entry lobbies needed on flats.

*Response to amended plans dated 18 July 2018*

- 9.21. Pleased to accept the applicant's proposal to request prior to occupation conditions in relation to some aspects of the physical security of the communal dwellings and the garages at the Water's Edge Dwellings. Requirements for flat security could be covered by outline permission condition relating to Secured by Design.

Thames Water

- 9.22. No comments received.

Historic England

- 9.23. Do not wish to offer any comments.

Canal and River Trust

- 9.24. There is no requirement for you to consult us in our capacity as a Statutory Consultee.

Oxford Bus Company

- 9.25. General support for the development and for the extension of the City6 bus route. Concerns that the bus turning circle is too tight and doesn't allow for unexpected obstacles. Tracking would need to be achievable by a 11.5m Wright Streetlite bus with detailed analysis at corners. Confirmation sought that the square can accommodate the bus otherwise OBC would object to the design of Mill Square.
- 9.26. City Council should be satisfied with management arrangements and parking restrictions in Mill Square to avoid bus delays due to informal parking and deliveries.
- 9.27. Verification sought that the west of Mill Square is one-way.

- 9.28. Requirements listed for the bus stop to be provided as part of the Section 106 agreement. Details of the bus stop should be agreed by condition.

Oxford Preservation Trust

- 9.29. OPT is aware that there is outline approval for the development of this site which lies on the edge of the Wolvercote and Godstow Conservation Area and adjacent to a number of listed buildings, and that the Conservation Area Appraisal recognises the Mill site is a development opportunity.
- 9.30. We see that effort has been made to keep the proposed development on to Mill Lane as 'smaller mews type dwellings, likely to be of a stone material, that will repair the street edge' with the buildings stepped up around Mill Square further into the site.
- 9.31. Oxford Preservation Trust owns 25 acres in Wolvercote, and whilst this application does not come up to the boundaries of any of this, there are links in the ownership behind Wolvercote Lakes. We would be keen to work with the developers or others about creating improved links to open green spaces in and through the village and linking it into the surrounding countryside and hope that the City Council will encourage such dialogue to happen as part of this development process.
- 9.32. Finally, due to the sustainable nature of the site, we wonder if the bus companies would extend the bus route in the area to include this however we understand this would need to be feasible for them.

Wolvercote Neighbourhood Forum

*Initial response 18 June 2018*

- 9.33. Objection unless the following concerns are resolved:
- High number of vehicle movements and removal of contaminated land
  - Section drawings needed
  - Share some of the concerns raised by Thames Valley Police
  - Share Oxford Bus Company concerns and concerns over access onto Godstow Road
  - Flood risk, although surface water management appears to be an improvement
  - Capacity of foul sewer to cope with new homes
  - Working hours not compliant with OCC's recommended hours
  - Danger of Affordable Housing ghettos
  - Loss of central tree belt resisted
  - Building in south-west of the site are too close to the stream
  - No dedicated parking for non-residential uses (surgery and B1c unit)

- Road along reservoir edge narrow and may be blocked by parking should residents convert their garages
- Flat roofs for townhouses not welcomed
- Double-glazing alone not sufficient for noise protection from A34
- Playground location too close to water and far from houses for supervision
- Internal apartment layout poor, no lifts provided
- Cycle stores badly laid out
- Single-aspect flats have poor outlook and light
- Kitchen doors needed in apartments
- Window configuration poor
- 'Industrial' design of apartment blocks not successful
- Community centre needs a kitchen, lift to mezzanine required
- Run off from gardens in north-east of the site could cause flooding for Home Close houses
- Cars could park close to Block B as no landscaping provided
- Landscape and Ecological Management Plan refers to the frequency of mowing, but fails to mention the need to ensure that pollinators are taken into consideration.

*Response to revised plans 24 August 2018*

- 9.34. The concerns expressed in the first submissions (18.6.2018) remain where there has been no response to our points.
- 9.35. Construction Traffic and Environmental Management Plan: While in general CALA Homes have changed their proposed working hours in line with our previous suggestions, it is noted that the hours for deliveries during the first 15 weeks (during demolition and remediation work) have not taken into consideration school hours. Many young families from Lower Wolvercote are involved in walking and cycling to and from the local Junior school in First Turn Wolvercote. The handling of complaints procedure proposed is not satisfactory. 30 days seems an excessive time to wait for a response to what could be an urgent complaint: 3 days might be more appropriate. Also, the website should be updated more frequently than every 2 months.
- 9.36. Bus Company: The concerns expressed in our comment remain and are reinforced by the second detailed comment by the Oxford Bus Company with which we concur.
- 9.37. Flood Risk: We agree with the Environment Agency's not accepting the variation of Condition 26.
- 9.38. Layout: (a) The concern about the concentration of affordable accommodation remains. (b) We note that the revised plan appears to move Block B even closer to the mill stream. (c) Concern remains about the lack of dedicated



parking at the Doctors' Surgery, particularly for staff, but also for some patients: the assumption that there would normally be sufficient parking somewhere on the whole site is not satisfactory. There should be more Disabled parking adjacent to the Surgery: some designated Disabled parking spaces are too far from the Surgery to afford access to it. We assume that the detailed design for the Surgery will be the subject of a further reserved matters application when a brief has been developed. (d) We do not accept the answers to the concern about the location of the west playground. (e) We are concerned about the safety of children near water on the whole site and find CALA's statements on the subject of water safety unconvincing. (f) We welcome improved provision of PV panels, though the gain could be improved by changes of orientation, and the appearance of the buildings could be improved by the use of tiles rather than panels.

- 9.39. Apartment Blocks A, B, C and D: (a) The poor internal design of these blocks is unchanged. The public spaces and the access corridors are constricted. (The Technical Housing Standard does not include these spaces.) The comment of the Affordable Housing Officer that the design is responsive to the needs of wheelchair users is pointless in the absence of lifts providing disabled access. Lifts are required to ensure provision for all potential occupants and for lifetime occupancy. (b) The change in access to cycle stores is welcome.
- 9.40. Community Centre: The revised plans do not answer our concerns.
- 9.41. Landscaping design and Maintenance: The sections provided do not alter the concern about flooding from water run-off at the north of the site.
- 9.42. Landscape and Ecological Management Plan: Since the site includes half of the Mill stream, it is incorrect to say that the reservoir is the sole waterbody/watercourse. As currently worded, the LEMP only mentions avoiding insecticides and fertilizers in wet grassland or near the reservoir. This should cover all areas near water. NB: The note at the end of Appendix B specifically warns against the use of Glyphosate near to water because of its effect on amphibian larvae. Therefore, the avoidance of weedkillers near water as well as insecticides and fertilizers needs mention. Ideally, the use of Glyphosate weedkiller should not be permitted across the whole site. An alternative to Glyphosate should be used.

#### Wolvercote Commoners Committee

- 9.43. More solar energy could be generated on site.
- 9.44. 50% 'affordable' housing on the site is welcomed, but it is mostly situated in the apartment blocks. Narrow corridors with no natural light in some, no doors between kitchens and bedroom corridors, no lifts, cycle stores and bin stores need outside and inside access.
- 9.45. Bus turning "circle" looks too small; good that there will be a bus service from the development.

- 9.46. Community Centre - no kitchen facilities, there should be a disabled lift to the mezzanine floor, there should be wall space suitable for the display of heritage materials.
- 9.47. Various comments in relation to the Landscape and Ecological Management Plan
- 9.48. Flooding – queries regarding perforated pipes and sewers
- 9.49. Remediation Strategy – concerns over the number and size of trucks likely to be involved over 3 months. We need reassurance that there will be a specialist safety officer on site. There is also serious concern over the contamination under the Northern wooded area, where there is to be a children's play area.
- 9.50. Glad to see that the number of parking spaces is substantially less than was permitted in the Outline Planning Consent (307 as opposed to 399). There should be several reserved spaces associated with the surgery.
- 9.51. The proposal to remove the central woodland belt which marks the historic boundary of the site is a major change from the outline consent. The provision of a "green meadow" is not considered to be an adequate substitute for mature trees and grass as a wildlife corridor.
- 9.52. The stated working hours during the construction are too long.

### **Public representations**

- 9.53. Eight local people commented on this application from addresses in Rosamund Road, Hayward Road, Main Street, Home Close, Dove House Close, Talbot Road, and Templar Road.
- 9.54. In summary, the main points of support were:
- High-quality design of dwellings
  - Green spaces and wildlife corridors
  - Significant provision for affordable housing
  - Support for the number of apartments
  - Car club and electric charging points are positive
  - PV panels are positive
- 9.55. The main points in opposition were:
- Too many dwellings affecting character and demographic of Lower Wolvercote
  - Impact on mains drainage
  - Flood risk mitigation insufficient

- Car parking overspill from development into village
- Additional volume of traffic in the village and impact on access bridges
- Air quality concerns regarding access point
- Bus service frequency must increase
- Insufficient capacity in local schools
- Cycle routes to city should be improved
- Not convinced about the attempt to control car use
- Parking for surgery needed
- Tight manoeuvring for refuse vehicles

9.56. General comments included:

- More electric vehicle charging points needed
- Solar operated street lighting is suggested
- Public bicycle docking stations are suggested
- Difficulty of accessing the plans online

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing
- Housing mix
- Site layout, scale and appearance
- Trees and landscaping
- Residential amenity
- Non-residential uses
- Impact on neighbouring amenity
- Impact on designated heritage assets
- Transport and highways
- Flooding and drainage
- Noise
- Biodiversity
- Archaeology
- Land quality
- Air quality
- Energy strategy

### **a. Principle of development**

10.2. The principle of development has been established through the granting of outline planning consent, reference 13/01861/OUT.

- 10.3. The outline application was accompanied by an Environmental Statement because the development was classed as Environmental Impact Assessment (EIA) development. This reserved matters application has been prepared within the parameters of the Environmental Statement; a compliance statement setting out the details forms part of this application.
- 10.4. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 11). It promotes the effective use of land to meet the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions. In order to achieve this aim, it encourages the development of under-utilised land where it would meet an identified need for housing where land supply is constrained (paragraphs 117 & 118)
- 10.5. More significantly, the NPPF places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 59). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period (paragraph 67).
- 10.6. The Oxford Core Strategy supports these objectives. Policy CS2 makes clear that development will be focused upon previously developed land, with greenfield sites only allowed where they are specifically allocated for that use within the Local Development Framework or required to maintain the five-year rolling housing-land supply set out in Policy CS22.
- 10.7. The part of the site proposed to be developed would constitute previously developed land under the definition within the National Planning Policy Framework and it has been specifically allocated for residential development within the Sites and Housing Plan under policy SP63 as part of the Council's five-year supply of housing and to meet the overall housing need set out within Policy CS22 of the Oxford Core Strategy 2026.
- 10.8. Paragraph 143 of the NPPF states development in the Green Belt is inappropriate and, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No development is proposed within the part the site that is designated as Green Belt. This was established via the outline consent and this reserved matters application is consistent with the outline in this respect.
- 10.9. The principle of development is therefore acceptable.

**b. Affordable Housing**

- 10.10. Affordable Housing is secured via the Section 106 legal agreement associated with the outline consent. The details in this reserved matters application comply with the requirements in providing 50 per cent on site affordable housing, i.e. 95 units of the total 190 units.

10.11. The locations of the Affordable Housing units, the mix of social rent and intermediate housing, and the numbers for each tenure type are submitted with the application. Officers note that the majority of affordable units are located in the south of the site, with almost all the apartments being affordable units rather than market housing. However, the southern part of the site is considered to be a desirable location, close to village amenities and the heart of the development. The 4-bedroom houses have south-facing gardens. The group of affordable houses in the northern part of the site is close to Duke's Meadow and the play area. Officers consider that the development achieves a good balance between convenient clustering for management and integration of affordable units into the wider development. The natural assets of the site, its location and the strong public realm strategy mean that there are no 'bad locations' on the site and so the affordable housing proposal is considered to be positive.

10.12. The affordable mix deviates from the strategic mix set out in the Affordable Housing SPD:

**Table 2: Strategic mix of housing for sites outside the City and District centres**

Bedrooms (people)	% Social Rented	% Intermediate
1 bed (2 person)	0–10 %	0–10%
2 bed (4 person)	15–25 %	5–15%
3 bed (5 person)	35–45%	0–10%
4 bed + (min 7 person)	10–20 %	0%
<b>Total</b>	<b>80%</b>	<b>20%</b>

10.13. The proposed mix has a higher number of 2-bed social rented units and lower number of 3-beds social rented units:

	social rent		intermediate housing	
	units	%	units	%
<b>1-bed</b>	7	7.4	5	5.3
<b>2-bed</b>	32	33.7	6	6.3
<b>3-bed</b>	26	27.4	8	8.4
<b>4-bed</b>	11	11.6	0	0
<b>total</b>	76	80.0	19	20.0

10.14. However, the mix reflects priority housing need in its emphasis on 2-bedroom units and 4-bedroom units. The 2-bed flats are designed for 4 people and the 4-bed houses for 7 people, which optimises use of the units. Pre-application discussions have taken place with the Council's Affordable Housing team in this regard and the proposal is to their satisfaction in meeting current housing need.

10.15. The proposal is considered acceptable in terms of Affordable Housing provision. The mix of social rent and intermediate housing is recommended to be secured by condition since this level of detail is not included in the Section 106 agreement with the outline. A condition is also recommended to ensure at least five per cent of affordable units are wheelchair accessible.

**c. Housing mix**

10.16. Condition 8 of the outline consent requires the mix of the 190 units to comply with the mix in the Balance of Dwellings SPD.

Dwelling types	Number of units proposed	Percentage proposed	BoDs requirement
1 bed	12	6%	6-16%
2 bed	46	24%	20-30%
3 bed	102	54%	35-65%
4 bed	30	16%	6-17%

10.17. The proposed mix achieves this and the proposal is therefore consistent with the aims of policy CS23 in delivering a balanced mix of housing.

**d. Site layout, scale and appearance**

10.18. Paragraph 127 of the NPPF requires new development to function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

10.19. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; attractive public realm; and high quality architecture. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the site's capacity and surrounding area. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.

10.20. Condition 5 of the outline consent requires the approval of a Masterplan and a Design Code for the whole development. Condition 9 restricted the proportion of three storey buildings to five per cent of all buildings on site, with the remainder being two and two-and-a-half storeys. Condition 18 prevents occupation of the development prior to Secured by Design (principles for designing out crime) accreditation being evidenced.

10.21. The site layout proposed is legible and permeable, with clear routes through and around the development, making it easy to find one's way around and to

reach key features such as the reservoir and various areas of public open space. The hierarchy of streets distinguish clearly between the primary routes, such as the main entrance and connection along Meadow Lane, and minor roads such as the narrower, more informal Waters Edge beside the reservoir. The absence of cul-de-sacs is a strength, with the most significant difference from the outline illustrative masterplan being the stronger connection between the houses in the northern half of the site and the water (reservoir). The new masterplan has three strong blocks linking through to Meadow Way. The layout ties in well with existing development by aligning back gardens of existing houses with gardens of the proposed, and provides passive surveillance through active frontages (such as windows onto the street) following good urban design principles.

- 10.22. The scale of the development is taller closer to the centre of the site, with the peripheral areas, closest to existing development being lower in height. The larger scale of the apartment buildings reflects the form and scale of the mill buildings that were previously on site – though at a smaller, more appropriate scale. Indeed, the three-storey apartment blocks (A, B and D) have a ridge height only marginally above the two-and-a-half storey houses and so will not feel overly dominant.
- 10.23. Page 50 of the Design and Access Statement sets out how the flat-roof contemporary form of the Waters Edge houses are equivalent in volume and ridge height to a 2.5 storey house and so should not be counted as three-storey units towards the five per cent of buildings on site stipulated by condition 9. Officers consider this to be successfully demonstrated and that the contemporary form makes a positive contribution to the setting of the reservoir and should be supported.
- 10.24. Some particular issues were raised by Thames Valley Police with regard to measures to minimise opportunities for crime. The access to rear gardens for properties backing onto Home Close houses is, as discussed later in the report, required for maintenance of the tree belt which is to be retained. Details are recommended to be required by condition of the gates at each end of this easement to ensure gardens are secure.
- 10.25. Access from the street to ground floor flats was also raised but officers are of the view that increased activity provided by these gates into ‘front gardens’ would be beneficial to the public realm and has been successfully implemented in exemplar developments. The lack of activity at ground floor for Waters Edge properties is not of concern because of the full length windows in the two upper floors which serve rooms that are active during the day (living rooms rather than bedrooms). The overall design of the reservoir frontage, with the apartments and ground floor uses at the south of the site, are sufficient to provide surveillance and activity in the area.
- 10.26. Other suggestions have been adopted into the revised proposal, such as amendments to the lobby areas of the apartments, improvements to bin and cycle storage and remote operation of garage doors. A condition is recommended in relation to this last point, while it has been agreed with Thames Valley Police that the requirements for the lobbies of apartment

buildings be covered by the outline consent condition 18 relating to Secured by Design accreditation.

- 10.27. The proposal under consideration, the result of a thoughtful design process, is an exciting, contextual response to the site. The architectural language that has been created reflects the industrial heritage of the site. The design of housing typologies with integrated car parking and amenity areas at high density is welcome and the realignment of the illustrative masterplan to provide dwellings with views across the water is successfully articulated.
- 10.28. The development complies with the relevant local plan policies and with the NPPF in relation to design, and the submitted details comply with conditions 5 and 9 of the outline consent. It is considered that the development will be able to achieve Secured by Design accreditation, subject to the additional details recommended by Thames Valley Police. Condition 18 cannot be discharged until confirmation in writing of accreditation is received by the Council.
- 10.29. Conditions are recommended to approve material samples. Due to the carefully considered design code and the relatively small garden spaces for houses, officers recommend permitted development rights for household extensions and additions be removed. This will allow extensions to be considered by the Council so that the overall architectural integrity and quality of the scheme can be retained.

#### **e. Trees and landscaping**

- 10.30. Condition 6 of the outline permission protects the trees that were proposed to be retained through the Woodland Management Strategy submitted with the outline application. Condition 12 required a Landscape and Open Space Strategy for the development. The Section 106 requirements for public open space are 2.46 hectares of land including Duke's Meadow for use as informal recreation/play space, and for the creation of wildlife habitats; informal open space and nature reserve along Mill Stream; a 'green gateway' at the site's entrance; retention of the reservoir and creation of a walkway around it; and a local area for play.
- 10.31. The potentially problematic issue associated with the proposed retention of the existing vegetation along the eastern boundary (an odd mix of alternating topped evergreen Leyland cypress and pollarded deciduous London plane), close to the rear boundaries of Home Close properties has been addressed through a proposed service access lane. This will separate the tree belt from the private gardens of the Meadow Way properties, allowing access at either end only for maintenance by the management company. This is acceptable and is consistent with the Woodland Management Strategy enshrined within the condition for the outline scheme.
- 10.32. The rationale for retaining the feature is understandable, to provide enclosure and visual screening with the rear garden boundaries of properties in Home Close. Seen from aerial or tangential photos views the tree line appears solid, but seen perpendicular to the boundary from ground level the feature can be seen to possess poor aesthetic value; its functional value is variable due to



gaps below the canopy. The landscape plan outlines a management strategy to retain and maintain the tree belt and to in-fill new tree planting to reinforce and renew it over time. This is an acceptable solution.

- 10.33. The central copse is predominantly composed of self-seeded sycamore trees and this is proposed to be removed to facilitate the current design layout. The rationale for this proposal is that the copse effectively divides the central part of the site into two along its north/south axis. The quality of the copse as a landscape feature is low or moderate; its potential worth is contingent upon the context of the design layout that the group might function within. It is not of such quality that it should be considered a significant design constraint in its own right that should dictate the form of the design layout.
- 10.34. Although there was some discussion in the design and access statement submitted with the outline planning application regarding the presence of a historic field boundary in this location, it is not clear to what extent this wide group of self-seeded collection of trees lies on the historic boundary. The applicant has carried out research and the tree group appears to lie to the west of the historic field boundary. It is noted that significant tree removals and a bisection of the central copse was proposed with the outline masterplan layout; this was carried through to the Woodland Management Strategy. The principle of partial removal and breaking up of this landscape feature has been established, therefore. Officers consider that the design rationale for the layout and the site-wide landscape scheme firmly outweigh the loss of the tree group in terms of landscape, amenity and historic value.
- 10.35. The arboricultural implications across the site involve the removal of 17 individual trees and 10 groups of trees. These are all necessarily removed to facilitate the scheme. This is a significant impact which must be adequately mitigated through appropriate landscape measures.
- 10.36. The areas proposed as public open space exceed the requirement, providing 2.77 hectares of public open space. The proposal meets the requirements of the Section 106 agreement in providing the various types of open space. The landscape masterplan identifies several existing distinct landscape character areas within the site and new opportunities to enhance and respond to these characters, successfully interpreting the site's historic landscape setting.
- 10.37. The street layout sets up a hierarchical series of spaces that provides opportunities for ornamental and native meadow type planting among new street trees, such as along 'Meadow Way'. A specimen tree is proposed for the site's 'green gateway'.
- 10.38. A sequence of open spaces has been designed; The Reservoir Promenade, The Village Square and The Green Gateway (site access point) form a landscape route that forms a link to the existing open space of Wolvercote Village Green (outside the site). The Reservoir Promenade offers a vista across water to the woods in the north of the site. This is a significant new landscape feature in the public realm, which is easily accessible from the village.

- 10.39. Semi-natural open spaces are proposed in the Northern Woodland, on the Nature Reserve (a spit of land projecting south of the main site along Kingsmill Stream), and the more formal area described as Riverside Park. These features create a sense of place, enhance the site's existing characteristics and create high quality accessible amenity spaces.
- 10.40. The reservoir will have planting along the edge and will be graded with a shallow incline to avoid accidents close to the water. Boulders at the southern end of the reservoir will be used for safety so that people cannot fall into the water. These measures are appropriate in safety and design terms but officers consider it appropriate to condition a safety audit of the scheme. A safety audit has already been carried out of the play area, looking at the relationship with the reservoir. Officers understand this was approved by the Royal Society for the Prevention of Accidents (RoSPA).
- 10.41. The landscape will be publically accessible, opening up large areas of previously private land for the enjoyment of the wider Wolvercote community and beyond. The thoughtful landscape design, its quality and variety, are to be commended.
- 10.42. Further thought is required regarding the hard landscape materials used to delineate streets. The selection of surfacing is very uniform and hard. Officers consider that more variation in texture and finish is needed for the streets and so recommend that this be reviewed and material samples submitted alongside samples to be provided for the built form of the development, which is a recommended condition.
- 10.43. The application proposes significant changes to the existing form of the brownfield site and this inevitably results in the removal of large numbers of trees. However, the design has appropriately responded to the site's important landscape features, including tree groups and riparian assets, and mitigation for tree removals have been identified in the overall landscape plan and supporting detailed landscape proposals. The scheme is consistent with the aims of the Woodland Management Strategy and therefore with condition 8 of the outline consent. The application includes a Landscape and Open Space Strategy contained within the Design and Access Statement and this fulfils the requirements of condition 12 of the outline consent.
- 10.44. On balance the arboricultural implications of the application are considered to be acceptable as they are appropriately mitigated by high quality landscape plans and planting proposals. The ultimate effect should be a significant net landscape benefit to the public realm and local community. The application is acceptable in relation to Oxford Local Plan Policies CS18, CP1, CP11 and NE16.

**f. Residential amenity**

- 10.45. In March 2015, the Government introduced a 'Nationally Described Space Standard'. This sets out more detailed minimum standards than the earlier Sites and Housing Plan policy HP12. Policy HP13 sets out standards for outdoor space.

- 10.46. All units proposed comply with the national space standard and provide a comfortable, practical layout with built-in storage. In terms of outdoor space, all the proposed houses have private gardens of a good size. There are practical arrangements for the storage of bicycles and bins and these are set out on drawing A-L-106 Rev 01 'Plot Plan'. Most houses have cycle storage within garages (larger houses) or integrated into the front porch area (smaller houses). Some groups of houses, such as the 'Mews' houses, do not have front gardens or side access and so cannot accommodate bin storage; bin storage is provided in separate stores at the end of each row instead.
- 10.47. The flats each have private amenity space – either a balcony on upper floors or terrace for those on ground floors. These are a good size, exceeding the minimum size prescribed by the Sites and Housing Plan; in addition, blocks A and D have a communal garden. Each block of flats has dedicated bike storage and a bin store. Some revisions were made to the bike storage arrangements for the flats to give direct external access. Secure lobbies were also provided in response to comments from Thames Valley Police. Details of post boxes and access controls will be provided at a later date in compliance with condition 18 (Secured by Design) of the outline consent.
- 10.48. Condition 9 of the outline consent requires all residential units to be built to Lifetime Homes Standard, while condition 10 requires at least five per cent of the new dwellings to be fully accessible or easily adaptable to full wheelchair use. It is noted that, although the development does indeed propose five per cent of homes to be accessible, the Affordable Housing SPD also requires five per cent of Affordable units to be accessible. The proposal falls just short of this threshold and so a condition is recommended to secure a sufficient number of accessible affordable homes.
- 10.49. The question of lifts has been raised during public consultation for the apartment blocks. Lifts were included at pre-application stage but the applicant was advised to remove these as the maintenance costs drive up service charges to an unaffordable level. Accessible units would be located on the ground floor of apartment blocks and space is retained for future lift installation should these be required and cost effective at a later date.
- 10.50. The proposal would accord with the aims and objectives of Sites and Housing Plan policies HP12 and HP13 and the Nationally Described Space Standard in providing a good level of residential accommodation.

**g. Non-residential uses**

- 10.51. Condition 11 of the outline consent requires the development to provide a total of 521m<sup>2</sup> of non-residential uses and community facilities (e.g. 303m<sup>2</sup> for doctor's surgery, 110m<sup>2</sup> for civic building and 108m<sup>2</sup> of B1c light industrial floorspace). The Section 106 legal agreement secures a minimum of 110m<sup>2</sup> for community facilities and a GP surgery space. The applicant must make reasonable endeavours for two years to reach agreement on terms for transfer of GP surgery area to a GP partnership or the local health authority. If not, the unit may become a B1(c) commercial use or D1 non-residential institutional space.

- 10.52. The development includes a community centre of 126m<sup>2</sup> at the entrance to the site, located close to existing village facilities such as the two pubs and the village green. It is designed to be flexible, allowing activities to spill out to the front and the site's 'green gateway' as well as to the rear into the more private space. The stone clad building includes a mezzanine floor and full height windows bringing light into the building and giving a contemporary appearance that ties in with the rest of the development. A Community Facilities Scheme is required by the Section 106 agreement to be submitted to and approved by the Council and Neighbourhood Forum prior to commencement of development. This would set out the use arrangements and timetable for the provision of the facility. Internal arrangements such as the addition of more toilet facilities, a kitchen or lift could be added at a later date. They are not considered essential or a requirement for a community facility.
- 10.53. The doctor's surgery is to be located on the ground floor of the apartment block that faces the reservoir and the central square (block C). There is unallocated car parking for the flats which is likely to be vacated during the day when flat residents are out at work, allowing these spaces to be used by people visiting the doctor's surgery by car. Being a local surgery, it is expected that many Lower Wolvercote patients would walk or cycle to the surgery. The bus would stop just outside the surgery. It is understood that the applicants are in discussion with Summertown Health Centre to take over the unit.
- 10.54. Next to the surgery, on the ground floor of apartment block C, would be the commercial, light industrial B1c unit. This is considered to be suitably located at the heart of the development and would be an attractive unit for a range of businesses, creating activity around the reservoir and the square. It is understood from the applicants that there has been a healthy interest from potential tenants.
- 10.55. The non-residential elements of the scheme exceed the requirements of the outline consent, are appropriately located and would provide excellent facilities for the wider village. It is understood that the applicant has worked with local community groups to make sure the provision is appropriate for the community and site.

#### **h. Impact on neighbouring amenity**

- 10.56. Policy HP14 of the Sites and Housing Plan states that development should provide reasonable privacy and daylight for the occupants of both existing and new dwellings and guards against overbearing development. Policy CP10 of the Oxford Local Plan 2001-2016 requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties. Policies CP19 and CP21 protect against unacceptable nuisance and noise.
- 10.57. The immediately adjacent properties affected by the proposed development are those with west-facing gardens on Home Close backing onto the site, those houses in Mill Road backing onto the south-western part of the site, and the few properties on Godstow Road that face the village green and back onto the south-eastern part of the site.

- 10.58. Properties in Home Close will benefit from the retained tree belt providing screening from the proposed houses. Back-to-back distances are very comfortable, being between approximately 27 metres and 40 metres. Apartment block D has balconies that face towards the rear gardens of Home Close properties. Again, these are a comfortable distance of 14 metres from the boundary, with a back-to-back distance of 45 metres. As such, the privacy of occupiers of Home Close properties is considered to be safeguarded and officers have no concerns regarding loss of light or overbearing impact.
- 10.59. The Godstow Road properties have long rear gardens and the trees on site close to the boundary will be retained. Back-to-back distances are over 60 metres between the properties and the balconies of block D. A small car parking area is to be introduced to the rear of block D but this is buffered by landscaping and at a significant distance from the rear of the houses and is therefore not considered to any cause disturbance from exhaust fumes or car headlights. A small maintenance storage hut is proposed on the boundary, within the car park. This is proposed to be small scale and officers recommend a condition to ensure the maximum height does not exceed 4 metres to protect neighbouring amenity.
- 10.60. Mill House and 12 Mill Road would be backed by gardens of the proposed houses, with the windowless side elevation of unit 29 to be sited just beyond the gardens of 13 to 15 Mill Road. Numbers 13 to 15 have outbuildings at the end of the gardens and the new development would be located to the north. There is therefore not considered to be an overbearing impact or harmful loss of light, and there would be no harmful loss of privacy.
- 10.61. Within the development itself, officers note that the 'village block' has quite a dense layout that will result in mutual overlooking between the reservoir edge properties and the smaller terraced houses. The perpendicular arrangement means that the overlooking will only occur from one property into the garden of another, rather than from house to house. The gardens are of a good size of at least 10 metres in depth; officers do not consider this type of mutual overlooking to be unacceptable or harmful. Indeed it is part of the character of this contemporary, medium density development.
- 10.62. The central square will have regular bus movements which will be noticed by residents with properties facing onto the square. The vehicles will be moving at very slow speeds and emissions are low due to the buses being hybrid and so this is not considered to cause a disturbance to residents.
- 10.63. The development is therefore considered to have adequately safeguarded amenity for neighbouring and future occupants and results in comfortable relationships between existing and proposed development.
- 10.64. External lighting is controlled by condition 19 of the outline consent, which requires detail of the type of light appliance, the height and position of fitting, illumination levels and light spillage to be submitted. These details are not yet submitted and will be dealt with in the usual way as delegated decisions to officers.

### **i. Impact on designated heritage assets**

- 10.65. The NPPF in section 16 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and the positive contribution that conservation of heritage assets can make.
- 10.66. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and to preserving or enhancing the character or appearance of conservation areas.
- 10.67. Oxford Local Plan Policies HE3 and HE7 seek to preserve or enhance the special character and appearance of conservation areas and their settings, and to ensure works to a Listed Building are sympathetic to and respect its history, character and setting. Whilst the wording of these policies does not include the balancing exercise identified in paragraph 195 of the NPPF and would therefore be deemed to be out-of-date with the framework, they would be consistent with the above-mentioned legal requirements of Section 66 and 72, and they must therefore carry considerable weight in the determination of this application.
- 10.68. The development involves the demolition of the remaining buildings associated with the former mill, including the large imposing office building on Mill Road. The loss of this incongruous 1960s building is considered to significantly improve the character and appearance of the conservation area and the setting of the two listed pubs and the listed houses on Mill Road. The short terrace of five houses that is proposed to replace the office building has been designed to mirror the form and rhythm of the terrace to the west, with the proportions, materials and features of the historic houses given a contemporary interpretation. The parallel parking arrangement mimics the existing arrangement for other residential properties on Mill Road while the surface treatment and tree planting at the entrance to the site create a more sympathetic setting for the listed buildings and improve the appearance of the conservation area.
- 10.69. The development makes a positive contribution to local character and distinctiveness as supported by paragraph 192 of the NPPF. It is noted that the development achieves two of the opportunities for enhancement identified in the Wolvercote with Godstow Conservation Area Appraisal, namely additional planting to maintain street scene character and the enhancement of public areas to preserve the social character of the village. In accordance with policies HE3 and HE7 of the Oxford Local Plan, the development will significantly improve the setting of the surrounding listed buildings, non-designated heritage assets and the conservation area.

10.70. Special attention has been paid to the statutory test of preserving the setting of listed buildings or their setting or any features of special architectural or historic interest which they possess, and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the setting of the nearby listed buildings and enhance the character and appearance of the conservation area and so the proposal accords with sections 66 and 72 of the Act.

**j. Transport and highways**

10.71. The NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement. The Oxford Local Plan 2001-2016 also requires Transport Assessments from development that is likely to have significant transport implications. The NPPF also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

10.72. The site access was approved at outline stage, and includes a mini-roundabout on Godstow Road and road running into the site from the roundabout, sweeping into the site (approved access drawings IMA-14-121-14B and IMA-14-121-18B).

*Car parking*

10.73. There is a total of 309 car parking spaces across the site including 134 unallocated spaces, 6 disabled spaces and 3 car club spaces. The County Council has commented that, whilst the low provision of allocated car parking is in line with ambitions of reducing car use in the city, there is some concern regarding the low number resulting in informal parking on site which could lead to highway safety implications. This is of particular concern for the waterfront houses which have 4-bedrooms and only 1 allocated parking space within a garage. This is mitigated somewhat by the garages having automatic doors so to make parking within them more attractive and the layout being designed in a way which makes informal parking difficult. A condition is recommended to ensure the garage doors can be remotely operated, and that the garages remain in use as such to secure adequate parking.

10.74. The site is in a sustainable location which benefits from frequent buses and is within walking/cycling distance to the city centre and local amenities in Wolvercote. The applicant has agreed to review the parking 1 year after final occupation. If on-street parking is occurring then an additional 12 spaces will be provided on site as shown in drawing 8160534/610 Rev A. This will be enforced through the monitoring of the Travel Plan and will help reduce any informal parking which is occurring.

10.75. Officers consider that the lower number of car parking spaces than was indicated at the outline stage contributes positively to the character of the public realm and avoids it feeling car-dominated. The requirements of each

residential unit have been carefully considered by the applicant in their rationale for the number of car parking spaces to provide. The design of the site minimises opportunities for informal parking and this is to be reviewed via Travel Plan monitoring. Details of parking management are to be included in a site management plan recommended to be required by condition. The car parking proposal is considered acceptable in compliance with policy HP16 of the Sites and Housing Plan.

#### *Cycle parking*

- 10.76. The Planning Statement states that cycle parking will be provided within the curtilage of each dwelling and further information provided shows the locations of the public spaces within the site. The public spaces are well spaced out across the site and allow cyclists to travel to a number of public areas.
- 10.77. The spaces within the curtilage of the dwellings and for the flats meet the standards as set within policy HP15 in terms of the number of spaces. These are practically arranged, as set out in section f of this report.

#### *Bus route*

- 10.78. The bus route around Mill Square has been looked at in detail during the course of the application. Concerns were raised by Oxford Bus Company and by a number of members of the public via public consultation, as well as by the Highways Authority. The applicant is seeking to balance the need for a functioning bus turning circle with the objective of creating an attractive piece of public realm that does not feel like a piece of engineered highway or roundabout.
- 10.79. Following a second objection comment from the Oxford Bus Company and discussions between the applicant and the County Council regarding the bus route, further amendments were made to the proposal. The turning circle has now been widened sufficiently to allow buses to safely navigate around the square and exit the site. Drawing 8160534/6205 Rev H shows the swept path analysis of this whilst drawing 8160534/6108 Rev A shows the infrastructure that will be in place to restrict on-street parking within the bus loop.
- 10.80. The square is one-way and will not result in conflict between two buses. However, there is a section south of the square and north of the two-way section in which there may be times that buses are coming from both directions. The departing bus could wait whilst a bus is entering the square, however visibility would need to be clear and there is concern that the tree on the west side of the access road could obstruct visibility. This tree should be moved to a suitable location in which visibility would not be obstructed. A revised plan of this area is recommended to be required by condition to this end.
- 10.81. The proposal requires the extension of the current route 6 from Oxford City Centre from its current terminus at Home Close into the proposed development. These buses are currently relatively frequent, every 15 minutes during weekday daytimes and every 20 minutes evenings and Sundays. A



more frequent 10-minute peak hour frequency is envisaged in the future. The earliest bus is currently around 0600 and the last bus is currently around midnight. There may be layover of up to 5 minutes between inbound buses and the return scheduled journey. It may well be the case that buses start earlier in the morning and operate later in the evening, compared to the current situation. This extension of the operating day is a common feature on main Oxfordshire bus routes.

#### *Detailed design*

10.82. The Highways Authority has commented that, whilst many of the issues regarding the design will be covered during the S278/S38 process, there are a few points which should be addressed prior to this:

- The one-way sections will require a TRO and consultation.
- Block paving is proposed on the bus loop, although a technical matter that would be picked up during the S278 process, block paving is not acceptable on bus routes as can require regular maintenance due to the weight of the modern buses.
- No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. Coloured surfacing will carry a commuted sum. The detailed design will be subject to a full technical audit.

#### *Construction Traffic Management Plan*

10.83. It is noted that a Construction Traffic and Environmental Management Plan has been submitted, as required by condition 15 of the outline consent. There are a few items which need to be updated before this can be accepted. Firstly, a dilapidation survey is required to show that the highway will be left in the same condition.

10.84. The CTEMP states that deliveries to site will be between the hours of 07:30-17:00. This is unacceptable and will require updating before this can be agreed. Due to the proximity of the local school, deliveries should only be between the hours of 09:30-15:30 during school term time. This is to ensure that delivery vehicles do not add to congestion or hold up any traffic within the area.

10.85. Various amendments to the CTEMP have been requested by officers including more proactive engagement with local residents and changes to working hours. These are to be incorporated into an amended CTEMP, which will need to be submitted to comply with condition 15 of the outline consent.

#### *Travel Plan*

10.86. The submitted Travel Plan includes the following initiatives:

- Appointment of a Travel Co-ordinator to monitor the Travel Plan and liaise with Oxfordshire County Council;

- Provision of travel information on occupation;
  - Promotion of walking, cycling and public transport as feasible and realistic alternatives to the private car where appropriate; and
  - Promotion of car sharing schemes.
- 10.87. The site will have three car club spaces in Mill Square and the introduction of the car club is to be funded by the developer. This will be available for use by residents beyond the development site.
- 10.88. The Travel Plan will be monitored and reviewed in years 1, 3 and 5 following occupation reaching 50 per cent of the development, in consultation with Oxfordshire County Council.
- 10.89. Section 7 of the Travel Plan should not only be updated as has already been specified within the travel plan once the initial baseline survey has taken place, but that all the targets in this section are specified as percentages as well as actual numbers for all modes of travel.
- 10.90. Para 8.15 states “The level of allocated and unallocated parking provision across the development reflects the sustainable location and in particular the provision of the bus loop within the site. After one year of occupation, CALA’s chosen Management Company will, alongside their other duties, review on-street parking levels. In the unlikely event of it being established that on-street parking is higher than anticipated and causing a significant highway safety concern, then additional unallocated off-street parking provision will be investigated.”
- 10.91. This statement is not robust enough. Document 8160534/610 Rev A identifies a further 12 spaces across the site. The Travel Plan should be updated stating that if car parking is deemed insufficient then the spaces shown on this document will be provided within a reasonable period.
- 10.92. Conditions 21 and 22 of the outline consent require the approval of a Travel Plan and its implementation. The Travel Plan submitted with this reserved matters application will need to be revised as detailed above and approved in writing to comply with condition 21. Condition 22 then requires its implementation, including monitoring and reporting as set out in the Travel Plan. Fees for Travel Plan monitoring are covered by the Section 106 agreement for the outline consent.

#### **k. Flooding and drainage**

- 10.93. The NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 163), supported where appropriate by a site-specific flood-risk assessment. Oxford Core Strategy Policy CS11 states that development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
- 10.94. Condition 26 of the outline consent requires the development to be carried out in accordance with the approved Peter Brett Associates Flood Risk

Assessment ref. 31321/001 rev. E dated 1st July 2015 (FRA) and a specified list of mitigation measures detailed within the FRA, unless otherwise agreed in writing by the local planning authority.

- 10.95. The details submitted with this reserved matters application do include some changes to the drainage strategy; the wording of the condition allows such changes subject to approval by the local planning authority. The principle of the submitted drainage strategy is acceptable; the following changes are proposed from the outline scheme:
- 10.96. Surface water discharge rates are limited to 48.45 l/s rather than greenfield rates. This provides a 70% betterment to existing runoff rates (161 l/s), which would be acceptable in this instance, as the site was previously developed, and not greenfield.
- 10.97. Surface water will rely on gravity rather than being pumped. This is preferable, as pumps are a maintenance liability, and therefore increase the potential for flooding.
- 10.98. Permeable paving and tree pits are used, rather than geocellular crates, enabling surface water drainage to rely on gravity rather than being pumped. This is preferable, as pumps are a maintenance liability, and therefore increase the potential for flooding. This will also provide additional benefits, such as water quality for example.
- 10.99. Proposed ground levels adjacent to the reservoir will be raised a minimum of 300mm above the 1 in 100 year river flood event with 20% allowance for climate change.
- 10.100. A new pipe will be provided to replace the culvert (in the same location as the culvert), as well as a new outlet for the Mill Channel. It is stated that the EA have approved of this, so once again, we have no objection providing this is acceptable to them.
- 10.101. The principle of the maintenance and management strategy is acceptable, however more detail is required to ensure it is enacted, in order to ensure that the system remains functional. Details should be provided to show that Thames Water will adopt the indicated parts of the system, and also proof that a management company has been nominated for the other parts. In the event Thames Water will not adopt the system, alternative arrangements (such as a management company) should be made. This can be done via condition.
- 10.102. The Environment Agency raised a query as to whether the proposed building in the south west section of the site lies within Flood Zone 3b. Technical work to demonstrate that this is not the case was presented to the Environment Agency who concurred that the site lies in Flood Zone 1. It raised no objections to the new information provided in respect of condition 26.
- 10.103. Several queries were submitted by the Wolvercote Commoners Committee predominantly regarding the detailed design of the surface water drainage system. These queries were addressed by the applicant to the satisfaction of

officers in an updated drainage statement and associated drawings. Concerns about flooding were also raised, the outcomes of which are subject to ongoing discussion between the applicant and the Environment Agency.

10.104. In summary, the changes from the outline permission are justified, and decrease potential flood risk.

10.105. Condition 30 of the outline consent requires a foul water drainage scheme for the site to be approved in consultation with Thames Water. Details have been submitted but officers have not had a response for Thames Water. It is expected that a response will be forthcoming prior to committee and a verbal update will be provided. Nevertheless, the condition can be dealt with outside the reserved matters application process.

## **I. Noise**

10.106. There are two conditions relating to noise on the outline consent. Condition 16 requires a scheme for the mitigation of noise emanating from the adjacent A34 trunk road and the existing Mill Stream Weir. Condition 17 requires details of the proposed mechanical plant for the non-residential uses to be approved. Condition 17 is to be discharged at a later date, but an Environmental Noise Survey and memorandum were submitted with this application to meet the requirements of condition 16.

10.107. The layout of the proposed development has been designed to set dwellings back from the main transportation noise sources and as a result the proposed dwellings are at a low-medium risk from noise.

10.108. The Environmental Noise Survey concludes that noise from the A34 Expressway and the Mill Stream Weir experienced from internal spaces within the proposed development can be mitigated by a standard double glazing specification. It also details that with windows open for ventilation purposes, rooms on facades overlooking the A34 are able to achieve the reasonable criteria from British Standard 8233.

10.109. In terms of private amenity space the Environmental Noise Survey concludes that some gardens and balconies towards the north of the development are likely to exceed the reasonable criteria. There are dwellings within the vicinity of the site which are currently exposed to similar levels of noise from the A34 and BS8233 stresses that where developments are located close to major transport links higher external levels are acceptable. The memorandum also highlights that when considering the sound pressure levels from the A34 on the facades with balconies they are close to the reasonable levels for external amenity space and the natural source of environmental sound from the weir, which increases the overall sound pressure levels, will in reality lessen the likely impact of the road traffic noise.

10.110. Officers conclude that the methodology applied to measuring existing sound levels, establishing the background noise level and calculating corresponding noise limits to be met at noise sensitive premises is appropriate. The design recommendations for noise mitigation to meet the required internal noise

criteria may therefore be relied upon in order to comply with the requirements of condition 16. The condition requires the recommendations to be fully incorporated into the relevant parts of the development prior to their respective occupation and retained at all times thereafter.

#### **m. Biodiversity**

10.111. The NPPF makes clear that new developments should minimise the impacts upon biodiversity and take the opportunity to incorporate biodiversity enhancements. There is also legislation and European directives to avoid harm to biodiversity interests and to have regard to conserving habitats. At a local level Oxford Core Strategy Policy CS12 states that

- Sites of Special Scientific Interest (SSSI) must be protected from any development that would have an adverse impact.
- No development should have an impact upon a site that is designated as having local importance for nature conservation or as a wildlife corridor; and
- Species and habitats of importance for biodiversity are protected from harm, unless the harm can be properly mitigated

10.112. The Section 106 legal agreement required a scheme for habitat creation and protection plus maintenance. Conditions 32, 33, 34 and 35 of the outline consent relate to biodiversity and ecology matters. Conditions 32, 33 and 34 were discharged prior to this application coming forward. A revised Landscape and Ecological Management Plan (LEMP) was submitted, dated 20 June 2018 with which the Environment Agency was satisfied.

10.113. However, due to discussions that are ongoing between officers and the applicant in relation to the habitat creation required by the Section 106 agreement which overlap with the LEMP, it has been agreed that biodiversity and ecology matters covered by the Section 106 legal agreement and condition 35 be dealt with separately from this reserved matters application. The provisions of both allow for this to happen.

10.114. A number of specific issues were raised in relation to the LEMP during public consultation and these will be reviewed by officers and appropriate amendments made to the final LEMP.

#### **n. Archaeology**

10.115. Condition 36 of the outline consent requires an archaeological evaluation of the site and a scheme of mitigation of any significant archaeological impact. The evaluation had to be carried out after demolition and so this work is currently underway since demolition commenced over the summer. A written scheme of investigation has been agreed between officers and the applicant for further trial trenching. The applicant intends to discharge condition 36 after determination of this reserved matters application. No archaeology details are therefore presented for approval with this reserved matters application.

#### **o. Land quality**

- 10.116. The outline consent has three conditions relating to land contamination. Condition 27 requires a remediation strategy and includes four parts a) to d); condition 28 requires a verification report to demonstrate that the approved remediation strategy has been implemented; condition 29 requires the developer to maintain a watching brief for unexpected contamination. A remediation strategy report (revision 03) was submitted along with a groundwater monitoring letter report. Officers are satisfied that the contamination risks posed to the adjacent Mill Stream controlled water are low. This will be verified through further groundwater and surface water monitoring during the course of development and post construction. The requirements of condition 27 have been met and the Environment Agency has recommended discharge of this condition; conditions 28 and 29 still apply.
- 10.117. A number of queries were raised during the public consultation in relation to the remediation strategy. Officers would respond to these as follows:
- 10.118. The asbestos identified in the wooded area (BH16) is to be removed and the 'hummocky' ground in the wooded area is to be cleared and a watching brief maintained throughout in case any unexpected contamination is identified during the course of these works. Should contamination in excess of target concentrations be detected, the remedial options will be reassessed. Once the heavily wooded area is accessible, a walkover survey and soil testing is to be carried out to validate the quality of surface and near surface soils in liaison with the local authority. Sampling will extend beneath the tree canopy for those trees retained in the landscaping design.
- 10.119. Mitigation measures are to be implemented to ensure there are no unacceptable risks to construction workers or neighbours from potential asbestos fibres that may be present in site soil during the earthworks phase. This will be through air monitoring, damping down and covering of soil stockpiles.
- 10.120. A minimum of 600mm of chemically and physically suitable subsoil and topsoil is to be laid in private garden and landscaped areas and 450mm in the public open space (wooded area) where underlain by made ground following the cut and fill earthworks.
- 10.121. Materials excavated during the cut and fill exercise will be segregated into stockpiles of made ground and natural materials with the aim of recovering as much material as possible for re-use on site and to minimise off-site disposal.

**p. Air quality**

- 10.122. Policy CP23 of the Oxford Local Plan 2001-2016 prevents development that would have a net adverse impact on air quality. An assessment of this was carried out at outline approval stage. As part of the EIA, an Air Quality Impact Assessment was included which concluded that the impact of the proposed development on local air quality is negligible and that air quality should not pose a constraint to the redevelopment of the site.

10.123. A key theme of the NPPF is that development should enable future occupiers to make “green” vehicle choices and incorporate facilities for charging plug-in and other ultra-low emissions vehicles. Condition 38 of the outline consent required detail of electric vehicle (EV) charging points. All of the houses with on plot garage parking will have an internal car charging point. In addition seven bollard charging points are proposed, as shown on the EV point plan, which will serve the remaining 131 dwellings. To clarify, these will be double points, which means that there will be 14 EV points in total, more than the guidance of 1 per 10 dwellings. This is welcomed.

#### **q. Energy strategy**

10.124. Core Strategy Policy CS9 states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials. The proposal exceeds the threshold for “qualifying developments” and so it must achieve the target of 20 per cent renewable or low-carbon energy and incorporate recycled or reclaimed materials.

10.125. Condition 37 of the outline consent required a detailed Natural Resource Impact Analysis (NRIA) report in accordance with the principles and proposals set out in the Renewable Energy Strategy. Accordingly, a Sustainability Statement and Natural Resource Impact Assessment was submitted with this application.

10.126. The designers are employing passive design measures that go beyond the Building Regulations requirements; this approach, coupled with use of renewables can be used to demonstrate compliance with the 20 per cent lower carbon emissions target. However, the initial submission failed to meet the 20 per cent target. The scheme was revised to include solar panels on a larger roof area than originally proposed. The revised Sustainability Statement and Natural Resource Impact Assessment (revision D) and revised drawing showing PV panel location demonstrate compliance with the 20 per cent target. Condition 37 requires the implementation and maintenance of these approved measures.

### **11. CONCLUSION**

11.1. 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.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application. The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan

policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

#### *Compliance with Development Plan Policies*

- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with those policies.
- 11.4. The characteristics of the site and its unique location require a bespoke approach to design that reflects its heritage and setting, the applicant and their team have achieved this. The design has evolved considerably since the outline planning application into a landscape led scheme with a strong architectural language. This has been endorsed through the ODRP process and public consultation. There are significant gains for the wider village including public realm improvements, improvements to the character and appearance of the conservation area, access to new areas of green and blue space, as well as the community facilities.
- 11.5. In summary, the proposed development would make an efficient use of a site which has been allocated for housing as part of the Council's five year housing supply and therefore deliver much needed affordable and market housing to contribute towards Oxford's housing need. The development would help establish a balanced and mixed community. The application has demonstrated that it would not have an adverse impact in highway safety terms. The application contains sufficient supporting information to demonstrate that it would be of a suitable scale and appearance for the site and its setting without having an adverse impact upon the adjacent neighbouring areas, would be energy efficient, and would not have a significant impact upon trees, flood risk, drainage, air quality, land contamination, or noise impact and any such impact relating to these matters could be successfully mitigated through measures secured by condition. The proposal would accord with the overall aims of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026.
- 11.6. Therefore officers consider that the proposal would accord with the development plan as a whole.

#### *Conditions*

- 11.7. The application included details that sought to discharge a number of conditions from the outline consent 13/01861/OUT. Officers consider that sufficient and satisfactory information has been submitted to allow the following conditions to be discharged:
- Condition 5 – Design Code
  - Condition 12 – Landscape and Open Space Strategy



- Condition 16 – Scheme for noise mitigation
- Condition 26 – Flood Risk Assessment
- Condition 27 – Contaminated land remediation strategy
- Condition 31 – Surface Water Drainage Strategy
- Condition 37 – Natural Resource Impact Assessment
- Condition 38 – Electric Vehicle Charging Points Scheme

11.8. Officers advise that the following conditions may not yet be discharged:

- Condition 15 – Construction Traffic and Environmental Management Plan
- Condition 18 – Secured by Design
- Condition 21 – Travel Plan
- Condition 30 – Foul Water Drainage Strategy
- Condition 35 – Landscape and Ecological Management Plan
- Condition 36 – Archaeology

*Material considerations*

11.9. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.

11.10. National Planning Policy: 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, grant 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.

11.11. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.12. 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 acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and Sites and Housing Plan 2013, when considered as a whole, and that there are no material considerations that would outweigh these policies.

- 11.13. It is recommended that the Committee resolve to grant planning permission for the development subject to the conditions recommended.

## **12. CONDITIONS**

1. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

2. The development shall accord with the Affordable Tenure Split set out in the Affordable Housing Tenure and Mix Details document submitted by email on 1 August 2018 unless otherwise agreed in writing by the local planning authority.

Reason: to ensure a balanced mix of dwellings in accordance with policies CS23 and CS24 of the Oxford Core Strategy 2026 and policy HP3 of the Sites and Housing Plan 2011-2026.

3. At least five per cent of the dwellings comprising the Affordable Housing and at least five per cent of the dwellings comprising the market housing shall be fully wheelchair accessible, or of a design that allows future adaptation to become fully wheelchair accessible.

Reason: in the interests of a balanced and mixed community and to ensure housing meets the needs of the community in accordance with policy HP2 of the Sites and Housing Plan 2011-2026 and policy CP13 of the Oxford Local Plan 2001-2016.

4. Details of the means of enclosure and gates for the strip of land to the rear of units 140 to 161 as shown on plan A-L-106 revision 01 shall be submitted to and approved in writing by the local planning authority. Prior to first occupation of the development hereby approved the approved details shall be implemented in full and thereafter retained unless otherwise agreed in writing by the local planning authority.

Reason: in the interests of secure boundaries in accordance with Secured by Design principles in accordance with policy CP9 of the Oxford Local Plan 2001-2016.

5. Cycle parking and bin storage in accordance with the approved plans shall be installed prior to first occupation of the development and thereafter retained for the purposes of cycle parking and bin storage.

Reason: in the interests of sustainable travel and visual amenity in accordance with policy CP1 and CP9 of the Oxford Local Plan 2001-2016, policy HP15 of the Sites and Housing Plan 2026 and policy CS10 of the

Oxford Core Strategy 2026.

6. The garage doors for units 83 to 89, 102 to 108 and 121 to 127 as shown on plan A-L-106 revision 01 shall be remotely operated so that there is no requirement for garage users to exit the vehicle for any manual operation.

Reason: In the interest of creating safer, sustainable communities in accordance with policy CP9 of the Oxford Local Plan 2001-2016.

7. Prior to above ground works, samples of the exterior materials including hard landscaping materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used.

Reason: In the interests of the visual appearance of the development in accordance with policies CP1, CP8 and HE7 of the Oxford Local Plan 2001-2016.

8. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before substantial completion of the development. The plan shall show existing retained trees and new tree plantings, showing sizes and species. The plan shall show in detail all proposed shrub and hedge planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

9. As from the date of the grant of this permission no trees shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped and no shrubs or hedges shall be cut down without the prior written consent of the Local Planning Authority. No site clearance shall start until any trees which the Local Planning Authority requires to be retained are protected.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

10. The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

11. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

12. A Water Safety Audit by the Royal Society for the Prevention of Accidents (RoSPA) of the reservoir shall be carried out and submitted to the local planning authority for approval. The recommendations of the Audit agreed by the local planning authority in writing shall be carried out prior to first occupation of the development.

Reason: in the interests of public safety in accordance with policy CP9 of the Oxford Local Plan 2001-2016.

13. The maintenance storage shed indicated on plan A-L-106 revision 01 in the south west of the site shall not exceed 4 metres in height.

Reason: to safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-2016.

14. A site management plan shall be submitted to and approved in writing by the local planning authority to cover inter alia:
  - who will be responsible for undertaking maintenance and management of the surface water drainage system
  - landscape management, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens
  - arrangements for parking management and monitoring

The management plan shall be implemented upon first occupation of the development and remain in place at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of amenity and the appearance of the area and to ensure the drainage system functions safely and effectively and does not increase flood risk in accordance with policies CP1, CP11 and NE17 of the Oxford Local Plan 2001-2016 and policy CS11 of the Oxford Core Strategy 2026.

15. Finished floor levels shall be set at a minimum of 300mm above the 1% including climate change annual probability flood level.

Reason: to prevent flooding in accordance with policy CS11 of the Oxford

Core Strategy2026.

16. The garages hereby approved shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose.

Reason: To retain adequate on-site parking provision in the interest of highway safety in accordance with HP16 of the Sites and Housing Plan 2026.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order) no structure including additions to the dwellinghouses hereby approved as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

18. Details of the bus stop and shelter design within the development shall be submitted to and approved in writing by the local planning authority prior to the construction and installation of these items. The approved details shall be installed.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

## **Informatives**

1. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
2. Environment Agency consent is required for the use of herbicides within eight metres of a watercourse or standing water body. This is to ensure that the herbicides will not have a detrimental effect on the riverine or pond habitat. A copy of the application form can be found on the following link: <http://www.environmentagency.gov.uk/homeandleisure/wildlife/31350.aspx>
3. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main

rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

### **13. APPENDICES**

- **Appendix 1** – Proposed site plan
- **Appendix 2** – Oxford Design Review Panel letter
- **Appendix 3** – Decision notice for outline consent
- **Appendix 4** – Section 106 Agreement for outline consent

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application and discharge the conditions referred to in paragraph 1.1.1 above. 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.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. 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 approve the reserved matters application and discharge the conditions referred to paragraph 1.1.1 above, officers consider that the proposal will not undermine crime prevention or the promotion of community.

**Appendix 1**  
**18/00966/RES – Wolvercote Paper Mill**

**Proposed site plan**



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## Appendix 2

18/00966/RES – Wolvercote Paper Mill

Oxford Design Review Panel letter

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## CONFIDENTIAL

AECOM  
Aldgate Tower  
2 Lemn Street  
London  
E1 8FA

22<sup>nd</sup> December 2017

Our reference: DCC/0904

### **Oxford City Council: Wolvercote Paper Mill**

Dear Paul Comerford,

Thank you for providing the Oxford Design Review Panel with the opportunity to advise on this proposal at the Design Review on 7 December 2017.

The site benefits from a rich history, attractive waterside setting and adjacent community hub (village green and pubs) presenting an opportunity to deliver a new development that has a strong sense of identity and distinctiveness. The current scheme is only partially successful in responding to this context, with a largely successful design and layout of the three blocks of housing to the north of the site but a less well resolved design and layout to south of the site including the entrance to the development. The approach to the entrance to the site requires more careful design to ensure that it relates better and contributes as much as possible to the existing settlement of Wolvercote. In developing the design of the scheme the adjacency to the Wolvercote Conservation Area should be treated as an asset and integrating the development with its adjoining places/ communities should be a key part of the vision.

The layout and typology of blocks to the north of the site (immediately east of the reservoir) are working well but the area to the south of the reservoir requires more work. The tall element at the entrance gives the impression of a high density tall development when most of the development is of a relatively modest, domestic scale. It also has an uncomfortable juxtaposition with the neighbouring buildings in the Wolvercote Conservation Area.

The southern part of the scheme needs to be more responsive to its surroundings in order to successfully integrate with the existing neighbourhood, and a more thorough contextual analysis is required. We would recommend some further work on the layout and height and massing at the south east corner to enhance the historic cul-de-sac and create a better relationship between the existing and new neighbourhoods. We would recommend revising the layout and distribution of height and massing within the southern part of the site to create a more open site entrance. Alternative configurations of vehicular routes and building positions should be considered as part of this process. We acknowledge that the outline consent planning condition (condition no. 7 of 13/01861/OUT) places certain restrictions on height, however there may be scope to add height in more appropriate

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locations if it improves the site layout and quality of development being delivered and this could be tested during the next stage of design development.

We think there is scope to be more adventurous with the sustainability strategy which could include green roofs, food growing and provision for electric car charging points. We encourage the design team to progress a strategy in conjunction with the overall design.

A follow up review is recommended following further design work.

### **Integration with context**

The site benefits from a unique setting being surrounded by a neighbourhood with a distinctive historic character and charm but we think the development has not yet forged a special connection between the existing and new neighbourhoods. We recommend more thought is given to the user experience at the main entrance/street to the south west of the site in particular and how the setting of the Village Green and Mill Road could be enhanced. This corner is likely to be a key focal point of townscape importance and should create a sense of arrival whilst enhancing the existing communal focal point formed by the two pubs on Godstow Road. To take advantage of this key corner, this part of the site could be more distinct by creating an attractive entry point, providing an open space, or a community use.

The site's ecology creates opportunities to establish a new neighbourhood that has a distinct character and identity. The reservoir will be a popular ecological attraction for the local community once it is made publicly accessible. Opening up this facility to members of the public and creating an amenity space by this water feature are both positive design steps but it could generate high footfall and this should be considered in its design and management. There is potential for community recreational facilities to be incorporated here which should be explored.

There is also an opportunity to establish links with existing community uses, such as the community run pub through the provision of new commercial and community facilities. We would advise working with community groups on specific facilities to ensure they are viable.

### **Heights, massing and architecture**

There is a lack of gradation in the height and massing providing an immediate step up in density/scale from the surrounding area. This is exacerbated by the awkward footprint of the block at the entrance to the site, we are not convinced by massing and configuration of the triangular apartment block typology and how this more urban looking block relates to the surrounding low rise historic houses within the adjacent conservation area. This creates a stark contrast and makes this new neighbourhood feel alienated from its context when the majority of buildings within the site are of a modest height and a more domestic typology. However, we think careful site planning and reconfiguration of the southern area of the site could create an opportunity for a taller building providing this is positioned away from the immediate site entrance. Getting the footprint and location of this building right could enable a positive taller building/ piece of architecture to emerge.



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The emerging architecture for housing is of a high standard and should create high quality homes. We have some concerns that the car parking in the front gardens may result in these areas being overly dominated by hardstanding, creating a bland environment. The car port dwellings run the risk of detracting from the quality of the public realm and architecture and we encourage the design team to pay particular attention to this element of the design. Technological innovations might result in patterns of car ownership declining or changing in the future, leading to the fewer cars being needed and this could be planned into the design, by designing car ports to be adaptable and providing opportunities for car sharing. To encourage the adoption of electric car ownership we recommend providing a communal source for fast car charging.

### Site layout

The current approach to site planning prioritises vehicle users and fails to integrate the site fully with the neighbouring settlement and conservation area. Reducing the speed of vehicle movements should be a clear design driver within the development. The location and design of routes through the development needs more work and should prioritise non-car based movement. We recommend avoiding formal one way systems which might encourage higher speeds, particularly along the long route to the east of the site. This could be discouraged by punctuating routes with traffic calming measures to prompt drivers to slow down and be more cognisant of the presence and needs of pedestrians. Shared spaces could work within this environment but we think it would be beneficial to provide separate entrances for pedestrians to the site where possible. Social interaction between residents could be encouraged by including seating, landscape and play opportunities along the street and at the central junctions.

### Landscape

The site benefits from a special setting with the reservoir providing a unique ecological habitat and point of interest. The biodiversity, landscape and setting are valuable assets that this scheme could enhance and capitalise on. However, there is a lack of detail for the landscape and the proposals could be more ambitious in this respect. We would advise giving thought to how a sense of character could be created in the landscape design. The scheme would benefit from an analysis of the condition of the existing trees to inform a site-wide tree strategy. The historic hedgerow in the middle of the site is a clear constraint that compromises the best use of site, its removal could be justified if it creates a more coherent layout and the scheme provides overall landscape enhancements. Some of the other trees may be in poor health and could potentially be replaced with specimens that would better complement the site and have a longer life span. As an example, there could be phased removal and replacement of the plane trees that are in poor health to the east of the site once any newly planted vegetation becomes established. Thought should be given to the long term resilience of any replacement planting to disease and climate change.

This is a beautiful site but there is the unfortunate presence of existing road noise which could detract from the tranquillity of the homes and outdoor amenity spaces. On site mitigation should be explored but we recommend this should be addressed at source via the provision of attenuation measures or a barrier close to the road.

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The maintenance, security, supervision and upkeep of the strip of land for maintenance to the east will require careful planning as it will be an unmonitored, with an ongoing maintenance requirement. It could feel like a leftover piece of space and quite isolated and exposed, particularly at night time. It might be worth investigating if this space and the trees at the site boundary could be given to the new homes that abut this piece of land.

New planting on the site could make reference to the site's past use as a paper mill by incorporating plants for making paper such as birch trees. Providing allotments for the local community would create a place for interaction and a valuable ergonomic resource.

Allowing public access to the reservoir is a significant benefit of this project but also creates safety issues and we recommend giving thought to how safety features could be carefully integrated within the landscape.

We hope you have found the review process and the content of this letter useful. Should you have any other queries please do hesitate to contact us.

Yours sincerely

A. Osborne

**Annabel Osborne**

Design Council Cabe Advisor

Email: [annabel.osborne@designcouncil.org.uk](mailto:annabel.osborne@designcouncil.org.uk)

Tel: +44(0)20 7420 5207

**Review process**

Following a site visit, (and) discussions with the design team and local authority and a pre-application review, the scheme was reviewed on 7 December 2017 by Mike Hayes (Chair), Ben Hamilton-Baillie, Dan Jones, Jessica Byrne Daniel and Kathryn Davies. These comments supersede any views we may have expressed previously.

**Confidentiality**

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [dc.cabe@designcouncil.org.uk](mailto:dc.cabe@designcouncil.org.uk).

## Appendix 3

18/00966/RES – Wolvercote Paper Mill

Decision notice for outline consent 13/01861/OUT

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**On Behalf of:** University Of Oxford  
C/o Mr Tom Ashley  
Turnberry Planning Ltd  
41-43 Maddox Street  
London  
W1S 2PD

## APPLICATION FOR PLANNING PERMISSION

Town and Country Planning Act 1990

DECISION DATE: 21st September 2017

PROPOSAL: Outline application (seeking means of access) for up to 190 residential units, employment space, community facilities, public open space and ancillary services and facilities.(Amended plans)(Additional information).

AT: Wolvercote Paper Mill Mill Road Oxford

### NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

**13/01861/OUT**

Following consideration of the application in respect of the proposal outlined above, it was resolved to **GRANT OUTLINE PLANNING PERMISSION** for the following reasons:-

- 1 The proposed redevelopment of the former Paper Mill site makes an efficient use of previous developed land and has been allocated for housing development in the Council's Sites and Housing Plan 2011-2026. The vacant former Paper Mill site and buildings detract considerably from the appearance of the locality and street-scene and its future redevelopment for housing will improve both the visual amenity of the locality and make an important contribution towards objectively assessed housing needs for the area, including much needed affordable housing. Whilst the overall layout, scale and design of the proposed buildings are to be determined at a later stage, the information submitted with the outline application indicates that development of the site can be facilitated whilst safeguarding the residential amenities of neighbouring properties, protecting and enhancing wildlife interests, having no unacceptable impacts on the local environment and providing an attractive environment for new residential occupants, community activities and businesses. Future development also provides an opportunity to secure new community facilities and small-scale employment space as part of the overall development and new areas of open space of wildlife and recreational value.

The principle of residential development is also acceptable in highways and transport terms, will be energy efficient and be designed to include some onsite renewable energy generation and does not create any flooding or other environmental impacts. The development would therefore accord with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and the Sites and Housing Plan 2011-2026.

- 2 The Council considers that the proposal accords with the policies of the Development Plan as summarised in this report. It has considered all other material matters, including matters raised in response to consultation and publicity. Any material harm that might otherwise arise as a result of the proposal can be offset or mitigated by the conditions imposed.
- 3 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

subject to following conditions, which have been imposed for the reasons stated:-

CONDITIONS:

- 1
  - i) All application/s for approval in respect of all reserved matters relating to this application must be made not later than the expiration of three years beginning with the date of the grant of this outline planning permission; and
  - ii) the development to which this outline permission relates must be begun not later than either five years from the date of this outline permission; or the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved, whichever is the latter.

Reason: To comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 In addition to the principle of development, planning permission is hereby granted for the means of access to the development. The development shall be carried out in full accordance with the approved means of access details, set out in the hereby approved drawings listed in this decision notice, unless otherwise approved in writing by the Local Planning Authority.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Development Procedure) Order 1995.

- 3 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by the Local Planning Authority:
  - a) The scale of the development;
  - b) The layout of the development;

- c) The external appearance of the development;
- d) The landscaping of the site.

The development shall be carried out in full accordance with the details as approved.

Reason: To enable the Local Planning Authority to give further consideration to these Reserved Matters in accordance with Articles 7 and 8 of the Town and Country Planning General Development Permitted Order 1995.

- 4 The development hereby permitted shall be constructed in complete accordance with the specifications in the application and approved plans (excluding illustrative masterplan and associated plans contained within the Design and Access Statement), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable and satisfactory development as indicated on the submitted drawings in accordance with 'Policy CP1' of the 'Oxford Local Plan' 2001-2016.

- 5 No development (excluding access and highway works) shall take place within any phase of the approved development until details of a Masterplan and a Design Code for the whole development have been submitted to and approved in writing by the Local Planning Authority. The development and reserved matters shall follow the principles established in the approved Masterplan and the Design Code, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to give further consideration to these matters in accordance with 'Policy CP1' of the 'Oxford Local Plan' 2001-2016.

- 6 In this condition "retained tree" means an existing tree which is to be retained on site in accordance with the principles set out in the approved Woodland Management Strategy and tree protection plan details; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity in accordance with 'Policy NE.15' of the 'Oxford Local Plan' 2001-2016.

- 7 The development shall comprise two-storey buildings, designed to enable their adaptation to allow for the provision of accommodation within the roofspace (i.e. 2.5 storeys) and 2.5 storey buildings. In addition a maximum of 5% of all the buildings on site shall be three storeys, to be identified and determined at the Masterplan, Design Code and reserved matters stage(s).

Reason: To reflect the predominant character of Wolvercote and to provide improved legibility within the development in accordance with 'Policy CP8 of the 'Oxford Local Plan' 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 8 The mix of the 190 residential units hereby approved shall comply with the range of proportions of unit size set out in the relevant column of table 6 in the Balance of Dwellings Supplementary Planning Document (2008), or any replacement for the document unless otherwise approved in writing by the LPA .

Reason: To enable the Local Planning Authority to control the mix of new development in accordance with 'Policy CP6' of the 'Oxford Local Plan' 2001-2016, 'Policy CS23' of the 'Oxford 'Core Strategy' 2026 and Oxford City Council's Supplementary Planning Document on 'Balance of Dwellings' 2008.

- 9 All residential units shall be built to Lifetime Homes Standard.

Reason: To ensure the dwellings provide adequate habitable accommodation in accordance with policy HP2 of the Sites and Housing Plan' 2013.

- 10 10 (at least 5%) of the new dwellings shall be fully accessible or easily adaptable to full wheelchair use; the access to and within shall be maintained as such thereafter.

Reason: To provide for people with reduced mobility in accordance with policy HP2 of the Sites and Housing Plan

- 11 Provision should be made within the development site for a total of 521m<sup>2</sup> of non-residential uses and community facilities (e.g. 303m<sup>2</sup> for doctor's surgery, 110m<sup>2</sup> for civic building and 108m<sup>2</sup> of B1c light industrial floorspace), as per the submitted details and shall be retained thereafter for such use, unless agreed otherwise in writing with the Local Planning Authority.

Reason: To ensure a satisfactory provision of non-residential uses and community facilities throughout the development in the interests of the amenity of future residents and in accordance with policy SP63 of the Oxford City Council's Sites and Housing Plan 2013; and with 'Policy' of the 'Oxford 'Core Strategy' 2026.

- 12 No development shall take place within any phase of the approved development until details of the Landscape and Open Space Strategy for those phases have been submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the details as approved.

Reason: To enable the Local Planning Authority to give further consideration to these matters in accordance with 'Policy CP11' of the 'Oxford Local Plan' 2001-2016.

- 13 All soft landscaping comprised in the approved details of the landscaping reserved matters pursuant to condition 3, shall be carried out in the first planting and seeding season following the first occupation of the building(s) or if the development is undertaken in phases, in the

first planting season following first occupation of that phase, unless otherwise agreed in writing with the Local Planning Authority to take account of any phasing of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years of the completion of development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or if the development is undertaken in phases, prior to the occupation of that phase of the development to which the hard landscaping relates, unless otherwise in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with 'Policy CP11' of the 'Oxford Local Plan' 2001-2016.

- 14 No part of the development hereby permitted shall be occupied until full details of a scheme of public art have been submitted to and approved in writing by the Local Planning Authority and a timetable agreed for its implementation. The public art as approved and implemented shall be retained at all times following its installation/erection on site, unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with 'Policy CP14' of the 'Oxford Local Plan' 2001-2016.

- 15 15 Prior to the commencement of any part of the development or of each phase if developed in phases, or such other period as otherwise agreed beforehand in writing by the local planning authority, a Construction Traffic and Environmental Management Plan shall be submitted to prior to commencement of works and agreed in writing by the Local Planning Authority in consultation with the county council. This should identify and refer to the following matters:

- a) The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- b) Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- c) Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- d) Contact details for the Site Supervisor responsible for on-site works,
- e) Parking provision for site related worker vehicles,
- f) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- g) Engagement with local residents.
- h) Signage for construction traffic, pedestrians and other users of the site;
- i) Controls on arrival and departure times for construction vehicles;
- j) Piling methods (if employed);
- k) Earthworks;
- l) Hoardings to the site, including future development plots on adjacent land;
- m) Noise limits;
- n) Hours of working;
- o) Vibration;
- p) Control of emissions;
- q) Waste management and disposal, and material re use;

- r) Prevention of mud / debris being deposited on public highway;
- s) Materials storage; and
- t) Hazardous material storage and removal.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with 'Policy CP1, CP19, CP21' of the 'Oxford Local Plan' 2001-2016.

- 16 Prior to the commencement of any part of the development or of each phase if developed in phases, or such other period as otherwise agreed beforehand in writing by the local planning authority, a scheme for the mitigation of noise emanating from the adjacent A34 trunk road and the existing Mill Stream Weir in relation to those parts of the development closest to those features shall be submitted to and approved in writing by the local planning authority. The approved measures shall be fully incorporated into the relevant parts of the development prior to their respective occupation and shall be retained at all times thereafter.

Reason: To safeguard the amenities of the occupiers of the proposed development, in accordance with 'Policy CP19 and CP21' of the 'Oxford Local Plan' 2001-2016.

- 17 Prior to the installation of any mechanical plant to serve the non-residential parts of the development, details of the proposed mechanical plant to serve those elements of the development, including anticipated sound attenuation measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the operation of any mechanical plant and shall be maintained thereafter.

Reason: In the interest of amenity and in accordance with 'Policy CP19 and CP21' of the 'Oxford Local Plan' 2001-2016.

- 18 The reserved matters to be approved in accordance with condition 3 above shall include measures which demonstrate how 'Secured by Design (SBD)' accreditation will be achieved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect and in accordance with 'Policy CS19' of the 'Oxford 'Core Strategy' 2026.

- 19 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in accordance with 'Policy CP20' of the 'Oxford Local Plan' 2001-2016.

- 20 No part of the development hereby approved shall be occupied until the approved means of access as shown in approved drawing no. IMA-14-121-18B has been provided. The approved means of access shall be permanently maintained thereafter.

Reason: To ensure that the development is served by an adequate means of access and in

accordance with 'Policy CP1 and CP10' of the 'Oxford Local Plan' 2001-2016 and policy CS13 of the Oxford Core Strategy 2026.

- 21 No part of the development hereby approved shall be occupied until full details of a framework travel plan, to include a residential travel information pack for the residents, workers and users of the development, has been submitted and approved by the Local Planning Authority in consultation with the County Council highway Authority.

Reason: To encourage the use of sustainable modes of transport in accordance with 'Policies CP1, TR2 and TR12' of the 'Oxford Local Plan' 2001-2016 and policy CS13 of the Oxford Core Strategy 2026.

- 22 The approved travel plan measures pursuant to condition 21 above shall be implemented prior to the occupation of any parts of the site and maintained thereafter until the travel plan review. The approved travel plan shall be reviewed upon occupation of 50% of the site (95th residential unit), on the basis of survey data available at the time, and shall be updated if necessary and the updated measures shall be implemented and maintained thereafter.

Reason: To encourage the use of sustainable modes of transport in accordance with 'Policies CP1, TR2 and TR12' of the 'Oxford Local Plan' 2001-2016 and policy CS13 of the Oxford Core Strategy 2026.

- 23 No part of the development hereby approved shall be occupied until full details of the visibility splays to be provided in both directions at the junction of Mill Road / site access road have been submitted and approved by the Local Planning Authority in consultation with the County Council Highways Authority. The approved visibility splays shall be designed to ensure there is no obstruction to vision above 0.9 metres in height to the centre line of the adjacent carriageway over the whole of each visibility splay area and shall be provided prior to the occupation of any part of the approved development. Thereafter, the visibility splays shall be kept permanently free from obstruction to vision.

Reason: To provide and maintain adequate visibility in the interests of highway safety in accordance with 'Policy CP1 and CP10' of the 'Oxford Local Plan' 2001-2016.

- 24 No more than 50 residential units shall be occupied on site, until replacement bus stops have been provided and are operational in either direction on Godstow Road in consultation with Oxfordshire County Council, the Police, the bus operator/s, county councillor and parish representative, unless otherwise agreed in writing by the LPA..

Reason: To encourage the use of sustainable modes as a means of transport and in accordance with 'Policy TR7' of the 'Oxford Local Plan' 2001-2016.

- 25 No part of the development hereby approved shall be commenced (except access and highways works) until provision has been made and implemented for a Traffic Regulation Order to introduce parking restrictions at the new mini-roundabout junction on Godstow Road, unless otherwise agreed in writing by the LPA.

Reason: In the interest of highway safety in accordance with 'Policy CP1, CP9 and CP10' of the 'Oxford Local Plan' 2001-2016.

- 26 The development permitted by this planning permission shall be carried out in accordance

with the approved Peter Brett Associates Flood Risk Assessment ref. 31321/001 rev. E dated 1st July 2015 (FRA) and the following mitigation measures detailed within the FRA, unless otherwise agreed in writing by the LPA:

- a) There shall be no built development within those parts of the site which are affected by the 1 in 1000 annual probability or greater flood extent. Additionally, finished floor levels will be set a minimum of 300mm above the 1% including climate change Annual Probability flood level.
- b) To inform the development layout at Reserved Matters application stage, the design of the proposed fish pass, connecting channels and alteration of hydraulic control structures including provision of a sweetening flow in the new watercourse watercourse, shall be supported by a detailed hydrological and hydraulic assessment
- c) Provision of a safe route(s) into and out of the site in accordance with PBA Flood Extents Plan Sheet 2 of 2 Drawing ref 31321/001/002
- d) Maintaining a minimum 4m width access to the Wolvercote Mill weir.

The mitigation measures as approved shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To reduce the risk of flooding to the proposed development and future occupants; to prevent flooding elsewhere and to reduce the impact of flooding to the proposed development and future occupants; to ensure safe access and egress from and to the site; and to ensure vehicular access for maintenance is available over the lifetime of the development in accordance with 'Policy CS11' of the 'Oxford 'Core Strategy' 2011; and 'Policy NE11 and NE14' of the 'Oxford Local Plan' 2001-2016.

27 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified: - all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(The following ENVIRON reports for Wolvercote Mill have been reviewed on behalf of the Environment Agency - Environmental Site Assessment dated July 2013; Supplementary Phase II Assessment dated June 2013; Hydrological Assessment dated June 2013 and the Phase II Environmental Assessment dated March 2007 and are satisfied that parts a and b of this condition have already been addressed. Any changes to these components shall require the express written consent of the local planning authority.)

The scheme shall be implemented as approved and maintained thereafter accordingly.

Reason: The geology that underlies this site is Alluvium (Secondary A Aquifer) and



Northmoor Sand and Gravel Member (Secondary A Aquifer) over the Oxford Clay (Unproductive Stratum). The River Thames is located on the boundary of the site and we need to protect the Secondary A Aquifers and the river from any historic contamination that might be mobilised during development of this former Paper Mill site, in accordance with policy CP22 of the Oxford Local Plan' 2001-2016 .

- 28 No occupation of any part of the permitted development or, if undertaken in phases, that phase of the permitted development, shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that any ground and water contamination has been adequately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use in accordance with 'Policy CP22' of the 'Oxford Local Plan' 2001-2016.

- 29 A watching brief for the identification of unexpected contamination shall be undertaken throughout the course of the development by a suitably qualified engineer. If unexpected contamination is found to be present on the site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation.

Reason: To ensure that any unexpected contamination is identified and appropriately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use use in accordance with 'Policy CP22' of the 'Oxford City Council's Local Plan' 2001-2016.

- 30 Development shall not begin until a foul water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. The approved scheme shall be implemented prior to the completion of the development or the first occupation of any part of the development, whichever the earlier, unless otherwise agreed beforehand in writing with the Local Planning Authority to take into account of any phasing of the development. The approved scheme shall be maintained thereafter.

Reason: To provide adequate foul water drainage in accordance with 'Policy NE14' of the 'Oxford Local Plan' 2001-2016.

- 31 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed or prior to the occupation of any part of the development, whichever is the earlier, unless otherwise agreed beforehand in writing with the Local Planning Authority to take into account any phasing of the development. The scheme shall also include:
- a) Discharge Rates;

- b) Discharge Volumes;
- c) Maintenance and management of SUDS features;
- d) Sizing of features - attenuation volume;
- e) Detailed drainage layout;
- f) SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy);
- g) Network drainage calculations; and
- h) Phasing.

Reason: To prevent flooding affecting the highway in accordance with 'Policy CS11' of the 'Oxford 'Core Strategy' 2011; and 'Policy NE11 and NE14' of the 'Oxford Local Plan' 2001-2016.

- 32 No development shall commence until details of a scheme of management of an 8m-wide buffer zone to provide a protected wildlife corridor alongside Mill Stream has been submitted and approved by the Local Planning authority. The approved scheme shall be implemented prior to the commencement of any works on site and shall be maintained permanently thereafter.

Reason: In the interest of wildlife and biodiversity in accordance with policies NE20, NE21 and NE23 of the Oxford Local Plan 2001-2016

- 33 Notwithstanding the baseline ecological survey data submitted with the outline planning application, if the development permitted or any works of demolition are scheduled to take place more than one calendar year following that survey, then a survey update by a suitably qualified ecologist is required to be carried out to verify baseline conditions in advance of the commencement of any works on site or as otherwise agreed beforehand in writing with the local Planning authority to take into account of any phasing of the development. The results shall inform, as appropriate, the Ecological Mitigation and Management Strategies.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended), and to ensure the wellbeing of wildlife which may exist on the site, in accordance with Policy NE21 of the Oxford Local Plan 2001 to 2016.

- 34 No development shall take place (including any demolition, ground works or site clearance) until a method statement for

- a) Creation of new wildlife features
  - b) Creation, restoration and enhancement of semi-natural habitats
  - c) Tree and hedgerow planting and establishment
  - d) Reptile mitigation, including a specification for the construction of the reptile refugia area, rescue and translocation
  - e) Badger mitigation, including protection during construction, and exclusion methodology
  - f) Bat mitigation
  - g) Biodiversity monitoring
- has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the:

- i. Purpose and objectives for the proposed works
- ii. Detailed designs and working methods necessary to achieve stated objectives (including type and source of materials to be used
- iii. Extent and location of proposed works shown on appropriate scale maps and plans

- iv. Timetable for implantation, demonstrating that works are aligned with the proposed phasing of construction
- v. Persons responsible for implementing the works
- vi. Initial aftercare and five year establishment
- vii. Disposal of any wastes arising from the works
- viii. Management in the long term if required

The works shall be carried strictly in accordance with the approved details and shall be retained in that manner thereafter

Reason: To comply with the requirements of the Conservation of Habitats and Species Regulations 2010, Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 199 and in the interests of biodiversity protection, conservation and enhancement, in accordance with policy NE23 of the adopted Oxford Local Plan 2001 to 2016

- 35 A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of any phase of the development to which it relates. The content of the LEMP shall include the following:
- a) Description and evaluation of the features to be managed
  - b) Ecological trends and constraints on site that might influence management
  - c) Aims and objectives of management
  - d) Appropriate management options for achieving aims and objectives
  - e) Prescriptions for management actions
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
  - g) Details of the body or organisation responsible for implementation of the plan
  - h) Ongoing monitoring and remedial measures

Reason: in the interests of biodiversity protection, conservation and enhancement, in accordance with policy NE23 of the adopted Oxford Local Plan 2001 to 2016

- 36 No development (save for demolition to ground level) shall take place until the developer has:
- a) Carried out an archaeological evaluation of the site (after demolition to ground level only) in accordance with a written scheme of investigation approved in writing by the Local Planning Authority and;
  - b) Secured the implementation of a scheme of mitigation of any significant archaeological impact in respect to the development which may be achieved by redesign, or by archaeological recording action in accordance with a written scheme of investigation, to be approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, public outreach and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, medieval and early-modern in accordance with 'Policy HE2' of the 'Oxford Local Plan' 2001-2016.

- 37 No development hereby approved shall be carried out until a detailed Natural Resource Impact Analysis (NRIA) report has been produced, submitted and approved by the Local Planning Authority, in accordance with the principles and proposals set out in the Renewable Energy Strategy. The approved NRIA scheme/measures shall be implemented prior to the

occupation of the relevant parts of the development, or as otherwise agreed beforehand in writing with the Local Planning authority, to take account of any phasing. The implemented measures shall be maintained thereafter.

Reason: To ensure a sustainable development in accordance with policy CS9 of the Oxford Core Strategy 2026 and the Oxford NRA SPD.

- 38 No part of the development shall be occupied until details of a scheme for the provision of electric vehicle charging points has been submitted and approved by the Local Planning Authority and the approved scheme shall be implemented prior to the occupation of the development, unless otherwise agreed beforehand with the Local Planning authority, to take account of any phasing. The implemented scheme shall be maintained permanently thereafter.

Reason: To provide a sustainable development in accordance with policy CS9 of the Oxford Core Strategy 2026

### INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
  
- 2 Oxford City Council strongly encourages that when this permission is implemented, all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme. Details of the scheme are available from  
  
Considerate Contractors Scheme  
PO Box 75  
Ware  
Hertfordshire  
SG12 9UY  
  
01920 485959  
0800 7831423  
  
[enquiries@ccscheme.org.uk](mailto:enquiries@ccscheme.org.uk)  
[www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)
  
- 3 Nesting birds  
All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The City Council advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist

should make a careful check before work begins.

- 4 The applicant is kindly requested to give the Council's Tree Officer 14 days prior notice in writing of any approved tree works that are to be undertaken as part of this development. This will enable the Council to inform local Councillors about imminent tree works, who can then answer enquiries from members of the public. Tree works, in particular tree felling associated with development, are often controversial and this information is requested because it will assist in reducing the potential for conflict when tree works are taking place.
- 5 To avoid doubt public art shall mean works of adornment or decoration to the development or its surroundings, whether freestanding or otherwise, which can be viewed and enjoyed by the public at large, other than hard or soft landscaping measures.
- 6 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 7 The applicant is requested to ensure that any cooking smells emanating from non - residential premises are mitigated prior to emission to air, in order to ensure that no nuisance is caused to residential householders of the development.
- 8 The applicant is requested to provide to the local planning authority of details relating to any flues required to serve renewable energy sources prior to their installation within the development.
- 9 The local planning authority would welcome the development achieving carbon neutral status and would encourage the applicant to seek to do so.
- 10 The local planning authority would request the applicant to investigate the incorporation into the development of a Combined Heat and Power system and archimedes screw to generate electricity from local watercourses and to include these facilities into the development if feasible.
- 11 The applicant is requested to draw up a weir management plan for the Mill Stream to include measures for the appropriate future maintenance and management of the weir.

PLEASE NOTE All local plan policies and proposals which are relevant to this decision are specified in the list below which forms part of this decision notice.

**CP1 - Oxford Local Plan 2001-2016**

Development Proposals - Sets out key criteria expected from new development.

**CP6 - Oxford Local Plan 2001-2016**

Efficient Use of Land and Density - Requires development to make maximum and appropriate use of land.

**CP8** - Oxford Local Plan 2001-2016

Designing Development to Relate to its Context - Sets out criteria required from development to demonstrate that it will respect the local context.

**CP9** - Oxford Local Plan 2001-2016

Creating Successful New Places - Sets out criteria required from development to create a successful public realm.

**CP10** - Oxford Local Plan 2001-2016

Siting of Development to Meet its Functional Needs - Sets out criteria required from development to ensure functional needs are met.

**CP11** - Oxford Local Plan 2001-2016

Landscape Design - Requires development to incorporate appropriate hard and soft landscaping.

**CP13** - Oxford Local Plan 2001-2016

Accessibility - Requires development to make reasonable provision for access by all members of the community.

**CP14** - Oxford Local Plan 2001-2016

Public Art - Seeks the provision of public art in association with major development.

**CP17** - Oxford Local Plan 2001-2016

Recycled Materials - Requires the use of recycled or reclaimed materials in developments above a certain threshold.

**CP18** - Oxford Local Plan 2001-2016

Natural Resource Impact Analysis - Requires the submission of an NRIA in association with developments above a certain threshold.

**CP19** - Oxford Local Plan 2001-2016

Nuisance - Sets out considerations that apply to developments that cause nuisance.

**CP20** - Oxford Local Plan 2001-2016

Lighting - Prevents development that would result in unacceptable levels of light pollution and light spillage.

**CP21** - Oxford Local Plan 2001-2016

Noise - Sets out considerations that apply to developments that cause noise, and developments that are sensitive to noise.

**CP22** - Oxford Local Plan 2001-2016

Contaminated Land - Sets out the considerations that apply to development on or near to former landfill sites or other contaminated land.

**CP23** - Oxford Local Plan 2001-2016

Air Quality Management Areas - Prevents development that would have a net adverse impact on air quality in the AQMA or in other areas of poor air quality.

**TR1** - Oxford Local Plan 2001-2016

Transport Assessments - Sets out when a transport assessment will be required as part of development proposals.

**TR2** - Oxford Local Plan 2001-2016

Travel Plans - Sets out when a travel plan will be required as part of development proposals.

**TR3** - Oxford Local Plan 2001-2016

Car Parking Standards - Sets maximum car parking standards and identifies the Transport Central Area and Transport District Areas.

**TR4** - Oxford Local Plan 2001-2016

Pedestrian and Cycle Facilities - Seeks to secure pedestrian and cycle facilities as part of development proposals. Sets cycle parking standards.

**NE3** - Oxford Local Plan 2001-2016

Safeguarded Land - Seeks to keep Safeguarded Land free to fulfil its purpose of meeting possible longer-term development needs.

**NE6** - Oxford Local Plan 2001-2016

Oxford's Watercourses - Seeks to ensure that waterside development proposals compliment and enhance the waterside setting.

**NE11** - Oxford Local Plan 2001-2016

Land Drainage and River Engineering Works - Seeks to protect the flora and fauna of Oxford's flood meadows and other wetland habitats, particularly from culverting.

**NE12** - Oxford Local Plan 2001-2016

Groundwater Flow - Seeks to prevent adverse impacts on groundwater flow.

**NE13** - Oxford Local Plan 2001-2016

Water Quality - Seeks to maintain surface and groundwater quality.

**NE14** - Oxford Local Plan 2001-2016

Water and Sewerage Infrastructure - Seeks to ensure that sufficient water and sewerage capacity exists in time to serve new development

**NE15** - Oxford Local Plan 2001-2016

Loss of Trees and Hedgerows - Protects trees and hedgerows if their loss would have a significant impact on public amenity or ecological interest.

**NE20** - Oxford Local Plan 2001-2016

Wildlife Corridors - Sets out policy approach to designated Wildlife Corridors.

**NE21** - Oxford Local Plan 2001-2016

Species Protection - Protects plant and animal species for which there is a statutory duty to protect under other legislation.

**NE22** - Oxford Local Plan 2001-2016

Independent Assessment - Requires ecological assessment of development proposals that might affect designated sites or protected species.

**NE23** - Oxford Local Plan 2001-2016

Habitat Creation in New Developments - Supports the creation of new habitats or habitat enhancement as part of development proposals.

**HE2** - Oxford Local Plan 2001-2016

Archaeology - Identifies the City Centre Archaeological Area and sets out approach to the investigation, recording and conservation of archaeological deposits.

**HE3** - Oxford Local Plan 2001-2016

Listed Buildings and their Setting - Sets out approach to development affecting listed buildings or their setting.

**HE7** - Oxford Local Plan 2001-2016

Conservation Areas - Identifies Conservation Areas and sets out approach to development within Conservation Areas.

**CS1\_** - Core Strategy

Hierarchy of Centres - Sets out the hierarchy and role of different types of centres.

**CS2\_** - Core Strategy

Previously Developed Land and Greenfield Land - Sets out approach to development on previously developed and greenfield land.

**CS4\_** - Core Strategy

Green Belt - Sets out the approach to development in the Green Belt and outlines the criteria to be met for land to be released from the Green Belt.

**CS9\_** - Core Strategy

Energy and Natural Resources - Requires development to demonstrate how sustainable design and construction methods will be incorporated.

**CS10\_** - Core Strategy

Waste and Recycling - Requires development to have regard to the waste management hierarchy.

**CS11\_** - Core Strategy

Flooding - Sets out approach to development in the flood plain and other flood zones, and to reducing flood risk from all development.

**CS12\_** - Core Strategy

Biodiversity - Requires development to maintain and where appropriate enhance biodiversity.

**CS13\_** - Core Strategy

Supporting access to new development - Requires development to prioritise access by walking, cycling and public transport, and sets out approach to access at the strategic locations.

**CS15\_** - Core Strategy

Primary Healthcare - Sets out approach to the provision of primary healthcare facilities.

**CS16\_** - Core Strategy

Access to education - Sets out approach to the provision of education facilities.

**CS17\_** - Core Strategy

Infrastructure and developer contributions - Sets out approach to the provision of infrastructure improvements and developer contributions.

**CS18\_** - Core Strategy

Urban design, townscape character and the historic environment - Sets out urban design principles and requires development to respect Oxford's unique townscape and historic environment.

**CS19\_** - Core Strategy

Community safety - Requires development to promote safe and attractive environments that reduce



the opportunity for crime and fear of crime.

**CS20\_ - Core Strategy**

Cultural and community development - Sets out approach to the retention of cultural and community facilities, and the provision of new facilities.

**CS21\_ - Core Strategy**

Green spaces, leisure and sport - Policy seeking the maintenance of an average of 5.75 ha of publicly accessible green space per 1000 population.

**CS23\_ - Core Strategy**

Mix of housing - Seeks to achieve a balanced mix of housing within each site and across the city.

**CS24\_ - Core Strategy**

Affordable housing - Sets out approach towards the provision of affordable housing from residential development on qualifying sites and from some commercial development.

**MP1 - Sites and Housing Plan**

Policy requiring the Council to work positively and proactively with the applicant/agent.

**HP3\_ - Sites and Housing Plan**

Affordable Homes from Large Housing Sites - Policy setting out the City Council's approach to affordable housing provision and contributions from residential development on sites with a capacity of 10 or more dwellings, or which have an area of 0.25 hectares or greater

**HP9\_ - Sites and Housing Plan**

Design, Character and Context - Policy relating to elements of development including design, density, landscaping and streets and public spaces

**HP11\_ - Sites and Housing Plan**

Low Carbon Homes - Policy requiring qualifying developments to provide 20% of their energy needs from on-site renewable or low carbon technologies, and requiring an energy statement from all development proposals to show how energy efficiencies have been incorporated

**HP12\_ - Sites and Housing Plan**

Indoor Space - Policy setting out minimum internal space requirements and related criteria for residential dwellings

**HP13\_ - Sites and Housing Plan**

Outdoor Space - Policy setting out criteria for appropriate levels of outdoor space in residential developments, and requiring adequate provision for the safe, discrete and conveniently accessible storage of refuse and recycling

**HP14\_ - Sites and Housing Plan**

Privacy and Daylight - Policy setting out criteria for assessing whether residential development provides an appropriate degree of privacy and daylight for the occupants of both existing and new homes

**HP15\_ - Sites and Housing Plan**

Residential cycle parking - Policy setting out minimum standards for cycle parking in residential developments

**HP16\_ - Sites and Housing Plan**

Residential car parking - Policy setting out maximum standards for car parking in residential

developments

**SP63\_ - Sites and Housing Plan**

Wolvercote Paper Mill, Mill Road - Policy setting out what type of development is appropriate on this site

**APPROVED PLANS**

<b>Reference Number</b>	<b>Version</b>	<b>Description</b>
IMA-14-121-018B	Detail	Plans - Proposed
IMA-14-121-018B		Plans - Proposed
TPL1		Site plans
REVISED FLOOD RISK ASSESSMENT	E	Other



**Patsy Dell**

Head of Planning, Sustainable Development and Regulatory Services

**Please quote reference number 13/01861/OUT in all communications**

Please note that this notice does not relieve the applicant from the need to ensure compliance with the appropriate provisions of the Building Act 1984 and the Building Regulations 2000. Any planning application which involves alterations to the kerb and construction of a vehicle crossing in the highway (including the footway and/or verge) will require a separate written application to be made to the Director of City Works, Cowley Marsh Depot, Marsh Road, Cowley, Oxford OX4 2HH.

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE**

## **GUIDANCE NOTES FOR APPLICANTS WHERE AN APPLICATION HAS BEEN APPROVED**

### **1. APPLICATIONS FOR PLANNING PERMISSION, APPROVAL OF RESERVED MATTERS, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT.**

If you object to the Local Planning Authority's decision to grant permission, approval or consent subject to conditions, you may appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice. With regard to approved applications concerning listed buildings in a conservation area, you may appeal under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Please make your appeal using a form from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). The Secretary of State may allow a longer period for you to give notice of appeal, but will normally only do so if there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears that the Local Planning Authority could have granted permission for the proposed development only subject to the conditions it imposed, bearing in mind the statutory requirements, the development order, and any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority made its decision on the grounds of a direction that he or she had given.

It may be that planning permission, conservation area consent or listed building consent is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment; but you, as the landowner, claim that the land is no longer fit for reasonably beneficial use in its existing state and you cannot make it fit for such use by carrying out the permitted development. If so, you may serve a purchase notice on Oxford City Council requiring the Council to buy your interest in the land. You can do this under Section 137 of the Town and Country Planning Act 1980 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings and buildings in conservation areas.

You may claim compensation against the Local Planning Authority if the Secretary of State has refused or granted permission subject to conditions, either on appeal or when the application was referred to her or him.

Compensation is payable in the circumstances set out in:

(a) Section 114 and Part II of Schedule 3 of the Town and Country Planning Act 1990; or (b) Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings.

### **2. ADDITIONAL NOTES ON LISTED BUILDING CONSENT**

- 1 If you wish to modify the development referred to in your application or to vary it in any way, you must make another application.
- 2 This notice refers only to the grant of listed building consent and does not entitle you to assume that the City Council has granted its consent for all purposes:
  - (a) If you have applied for planning permission under Section 57(1) of the Town and Country Planning Act 1990, we will send you a separate notice of decision;
  - (b) We will send you a separate notice about plans you have submitted under the Building Regulations 2000;
  - (c) If the development for which listed building consent has been granted includes putting up a building for which you have to submit plans under the Building Regulations 2000, you should not do any work connected with erecting that building until you have satisfied yourself that you have complied with Section 219 of the Highways Act 1980 or that they do not apply to this building.
- 3 Even if you have gained listed building consent, you must comply with any restrictive covenants that affect the land referred to in the application.

### **3. APPLICATION FOR CONSENT TO DISPLAY ADVERTISEMENTS**

If the applicant is aggrieved by the decision of the Local Planning Authority to grant consent, subject to conditions, he or she may appeal to the Secretary of State for the Environment in accordance with Regulation 17 and Part 3 of Schedule 4 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 within eight weeks of the receipt of this notice. (Appeals must be made on a form which obtainable from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)).

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## Appendix 4

18/00966/RES – Wolvercote Paper Mill

Section 106 Agreement for outline consent 13/01861/OUT

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Admin fee = £4800

(£2k AFFORDABLE ON SITE +

£700 PER ON SITE CLAUSE (4) = £2.8k.)

DATED 14<sup>th</sup> SEPTEMBER 2017

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**THE CHANCELLOR MASTERS AND  
SCHOLARS OF THE UNIVERSITY OF  
OXFORD**

and

**THE OXFORD CITY COUNCIL**

and

**THE OXFORDSHIRE COUNTY COUNCIL**

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**AGREEMENT**

under Section 106 of the Town and Country Planning Act 1990  
relating to Wolvercote Paper Mill and  
planning application no. 13/01861/OUT

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**THIS AGREEMENT** by way of Deed is made on *14<sup>th</sup> September 2017*

**BETWEEN:**

- (1) **THE CHANCELLOR MASTERS AND SCHOLARS OF THE UNIVERSITY OF OXFORD**, whose administrative office is as University Offices, Wellington Square, Oxford, OX1 2JD ( the "**Owner**")
- (2) **THE OXFORD CITY COUNCIL** of The Town Hall Blue Boar Street Oxford OX1 4EY (the "**City Council**")
- (3) **THE OXFORDSHIRE COUNTY COUNCIL** of County Hall, New Road, Oxford OX1 1ND (the "**County Council**")

**WHEREAS**

- 1.1. The Owner is the freehold owner of the land at Wolvercote, Paper Mill Oxford under title number ON308778 (the "**Land**") shown edged red on the plan annexed to this Deed free from encumbrances as the Owner hereby warrants.
- 1.2. The City Council is a local planning authority and the district planning authority for the administrative area of the City of Oxford for the purposes of the Town and Country Planning Act 1990 (the "**Act**").
- 1.3. The County Council is the county planning authority for the area which includes the Land for the purposes of the Town and Country Planning Act 1990 and is the highway authority for the purposes of the Highways Act 1980 and the traffic authority for the purposes of the Road Traffic Regulation Act 1984 for certain highways for that area.
- 1.4. Application bearing reference 13/01861/OUT (the "**Application**") has been made to the City Council pursuant to Part III of the Act for planning permission to develop the Land by up to 190 residential units, employment space, community facilities, public open space and ancillary services, facilities and infrastructure (the "**Development**").
- 1.5. The Owner has agreed that his interest in the Land and that of his successors in title and assigns will be subject to the terms of this Agreement.
- 1.6. The parties hereto have entered into this Agreement with the intent that its provisions be material to the determination of the Application.



- 1.7. The Works are works which the County Council is authorised to execute by virtue of Part V of the Highways Act 1980
- 1.8. The Owner and the County Council intend to enter into the Highways Agreement

**NOW THIS DEED WITNESSTH AS FOLLOWS**

**1. Interpretation**

- 1.1. Save where contrary intention is shown the provisions of the Interpretation Act 1978 shall apply to the provisions hereof as if this Deed was an Act of Parliament.
- 1.2. Save where contrary intention is shown the following expressions shall bear the following meanings herein:

**"Affordable Housing"** means Social Rented Housing and Intermediate Housing provided to eligible households whose needs are not met by the market.

**"Affordable Housing Scheme"** means a scheme for the provision of the Affordable Housing within the Development in accordance with Schedule 1 of this Agreement.

**"Bus Service Contribution"** means the sum of Two hundred and seventy five thousand pounds (£275,000) Index Linked towards improvements to the frequency and hours of operation of bus services between Wolvercote and Oxford

**"Bus Stop Infrastructure Contribution"** means the sum of Four thousand three hundred and fifty pounds (£4,350) Index Linked towards the provision and installation of a pole, flag, timetable case and real time information display unit at a new bus stop on the northern side of Godstow Road, the provision and installation of a pole, flag and timetable case at a new bus stop on the southern side of Godstow Road and the costs of consultation and implementation of associated road markings (bus stop cages and clearways)

**"Commencement of Development"** means the date on which any material operation (as defined in section 56(4) of the Act) comprising the commencement of construction of dwellings begins to be carried out pursuant to the Permission and for the avoidance of doubt the following works shall not comprise Commencement of Development for the purposes of

this Agreement (and for no other purpose): site clearance, demolition work, archeological investigations, investigations for the purposes of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, construction of accesses forecourts and parking areas, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and 'Commence' and 'Commenced' shall be constructed accordingly.

**"Community Facilities"** means an area of the Land to be developed to provide a flexible community meeting space of not less than 110 square metres net for use by residents of the Development and surrounding areas in accordance with the Community Facilities Scheme

**"Community Facilities Scheme"** means the scheme for the provision of the Community Facilities in accordance with Schedule 2 of this Agreement.

**"First Occupation"** means the date on which the Development or any part of it is first occupied for the purposes permitted by the Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security arrangements.

**"Highways Agreements"** means an agreement made between the Owner and the County Council under Section 278 and/or Section 38 of the Highways Act 1980 in accordance with the form annexed to this Deed (subject to any amendments that the circumstances may reasonably and properly require) which provides for the execution of the Works by the Owner at the Owner's expense.

**"Index-Linked"** means

- in relation to the Bus Stop Infrastructure Contribution adjusted according to any increase occurring between September 2016 and the date when the relevant payment is made in a composite index comprised of the following indices of the BCIS Price Adjustment Formulae (Civil Engineering) 1990 Series as made available through the Building Cost Information Services (BCIS) of the Royal Institution of Chartered Surveyors weighted in the proportions below set out against each such index namely:-

Index 1	Labour & Supervision	25%
Index 2	Plant & Road Vehicles	25%
Index 3	Aggregates	30%
Index 9	Coated Macadam & Bitumous Products	20%

or if at any time for any reason it becomes impracticable to compile the said composite index then an index compiled in such other manner as may be agreed in writing by the Owner and the County Council.

- in relation to the Bus Service Contribution the Travel Plan Monitoring Contribution and the Traffic Regulation Order Contribution adjusted according to any increase occurring between September 2016 and the date when the relevant payment is made in the All Items Retail Price Index excluding mortgage interest payments (RPIX) published by the Office of National Statistics

**“Interest”** means interest at 4% per annum above the base rate from time to time of Lloyds Bank Plc and compounded annually

**“Intermediate Housing”** means homes for sale and rent provided at a cost above social rent but below market levels. These can include shared equity, starter homes, other low cost homes for sale and intermediate rent but not social rented housing.

**“Neighbourhood Forum”** means Wolvercote Neighbourhood Forum

**“Permission”** means planning permission granted in determination of the Application.

**“Registered Provider”** means a registered provider of social housing within the meaning of the Housing and Regeneration Act 2008 (including for the avoidance of doubt the City Council)

**“Social Rented Housing”** means homes that are let at a level of rent generally set much lower than those charged on the open market, available to those recognised by the City Council as being in housing need, and offering long term security of tenure (through secure or assured tenancies)

**Traffic Regulation Order Contribution** means the sum of Two thousand five hundred pounds (£2,500) Index Linked towards the cost of promoting a traffic regulation order to

implement parking restrictions at the mini-roundabout junction on Godstow Road and where applicable implementing such amendment

**Travel Plan Monitoring Contribution** means the sum of One thousand two hundred and forty pounds (£1,240) Index Linked towards the cost of monitoring travel plans for a period of five years from first Occupation

**Works** means

- works to construct the proposed mini-roundabout on Godstow Road and proposed access arrangements as shown on drawings IMA-14-121-14B and IMA-14-121-18B
- works to construct a bus shelter with seats such shelter to be of a design to be approved by the County Council and which accommodates the installation and operation of a real time information display unit at the shelter together with associated works; the associated works shall include ducting at the shelter to accommodate cabling for real time information display units and underground ducting and cabling to the junction where the subsurface ducts connect to the 'riser' ducts at the shelter. Such shelter is to be in the approximate location marked on the On Site Highways Plan (as defined in the Highways Agreement)

## **2. Statutory Authority**

- 2.1. All obligations hereunder on the part of the Owner (howsoever expressed) are planning obligations for the purposes of section 106 of the Act and section 278 of the Highways Act 1980 and all other enabling powers entered into in respect of its interest in the Land and are enforceable against the Owner and his successors in title the obligations being enforceable by the City Council and the County Council.
- 2.2. All and any obligations hereunder on the part of the City Council are contractual obligations entered into pursuant to section 111 of the Local Government Act 1972.

## **3. Obligations**

- 3.1. The Owner covenants with the City Council to observe and perform the requirements contained in Schedules 1 and 2 hereof.

- 3.2. The Owner covenants with the County Council as set out in Schedule Three hereof
- 3.3. The County Council covenants with the Owner as set out in Schedule Four of this Agreement.

**4. Conditionality and Release**

- 4.1 This Deed is conditional on the grant of the Permission with the exception of clauses 5.11 (County Council costs) 5.12 (County Council administration fee) 6.2 (notice of commencement) 6.4 (notice of disposal of interests) and paragraph 1.1 of Schedule Two (City Council costs).
- 4.2 This Deed shall cease to have effect (insofar as it has not already been complied with) if the Permission shall be quashed, revoked, or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to Commencement of Development.
- 4.3 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it has parted with its entire interest in the Land but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 4.4 This Deed shall not be enforceable against owner-occupiers or tenants of dwellings constructed pursuant to the Permission or against those deriving title from them PROVIDED ALWAYS THAT restrictions on occupation shall be enforceable against all owner-occupiers and tenants (and those deriving title from them) of dwellings first Occupied pursuant to a sale and purchase contract entered into after the date when the relevant restriction in question has arisen.
- 4.5 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed and insofar as reasonably practicable the parties shall amend that clause or clauses in such reasonable manner as achieves the intention of the parties without illegality.

**5. Miscellaneous**

- 5.1. All works undertaken pursuant to this Deed and all sums payable hereunder shall be exclusive of any value added tax properly payable and the Owner shall pay the City Council and County Council any value added tax properly payable on any sums paid to the City Council or County Council or works undertaken under this Deed upon presentation of an appropriate value added tax invoice addressed to the Owner.
- 5.2. The Contracts (Right of Third Parties) Act 1999 shall not apply to any of the provisions of this Agreement but this does not affect any rights which are available apart from that Act and it may be enforced by the successors in title of the parties and by any successor to the City Council's and County Council's statutory functions.
- 5.3. If any sum payable to the City Council or to the County Council hereunder is not paid in full on or before the due date interest shall be due and payable to the payee at the rate of 4% per annum above the base lending rate of Lloyds TSB Bank PLC compounded monthly for the period from the due date until payment of the full amount due as at the date of payment.
- 5.4. No alteration in the terms of this Agreement nor any forbearance or forgiveness on the part of the City Council or the County Council in or in the extent or nature of any matter or thing concerning this Agreement shall in any way release the Owner from any liability hereunder.
- 5.5. Nothing in this Agreement shall prejudice or affect the rights powers duties and obligations of the City Council or the County Council in the exercise of its functions in any capacity.
- 5.6. Where more than one person is liable under any provision hereof the liability shall be joint and several.
- 5.7. All notifications approvals permissions consents or similar hereunder shall be in writing.
- 5.8. Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission or any reserved matters applications made pursuant to the Permission) granted (whether or not on appeal) after the date of this Deed
- 5.9. The Owner shall permit the City Council full access to the Land (save for buildings in residential or commercial occupation) for any purpose in connection with this Agreement.

- 5.10. Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the City Council or the County Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the City Council by the Head of Planning and Regulatory Services and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.
- 5.11. The Owner shall on completion of this Deed pay the reasonable legal costs of the City Council and the County Council in connection with the preparation and completion of this Deed.
- 5.12. The Owner shall on completion of this Deed pay the sum of £3,750 (Three thousand seven hundred and fifty pounds) to the County Council towards the costs relating to the administration of this Deed.
- 5.13. The Owner will reimburse the City Council and the County Council in respect of all legal and administrative costs in connection with the enforcement of any of the provisions of this Deed including correspondence monitoring and site visits by or on behalf of the City Council or the County Council.
- 5.14. The Owner will not claim any compensation in respect of the provision of this Deed.

**6. Notification**

- 6.1 Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party
- 6.2 The Owner shall not cause or permit the commencement or continuance of the Development unless the Owner has given notice of commencement of the Development to the City Council and the County Council such notice specifying the intended date for commencement.
- 6.3 The Owner shall notify the County Council within 14 days of First Occupation of the Development that such Occupation has taken place

- 6.3 On each anniversary of Commencement of Development until completion of the Development the Owner shall give notice to the City Council identifying the extent to which the Development has been executed.
- 6.4 The Owner agrees with the City Council and the County Council to give the City Council and County Council written notice of any change in ownership of any of its interests in the Land within 14 days of such a change occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office together with the area of the Land or unit of occupation purchased by reference to a plan.
- 6.5 At the written request of the Owner the City Council shall provide written confirmation of the discharge of the obligations contained in this Agreement relating to the Owner's covenants in Schedules 1 and 2 when satisfied that such obligations have been performed
- 6.6 At the written request of the Owner the County Council shall provide written confirmation of the discharge of the obligations contained in this Agreement relating to the Owner's covenants in Schedule 3 when satisfied that such obligations have been performed

**7. Jurisdiction**

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales

**IN WITNESS** whereof the parties have executed this Agreement as a Deed on the day and year first before written.



## Schedule One

### Affordable Housing – on site provision

1. The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written agreement of the City Council to the Affordable Housing Scheme such scheme to provide: *SEE AGREEMENT*
  - 1.1. 50% of the total number of dwellings within the Development to be provided as Affordable Housing
  - 1.2. the locations of the Affordable Housing ensuring that the Affordable Housing is integrated into the Development as a whole;
  - 1.3. the details of the type and tenure of the Affordable Housing;
  - 1.4. the proposed contractual arrangements with a Registered Provider for the delivery (both construction and transfer (or lease of not less than 125 years in the case of flats)) of the Affordable Housing the arrangements proposed for the servicing of the Affordable Housing and the allocation of responsibility for such servicing and the cost of such servicing;
  - 1.5. the details on the restriction on occupation of the open market dwellings authorised by the Permission until the Affordable Housing dwellings are fully constructed, ready for occupation and have been transferred to the Registered Provider on terms approved by the City Council;
  - 1.6. details of the restriction of occupation of any dwelling comprised within the Affordable Housing other than as Affordable Housing in accordance with the Affordable Housing Scheme;
  - 1.7. details of the restriction of sale price on the disposal of any Affordable Housing dwelling or the monthly charge to be paid by the occupier for occupation of any Affordable Housing dwelling.
2. To provide the Council with a completed copy of the transfer (or transfers as the case may be) between the Owner and the Registered Provider certified as a true copy by a solicitor within 20 days of completion thereof
3. The Owner will procure that all dwellings comprised within the Affordable Housing shall:

- 3.1. meet all requirements of Homes and Community Agency Design Quality Standards and Housing Quality Indicators that (were that Agency funding their provision) would be applicable to them;
- 3.2. comply with Lifetime Homes standards then applicable; and
- 3.3. show compliance with Secure By Design standards then applicable.
4. In this clause "Chargee" shall mean any mortgagee or chargee of the Registered Provider or the successors in title to such mortgagee or chargee or any Receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 or any other person appointed under any security documentation to enable such mortgagee or chargee to realize its security or any administrator (however appointed) including a housing administrator (each a Receiver).
- 4.1 Any Chargee shall prior to seeking to dispose of its Affordable Housing dwellings pursuant to any default under the terms of its mortgage or charge shall give not less than onemonths prior notice to the City Council of its intention to dispose and:
  - 4.1.1 in the event that the City Council responds within one months from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing dwellings can be made in such a way as to safeguard them as Affordable Housing then the Chargee shall cooperate with such arrangements and use reasonable endeavours to secure such a transfer.
  - 4.1.2 if the City Council does not serve its response to the notice served under paragraph 4.1.1. within the two months then the Chargee shall be entitled to dispose free of the restrictions set out in this Schedule which shall from the time of completion of the disposal cease to apply.
  - 4.1.3 if the City Council or any person cannot within one month of the date of service of its response under paragraph 3.1.1 secure such a transfer then provided that the Chargee shall have complied with its obligations under paragraph 3.1.1 the Chargee shall be entitled to dispose free of the restrictions set out in this Schedule which shall from the time of completion of the disposal cease to apply.

PROVIDED THAT at all times the rights and obligations in this paragraph 3 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the City Council must give full consideration to protecting the interests of the Chargee in respect of moneys outstanding under the charge or mortgage.

- 5 The provisions of this Schedule 1 shall cease to apply to the owners (and their respective successors in title and mortgagees and those claiming under them) of any of the Affordable Housing units where the Registered Provider is required to dispose of such Affordable Housing unit pursuant to a right to buy under Part V of the Housing Act 1985 or S16 of the Housing Act 1996 or any similar or substitute right applicable or shall be required to sell to a tenant with the benefit of a voluntary purchase grant provided under S20 and S21 of the Housing Act 1996 (or any similar provision in any subsequent legislation) nor bind on any individual owner of a share in or the whole of (pursuant to any rights of staircasing or otherwise) the equity of any Affordable Housing unit or any individual owner of an individual Affordable Housing unit nor their respective mortgagees and successors in title and those claiming under them

## Schedule Two

### Matters other than Affordable Housing

#### 1. The Costs of the City Council

- 1.1. The Owner shall pay to the City Council prior to Commencement of the Development the City Council's costs in connection with the administration and management of this Agreement.

#### 2. Bond

The Owner shall not cause or permit the commencement or continuance of the Development at any time that there are outstanding financial obligations hereunder that he has not procured that the City Council is in possession of an extant bond with at least 3 months remaining prior to its date of expiry in a form with a bondsman and to a value acceptable to the City Council (having regard to the then outstanding financial obligations) providing that in the event of default hereunder the bondsman shall be liable to the extent of that default.

#### 3. Public Open Space

- 3.1. The Owner shall create new areas of open space as part of the development including but not limited to:
  - 3.1.1. 2.46 hectares of new open space including land known as Duke's Meadow, immediately north of the development area, as informal recreation/play space and the creation of new wildlife habitats;
  - 3.1.2. Creation of informal open space and a nature reserve along the Mill Stream frontage;
  - 3.1.3. Creation of new amenity green or 'green gateway' at the site's entrance;
  - 3.1.4. Retention of the existing water reservoir which runs parallel to the Mill Stream and the creation of a walkway around it;
  - 3.1.5. Development of a new local area for play within the development area.

3.2. The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to a public open space scheme such scheme to provide:

3.2.1. the locations and details of each area of amenity and/or recreational open space (providing specifications of equipment where equipment is proposed) proposed within the Land as part of the Development sufficient to ensure that the needs of all those likely to use the Development will be met; and

3.2.2. a timetable for the provision of each and every element by reference to such element being available for functional public use either prior to a defined part of the Development being commenced or occupied for the purpose permitted by the Permission.

3.3. The Owner shall comply fully with all aspects of the approved scheme referred to in paragraph 3.1 above and shall notify the City Council of each and every element of the approved scheme referred to in paragraph 3.1 above first being made available for public use.

3.4. The Owner shall in respect of each and every element of the approved scheme referred to in paragraph 3.1 above from the date on which it is first made available for public use:

3.4.1. keep it available for free public use at all times restricting public access only as may be required by law; and

3.4.2. maintain it such that it does not materially deteriorate.

3.5. The Owner shall not cause or permit the commencement or carrying on of any works for the provision of any element of the approved scheme referred to in paragraph 3.1 above prior to obtaining the written approval of the City Council to a mechanism to ensure future compliance with the obligations of the Owner pursuant to paragraphs 3.4.1 and 3.4.2 above.

#### 4. **Community Facilities**

4.1 The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to the Community Facilities Scheme within the Land such scheme to provide:

4.1.1 details of the area proposed for Community Facilities;

4.1.2 a timetable for the provision of the Community Facilities by reference to such element being effected either prior to a defined part of the Development being commenced or occupied for the purpose permitted by the Permission.

4.1.3 The use of the Community Facility to be sanctioned by the approval of Oxford City Council and the Neighborhood Forum.

4.2 The Owner shall comply fully with all aspects of the Community Facilities Scheme referred to in paragraph 4.1 above and shall notify the City Council of each and every element of the approved scheme referred to in paragraph 4.1 above being completed.

5. **On site Habitats / Biodiversity Creation / Protection**

5.1 The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to a scheme for the creation of a habitat suitable for reptiles within the Land (the "**Habitat Creation Scheme**") such scheme to provide:

5.1.1 the locations and details of each area proposed for the habitat together with a schedule of the works proposed to firstly render those areas suitable for its purpose and secondly to effect the establishment of the intended flora and/or fauna;

5.1.2 a timetable for the provision of each and every element by reference to such element being effected either prior to a defined part of the Development being commenced or occupied for the purpose permitted by the Permission; and

5.1.3 post provision maintenance and protection arrangements.

5.2 The Owner shall comply fully with all aspects of the Habitat Creation Scheme referred to in paragraph 5.1 above and shall notify the City Council of each and every element of the approved scheme referred to in paragraph 5.1 above being completed.

5.3 The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to a scheme offsetting the net loss of biodiversity caused by the development by the creation of new wildlife habitats within Duke's Meadow. Detailed solution and management arrangements will be determined by

comprehensive survey work undertaken at the cost of the Owner.

6. **GP Surgery Space**

- 6.1 The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to the proposed location of the GP Surgery within the Land.
- 6.2 The Owner shall use reasonable endeavours for not less than 2 years to seek to reach agreement on the terms for and complete the transfer of the GP Surgery area in the Land to a GP partnership or the local health authority.
- 6.3 In the event that the Owner is not able to complete a transfer of the relevant part of the Land within the 2 year period, the Owner shall so notify the City Council enclosing such evidence of its attempts to enter into an agreement with a GP Partnership or the local health authority as the City Council may request (acting reasonably).
- 6.4 Subject to the prior written consent of the City Council, the Owner shall be permitted to develop the area of the Land proposed for the GP Surgery for uses which come within class B1(c) commercial uses or D1 non-residential institutional space of the Town and Country Planning (Use Classes) Order 1987 as amended.
- 6.5 In the event that the Owner is not able to complete a transfer of the relevant part of the Land for B1(c) commercial uses or D1 non-residential institutional uses within a further 6 months period, the Owner shall so notify the City Council and shall thereafter be permitted to make an application for the development of the GP Surgery Land for class C3 (Residential) development and thereafter develop and use the land for such purposes.

### Schedule Three

#### Owner's Obligations to the County Council

#### 1. Contributions

- 1.1 The Owner shall pay the Traffic Regulation Order Contribution on or before Commencement of Development and not cause or permit the Commencement of Development unless and until the Traffic Regulation Order Contribution has been paid to the County Council
- 1.2 The Owner shall pay the Bus Service Contribution to the County Council before First Occupation of the Development and shall not cause or permit First Occupation of the Development unless and until the Bus Service Contribution has been paid to the County Council.
- 1.3 The Owner shall pay the Travel Plan Monitoring Contribution before First Occupation of the Development and shall not cause or permit First Occupation of the Development unless and until the Travel Plan Monitoring Contribution has been paid to the County Council
- 1.4 The Owner shall pay the Bus Stop Infrastructure Contribution to the County Council on or before Commencement of Development and shall not cause or permit the Commencement of Development unless and until the Bus Stop Infrastructure Contribution has been paid to the County Council

#### 2 Highway Works

- 2.1 The Owner shall not cause or permit the Commencement of the Development until:
  - 2.1.1 there has been submitted to the County Council and approved in writing by it in principle drawing of the Works, duration of construction, commuted maintenance sum in respect of the cost of future maintenance of the Works (including but not limited to the maintenance of the bus stop poles, flags, timetable cases and real time information display units) and if applicable Dedication Plan as defined in the Highways Agreement; and



- 2.1.2 title to the land to be dedicated (as defined in the Highway Agreement) has been deduced to the satisfaction of the County Council; and
- 2.1.3 a Highways Agreement incorporating such matters has been entered into by the Owner and all parties with an interest in any land to be dedicated and any mortgagee has released the land to be dedicated further to such agreement from any charge.
- 2.2 The Owner covenants not to cause or permit First Occupation before the works required by the Highways Agreement have been completed pursuant to and in accordance with the Highways Agreement and to the satisfaction of the County Council.

## Schedule Four

### County Council's Obligations to Owner

The County Council covenants with the Owner

1. not to apply the Traffic Regulation Order Contribution the Bus Service Contribution the Travel Plan Monitoring Contribution or the Bus Stop Infrastructure Contribution for any purpose other than the purpose set out in the definition of that contribution in such form and at such time as the County Council shall in its discretion decide
- 1.2 that following written request from the Owner/ person who made the relevant payment the County Council will repay to the Owner/ that person the balance (if any) of the relevant contribution which at the date of the receipt of such written request has not been expended together with interest which has accrued on the balance after deduction of tax where required and any other sum required to be deducted by law provided always that no such request shall be made prior to the expiration of 10 years from the date of payment of the relevant contribution or if later 10 years from expiration of the due date for payment of the relevant contribution. Any contribution or part of a contribution which the County Council has contracted to expend prior to the date of receipt of such request shall be deemed to have been expended by the County Council prior to that date.

**Annex**  
**Highways Agreement**

EXECUTED AS A DEED by affixing  
the COMMON SEAL of THE  
CHANCELLOR MASTERS AND  
SCHOLARS OF THE UNIVERSITY  
OF OXFORD in the presence of:-

)  
)  
)  
)  
)  
)



*Emma Potts*

~~Vice-Chancellor / Registrar /~~  
~~Director of Finance / Assistant Registrar~~  
~~(Governance & Compliance)~~  
*Academic Registrar*

EXECUTED AS A DEED by affixing  
the COMMON SEAL of THE  
OXFORD CITY COUNCIL in the  
presence of:-

)  
)  
)  
)  
)  
)

*J. Franklin*

Nominated Officer

*JEREMY FRANKLIN*

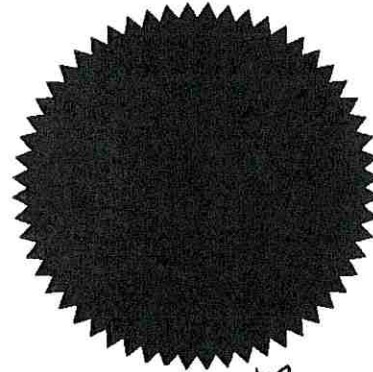
THE COMMON SEAL of THE  
OXFORDSHIRE COUNTY COUNCIL

)  
)

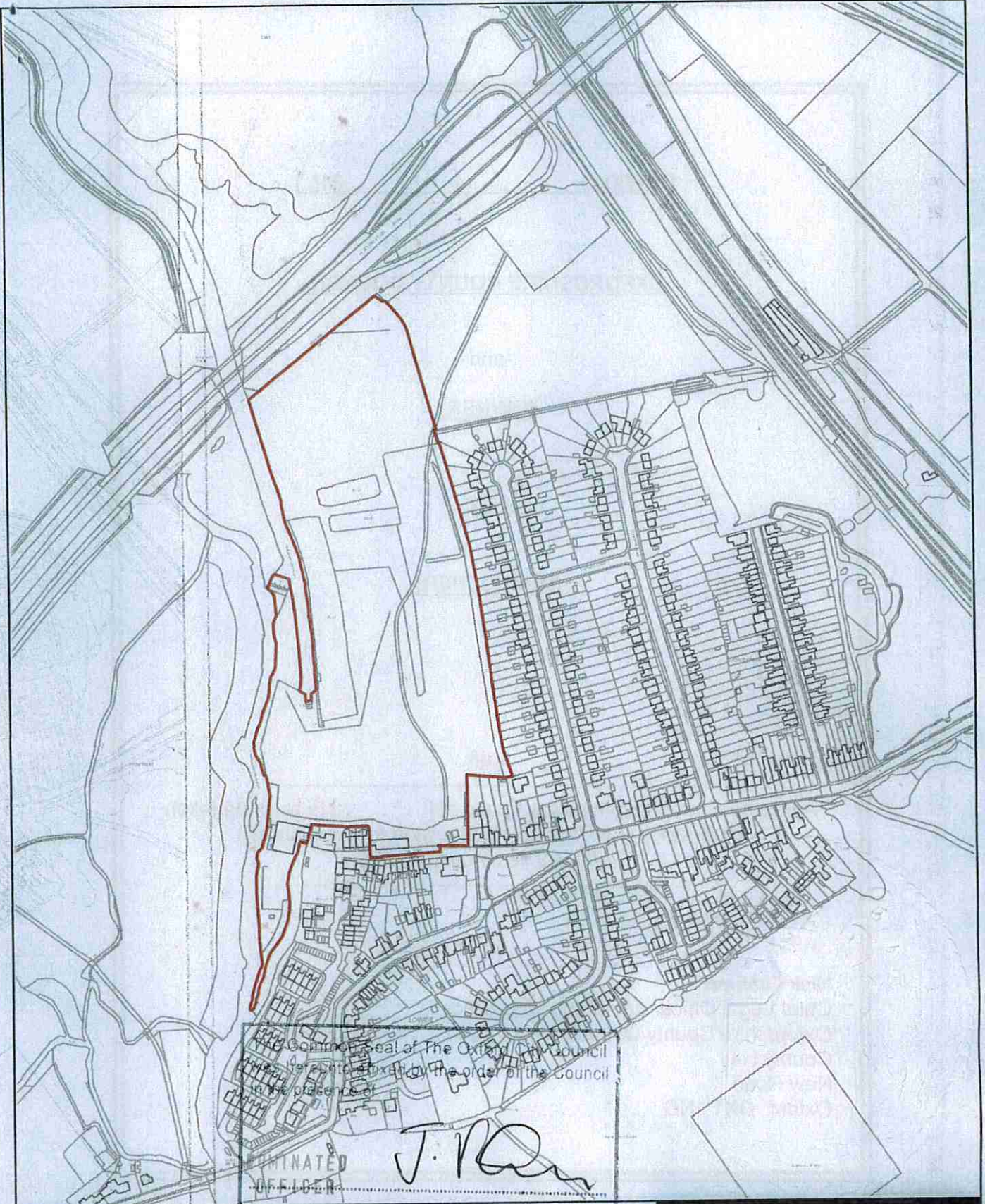
was hereunto affixed in the presence )  
of:-

*Wm. Graham*

Solicitor to the Council/ Designated Officer



1037/17



GENERAL NOTES

DRAWING TITLE

Site Plan

DRAWING NO

765/LP5/17/08/08

BUILDING

Wolvercote Paper Mill (765)

FLOOR

SITE / AREA

Wolvercote Area (049)

DRAWN BY

L.P.H.

SCALE

1:4000

CHECKED BY

E.G.

PAPER SIZE

A4

APPROVED BY

C.A.P.

109 REVISION



UNIVERSITY OF  
**OXFORD**

ESTATES SERVICES

CHECK ALL DIMENSIONS. DO NOT SCALE

© OXFORD UNIVERSITY ESTATES SERVICES

DATE

08 August 2017



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Ordnance Survey Licence  
Number 100005215

DATED \_\_\_\_\_ 20[ ]

OXFORDSHIRE COUNTY COUNCIL

-and-

(OWNER)

-and-

(DEVELOPER)

draft

-----  
Agreement relating to highway works at [ ] to be undertaken  
by Developer (with optional provision for contribution)  
*<sup>1</sup>only applies if contribution*  
-----

Nick Graham  
Chief Legal Officer and Monitoring Officer  
Oxfordshire County Council  
County Hall  
New Road  
Oxford OX1 1ND

**THIS DEED** is made on the \_\_\_\_\_ day of

Two Thousand and [       ]

**BETWEEN:-**

- (1) **THE OXFORDSHIRE COUNTY COUNCIL** ("the Council")
- (2) \_\_\_\_\_ ("the Owner")
- (3) \_\_\_\_\_ (company registration  
number) ("the Developer")

(4)

1. **Interpretation**

In this Deed:-

- 1.1 "the 1980 Act" means the Highways Act 1980
- 1.2 "the 1990 Act" means the Town and Country Planning Act 1990
- 1.3 "As-Built Drawings" means detailed plans and drawings showing the Works in the form in which they have actually been executed and completed required under Condition 29 of the Standard Conditions
- 1.4 "Certificate of Completion" means a certificate issued under Condition 30 of the Standard Conditions
- 1.5 "the Contribution" means the sum of \_\_\_\_\_ Index-Linked
- 1.6 "the Council" means the said Oxfordshire County Council whose principal office is at County Hall New Road Oxford OX1 1ND and any successor to its statutory functions as highway authority or planning authority and any duly

appointed employee or agent of the Council or such successor

1.7 "the Dedication Plan" means the plan marked 'B' annexed to this Deed or such other plan as the Owner [the Developer and the Mortgagee] and the Council agree should be substituted for it

1.8 ["the Developer" means \_\_\_\_\_ of/ whose registered office is at \_\_\_\_\_ and its successors in title and assigns]

1.9 "the Development" means [ \_\_\_\_\_ ]

1.10 "Implementation" means the carrying out of a material operation as defined in section 56(4) of the 1990 Act and "implement" and "implemented" shall be construed accordingly

1.11 "including" means including without limitation and 'include' shall be construed accordingly

1.12 "Index-Linked" means adjusted according to any increase occurring between \_\_\_\_\_ and the date of payment to the Council in a composite index comprised of the following indices of the BCIS Price Adjustment Formulae (Civil Engineering) 1990 Series as made available through the Building Cost Information Services (BCIS) of the Royal Institution of Chartered Surveyors weighted in the proportions below set out against each such index namely:-





"the Planning Permission" means planning permission reference number [                      ] for the Development of the Site

1.19 "the Site" means the land                      Oxfordshire shown edged black on the Site Plan

1.20 "the Site Plan" means the plan marked "Plan A" annexed to this Deed

1.21 "the Standard Conditions" means the Council's Standard Conditions for the Control of Highway Works in Conjunction with Development (2016 Edition) a copy of which is annexed to this Deed

1.22 "the Works" means the works specified in the Schedule

1.23 "the Works Plan" means the drawing(s) numbered [                      ] annexed to this Deed

1.24 Any reference to an enactment includes any amendments to or modifications of it and the version of it for the time being in force shall apply

1.25 Headings in this Deed are for convenience only and shall not be taken into account in its construction and interpretation

1.26 References to clauses sub-clauses and schedules are references to clauses sub-clauses and schedules in this Deed

1.27 Where the context so requires:-

1.27.1 the singular includes the plural and vice versa

1.27.2 the masculine includes the feminine and vice versa

1.27.3 persons includes bodies corporate associations and partnerships and vice versa

1.28 Where a party comprises more than one person the obligations and liabilities of that party shall be joint and several obligations and liabilities of those persons

1.29 Where more than one party enters into any obligation or liability those parties are jointly and severally liable

1.30 Words denoting an obligation on a party to do any act matter or thing include an obligation to procure that it is done and words placing a party under a restriction include an obligation not to cause permit or allow infringement of this restriction

## 2. Preliminary

2.1 The Owner is the owner of freehold of the Site registered with absolute title under title number [ ] subject to an Option in favour of the Developer (and/or) a Charge in favour of the Mortgagee but otherwise] free from incumbrances as the Owner hereby warrants

2.2 For the purposes of the 1990 Act the Council is the county planning authority for the area which includes the Site

2.3 For the purposes of the 1980 Act, the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 the Council is the highway authority and the traffic authority for certain highways in the area which includes the Site

- 2.4 The Owner has/it has been agreed [by virtue of an agreement pursuant to Section 106 of the 1990 Act] dated [ ] and made between [ ] that the Development shall not be implemented [as therein defined] prior to the completion of this Deed and shall not be occupied prior to the completion of the Works in accordance with the Deed
- 2.5 The Off-Site Works are works which the Council is authorised to execute by virtue of Part V of the 1980 Act
- 2.6 It has been agreed between the Owner and the Council that in lieu of the Owner paying the cost of the Off-Site Works the Off-Site Works should be executed by the Owner in conjunction with the carrying out of the Development
- 2.7 This Deed (which the Council are satisfied will be of benefit to the public) is made under Sections 38 72 and 278 of the 1980 Act [Section 106 of the 1990 Act], Section 111 of the Local Government Act 1972 and all other enabling powers [and is a planning obligation for the purposes of Section 106 of the 1990 Act entered into by the Owner the Developer and the Mortgagee in respect of the Site and enforceable by the Council]
- 2.8 [The covenants in this Deed (except that in clause 8 which shall take immediate effect) shall be conditional upon the granting of planning permission for the Development]

3. **Covenants**

The Owner and the Developer covenant:-

- 3.1 not to cause or permit [any planning permission obtained for the Development the Planning Permission to be implemented (save insofar as is necessary for the execution of the Works)]building forming part of the Development [to be occupied] [to open for business] before the Works have been completed]
- 3.2 to execute the Works entirely at his/its own expense and to the satisfaction of the Council
- 3.3 in executing the Works to observe and perform all the obligations which fall on "the Developer" under the Standard Conditions and
- 3.4 to complete the Works not later than \_\_\_\_\_ and in any event within \_\_\_\_\_ from the date on which the Works started
- 3.5 not to commence the Works until the Maintenance Costs have been paid to the Council and to pay Maintenance Costs to the Council prior to commencing the Works.
- 3.6 to give the Council written notice of any disposal of an interest in the Site and of the name and address of the new owner and the date of the disposal within 14 days of such disposal
- 3.7 to pay the Contribution to the Council prior to [ \_\_\_\_\_ ] and not to cause or permit any planning permission



5. **Application of Monies Received**

The Council shall not apply the Contribution for any purpose other than the Infrastructure (or any alternative which achieves similar benefits) in such form and at such time as the Council shall in their discretion decide]<sup>1</sup>

5/6 **Act Reasonably**

Where a matter falls within a party's discretion that party shall exercise such discretion in a reasonable and expeditious manner and shall give any requisite notice of that decision and any other notice provided for by this Deed (including the Standard Conditions) without undue delay

6/7 **[the Mortgagee (*consider further amendment to accord with mortgagee provision in Section 106 agreement*)**

The Mortgagee acknowledges that the Site is bound by the obligations contained in this Deed [and in the event that the dedication area is revised further to clause 4.2 the Mortgagee agrees that any part of the dedication area which is subject to its charge shall be released from such charge on dedication pursuant to clause 4.1 and the Mortgagee will execute such further documentation as may be required to effect this]

7/8 **Costs**

7.1 The Owner shall on completion of this Deed pay the reasonable legal costs of the Council in connection with the preparation and completion of this Deed [and [ ]

towards the costs of administering and monitoring the provisions of this Deed relating to the Contribution]

7.2 The Owner will reimburse the Council in respect of all legal and administrative costs in connection with the enforcement of any of the provisions of this Deed including correspondence monitoring and site visits by or on behalf of the Council

7.3 [The Owner will not claim any compensation in respect of the provision of this Deed]

#### **8 Third Party Rights**

This Deed does not create any right enforceable by any person not a party to it except that it may be enforced by the successors in title and assigns of the parties and by any successor to the Council's statutory functions

#### **9 Notice**

Any notice or notification to be given to the Council under this Agreement shall be sent to the Director for Environment & Economy of the Council (Ref ) County Hall, New Road, Oxford OX1 1ND or to such other person at such other address as the Council shall direct from time to time [and any notice or notification to be given to [ ] shall be sent to [ ] or to such other person at such address as the [ ] shall notify in writing to the Council from time to time

#### **10 No Waiver**

No alteration in the terms of this Deed nor any forbearance or



forgiveness on the part of the Council in or in the extent or nature of any matter or thing concerning this Deed shall in any way release the Owner/the Developer/the Mortgagee from any liability under this Deed

**11 No Fetter**

Nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions in any capacity

**12 VAT**

All works undertaken pursuant to and all payments made in accordance with the terms of this Deed shall be exclusive of value added tax and the Owner shall pay the Council any value added tax properly payable on any sums paid to the Council or works undertaken under this Deed upon presentation of an appropriate value added tax invoice addressed to the Owner

**13 Jurisdiction**

This Deed is governed by and interpreted in accordance with the Law of England

**14 Delivery**

The provisions of this Deed shall be of no effect until this Deed has been dated

**IN WITNESS** whereof the parties hereto have executed this Deed as a deed the day and year first before written



## SCHEDULE

### The Works

(1) **Principal Works**

The provision and construction in the position indicated in principle on the Works Plan of the following works ("the Principal Works")

(2) **Preparatory and Ancillary Works**

The provision and construction of all such preparatory and ancillary works (or in the case of existing works or features necessarily affected by any part of the Works such alteration thereof) as the Council shall consider requisite for the proper construction and functioning of the Principal Works including:-

- (a) all earthworks and other things necessary to prepare the site and provide proper support for the Principal Works
- (b) all culverts ditches and other things necessary to ensure the satisfactory movement of surface water
- (c) all gullies channels grips drains sewers and other things necessary for the permanent drainage of the Principal Works
- (d) all ducts cables columns lamps and other things necessary for the permanent lighting of the Principal Works and the illumination of traffic signs
- (e) all kerbs islands verges and reservations including the grading and seeding of grassed areas

- (f) all measures necessary to ensure visibility for drivers at any bend or junction
- (g) all traffic signs road markings bollards and safety barriers
- (h) all tapers joints and reinstatements necessary where the Principal Works abut the existing highway

(3) **Amenity and Accommodation Works**

The provision and construction of all such amenity and accommodation works as the Council shall consider requisite for the protection of the local environment and private and public rights and property in consequence of the Principal Works including:-

- (a) any earth bunds and/or planting necessary to screen the Principal Works
- (b) all fences gates hedges and other means of separation of the Principal Works from adjoining land
- (c) any necessary alteration of any private access or private or public right of way affected by the Principal Works
- (d) any necessary embankments retaining walls or other things necessary to give support to adjoining land

*Agreement requires adjustment where bus stop (and as applicable shelter) infrastructure is to be provided as part of the works:*

- *Payment to County Council for provision, installation and maintenance of bus stop pole, flag and case*

- *Outline spec. for bus shelter – detailed spec. to be approved by town/parish council*
- *Bus shelter to be constructed by developer*
  - *Make reference to seating*
  - *Make reference to accommodation of RTI equipment where applicable including power supply to shelter*
- *Committed maintenance to include sum for shelter*
- *Payment to County Council for provision installation maintenance of RTI equipment where this is required*

[STANDARD CONDITIONS]



THE COMMON SEAL of )  
was affixed to this Deed in the )  
presence of:- )

Director

Secretary

THE COMMON SEAL of )  
was affixed to this Deed in the )  
presence of:- )

Director

Secretary



**SIGNED AS A DEED** by the said )

)

**THE COMMON SEAL** of **THE** )

**OXFORDSHIRE COUNTY COUNCIL** )

was affixed to this Deed )

in the presence of:- )

Chief Legal Officer/  
Designated Officer

# OXFORDSHIRE COUNTY COUNCIL

## STANDARD CONDITIONS FOR THE CONTROL OF HIGHWAY WORKS IN CONJUNCTION WITH DEVELOPMENT

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6. Indemnity
7. Health and Safety
8. Payments

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11. Authorisations
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14. Insurance
15. Approval of Contractors
16. Pre-Conditions to Letting Works Contract

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18. Pre-Conditions to Commencement of Works
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Nick Graham  
Chief Legal Officer and Monitoring Officer  
County Hall  
New Road  
Oxford OX1 1ND

Director for Environment & Economy  
County Hall  
New Road Oxford OX1 1ND  
2016 Edition

## OXFORDSHIRE COUNTY COUNCIL

### STANDARD CONDITIONS FOR THE CONTROL OF HIGHWAY WORKS IN CONJUNCTION WITH DEVELOPMENT

#### GENERAL

#### 1 INTERPRETATION

In these Conditions:-

- 1.1 "the Agreement" means any agreement or other instrument by which these Conditions are applied.
- 1.2 "Authorisations" has the meaning given in Condition 11.1.
- 1.3 "the Bond" means the bond referred to in Condition 12.
- 1.4 "the Certificate of Completion" means the certificate issued under Condition 29.
- 1.5 "Contractor" includes an agent and any sub-contractor or agent of a main contractor.
- 1.6 "the Council" means the Oxfordshire County Council of County Hall New Road Oxford OX1 1ND and, so far as the context admits, includes any employee or contractors duly appointed by them.
- 1.7 "the Developer" means the person or persons by whom the Agreement requires the Works to be executed.
- 1.8 "including" means including without limitation or prejudice to the generality of any preceding description defining term phrase or word(s) and 'include' shall be construed accordingly.
- 1.9 "Safety Audit" means a safety audit in accordance with Oxfordshire Safety Audit Guideline as revised from time to time and incorporating H.D. 19/15 (Road Safety Audit Volume 5 design manual for roads and bridges)
- 1.10 "the Scheme of Works" means the matters specified in Conditions 9.1 – 9.3 as may for the time being have been varied and/or augmented under Condition 11 and/or Condition 23.
- 1.11 "statutory requirements" means the requirements of any enactment (being any act and any subordinate legislation as defined in the Interpretation Act 1978) national guidance or good practice guides.
- 1.12 "the Works" means the works which the Agreement requires to be executed in accordance with these Conditions and references to "the Works" includes each and every part of them.
- 1.13 The headings are for ease of reference and shall not affect the construction or interpretation of these Conditions.

1.14 References to the Construction (Design and Management) Regulations are to the Construction (Design and Management) Regulations 2015 as varied or replaced from time to time.

1.15 Any reference to any enactment includes any amendments to or modification of it and the version of it for the time being in force shall apply.

## **2 RELATIONSHIP WITH AGREEMENT**

These Conditions shall be construed together with and subject to the Agreement and in the event of any inconsistency between the Conditions and the Agreement the latter shall prevail.

## **3 COMMUNICATIONS WITH THE COUNCIL**

Any notice or other communication required by these Conditions to be given by the Developer to the Council shall be given in writing to the Council's Director for Environment & Economy at his main office at County Hall, New Road, Oxford OX1 1ND or to such other person and/or at such other place as he may identify in writing to the Developer.

## **4 APPROVALS AND CERTIFICATES**

4.1 No approval consent authorisation or payment as specified in Condition 4.3 shall create any contractual relationship between the Developer and the Council beyond that contained in the Agreement or operate in any way as a warranty or otherwise imply that the subject matter of such approval consent authorisation or payment is fit for its intended purpose nor shall it relieve the Developer or any professional adviser or contractor engaged in connection with the Works from their respective obligations to use all proper skill and care in respect of the Works.

4.2 The Council will not be liable for any loss damage or injury which the Developer may sustain arising from action taken in consequence of such approval consent authorisation or payment.

4.3 The matters referred to in Condition 4.1 are:

4.3.1 any approval or consent given by the Council in respect of the discharge by the Developer of its obligations under these Conditions; or any technical approval or consent issued by the Council in respect of the Works.

4.3.2 any authorisation given or implied by or under these Conditions in respect of anything done or to be done by the Developer on or in relation to any highway; or any payment made by the Developer to the Council under these Conditions.

## 5 COUNCIL TO ACT IN DEFAULT OR EMERGENCY

5.1 In the event that either of the following circumstances occur:-

5.1.1 if the Developer shall be materially in default in respect of any of the provisions of the Agreement including these Conditions requiring work to be done or not done, or to be done in a particular manner or by a particular time and if such default continues after the Council have given to the Developer not less than 21 days' written notice of the steps they require to be taken to remedy such default; or

5.1.2 if it shall appear to the Council at any time during the course of execution of the Works that danger to persons or prejudice to the structure or stability of the public highway or of adjoining land exists or is imminent, and that it is not reasonably practicable to cause the Developer to take the necessary remedial steps forthwith;

the Council may take such steps themselves to the exclusion of the Developer and charge the expenses incurred (including their reasonable administrative costs) against the Developer.

5.2 Such expenses will be a debt due to the Council and recoverable by them by action or otherwise and for the avoidance of doubt the Council may recover such expenses under the Bond where the Council has taken such steps because the Developer is in default as provided in Condition 5.1.1 or where the Council has taken such steps in an emergency further to Condition 5.1.2 and in the latter case the Developer has failed to discharge the Council's expenses.

## 6 INDEMNITY

The Developer shall indemnify the Council and keep them indemnified against;

6.1 all actions, liabilities, claims, costs and proceedings which may arise from the execution and completion of the Works (except insofar as may arise from the negligence or default of the Council) and from anything done or not done by the Developer or by its employees or contractors in connection with the Works;

6.2 all actions, liabilities, claims, costs and proceedings arising in connection with or incidental to or in consequence of the lawful use of the highway following upon the carrying out or completion of the Works under the Land Compensation Act 1973 or under regulations made pursuant to Section 20 of the Land Compensation Act 1973 (insulation against noise) and any grants made by the Council under such regulations in accordance with its established policy. The Council may by advertisement invite claims under the Land Compensation Act 1973 and under regulations made pursuant to Section 20 of that Act.

7 **HEALTH AND SAFETY**

The Developer shall act as the only client in respect of the Works for the purposes of The Construction (Design and Management) Regulations.

8 **PAYMENTS**

Where the Council seeks any payment further to these Conditions then save where there is express provision as to timing for payment such payment shall be due within 28 days of written request from the Council and if payment is not made within such 28 day period (or where applicable such other period as expressly provided) then interest at 4% per annum above the base rate from time to time of Lloyds Bank PLC shall be payable from the expiration of the 28 day period until the date of payment.

**PRELIMINARIES**

9 **SUBMISSIONS TO THE COUNCIL**

The Developer shall submit to the Council the information and other matters specified in column 1 below in accordance with the timetable set out in column 2 below and the notes set out in column 3 below: -

**Highway Matters**

9.1

Information	Timetable	Notes
<b>Detailed plans</b> (which shall include a layout plan to a scale of 1:1250 or 1:2500 according to whichever is the Ordnance Survey base scale for the area), drawings and specifications of the Works (including the drainage of them) and the materials to be used to comply with the relevant standards and specifications of the Council for the time being in force, together with such structural and drainage calculations as the Council may consider necessary having regard to the nature of the Works;	No later than <b>3 months before any tender is invited</b> for the execution of the Works	There shall be paid to the Council on the submission a sum equal to 0.4% of the estimated gross cost of the Works as identified in Condition 12

9.2

<p><b>A detailed programme</b> designed to ensure the orderly and timely execution and completion of the Work with the minimum of disturbance and disruption to use of the highway and occupiers of property and to facilitate the implementation of any such measures in respect of undertaker's apparatus as may be identified pursuant to Condition 10.</p>	<p>No later than <b>2 weeks after the acceptance of any tender</b> for the execution of the Works</p>	<p>Significant programme changes to be identified not less than 2 weeks prior to the change</p>
--	---	---

9.3

<p><b>(a) Measures for the control of vehicles and plant</b> to be used in the course of execution of the Works (including vehicles engaged on the transport of materials and equipment to and from the Works) and measures for traffic regulation in order to minimise and/or alleviate damage to the highway disturbance to occupiers of property and disturbance and disruption to use of the highway (including traffic congestion) ;and  <b>(b) traffic safety measures and measures including lights, guards, fencing and warning signs</b> in order to protect the Works and/or for the safety and convenience of the public</p>	<p>No later than 2 weeks before the Works are expected to commence</p>	
---	--	--

9.4

<p><b>Safety Audit Stage 2 Report</b></p>	<p>No later than <b>3 months before any tender is invited for the execution of the Works</b></p>	
---	--	--

9.5

<p>Details in accordance with Condition 15 of the <b>persons proposed to be invited to tender.</b></p>	<p>No later than <b>1 month before any tender is invited</b> for the execution of the Works.</p>	
--	--	--

**Other Matters**

9.6

Details of the <b>bondsman</b> proposed to be given pursuant to Condition 12, together with any bills of quantities or tenders which the Developer wishes the Council to take into account under that Condition.	No later than <b>1 month before the Works are expected to commence.</b>	
--	---	--

9.7

Details of the <b>insurances</b> required by Condition 14.	No later than <b>1 month before the Works are expected to commence.</b>	
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9.8

<p><b>Part 1</b>  <b>Noise survey and assessment and modelling</b> sufficient to establish whether any properties will be eligible for noise insulation according to regulation 3 or regulation 4 (as applied by the Council) of the Noise Insulation Regulations 1975 applying the requirements of the Design Manual of Roads and Bridges Volume 11 – Environmental Assessment and the Calculation of Road Traffic Noise 1988 to be undertaken by a noise expert approved by the Council.</p> <p><b>Part 2</b>          If the assessment concludes that there will be any property eligible for noise insulation to submit to the Council:</p> <p>(a) a map and list of all eligible properties. <sup>1</sup></p> <p>(b) a list of all occupiers and landlords</p> <p>(c) a survey and assessment for each eligible property of the work to be carried out to comply with requirements of the Noise Insulation Regulations 1975 and the specification for that work</p>	<p>No later than <b>1 month before the Works are expected to commence or earlier than 3 months before the Works are expected to commence.</b></p> <p>As above</p>	<p>Precise timing of survey to be agreed with the Council. Location of the survey/testing to be advised to the Council and if applicable adjusted to ensure regulatory compliance.</p>
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9.9

<p><b>Condition survey</b> (comprising photographs) of land and highway adjoining and neighbouring the site of the Works together with such further areas as the Council may require.</p>	<p>No later than <b>1 month before the Works are expected to commence.</b></p>	
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9.10

<p>Notification of the <b>identity of the contractor</b> who has submitted a successful tender.</p>	<p>No later than <b>2 weeks after the acceptance of any tender</b> for the</p>	
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<sup>1</sup> Dwellings and other buildings used for residential purposes which will be not more than 300 metres from the edge of the carriageway of the highway after completion of the work.

In any particular case any information or matter may be submitted to the Council at such later time as the Council may consider expedient subject to the Council identifying such later time in writing.

## 10 UNDERTAKERS' APPARATUS

10.1 The Developer shall in preparing the Scheme of Works consult every undertaker within the meaning of the New Roads and Street Works Act 1991 whose apparatus or services lie in, on, under or over the site of the Works or may otherwise be affected by the Works (whether or not it is intended to connect into such services in connection with the Works), with a view to the identification and implementation of any measures considered necessary by the undertakers for the protection of, or otherwise in relation to, their apparatus or services, and shall be responsible for all dealings with such undertakers in respect of the implementation of such measures and for all costs payable to the undertakers in that behalf.

10.2 For the avoidance of doubt the Developer shall comply with statutory requirements relating to street works (as defined in the 1991 Act).

## 11 AUTHORISATIONS

11.1 Authorisations signifies all rights, approvals and consents and any other requisite action to enable the Works to be properly and lawfully executed and completed (in accordance with the Agreement including these Conditions) and the subsequent implementation and functioning of the Works including (but not so as to provide an exhaustive list of examples)<sup>2</sup>:-

11.1.1 planning permission for the Works;

11.1.2 authority for stopping up diversion or other alteration of any existing highway so far as necessary to enable the Works to proceed and / or be implemented and function;

11.1.3 authority or agreement for stopping up (including relocating) any private access to any existing highways which is necessary in the opinion of the Council to enable the Works to proceed and / or be implemented and function<sup>3</sup>;

11.1.4 street works licence further to the New Roads and Street Works Act 1991;

11.1.5 authorisation for any traffic regulation measures including prohibitions, restrictions and controls where necessary in

<sup>2</sup> Examples may also include noise consent from district council

<sup>3</sup> This relates to for example Section 127HA.  
C:\Users\admin2046\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\EY06OCJW\S278 - Standard Conditions 2016 Highway Works.doc

the Council's opinion to enable the Works to proceed and/or to be implemented and function<sup>4</sup>; and

- 11.1.6 any rights and easements which in the Council's opinion are necessary to ensure the permanent and satisfactory drainage or lighting of the Works such rights and easements to be in a form previously approved by the Council.
- 11.2 The Developer shall be responsible for ensuring that all Authorisations are secured in timely manner at its own cost.
- 11.3 Save in so far as any consent is expressly granted under the Agreement nothing in the Agreement shall prejudice or affect in any way the exercise by the Council of its powers and duties relating to any application for an Authorisation including the consideration and processing of an application, the carrying out of any procedural requirements (pursuant to any enactment or Council policies or protocols) and the determination as to whether or not the Authorisation should be made, granted or confirmed.
- 11.4 Any costs incurred by the Council relating to any application for an Authorisation - and any related matters shall be discharged by the Developer.
- 11.5 Where the procedures for securing any Authorisation entail consultation and in consequence of such consultation the Council determines that the Works / the Scheme of Works shall be varied and / or augmented then any reference to the Works and / or the Scheme of Works shall be construed as a reference to the Works and / or the Scheme of Works as so varied and / or augmented.
- 11.6 Forthwith on securing any Authorisation the Developer shall supply evidence of this to the Council to the Council's reasonable satisfaction.

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<sup>4</sup> This is directed at securing any requisite TROs which are integral to the Works e.g. bus lanes and also there may be various works such as traffic calming and signals where consultation is mandatory.

## 12 BOND

12.1 The Developer and a bondsman satisfactory to the Council shall enter into a Bond in such form as shall have been approved by the Council guaranteeing the execution and completion of the Works in accordance with the Agreement including these Conditions.

12.2 The amount of the Bond shall be

- 12.2.1. the gross cost of the Works (including any costs payable to undertakers pursuant to Condition 10) as then (being one month before the Works are proposed to be commenced) estimated by the Council and such estimate may take into account any bills of quantities prepared or tenders received by the Developer in respect of the Works and submitted by it to the Council; and
- 12.2.2. adjusted to take account of inflation for the duration of the Works (and subsequently) as reasonably estimated by the Council; and
- 12.2.3. adjusted to reflect the full costs that may be incurred by the Council as provided in Condition 5.1 (Council to act in default or emergency).

## 13 MONITORING AND OTHER COSTS

13.1 The Developer shall pay to the Council in respect of the costs to be incurred by the Council in monitoring the execution and completion of the Works (and administration of the Agreement) a sum equal to 9% of the amount of the Bond, subject to a minimum payment of £1,500

Note: The provisions of Condition 27.2 also apply

13.2 The Developer shall pay to the Council legal costs reasonably incurred in connection with the drafting and completion of the Bond.

## 14 INSURANCE

The Developer shall take out and maintain, until two years after the date on which the Council issues the Certificate of Completion (or if later the date on which all defects and outstanding works have been made good and completed as mentioned in Condition 33), such insurances satisfactory to the Council in the sum of £10million (or such higher sum as the Council may require) as may be appropriate to cover the liability of the Developer and of its employees and contractors in respect of any injury or damage to persons or property which may arise from or in connection with the execution and completion of the Works.

**15 CONTRACTORS**

15.1 The Developer shall not employ any contractor or agent for the execution of the Works except such contractor or agent as shall be recognised by the Council as being of proven competence and good standing in the field of civil and electrical engineering and experienced in the type and scale of the work which is to be the subject of the contract, and for that purpose the Developer shall not invite tenders for the execution of the Works except from persons proposed to and approved in writing by the Council before any such tender is invited; The employment of a contractor or agent shall not remove or abate any obligation on the part of the Developer arising from the Agreement including these Conditions.

15.2 The Developer shall appoint a contractor to undertake the Works in compliance with the following:-

15.2.1 advertising/publication of the proposed contract for carrying out the Works sufficient to open up the market to competition and for the transparency and impartiality of the procurement procedure to be reviewed such advertising/publication to include the essential details of the contract to be awarded and of the award methodology;

15.2.2 awarding the contract for the Works further to competition applying such transparent and impartial procurement procedures and award methodology.

15.2.3 the Developer shall without cost to the Council supply such information as the Council may reasonably require to demonstrate compliance with this Condition.

**16 PRECONDITIONS TO LETTING CONTRACT**

The Developer shall not let any contract for the execution of Works unless and until:-

16.1 The Scheme of Works has been approved by the Council; and

16.2 Safety Audit Stage 2 Report has been approved by the Council.

**IMPLEMENTATION OF THE WORKS**

**17 COMMENCEMENT OF WORKS**

The Developer shall agree a commencement date with the contractor appointed to execute the Works which is no less than one month from such agreement and forthwith on agreeing the commencement date the Developer shall notify the Council in writing of the agreed date to the intent that the Council is given no less than one month's notice of the commencement date provided always for the avoidance of doubt this notice is for the purpose of the Agreement only and does not constitute notice for any other function of the Council.

**18 NO WORK PENDING APPROVALS ETC**

18.1 The Works shall not be commenced before the following have occurred:

18.1.1 the Council has issued written approval of the Scheme of Works;

18.1.2 Safety Audit Stage 2 Report has been approved;

18.1.3 evidence of all Authorisations have been supplied to the Council;

18.1.4 the Bond duly executed as a deed by the Developer and the approved guarantor has been delivered to the Council;

18.1.5 the costs referred to in Condition 13 have been paid to the Council;

18.1.6 the Council has given its written approval to the insurances referred to in Condition 14;

18.1.7 the noise survey assessment and modelling in accordance with Condition 9.8 has been supplied to the Council and if appropriate the information referred to in the second part of that Condition has been supplied to the Council

18.1.8 the surveys referred to in Condition 9.9 (condition survey) has been supplied to the Council.

18.2 The Developer must have readily available at the site of the Works a copy of the insurances and approved Scheme of Works and shall retain them at the site for the duration of the Works and produce them to any representative of the Council on request.

**19 GENERAL CONDUCT**

19.1 The Developer shall execute and complete the Works in compliance with the approved Scheme of Works, in a sound and workmanlike manner with proper materials and in accordance with good engineering practice and in compliance with all statutory requirements and the provisions of the Agreement including these Conditions.

19.2 Without prejudice to the generality of Condition 6.2 and Condition 19.1 the Developer shall provide the Council with such assistance, information and documentation as the Council shall require to comply with any obligations under the Noise Insulation Regulations 1975 including assistance in responding to any claims made under Regulation 13 of those Regulations.

**20 MONITORING OF SITE AND MATERIALS**

20.1 The Developer shall at all reasonable times give to the Council free access to every part of the Works and shall permit them to monitor them and inspect all materials used or intended for use in the Works.

20.2 Where the Council require any such materials to be tested the Developer shall reimburse the Council the reasonable cost of such testing.

**21 ERRORS AND DEFECTS**

If in the course of execution of the Works it shall appear to the Council:

21.1 that any error has arisen in the position, levels, dimensions or alignment of the Works; or

21.2 that any work carried out or materials used for the purpose of the Works are defective to such extent as to prejudice in any respect the structure, stability, durability or subsequent functioning of the Works; or

21.3 that any damage has occurred in respect of the Works; or

21.4 that in any other respect the Works are not in accordance with the Scheme of Works;

and the Council notify the Developer in writing of this then the Developer shall, at its own expense and to the satisfaction of the Council, forthwith take such remedial steps as the Council shall specify in the notice. For the avoidance of doubt this Condition is without prejudice to Condition 19.

**22 SUSPENSION OF WORK**

If in the opinion of the Council some part of the Works ought not properly to be commenced or continued by reason either of:-

22.1 the dependence of that part on the completion of remedial steps specified in a notice given under Condition 21; or

22.2 adverse weather conditions such as to prejudice the structure or stability of that part if executed under those conditions;

the Developer shall on the written order of the Council suspend the progress of that part of the Works for such time or times and in such manner as the Council may consider necessary, and shall during such suspension properly protect and secure the Works so far as is necessary in the opinion of the Council.

**23 VARIATIONS AND ADDITIONS**

In the event that any of the following circumstances arising in the course of execution of the Works, :-

- 23.1 if discovery is made of adverse ground conditions or artificial obstruction or any other unforeseen factor which in the opinion of the Council necessitate a modification of the Works to avoid or compensate for such conditions, obstruction or other factor in the interests of the satisfactory completion and subsequent functioning of the Works; or
- 23.2 if it shall appear to the Council requisite, in accordance with good engineering practice and to ensure satisfactory completion and subsequent functioning of the Works that any work or materials should be added, or that any such work or materials proposed by the Developer to be done or used should be omitted or changed; or
- 23.3 if it shall appear to the Council expedient that any obligation arising from the approved Scheme of Works should be deferred by reason of delay incurred by the Developer arising from some cause not within the Developer's control; or
- 23.4 otherwise if in a particular case the Developer and the Council so agree;

the Scheme of Works shall be varied and/or augmented in manner notified in writing by the Council to the Developer, and in the application of these Conditions any reference to the Scheme of Works shall be construed as a reference to the Scheme of Works as so varied and/or augmented.

**24 PREVENTION OF NOISE, DISTURBANCE ETC**

- 24.1 All work shall be carried out without unreasonable noise and disturbance and in such manner as not to interfere unnecessarily or unreasonably with the use and enjoyment of property adjoining or near the Works by their owners and occupiers.
- 24.2 Without prejudice to the generality of Condition 24.1, no work shall be carried on between the hours of 8.00pm and 7.00am the following day or on any Sunday or public holiday except insofar as:-
  - 24.2.1 any operations are necessary to avoid disruption to or for the control of traffic on any highway; or
  - 24.2.2 any work is unavoidable or absolutely necessary for the safety of life or property or the safety of the Works; or
  - 24.2.3 the Council have in writing otherwise agreed.



**25 PROTECTION OF HIGHWAY**

- 25.1 Insofar as the Works affect in any respect the existing highway such part shall be executed with the minimum of disturbance to that highway and traffic using that highway consistent with the work in hand.
- 25.2 In the event of it appearing to the Council at any time that such disturbance has occurred or is likely to occur to such extent as to prejudice the structure of the highway or the safety of users the Developer shall forthwith take such remedial steps as the Council may require.
- 25.3 Prior to the commencement of the Works the Developer will provide suitable vehicle and wheel cleaning apparatus and ensure that such apparatus is maintained in good and useable condition and used by all vehicles immediately before leaving the site of the Works to prevent mud or other materials being deposited on the adjoining existing highway.
- 25.4 In the event of Developer receiving any complaint it will promptly notify the Council.

**26 SAFEGUARDING OF COMPLETED WORK**

The Developer shall until the Council have issued the Certificate of Completion take all steps necessary to protect and maintain those parts of the Works which have been executed, so that upon substantial completion of the whole of the Works every part of the Works is in a sound and workmanlike condition and free from any damage and any material wear and tear.

**COMPLETION AND CONSEQUENTIAL MATTERS**

**27 COMPLETION OF WORKS**

- 27.1 The Works shall be executed and completed within such period as the Agreement may define (whether by duration or by reference to a specified date or both), provided that in the event of delay to the work arising from some cause not within the Developer's control the Developer shall be entitled to a reasonable extension of such period.
- 27.2 Without prejudice to any right or remedy of the Council, the Council may at any time by notice to the Owner permit an extension of time as the Council shall in its discretion determine and the Developer shall pay within 14 days of demand such additional monitoring fees (in addition to that provided for in Condition 13 ) as is necessary to reimburse to the Council the additional cost incurred in monitoring the Works by reason of the grant of such extension of time

**28 PRE COMPLETION - CLEARANCE OF SITE AND STAGE 3 SAFETY AUDIT**

28.1 On substantial completion of the Works the Developer shall clear away and remove from the site of the Works all plant, surplus material, rubbish and temporary works and items of every kind, and shall leave the whole of the site of the Works clean and in a workmanlike condition to the satisfaction of the Council.

28.2 On substantial completion of the Works (and clearance of the site of the Works) the Developer shall lodge a stage 3 Safety Audit report together with the 'Designer's response' with the Council and the Developer shall execute and complete all works as advised by the Council arising from the Safety Audit recommendations.

**29. HEALTH AND SAFETY**

29.1 The Developer shall furnish to the Council the Health and Safety File prepared in accordance with Interim Advice Note 105/08 - Implementation of Construction (Design and Management) 2007 issued by the Highways Agency (now Highways England) as revised and/or replaced from time to time. The Health and Safety File shall include detailed plans and drawings showing the Works as the same have actually been executed and completed and the Developer shall at his own cost ensure that the Council shall not be prevented by copyright or otherwise from reproducing such plans and drawings or part of them as the Council may require for purposes relating only to the Works and the highway and the Developer shall furnish satisfactory evidence to the Council that this has been done. The plans and drawings furnished under this Condition shall be no less detailed than the plans and drawings submitted under Condition 9.1 unless the Council shall in writing otherwise agree.

**30. COMPLETION CERTIFICATE**

Subject always to prior compliance with the pre completion requirements (Condition 28) and with Condition 29 the Council shall issue the Certificate of Completion forthwith if the Council is satisfied that the Works (save for such minor outstanding works as the Council shall agree) have been completed in accordance with the Agreement including these Conditions

**31. DEDICATION AS HIGHWAY**

Upon the issue of the Certificate of Completion unless the Agreement provides otherwise the whole of the land comprised in the Works (so far as not already forming part of the public highway and excluding such part as the Developer and the Council may in writing agree) shall be deemed to have been dedicated as public highway and shall thereafter subject always to compliance with Conditions 34 & 35 be a highway maintainable at public expense.

### **32. EASEMENTS**

- 32.1 The Developer shall forthwith following the issue of the Certificate of Completion:-
- 32.1.1 transfer to the Council all those rights and easements (so far as the same do not at that time already subsist in favour of the Council) referred to in Condition 11.1.6; and
- 32.1.2 grant to the Council any easement which in the Council's opinion is necessary to ensure the permanent and satisfactory drainage or lighting of the Works in respect of any land which is retained by the Developer and such easement shall be in a form previously approved by the Council and the Developer will procure that any person with an interest in the relevant land joins in the deed of easement for the purpose of consenting to and confirming such easement.
- 32.2 The Council shall not be liable for the payment of compensation or legal or any other costs or fees arising from any such transfer or grant of easement.

### **33. NOISE INSULATION**

The Developer shall within 1 month after the opening of the Works to public traffic supply to the Council an update of the information required pursuant to part 2 of Condition 9.8 (noise survey assessment and modelling- map lists and works) which relates to all eligible properties at the date of the opening of the Works to public traffic.

### **34. REMEDYING OF DEFECTS AND OUTSTANDING WORKS**

- 34.1 If at any time during the period of two years following the date on which the Council issue the Certificate of Completion:-
- 34.1.1 any defect in the Works becomes manifest (not being a defect arising solely from normal use by the public as a highway or from accidental or wilful damage by any third party); or
- 34.1.2 the Developer shall fail to complete any of the outstanding works mentioned in Condition 30 (minor outstanding Works on issue of Certificate of Completion) and the Council notify the Developer in writing of this
- then the Developer shall at his own expense cause such defect to be made good or outstanding works to be completed (as the case may be) to the satisfaction of the Council.
- 34.2 Forthwith on receipt of any notification from the Council further to Condition 34.1 the Developer will agree with the Council the timing of the carrying out of such remedial or outstanding works and unless otherwise agreed shall secure their completion within one

month of receipt of such notification (except in the event of delay arising from some cause not within the Developer's control when the Developer shall be entitled to a reasonable extension of time).

### **35. STAGE 4 ROAD SAFETY AUDIT**

35.1 The Council may require the Developer to carry out a Safety Audit Stage 4 at any time within 36 months from the opening of the Works and to lodge the report with the Council together with the "Designer's response" within 2 months and the Council shall notify the Developer of all works required to be undertaken arising from the Safety Audit recommendations

35.2 In the event that notification of works is given by the Council further to Condition 35.1 prior to the full release of the Bond the Developer shall execute and complete all the works as advised by the Council. The Developer will agree with the Council the time that he will be carrying out such works and unless otherwise agreed shall secure their completion within 1 month of receipt of such notification (except in the event of delay arising for some cause not within the Developers control, when the Developer shall be entitled to a reasonable extension of time).

35.3 In the event that notification of works is given by the Council further to Condition 35.1 subsequent to the full release of the Bond the Developer shall pay to the Council within 28 days of written request from the Council the costs incurred or to be incurred by the Council in carrying out such works.

### **36. RELEASE OF BOND**

36.1 Upon the issue of the Certificate of Completion the Bond shall be deemed to be released by eighty per cent (80%) of its original value;

36.2 The Bond shall be deemed to be fully discharged at the latest of the following:

36.2.1 the date two years after the date on which the Council issue the Certificate of Completion; and

36.2.2 the date on which all defects and outstanding works have been made good and completed as referred to in Condition 34; and

36.2.3 the date on which all works have been completed as referred to in Condition 35.2

36.2.4 the Council have recovered their full expenses in all cases where Condition 5 applies (Council may act in default or emergency);

36.2.5 the date on which the Council have received the transfers or grants further to Condition 32;

36.3 Conditions 36.1 and 36.2 are without prejudice to the Council's absolute discretion from time to time upon application of the

Developer to release the Bond to an extent commensurate with the proportion of the Works that have been executed and completed at such time.



## WEST AREA PLANNING COMMITTEE

11 September 2018

**Application number:** 18/01590/CT3  
**Decision due by** 15 September 2018  
**Extension of time** 18 September 2018

**Proposal** Full planning application, including means of access and landscaping layout and scale, reconfiguration of existing coach and car parking within Redbridge Park & Ride, and the erection of Recycling Transfer Station (Sui Generis use), including a building (B8 use) up to 850 GIA, office (B1 use) and ancillary development including a weighbridge, fuel tank, water tank and two static hot boxes.

**Site address** Redbridge Park And Ride, Abingdon Road – see **Appendix 1** for site plan

**Ward** Hinksey Park

**Case officer** Nadia Robinson

**Agent:** Mr Arron Twamley      **Applicant:** Oxford City Council

**Reason at Committee** Major application

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

- **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.1. **agree to delegate authority** to the Head of Planning, Sustainable Development 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, Sustainable Development and Regulatory Services considers reasonably necessary; and
- issue the planning permission.

## 2. EXECUTIVE SUMMARY

2.1. This report considers a planning application for the erection of a recycling transfer station and ancillary facilities in the northern part of the Redbridge

Park and Ride site. The application also proposes landscaping and changes to the number and layout of car and coach parking spaces.

### **3. LEGAL AGREEMENT**

- 3.1. A Section 278 agreement must be entered into with the Highways Authority to secure the necessary improvements to allow the safe egress of vehicles generated by the development.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

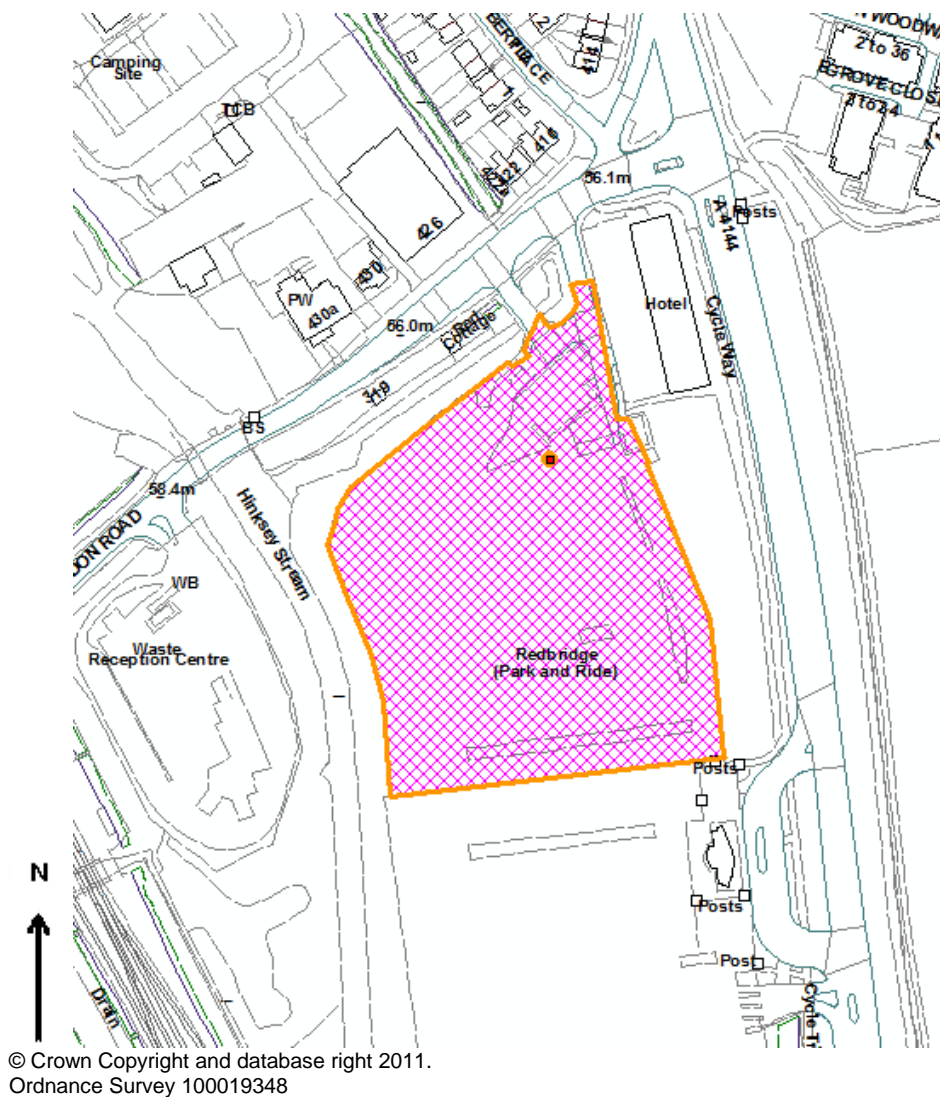
- 4.1. The proposal is liable for a £26,489.36 CIL contribution.

### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located in the northern part of the Redbridge Park and Ride and is bounded by Hinksey Stream along its north and west boundary, with Old Abingdon Road to the north beyond the stream. A Travelodge hotel lies to the east of the site with Abingdon Road beyond. To the south of the site is the remainder of the Park and Ride, including the terminal building and bus stops. Cycle parking and various ancillary items such as recycling bins and storage containers are located within the site boundary.
- 5.2. Much of the north and west boundary is lined with mature trees and the site is generally level. On the other side of Abingdon Road, to the east, lies the Iffley Meadows Site of Special Scientific Interest (SSSI) and the locally designated nature conservation area.
- 5.3. The closest building is the derelict Red Cottage just to the north of the site; this site had planning consent to replace it with three flats but the permission has now expired without being implemented. Beyond this are residential properties on Bertie Place, other residential properties on Old Abingdon Road, a religious meeting place, and a retail store with a caravan/camping area beyond. To the west lies Oxfordshire County Council's Recycling Centre as well as a dairy distribution hub.
- 5.4. There is vehicular access from the Old Abingdon Road into the site as well as access from the southern part of the Park and Ride.
- 5.5. The Park and Ride currently has 1,116 car parking spaces and 28 coach/HGV spaces. This is a temporary arrangement because coach parking is provided by a temporary consent related to displacement of coach parking at Oxpens during the construction of the Westgate centre.
- 5.6. The site was used for landfill until the late 1960s before being turned into a car park for the park and ride.



5.7. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes the erection of a Recycling Transfer Station (RTS) in the northern part of the site. This would be a large warehouse building where mixed dry recyclables (glass, paper, plastic) would be brought by the City Council's recycling collection teams before being bulked to transfer to a Material Recycling Facility further afield. No processing of the material would take place on site. Large contaminants will be manually removed from the waste.
- 6.2. A small office building or 'gatehouse' for staff plus staff parking is proposed alongside the main transfer station building, plus two static hot boxes. These are for storage of asphalt for use by the City Council's Direct Services team and for sale to small contractors. Ancillary development to the RTS includes a weighbridge, fuel tank and water tank. The recycling drop off containers used by the general public and managed by Oxford City Council would be relocated.

- 6.3. The application includes a new layout for the car and coach parking areas and landscaping proposals within the red line of the site. The proposal would result in a total of 1,200 car parking spaces for the entire Redbridge Park and Ride, plus 14 coach parking spaces.
- 6.4. The rationale for the proposal is to significantly reduce heavy goods vehicle movements, which would bring cost and carbon emission savings. The RTS currently used is a third-party facility located in Culham which necessitates multiple round trips for the recycling collection vehicles.
- 6.5. Pre-application discussions including a design workshop have been ongoing with the applicant since May 2017 and an earlier iteration of the scheme was reviewed by the Oxford Design Review Panel (ODRP). The ODRP letter summarising the review can be found in **Appendix 2**.
- 6.6. Public consultation was also carried out by the applicant in December 2017, the results of which can be found in the Planning Statement.

## 7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

55/00762/KEN\_H - Development to provide stadium for football, speedway, greyhound racing. to include provision for squash, gymnasium, swimming, sauna baths, etc. and with covered stands, restaurant and bars together with boating marina and associated car parking. REF 24th February 1975.

74/00914/A\_H - Development to provide stadium for football, speedway, greyhound racing. to include provision for squash, gymnasium, swimming, sauna baths, etc. and with covered stands, restaurant and bars together with boating marina and associated car parking. (part of development within City boundary).. REF 20th November 1974.

78/03689/KEN\_H - Extension of park and ride car park to provide 192 additional parking spaces together with rehabilitation of existing car park. PER 7th August 1978.

79/03689/KEN\_H - Extension to existing car park to provide a nominal 400 additional public parking spaces together with screen planting. PER 6th August 1979.

89/03689/KEN\_H - Extend existing car park southwards to increase parking capacity from 930 spaces to 1230 spaces. Change of use of Park and Ride car park to Sunday Market. SPL 14th July 1989.

93/00568/GF - Extension to existing Park and Ride car park to extend capacity from 1250 spaces to 1464 (Amended plans). PER 4th November 1993.

94/00582/GF - Change to access arrangements to provide new bus interchange, new parking for vans, new car park entrance, new franchise facility, and

recycling centre (Redbridge Park and Ride). PER 8th July 1994.

97/01802/NF - Change of use from park and ride perimeter landscaping to staff and customer car parking and manoeuvring space ancillary to adjacent car showroom / vehicle servicing.. WDN 22nd April 1998.

04/01370/CT3 - Removal of existing security cabin and bus shelter. Construction of single and two storey facilities building to accommodate security office, public toilets and public waiting area realignment of adjacent car parking area. PER 18th November 2004.

08/00234/FUL - Construction of decked car park structure providing 252 car parking spaces to be retained for a temporary period of 14 months required in connection with the part redevelopment and extension of the Westgate Centre.. WDN 19th March 2008.

13/02563/FUL - Reconfiguring part of existing Redbridge Park and Ride Site to accommodate for a temporary period (4 years from completion of development) coach and HGV parking, and associated fencing) (further information). PER 16th October 2014.

13/02563/CND - Details submitted in compliance with conditions 6 (lighting), 8 (SUDs), 9 (Construction Environmental Management Plan), 10 (Landscape and Ecological Management Plan), 11 (details of signage) and 12 (land contamination) and part discharge of condition 4 (phasing) of planning permission 13/02563/FUL. PER 16th April 2015.

15/02566/CT4 - Provision of temporary coach parking and provision of hard standing.. WDN 8th September 2015.

16/00142/CT3 - Provision of new pavement surface and hardstanding at Redbridge Temporary Coach Park.. PER 15th June 2016.

13/02563/CND2 - Details submitted in compliance of condition 4 (Phasing of enabling applications and plan) of planning permission 13/02563/FUL.. PER 11th June 2018.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	124-132	CP1 CP6 CP8 CP9 CP10 CP20	CS2_ CS18_		
Conservation/ Heritage	184-202	HE10			
Natural environment	133-147 148-169 170-183	CP11 NE6 NE12 NE13 NE15 NE23	CS12_		
Social and community	91-101	CP19 CP21	CS19_	HP14_	
Transport	102-111	TR1 TR2 TR3 TR4 TR6 TR9	CS13_ CS14_		Parking Standards SPD
Environmental	117-121	CP22 CP23	CS9_ CS10_ CS11_		Oxfordshire Minerals & Waste Local Plan: Part 1 – Core Strategy 2017
Miscellaneous	7-12			MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 5th July 2018 and an advertisement was published in The Oxford Times newspaper on 5th July 2018.

## **Statutory and non-statutory consultees**

### Oxfordshire County Council (Highways)

- 9.2. No objection subject to conditions.
- 9.3. The county council welcomes the provision of permanent coach parking, however is concerned that there is insufficient coach parking to accommodate demand. It is recognised that this is a wider issue.
- 9.4. The proposal will result the loss of 189 car parking spaces when compared to the original permission, however the Transport Assessment has demonstrated that that current and projected demand can be accommodated with the provision of 1,200 car parking spaces.
- 9.5. Amendments to the layout of the existing car park and junction are required to accommodate the vehicles required to serve the facility. Amendments to the access design were proposed by the applicant via a Technical Note dated 14 August 2018 to address the concerns raised by the county council. To secure these necessary improvements to allow the safe egress of vehicles generated by the development, the applicant must enter into a S278 agreement.

### Oxfordshire County Council (Drainage)

- 9.6. The initial objection on insufficient drainage details dated 3 August 2018 was subsequently removed following discussions between the applicant and the County Council.
- 9.7. We can confirm now that we are happy to remove our objection and instead condition it with our standard requirements
  - Detailed drainage design including any revised calculations
  - Maintenance and management strategy
  - Exceedance plan
  - Infiltration rates if required to BRE 365

### Historic England

- 9.8. Historic England has no objection to the application on heritage grounds.

### Environment Agency

- 9.9. No objection subject to conditions.

### Natural England

- 9.10. No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Conditions recommended.

### Oxford Bus Company

- 9.11. Oxford Bus Company raises no objection to the proposed Recycling Transfer Station at Redbridge Park and Ride. It will improve the quality of the parking area which should attract more people to use it and work towards the Council's aim of encouraging more people to use sustainable modes of transport.
- 9.12. Clarification sought on segregation of coach parking from car parking, and note on construction schedule coming prior to Oxford Flood Alleviation Scheme compound being installed within Redbridge Park and Ride.

### Oxford Civic Society

- 9.13. This is a very comprehensive and complicated planning application, which has been submitted on behalf of Oxford City Council. The facility is clearly essential rather than desirable. We support the application.

### Oxford Preservation Trust

- 9.14. Objection due to loss of coach parking spaces and absence of tourist coach strategy.
- 9.15. OPT recognises the importance and need for recycling stations around the city, but has concern over the choice of Redbridge Park and Ride as it displaces coach parking. There is no alternative strategy for managing coach parking. Current arrangements for dropping off and coach stopping and manoeuvring in the city centre are unacceptable and harmful to character of historic city centre. A tourist coach strategy is needed prior to determination of this application.

### Experience Oxfordshire

- 9.16. Objection due to loss of coach parking spaces. The loss of the spaces for coach parking would have a huge negative impact on how coach tourism works for the City. Currently there are issues in the City Centre of coaches parking up for very short periods of time 60-90 minutes and leaving, this is something that we are working hard to discourage and increase dwell time in the city and length of stay. The proposal could lead to more short-stay coaches or coaches not visiting Oxford at all.

### **Public representations**

- 9.17. No other public representations were received.

### **Officer comments**

- 9.18. Colour site plan 3214.202 REV C was submitted to clarify the query from Oxford Bus Company regarding segregation between coaches and cars. Oxford Bus Company confirmed it was satisfied with the correction.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Impact on designated heritage assets
- Transport and highways
- Trees and landscaping
- Land quality
- Ecology and biodiversity
- Energy and sustainability
- Air quality
- Flooding and drainage
- Neighbouring amenity

### **a. Principle of development**

10.2. The site is previously-developed land and so the proposal would comply with policy CS2 of the Core Strategy and paragraph 117 of the NPPF which prioritises previously-developed or 'brownfield' land.

10.3. The proposal, by reducing the number of vehicle trips for heavy goods vehicles collecting recyclate and consequent reduction in carbon emissions, and by being part of the recycling strategy for the city, would be consistent with the NPPF's environmental objective (paragraph 8) to minimise waste and pollution.

10.4. Policy CS10 of the Core Strategy supports appropriately located development that makes provision for the management and treatment of waste and recycling, in accordance with the Oxfordshire Joint Municipal Waste Strategy and local waste management strategies.

10.5. The application must be considered in relation to the adopted Oxfordshire Minerals & Waste Local Plan: Part 1 – Core Strategy 2017. It has been found to comply with the relevant policies (W1 to W5) of this Core Strategy. The proposal would help the provision of the waste facilities required for Oxfordshire to be self-sufficient in the management of local authority collected waste. It would help in the provision of waste management capacity in order to meet or exceed the targets for recycling of waste, particularly municipal waste, and achieve maximum diversion of waste from landfill. The waste transfer facility would help the provision of capacity for preparation for re-use, recycling or composting of waste or treatment of food waste.

10.6. A site search was carried out by the applicants and three potential sites identified:

- Oxfordshire County Council’s Household Waste Recycling Centre – this site is in active use and there is not enough site capacity for an RTS
- Land off Ambassador Road, Cowley – the site lies on an interchange of two proposed bus rapid transit routes and is also adjacent to the Cowley branch line, which are both key elements of Oxford Transport Strategy
- Redbridge Park & Ride site – deemed the most suitable option despite technical constraints due to its historic use as a landfill

10.7. The application has thereby adequately demonstrated the rationale for the site selection.

10.8. Policy TR9 of the Oxford Local Plan states that parking provision at the Peartree, Redbridge and Seacourt park and ride car parks will be protected for park and ride purposes, including additional capacity. Where appropriate, the City Council will seek contributions towards park and ride improvements, and secure them by a planning obligation.

10.9. The application would result in an overall loss of car parking spaces from the number in place prior to the implementation of the temporary permission 13/02563/FUL. Prior to this temporary permission, there was no coach parking at Redbridge Park and Ride. The number of car and coach parking spaces can be summarised as follows:

	Car parking spaces	Coach parking spaces
Prior to temporary permission	1,389	0
After implementation of temporary permission (current situation)	1,116	28
Proposed with this application	1,200	14

10.10. The application includes a detailed transport assessment which demonstrates that 1,200 car parking spaces would be sufficient to meet current and future demand. This is discussed later in this report.

10.11. The application includes 14 coach parking spaces, which would not be a requirement in respect of policy TR9 and it is noted that the provision of coach parking facilities is not a responsibility that lies with Oxford City Council. It is considered that an appropriate balance has been achieved between providing sufficient car parking spaces to meet current and future demand, and the clear need in the city for some coach parking.

10.12. The application also proposes significant improvements to the surfacing, landscaping and layout of this northern part of the Park and Ride site (discussed in later sections of this report). Overall, it is therefore considered that the application is consistent with the aims of policy TR9 by protecting and improving Redbridge Park and Ride.

10.13. The principle of development is considered acceptable and consistent with the objectives of NPPF and local plan policies.



## **b. Design**

- 10.14. Paragraph 127 of the NPPF requires new development to function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 10.15. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; attractive public realm; and high quality architecture. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the site's capacity and surrounding area. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
- 10.16. During design development, the scheme was reviewed by the Oxford Design Review Panel (ODRP). The ODRP letter can be found in Appendix 2, with the main points summarised below:
- Communicate a strong environmental message, particularly by embracing the natural environment in the design of the scheme;
  - We suggest a simple permanent building set within a much greener landscape setting;
  - Set clear green targets for the scheme from design and construction to its use, include solar panels;
  - We suggest investigating hedges and creatively incorporating recycled materials, such as walls built from bottles and recycled tires, in the boundary treatment – more visible than the building itself;
  - Investigate a mono-pitch roof – sedum roof may not be achievable.
- 10.17. The siting of the building is somewhat dictated by the turning needs of the vehicles that would use the compound while making the most efficient use of the site to minimise the loss of car parking spaces. It is considered suitable in this respect, being tucked away to the north of the site, close to the tall tree screen that runs around this corner of the site.
- 10.18. The design now proposed is a simple steel-framed warehouse building clad in dark grey metal with monopitch roof incorporating PV panels. It has a significant mass, measuring 9.9m at its highest point, down to 5.5m at the eaves with a large footprint, but is well screened to the north and east by the tree belts. It is noted that the building would be shorter than the nearby Travelodge hotel, which is just over 12m at its highest point) and in a less

prominent location. It will be visible in local views but this is not considered to be harmful as there is no imperative for the building to be hidden. It will be seen in the context of other built form, such as the Travelodge hotel, and the large area of car park. It has an unambiguous and uncluttered form in a colour that would be visually recessive and contrast well with the surrounding trees and landscape.

- 10.19. The 'gatehouse' building is sympathetically designed with a green roof and the boundary treatment features pergolas with climbing plants and the opportunity for artwork, softening the appearance of this currently rather bleak area of car park.
- 10.20. The design team responded positively to pre-application discussions to 'green' the building and site and, as discussed in later sections, the built form elements of the proposal sit in a thoughtful landscape scheme which would significantly improve the quality of the environment within the site boundary for the general public.
- 10.21. The application drawings include areas of signage proposed with details to be confirmed. A condition is recommended to require details of any signage to be submitted to ensure these are of a size and design that would be appropriate.
- 10.22. Policy HE10 of the Oxford Local Plan 2001-2016 seeks to retain significant views both within Oxford and from outside. It states that planning permission will not be granted for buildings or structures proposed within or close to the areas that are of special importance for the preservation of views of Oxford (the view cones) or buildings that are of a height which would detract from these views.
- 10.23. The submitted Landscape and Visual Impact Assessment (LVIA) concludes that the proposed building will not be visible from long distance views, with it measuring approximately 10 metres in height. In addition, the RTS will not impact upon, or be a detractor to, the identified key views of or from the city, or views of the Oxford spires from the protected Oxford View Cones. Officers concur with these findings.

### **c. Trees and landscaping**

- 10.24. Due to good levels of tree cover around the perimeter of the area, and the presence of the Travelodge hotel beyond the northeast corner, the site is quite secluded from public views from the Abingdon Road and Old Abingdon Road. However, arrival at the park and ride presents the first impression that many visitors to Oxford will receive and therefore its appearance has relevance to the perceived quality of the city's public realm.
- 10.25. The landscaping proposals provide a good level of landscape enhancements to the site. It combines elements of individual native tree planting with wild flower beds, ground cover, hedge and shrub planting. These features will act to articulate the open space of the car park, and to be a foil and partial screen to the proposed buildings.

- 10.26. Existing trees, including a group situated along the southern site boundary, are proposed to be lost due to the reconfigured parking arrangements; these are of low individual quality, and from the perspective of landscape function the implications of their loss is mitigated by the presence of another parallel belt of trees to the south (outside of the site boundary), which forms a broader and denser canopy screen.
- 10.27. The submitted Landscape Maintenance and Management Plan covers an initial three-year establishment period as well as the long term management. Conditions are recommended to protect trees on site and to ensure the landscape scheme is carried out as proposed. Subject to such conditions, the application is acceptable in relation to tree and landscape proposals and the Council's Adopted Local Plan Policies CP1, CP11, NE15 and NE16.

**d. Impact on designated heritage assets**

- 10.28. The NPPF in section 16 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and the positive contribution that conservation of heritage assets can make.
- 10.29. The development site is adjacent to two parts of the scheduled monument known as Old Abingdon Road Culverts. The planning statement states that there are no heritage assets in the vicinity of the site but this is incorrect. The Old Abingdon Rd Culverts form part of the Saxon and medieval southern route into Oxford, which includes the 11th century Grandpont causeway. In the vicinity of the development site their significance is largely derived from the evidential value of the archaeological deposits and structures. The contribution of the setting is limited to the visible water channels, which will not be altered by the development.
- 10.30. Historic England has commented that the impact of the development on the scheduled monument will be negligible but highlights that the applicant should note the existence and location of the culverts, which could be impacted by any associated works such as service trenches.
- 10.31. An informative is proposed to be added to any permission in this regard. The proposal is consistent with section 16 of the NPPF.

**e. Transport and highways**

- 10.32. Paragraphs 108 and 109 of the NPPF require that safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree; development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph

110 requires priority be given first to pedestrian and cycle movements; and that development creates places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

10.33. Policy CP1 of the Oxford Local Plan 2001-2016 requires development to be acceptable in respect of access, parking, highway safety, traffic generation, pedestrian and cycle movements, while policy CP10 requires developments to ensure that access to the site is practicable, with priority given to pedestrians and cyclists. Policy TR9 of the Oxford Local Plan states that parking provision at the Peartree, Redbridge and Seacourt park and ride car parks will be protected for park and ride purposes, including additional capacity. Where appropriate, the City Council will seek contributions towards park and ride improvements, and secure them by a planning obligation.

*Park and Ride capacity and demand*

10.34. Redbridge Park and Ride provided a total of 1,389 car parking spaces and no coach parking spaces prior to the implementation of the temporary coach parking application 13/02563/FUL. The proposal would result in an overall loss for the Park and Ride site of 189 car parking spaces compared with this figure and the retention of 14 of the 28 coach parking spaces that were present for a temporary period.

10.35. It is noted that the original planning permission for Redbridge Park and Ride allowed for up to 1,468 car parking spaces. However, this was consented in 1993 and parking space size standards have increased since then, as has design guidance on car park layouts, such as introducing planting to break up long rows of car parking. It is therefore not considered relevant to use this figure as a benchmark.

10.36. An analysis of current and projected demand for car parking spaces was carried out by the applicants. Surveys undertaken in April 2018 have demonstrated that weekday occupation is 717 spaces and Saturday occupation is 634 spaces. These surveys have shown an increase in the usage of the Park & Ride when compared to the surveys undertaken in May 2017 before the Westgate shopping centre opened in October 2017. To present a further worst case scenario this data has been uplifted by a third to take into account potential demand arising for units at the Westgate that are not yet open and to account for travel patterns which may not yet be fully established. This results in a potential demand of 785 spaces on a weekday and 881 spaces on a Saturday.

10.37. The submitted Transport Assessment has also reviewed five years' worth of inbound traffic flow data into the Park & Ride to understand if any seasonal peaks occur. Although this work did not reveal any seasonal variations, the data was used to further investigate the impact of the highest recorded peak with the proposed reduction in spaces. This exercise showed that a 1 in 5 year peak demand of 860 spaces on a weekday or 664 spaces on a Saturday could occur.

- 10.38. This is a robust piece of evidence which clearly demonstrates that the provision of 1,200 spaces will accommodate the current and future demand and any peak demands that may occur in the near future. The retention of some coach parking spaces, rather than reverting wholly to car parking spaces, results in a balanced approach which provides sufficient capacity for cars as well as much needed coach parking for the city, albeit that the responsibility for such provision need not be met by this application.
- 10.39. It is noted that a compound is proposed to be erected as part of the Oxford Flood Alleviation Scheme currently under consideration by Oxfordshire County Council under reference MW.0028/18. This application is yet to be determined and so members must determine this application on the basis of the existing situation, i.e. no reduction, temporary or otherwise, in parking spaces in the remainder of the Park and Ride site beyond the red line of development.

#### *Traffic movements*

- 10.40. The proposed recycling facility will result in 64 daily movements of which 40 are generated by Heavy Goods Vehicles (HGVs). The Local Highway Authority have advised that this level of traffic is unlikely to have a significant impact on the local road network, however a condition is recommended for a Servicing and Delivery Management Plan to be submitted prior to first use. This would restrict the hours in which the facility can generate HGVs onto the local road network.

#### *Highway safety and access*

- 10.41. The swept path analysis submitted for a 16.5m articulated lorry shows that the vehicle would overrun the give-way junction within the Park & Ride (south of its junction with Old Abingdon Road). This could result in a potential collision with a vehicle leaving the Park & Ride or it could result in over manoeuvring to allow the car or the lorry to pass each other. The county council recommends that this junction within the Park & Ride is redesigned, pushing the give-way markings further south thus allowing a larger vehicle sufficient room to turn into the RTS.
- 10.42. The swept path analysis has also demonstrated that vehicles of this size would require both sides of the carriageway when turning left out onto Old Abingdon Road. This again raises safety concerns, especially if it were to occur during peak periods when queuing traffic on Old Abingdon Road would prevent the use of both lanes.
- 10.43. To address the above concerns, the county council recommends that the layout of the scheme is altered to push the in-site junction markings further south and to erect signage which prevents large vehicles from turning left onto the Old Abingdon Road. To this end, a suitably worded condition has been recommended.

### *Cycle parking*

10.44. The existing cycle parking is to be relocated with the numbers of cycle parking spaces retained. No cycle parking is proposed for the staff of the RTS and so a condition to require this is recommended.

### *Coach parking*

10.45. There are no planning obligations or policies that require coach parking to be provided at Redbridge Park and Ride. Indeed, prior to the four-year temporary permission, there was no coach parking on the site. There is therefore no planning reason to require any coach parking on the site with this application, nor to require additional parking beyond the 14 spaces proposed.

10.46. The public consultation raised concerns that a shortage of coach parking in the city could lead to problems of indiscriminate or illegal coach parking within city centre streets or extended use of laybys on the ring road, both of which are undesirable. However, the county council as Highways Authority recognises that this is a wider issue and there is no obligation to provide coach parking on the Redbridge Park & Ride site and that the temporary permission for coach parking on the site expires shortly, which would result in no coach parking on the site.

10.47. It would therefore be unreasonable to refuse the application on the grounds of insufficient coach parking.

### *Electric vehicle charging points*

10.48. Of the proposed car parking spaces, 13 would be provided with electric vehicle charging points. Ducting will also be provided to easily allow additional spaces to be provided with electric vehicle charging infrastructure in future.

10.49. The proposal would accord with local and national planning policy in relation to transport and highway matters, subject to the recommended conditions.

## **f. Land quality**

10.50. A Ground Investigation Report was submitted with the application which did not identify any contamination that could present a potentially significant risk of harm to future users of the site or other nearby environmental receptors, based on the proposed end-use – with the notable exception of ground gases within the made ground beneath the site.

10.51. In this regard, it is agreed that appropriate ground gas protection measures are required for the safe development of the recycling transfer station and any associated areas that contain a confined space. As discussed in the report, appropriate ground gas protection could be achieved by installation of an appropriate ground gas protective membrane coupled with a suitable reinforced concrete floor slab within all buildings proposed.

10.52. To secure remediation of the site and in case any unexpected contamination is identified during the course of re-development, it is recommended that

conditions be included in any permission granted. Subject to such conditions, the proposal would accord with policy CP22 of the Oxford Local Plan.

#### **g. Ecology and biodiversity**

- 10.53. Policy CS12 of the Core Strategy states that development will not be permitted if it results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.
- 10.54. The application is accompanied by an ecological assessment which demonstrates that the potential presence of protected species and habitats has been given due regard. In order to ensure a net gain in biodiversity is achieved and to prevent harm to any ecological receptor, conditions are recommended.
- 10.55. Natural England is content that the proposed development will not damage or destroy the interest features of Iffley Meadows Site of Special Scientific Interest (SSSI). It recommends that, should permission be granted, conditions be placed to require the submission of final versions of the Construction Environmental Management Plan Surface Water Drainage Strategy to safeguard Iffley Meadows SSSI.
- 10.56. Subject to conditions, the proposal is acceptable in relation to national and local planning policy relating to ecology and biodiversity.

#### **h. Energy and sustainability**

- 10.57. Core Strategy Policy CS9 states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials. Because the development proposed falls below the threshold for "qualifying developments", i.e. over 2,000 square metres, there is no additional requirement to deliver a proportion of renewable or low-carbon energy or to incorporate recycled or reclaimed materials.
- 10.58. The proposal includes a range of energy efficiency and sustainable energy measures including the solar panels proposed for the warehouse which will generate energy for use within the Recycling Transfer Station, and to feed electrical car charging points within the Park and Ride. Electric charging points are proposed, and a green roof for the staff office building. These measures are welcomed and meet the requirements of policy CS9.

#### **i. Air quality**

- 10.59. An Air Quality Screening Assessment including dust assessment was submitted and reviewed alongside the Transport Statement and Design and access statement to assess the air quality impact of the development. Officers conclude that there will be no negative air quality impacts over current and future receptors as a result of the new development.

10.60. However, and with regards to the potential dust impact during the development's construction phase, it is extremely important to guarantee that the site specific mitigation measures that were identified in the dust assessment are put in place and included in the site's construction environmental management plan (CEMP). This is therefore recommended to be included in a CEMP condition.

**j. Flooding and drainage**

10.61. The NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 163), supported where appropriate by a site-specific flood-risk assessment. Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Oxford Core Strategy Policy CS11 states that development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

10.62. The proposed development sits within extents of existing hard-standing in the Park and Ride and within Environment Agency Flood Zone 1. A preliminary surface water drainage strategy has been submitted using sustainable measures. The existing drainage outfall will be used but with the existing drainage replaced as a part of the proposals. A significant reduction in runoff rates to the adjacent Hinksey Stream is identified as part of the proposals. A detailed surface water management strategy, including detailed design, maintenance and management is recommended to be secured by condition. The proposal would comply with the NPPF in respect of flooding and drainage and with policy CS11.

**k. Neighbouring amenity**

10.63. Policy HP14 of the Sites and Housing Plan states that development should provide reasonable privacy and daylight for the occupants of both existing and new dwellings and guards against overbearing development. Policy CP10 of the Oxford Local Plan 2001-2016 requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties. Policies CP19 and CP21 protect against unacceptable nuisance and noise.

10.64. The nearest residential properties are in Bertie Place, some 50 meters from the development site. The main impact on these residents will be the increase in HGV movements, estimated to be increasing from 18 to 40. This is not considered to be a significant increase on the existing situation with coach movements. The movements will only take place on weekdays from 6am to 4pm which means local residents will not be disturbed in the evenings and at weekends.

10.65. A Noise Impact Statement has been submitted which has taken account of the likely noise sources from the proposal comparing these to existing background noise levels at the nearest noise sensitive locations. As a result the Statement proposes the installation of a 4.5m high acoustic fence and demonstrates that



this would be sufficient mitigation to avoid significant adverse impact at the nearest noise sensitive properties. However, the detailed specifications for the barrier are not yet known and would most appropriately be managed through a noise management scheme, which officers recommend be secured by condition.

- 10.66. Odour management has also been considered and there are several steps in the recycle collection, storage and management chain which when taken together would effectively prevent or control odours that might otherwise be problematic outside the site. As with noise it would be appropriate for these to be confirmed in the form of an odour management scheme and a condition is recommended to deal with this.
- 10.67. Subject to conditions, the proposal would be acceptable in terms of neighbouring amenity.

## **11. CONCLUSION**

- 11.1. 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.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

### *Compliance with Development Plan Policies*

- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the application of those policies.
- 11.4. The development would comply with policy CS10 of the Core Strategy and Oxfordshire Minerals & Waste Local Plan: Part 1 – Core Strategy 2017 regarding the provision of waste and recycling facilities by improving the efficiency of waste movement. By reducing vehicular emissions in Oxford, the scheme would support air quality improvements, consistent with policy CP23 of the Oxford Local Plan. The scheme has strong sustainability credentials with electric vehicle charging points provided, powered by the large array of solar panels, coupled with a green roof for the staff building. This, along with the significant landscape improvements, would mean the scheme complies

with policies CS9 and CS12 of the Core Strategy and policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan. The design has responded positively to input from officers and the ODRP to create a well-considered, mild-mannered scheme that has successfully drawn the surrounding landscape into the project. As such it complies with local plan policies relating to design and landscaping including policy CS18 of the Core Strategy. The site can be sustainably drained, in compliance with policy CS11 of the Core Strategy.

- 11.5. The main policy where there could be considered a departure from development plan policy would be with regard to policy TR9 of the Oxford Local Plan 2001-2016 which states that parking provision at the Peartree, Redbridge and Seacourt park and ride car parks will be protected for park and ride purposes, including additional capacity. The application has demonstrated that current and future parking demand is met by the number of car parking spaces proposed, with coach parking provided in addition to this, and significant environmental improvements to the benefit of the public and the Park and Ride facility. It is considered that the application, taken as a whole, would comply with policy TR9. The proposal is otherwise acceptable in respect of highways and transport issues with no objection raised by the Highways Authority.
- 11.6. Therefore officers consider that the proposal would accord with the development plan as a whole.

*Material considerations*

- 11.7. The principle material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: The NPPF has a presumption in favour of sustainable development at its heart.
- 11.9. NPPF paragraph 11 states that proposals that accord with an up-to-date development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.11. 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 acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and Sites and Housing Plan 2013, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the recommended conditions.

## **12. CONDITIONS**

12.1. Please note that there are a number of conditions that have duplicate or overlapping requirements. This is because statutory consultees have recommended conditions that overlap with others. Officers will work with the various consultees to consolidate conditions prior to the issuing of a decision, should permission be granted.

### **1. Time limit**

The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### **2. Approved plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

### **3. Material samples**

Prior to the commencement of construction works above ground level, samples of the exterior materials and sample panels of brickwork and brick course to be used shall be submitted to, and approved in writing by, the local planning authority and only the approved materials and details shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

### **4. Signage**

Details of all external signage and any illumination for the development shall be submitted to and approved in writing by the local planning authority prior to its installation. Only the approved details shall be implemented unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy CP1 and CP8 of the Oxford Local Plan 2001-2016 and CS18 of the Oxford Core Strategy 2026.

**5. No felling or tree surgery**

As from the date of the grant of this permission no on-site trees and shrubs which are not identified for removal in the approved details shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

Reason: For the purpose of preserving important landscape features in the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

**6. Landscape – carry out by completion**

The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

**7. Tree protection plan**

The development shall be carried out in strict accordance with the approved tree protection measures contained within the planning application details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

**8. Cycle Parking**

A cycle parking plan showing the location and type of this provision should be submitted to and agreed in writing by the Local Planning Authority. The approved cycle parking plan shall be implemented prior to the first use or occupation of the development and thereafter retained solely for the purposes of cycle parking.

Reason: To encourage the use of sustainable modes of transport in accordance with policy TR4 of the Oxford Local Plan 2001-2016.

**9. Section 278**

No development shall take place until an agreement with Oxfordshire County Council under section 278 of the Highways Act 1980 has been entered into to secure necessary improvements to allow the safe egress of vehicles generated by the development.

Reason: in the interests of highway safety in accordance with policy CP1 and CP10 of the Oxford Local Plan 2001-2016.

### **10. Car Park Layout Plan**

Prior to commencement of the development, a plan detailing the layout of the car parking area and swept path analyses of heavy vehicles shall be submitted to, and approved by, the Local Planning Authority. The development shall be constructed and laid out in accordance with the approved plan.

Reason: in the interest of highway safety in accordance with policy CP1 and CP10 of the Oxford Local Plan 2001-2016.

### **11. Servicing and Delivery Management Plan**

A Servicing and Delivery Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to occupation. The development shall be operated in accordance with the approved plan.

Reason: In the interests of highway safety and to mitigate the impact of service and delivery vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policy CP1 and CP10 of the Oxford Local Plan 2001-2016.

### **12. Construction Traffic Management Plan (CTMP)**

A Construction Traffic Management Plan should be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents.

The development shall be carried out in complete accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policy CP1 and CP10 of the Oxford Local Plan 2001-2016.

### **13. Drainage**

Development shall not begin until a drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and

hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme should follow the recommendations in the Flood Risk Assessment and Drainage Strategy (Peter Brett Associates, June 2018). The scheme shall also include:

- Existing drainage survey
- Disposal of surface water to include the use of trapped gullies and catch pits to prevent silt from entering the Hinksey Stream, and the use of a penstock to help contain surface water runoff in the event of a pollution incident.
- Detailed drainage design including any revised calculations
- Maintenance and management strategy
- Exceedance plan
- Disposal of foul drainage.
- Infiltration rates if required to BRE 365

Reason: To prevent flooding affecting the highway, to avoid flooding in accordance and to protect the water quality of the Hinksey Stream and to prevent pollution of Iffley Meadows SSSI with policies CS11 and CS12 of the Core Strategy 2026 and policy NE13 of the Oxford Local Plan 2001-2016.

#### **14. Ecological enhancement**

Prior to the commencement of the development a scheme of ecological enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail measures to ensure a net gain in biodiversity and will include, but not be limited to, the following:

- Specifications and management of bat and bird boxes, including a minimum of two swift boxes on the new building;
- Details of new landscape planting, including species of known value to wildlife, along with long term management objectives;
- Green roof and green wall specifications, including their long-term management;
- Enhancements including an invertebrate box and hedgehog boxes;
- Long term monitoring and remediation measures for failed or damaged stock; and
- Details of the external lighting strategy.

The approved ecological measures shall be implemented prior to first use of the development and thereafter maintained and retained.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026 and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

## **15. Construction Environmental Management Plan**

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will provide details of measures to avoid, minimise and mitigate the effects on the environment during the construction phase of the development. The CEMP shall include, but not be limited to, the consideration of the following aspects of the construction phase:

- Site personnel and responsibilities, including requirements for an Ecological Clerk of Works (ECoW);
- Site operation hours and lighting;
- Noise, dust and vibration control including site specific dust mitigation measures identified for this development chapter 6 (pages 13-14) of the Air Quality Screening Assessment submitted with the application;
- Measures to prevent pollution incidents, including run-off into the off-site watercourse;
- Safeguards for protected species (including bats, birds and badger);
- Pre-commencement check in respect of badgers 72 hours prior to site mobilisation;
- Safeguards for protected habitats (including off-site woodland and stream);
- Storage of materials and plant;
- Provision of signage and protective barriers, including root protection fencing;
- Emergency protocols and remediation measures;
- Monitoring and reporting; and
- Site safety and security.

The approved plan will be strictly adhered to throughout the duration of the development and shall not be altered without prior consent in writing from the Local Planning Authority.

Reason: To ensure the environmental impact of the construction phase of the development is adequately mitigated, protected species and habitats are safeguarded and to ensure that the construction phase minimises the risk of particulates or waste water reaching the Iffley Meadows SSSI in accordance with policy CP23 of the Oxford Local Plan 2001- 2016 and policy CS12 of the Oxford Core Strategy 2026.

## **16. Land contamination risk assessment**

Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). A phase 3 remediation strategy shall be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

### **17. Remedial works**

The development shall not be occupied until the approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

### **18. Unexpected contamination**

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

### **19. Surface water**

Prior to commencement of development a Surface Water Drainage Strategy shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved strategy.

Reason: to ensure that waste water and run-off into Hinksey Stream does not exceed current levels, and therefore does not impact the Iffley Meadows SSSI.

### **20. Flood Risk Assessment**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:



1. All built development shall take place outside of the 1 in100 and 1 in 100 plus 35% Climate Change extents as shown in Appendix E of the FRA.

Reason: To mitigate the risk of flooding to the development. This condition is supported by paragraph 163 of the National Planning Practice Framework.

### **21. Hinksey Stream buffer**

No development shall take place until a scheme for the provision and management of a minimum 8 metre wide buffer zone alongside the Hinksey Stream has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of the proposed planting scheme which should be native species of UK provenance.
- details demonstrating how the buffer zone will be protected during construction.
- details demonstrating how the buffer zone will be managed over the longer term including adequate financial provision and named body responsible for the management plan.
- details of any proposed footpaths, fencing, lighting etc within the buffer zone. There should be no light spill into the river corridor.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value, e.g. artificial lighting disrupts the natural rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, for example commuting and foraging bats. Any lighting close to semi-natural habitats including the river corridor, should follow the recommendations within section 4.3.11 of the Ecological Assessment Report (Peter Brett Associates, June 2018). Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. This condition is supported by Saved Policy NE6 of the adopted Oxford Local Plan and the National Planning Policy Framework (NPPF), paragraph 170 which recognises that the planning system should aim to conserve and enhance the natural and local environment. This is by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 174 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of

species between suitable habitats, and promote the expansion of biodiversity.

## **22. No piling**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling at this site could potentially mobilise shallow contamination into the underlying chalk principal aquifer. This risk would need to be assessed and addressed. This may necessitate additional remediation of existing contamination.

## **23. Noise management scheme**

The permitted use shall not take place until a scheme for protecting residential premises from operational noise is submitted to and approved in writing by the Local Planning Authority. Reference shall be made in the scheme to the Noise Impact Statement by PBA of June 2018. All works that form part of the approved scheme shall be completed before the development is brought into use. There shall be no variation to the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with policies CP9, CP19 and CP21 of the Oxford Local Plan 2001-2016.

## **24. Odour management scheme**

The permitted use shall not take place until a scheme for preventing and controlling potential odour from site operations, such that significant adverse impacts are not experienced by occupiers outside the site, is submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before the development is brought into use. There shall be no variation to the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with policies CP9, and CP19 of the Oxford Local Plan 2001-2016.

## **Informatives**

1. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to

pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

2. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.
3. The applicant should note the existence and location of the Old Abingdon Rd Culverts, which could be impacted by any associated works such as service trenches. (Archaeological remains of national importance could also exist between the two culverts, under the modern Old Abingdon Rd.) If any such works are likely the applicant should consult Historic England at the earliest opportunity.
4. Due the presence of a landfill beneath the site, no infiltration drainage should be used at this site. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – Oxford Design Review Panel letter

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. 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 grant planning permission, officers consider

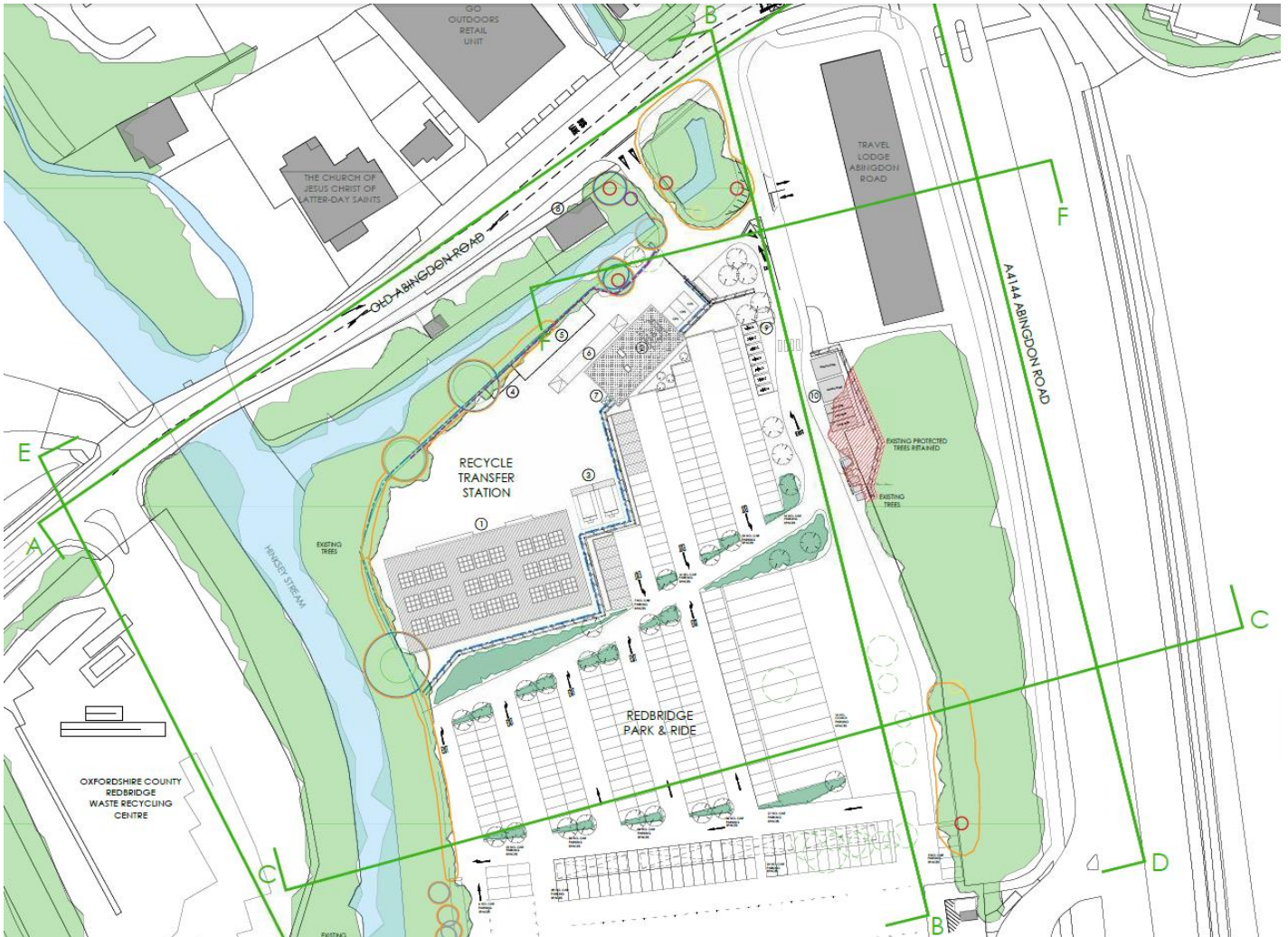
that the proposal will not undermine crime prevention or the promotion of community.

# Appendix 1

18/01590/CT3

Redbridge Park and Ride Recycling Transfer Station

## Proposed block plan



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## Appendix 2

18/01590/CT3:

Redbridge Park and Ride Recycling Transfer Station

Oxford Design Review Panel letter

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# Redbridge Waste Transfer Station, Oxford City Council Design Workshop

## Notes from 22 June 2017

Thank you for engaging in an ODRP Design Workshop for the Redbridge Waste Transfer Station in Oxford on 22 June 2017.

### Introduction

This scheme has the potential to help raise the awareness of recycling to the wider public and promote the Clean Green Oxford Campaign in Oxford. The Waste Transfer Station, including a small office and hotboxes for tarmac, is a welcome addition to the Redbridge Park and Ride site to improve the efficiency of waste movement and reduce vehicular emissions in Oxford. Bearing this in mind, we encourage Oxford City Council to help reduce the negative stigma and visual and environmental impact that can result from consolidating 'unwanted' uses – cars and waste – in out of town sites, through a holistic plan for these uses across a number of sites.

The current proposal does not deliver the full potential of this scheme – to connect with its natural environment, improve its current setting of the car park and deliver a strong, meaningful message about sustainability. The building and landscaping of this site can communicate a strong environmental message, particularly by embracing the natural environment and the industrial process of recycling in the design of the scheme. As a priority, we recommend setting clear green targets for the scheme from design and construction to its use, such as carbon neutrality and using off grid energy. Currently we feel the design approach lacks a sense of context and appears slightly contrived and dated. We suggest a simple permanent building which conveys a message about its role in promoting Clean Green Oxford, and is set within a much greener landscape setting. Further exploration of the orientation of the building on the site and more nuanced ways of promoting sustainability and recycling are recommended.

### Promotion of sustainability and recycling

We welcome the council's ambition to use this development to promote sustainability and recycling to the wider public. However, we question the design emphasis on children's artwork used as cladding, and think that there are more effective ways of achieving this ambition through the integral design of the Waste Transfer Station.



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- The involvement of schools in the design and delivery of this scheme is positive which can help raise awareness of sustainability and recycling to children, parents and teachers. While an annual artwork competition for schools can engage these users, we think that children's artwork used as cladding on the buildings could become redundant after a short time.
- If graphic works are needed to publicise sustainability and recycling on this site, we suggest exploring alternative location(s) for these works that are more prominent to a wider range of users, for example along the motorway at the entrance to the park and ride site or at the bus stop. As the same people are likely to park next to the recycling facility throughout the year, the audience for advertising on the building is far less than in other locations around the car park.
- The boundary treatment surrounding the site could be used to demonstrate its environmental importance, as it will be highly visible, potentially more so than the building itself.

### Site layout

In general, the location of the building within the wider car park site works well given its close proximity to the main entrance and positioning along the edge of the site to help maximise space for access and car parking. We offer some suggestions below to improve efficiently and better integrate the scheme with its surroundings:

- We question the extent and shape of the redline boundary of the Waste Transfer Station site as it currently excludes a sliver of land to the west of the site alongside the Hinksey Stream. We suggest incorporating this land within the redline boundary as it is unlikely that it would be usable otherwise.
- The proposed building orientation does not seem to take advantage of the site area, routes and spaces, and appears to be rigidly led by the alignment of Abingdon Road. We suggest either rotating the building by 90 degrees to use less space or orienting the building to the car parking lines. By reorienting the building in this way, any publicity material displayed on the building will be on this tallest elevation would be directly visible by vehicles/pedestrians travelling along the north-south routes in the car park.
- We think that the scheme could be made more visually open to the car park by reorienting the proposed building within the Waste Transfer Station site. This will help to reinforce the message about recycling and sustainability, and may encourage the on-site operators to keep the site clean and tidy.

### Open space and boundary treatment

The success of the scheme hinges largely on the character of the open space surrounding the Waste Transfer Station and the boundary treatment of the site. We recommend that a landscape architect be engaged to address these areas to improve the relationship between the car park and natural surroundings with the site. Currently, too much focus is being put on the building.

- We strongly encourage the team to enhance the ecological value of the site by providing trees and greenery where practical within the site. Greening the site will also help to improve the relationship of the site with Hinksey Stream and the Travelodge Hotel, and

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reduce the visual impact of the tarmac within the car park. At this stage, it would be worthwhile thinking about the visual impact of the building during winter, particularly along Abingdon Road, when the trees have lost their leaves and foliage.

- A strong natural feel throughout the landscape design will help the scheme to respond to its waterside environment. We suggest incorporating native species of planting and trees, such as Ash found in river corridors throughout the landscape design, and allowing a natural feel in the layout of the planting. Earth mounds could be used to promote the natural look and feel while helping to prevent noise and flooding.
- Information on the boundary treatment, including its materiality and transparency, will be crucial at the next stage of design development and should be incorporated in the drawings of the scheme. We suggest investigating hedges and creatively incorporating recycled materials, such as walls built from bottles and recycled tires, in the boundary treatment.

### Architectural design

We welcome the proposed portal frame structure with concrete chambers which is a simple, straightforward and cost effective way to approach the building design. However, the current proposed design approach to the elevational treatment needs revisiting.

- Further clarification on the structural and construction requirements, including the foundations, would be welcomed at this stage of the design process given the specific functionality of the building. More sustainable, less carbon intensive types of foundations could be investigated.
- There are a wide variety of materials that could be investigated to complement the building use and existing context. We encourage the team to consider green walls and reused materials within the building envelope. Fire retardant timber could help give the impression of a low key and characterful farm building within its waterside context.
- The orientation and structural requirements of the building should inform the shape and orientation of the roof. A steeper roof would generally be more costly. While a dual pitch could work, a mono-pitch could also be investigated; orienting the pitch of a mono-pitch roof to the car park could provide better views of the green roof from this area.
- A sedum roof can work in this location but may not be appropriate for this scheme due to the weight of the roof and soil, particularly when wet. There are also potential costs associated with green roofs due to the structural and maintenance requirements.
- We question the need for chimneys in the roof design given they can leak and increase draft which can affect equipment. Systems to close the chimneys may also be needed in the event of a fire.
- The use of solar energy could also be a powerful way of communicating sustainable goals of the scheme and we therefore welcome the use of photovoltaics. We recommend exploring installing a battery system which would store excess energy that is generated, particularly during sunny summer months when less heating is needed.
- Detail on the office space for on-site staff is needed to ensure this space is welcoming and safe. To create a cohesive environment, the design of the Waste Transfer Station and the office should relate to one another.

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### **Attendees**

Design Workshop Panel

Joanna van Heyningen (Chair)  
Jessica Byrne Daniel  
Paul Appleby  
Martin Stockley

Scheme presenters

Geoff Corps	Oxford City Council
Stephen Johns	BHP Harwood
Arron Twamley	Peter Brett Associates LLP
Natalie Maletras	Peter Brett Associates LLP

Local Authority

Nadia Robinson      Oxford City Council

Design Council Cabe

James Harris  
Victoria Lee

### **Confidentiality**

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [cabe@designcouncil.org.uk](mailto:cabe@designcouncil.org.uk).

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### **Attendees**

Design Workshop Panel

Joanna van Heyningen (Chair)  
Jessica Byrne Daniel  
Paul Appleby  
Martin Stockley

Scheme presenters

Geoff Corps	Oxford City Council
Stephen Johns	BHP Harwood
Arron Twamley	Peter Brett Associates LLP
Natalie Maletras	Peter Brett Associates LLP

Local Authority

Nadia Robinson      Oxford City Council

Design Council Cabe

James Harris  
Victoria Lee

### **Confidentiality**

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [cabe@designcouncil.org.uk](mailto:cabe@designcouncil.org.uk).



## WEST AREA PLANNING COMMITTEE

11th September 2018

<b>Application number:</b>	18/01856/CT3		
<b>Decision due by</b>	10th September 2018		
<b>Extension of time</b>	18th September 2018		
<b>Proposal</b>	Change of use of job centre with ancillary offices (Use Class Sui Generis) to Offices (Use Class B1). (Additional information)		
<b>Site address</b>	Government Building, Floyds Row, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Holywell Ward		
<b>Case officer</b>	Julia Drzewicka		
<b>Agent:</b>	Mrs Julia Castle	<b>Applicant:</b>	Mrs Julia Castle
<b>Reason at Committee</b>	Oxford City Council is the applicant.		

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### 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission

1.1.2. **agree to delegate authority** to the Head of Planning, Sustainable Development 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, Sustainable Development and Regulatory Services considers reasonably necessary

### 2. EXECUTIVE SUMMARY

2.1. This report considers the change of use from job centre with ancillary offices (Use Class Sui Generis) to Offices (Use Class B1). The building is located within the Central Conservation Area. The access to the site is via Floyds Row, which is just off St Aldates. No changes to the external appearance of the building are being proposed.

### 3. LEGAL AGREEMENT

3.1. There is no requirement for a legal agreement with this application.

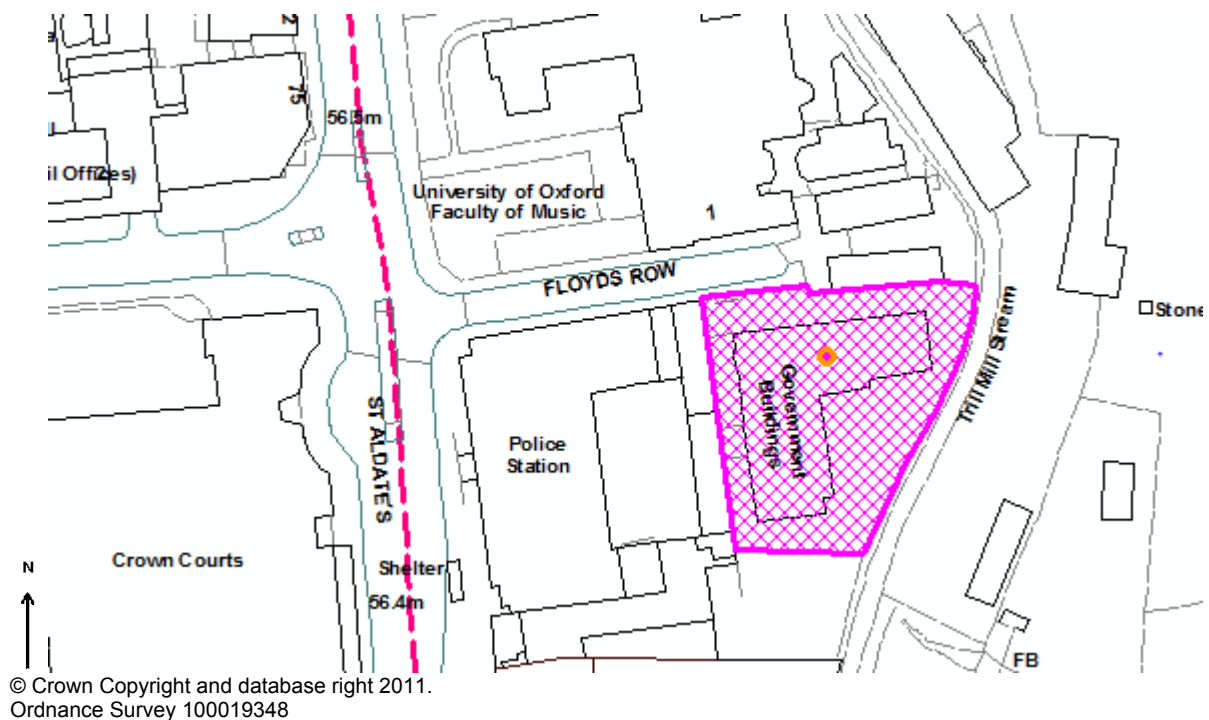
#### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

#### 5. SITE AND SURROUNDINGS

5.1. The site is located within the Central Conservation Area. The building is a part two, part single storey detached L-shaped property, located off St Aldates. The site is adjacent to Christ Church College, St Aldates Police Station and the University of Oxford Faculty of Music. The building is finished in a stone and slate roof. The site benefits from off-street parking and a barrier entrance system.

5.2. See block plan below:



#### 6. PROPOSAL

6.1. The application proposes change of use from a job centre with ancillary offices (Use Class Sui Generis) to Offices (Use Class B1).

#### 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

64/15648/A\_H - Extensions to Coroners Court. PER 27th October 1964.

66/17582/A\_H - Demolition of air raid shelter erection of garage. PER 10th May 1966.

75/00939/C\_H - Re-arrangement of car parking to provide 25 parking spaces

and extension of existing cycle shed to form paper store, new fence and exit gates.. PER 3rd December 1975.

94/01206/CFH - Single storey extension to provide link corridor on south and east elevations (Amended Plan). RNO 31st October 1994.

95/01406/NFH - Erection of 3 lamp posts, and external lights on all elevations.. PER 9th November 1995.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy
Design	124-132	CP1 CP6 CP9 CP10	CS18
Conservation/ Heritage	184-202	HE7	
Commercial	80-82		CS27, CS28
Transport	102-111	TR3, TR11, TR12	
Environmental	117-121	CP19 CP21	
Miscellaneous	7-12	CP.13	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30th July 2018 and an advertisement was published in The Oxford Times newspaper on 26th July 2018.

### **Statutory and non-statutory consultees**

Oxfordshire County Council (Highways)

9.2. It is noted that there is adequate car parking provision within the site to serve the development. However, the level of cycle parking is below that, which would normally be required. Therefore, provided that the details for cycle storage are

made conditional to the planning consent, an objection in relation to the highway and transportation aspect of the development is not raised in this instance.

### **Public representations**

9.3. No comments received.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Transport

### **a. Principle of development**

- 10.2. Planning policy CS28 of the Core strategy states that planning permission will not be granted for development that results in the loss of key protected employment sites. The application site is not a protected employment site and therefore the proposal complies with this requirement. Policy CS28 also states that planning permission will only be granted for the modernisation and regeneration of any employment site if it can be demonstrated that new development secures or creates employment important to Oxford's local workforce, allows for higher- density development that seeks to make the best and most efficient use of land and does not cause unacceptable environmental intrusion or nuisance.
- 10.3. The preamble to policy CS28 states that for the purposes of Policy CS28, the term employment sites refers only to land and premises in Class B or closely related Sui Generis uses, such as buildings yards; transport operators; local depots; and retail warehouse clubs. The existing use and the layout of the building are unusual in its nature the previous use was a job centre with ancillary offices. The statement submitted with the application states that the building had been leased to the Department of Works and Pensions for over 50 years. Since 2011 the use has been reduced as the job centre was transferred into a different location in the city centre (7 Worcester Street).
- 10.4. The existing ground floor plan shows interview cubicles, reception and waiting areas, plant room and lifts. The existing first floor is more typical office space with staff rooms, office rooms and common rooms. Due to the existing lift, it is considered that the building would be accessible to those with reduced mobility.
- 10.5. The proposed ground floor plans shows an open plan office space and smaller offices. It is considered that the proposed modernisation would allow a better use of this space and allow a higher-density development. The application form states that the number of full-time employees is proposed to be 35. The additional statement states that if the ground floor consulting rooms are removed and open plan offices are created then new work stations for approximately 40-50 people could be created. It is considered that the density

of 30-50 employees is acceptable and it would provide a good use of the space available in the city centre and it will retain the employment on the site. On the basis that the development would make more efficient use of land the development would be supported in principle by the requirements of Policy CP6 of the Oxford Local Plan 2001-2016.

- 10.6. It is not known at this stage who would occupy the property however the applicant states that the current enquires show interests to be broadly from currently expanding local businesses.
- 10.7. Due to the existing use and lack of external alterations, it is considered that the proposed change of use would not have an unacceptable impact in terms of nuisance and environmental intrusion.
- 10.8. It is considered that the proposed development is acceptable in principle and it complies with Policy CS28. The lack of external changes and the suitability of the use proposed means that the development would not have a harmful impact on Central Conservation Area in terms of its character, appearance and special significance; as a result the development complies with the requirements of Policy HE7 of the Oxford Local Plan 2001-2016 and Paragraph 193 of the NPPF.

#### **b. Transport**

- 10.9. Policy CS13 of the Core Strategy states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport.

#### Car parking

- 10.10. Policy TR11 of the Oxford Local Plan states that the City Council will not allow any significant increase in the overall number of parking spaces in the Transport Central Area, and will maintain approximately the present number of public off-street parking spaces. Policy TR12 of the Oxford Local Plan states that when determining planning applications, the City Council will seek to reduce the number of private non-residential parking spaces, particularly in the Transport Central Area and Transport District Areas, when they are not required for operational reasons.
- 10.11. The site is located within Central Transport Area. The submitted site location plan & block plan shows 20 car parking spaces plus 2 disabled car parking spaces at the front of the building, which is considered to be sufficient taking into consideration the location of the site. Access to the site will remain as existing, via a vehicle crossover along the adjacent highway. The Highways Authority commented on the proposal and they stated that there is adequate car parking provision within the site to serve the development. Furthermore the site is located in a sustainable location, within close proximity to city centre and excellent public transport services. The proposed development complies with policy TR3, TR11 and TR12 of the Oxford Local Plan.

#### Cycle parking

10.12. Policy TR4 of the Oxford Local Plan states that the City Council will only grant planning permission for development that: a) provides good access and facilities for pedestrians and for cyclists, and b) complies with the minimum cycle parking standards. The cycle parking standard for Businesses (B1) is 1 space per 90m<sup>2</sup> or 1 space per 5 staff (or other people). The application form states that there will be approximately 35 employees and therefore to comply with the requirements of policy TR4 7 cycle spaces have to be provided. The submitted plan shows the location of the bike stand at the rear of the building, which is considered to be acceptable. The proposed development provides 5 bike stands which is below the standards and therefore a condition is recommended to be imposed to ensure that at least 7 "Sheffield" type cycle parking stands, secured and undercover are provided within the boundary of the site and thereafter maintained and retained at all times for the use of the development. The condition is recommended to encourage the use of sustainable modes of transport to and from the site and to provide adequate cycle parking facilities in accordance with Policy TR4 of the Oxford Local Plan.

## **11. CONCLUSION**

11.1. The proposed change of use complies with the relevant policies. The proposed development provides office spaces within the city centre. The site is situated in a sustainable location. The proposal is not considered to have an adverse detrimental impact on the surrounding environment or adjoining buildings.

11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

## **12. CONDITIONS**

1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

3 Prior to the occupation of the approved development, a detailed scheme showing the design of a secure, covered cycle store for at least 7 "Sheffield" type cycle parking stands, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be installed prior to first occupation.

Reason: To encourage the use of sustainable modes of transport to and from the site and to provide adequate cycle parking facilities in accordance with Policy TR.4 of the Oxford Local Plan 2001-2016.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2 Part 3 no change of use from the approved development shall be permitted without the prior written consent of the local planning authority.

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises and to ensure that there is no long term loss of office space within the City in accordance with policy CS28 of the Oxford Core Strategy 2026.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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# Appendix 1- Site plan

## 18/01856/CT3 - Government Building



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## WEST AREA PLANNING COMMITTEE

11th September 2018

<b>Application number:</b>	18/02031/FUL		
<b>Decision due by</b>	24th September 2018		
<b>Extension of time</b>	Not required		
<b>Proposal</b>	Erection of a single story rear extension and insertion of 2no. rooflights to rear roofslope.		
<b>Site address</b>	12 Earl Street, Oxford, OX2 0JA, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	Robert Fowler		
<b>Agent:</b>	Mr G Gillick	<b>Applicant:</b>	Mr & Mrs Ball & Mitchell
<b>Reason at Committee</b>	The application is before the committee because the applicant is a member of Council staff. The report has been cleared by the Council's Monitoring Officer.		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission

1.1.2. **agree to delegate authority** to the Head of Planning, Sustainable Development 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, Sustainable Development and Regulatory Services considers reasonably necessary

## 2. EXECUTIVE SUMMARY

This report considers a planning application for a single storey rear extension and insertion of two rooflights to the rear elevation roofslope at 12 Earl Street. The single storey extension would be constructed from bricks to match the existing house with a flat roof. The proposed development would be acceptable in terms of its design and impact on neighbouring amenity and would not give rise to an adverse impact on light conditions for neighbouring occupiers. The proposed development would

incorporate measures to mitigate the impact of the development on flooding. The development is therefore acceptable in planning terms and meets the specific requirements of Policies CP1 and CP10 of the Oxford Local Plan 2001-2016, Policy CS11 of the Core Strategy (2011) and Policy HP14 of the Site and Housing Plan (2013).

### **3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

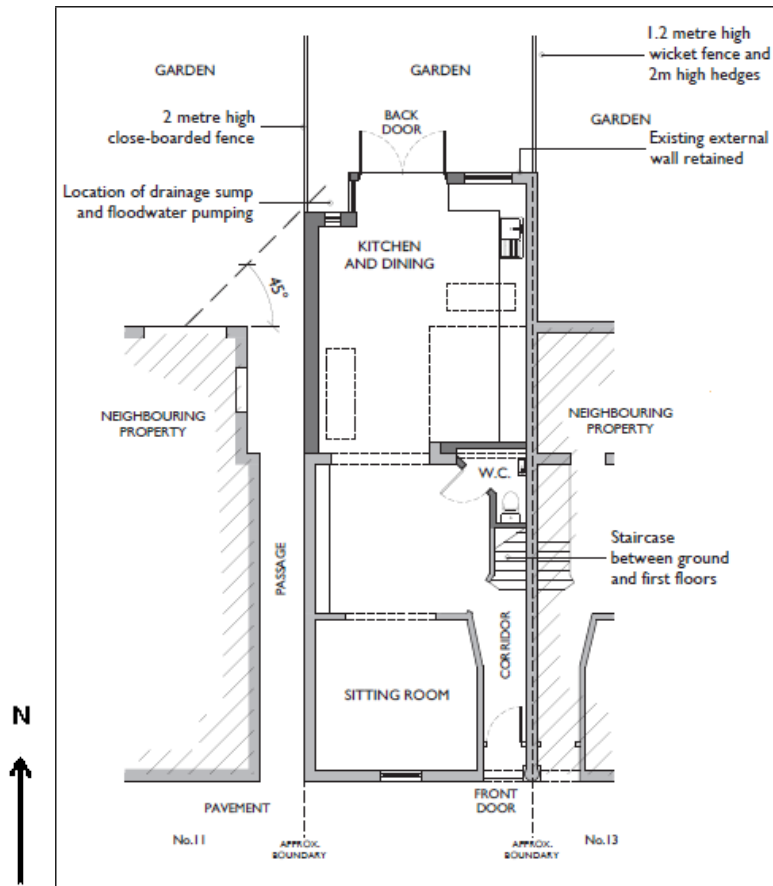
4.1. The proposal is not CIL liable.

### **5. SITE AND SURROUNDINGS**

5.1. The application site is an end of terrace period house on the eastern side of Earl Street off of Botley Road. Despite being close to the retail parks on Botley Road, Earl Street has a strong residential character of mainly brick or painted brick terrace houses. There is uniformity to the appearance of the houses, with many incorporating Victorian sash windows and some simple detailing.

5.2. The application property adjoins No. 13 Earl Street (and forms part of the terrace with No.s 13-17 Earl Street). There is an alley separating No. 12 from No. 11 Earl Street, this alley is owned by No. 11 Earl Street and the occupiers of No. 12 do not have use of this access. The rear aspect of the site contains a small single storey extension that extends beyond the original two storey outrigger. Neighbouring properties have also been extended and altered (with an existing extension at ground floor level present at No. 11 Earl Street and extensive additions at roof level at No. 13 Earl Street). The rear garden of the application property extends approximately 15m and there is an existing outbuilding at the end of the garden. The boundary between No. 12 and No. 13 Earl Street is a low fence. Between No. 12 and No. 11 Earl Street there is an existing 1.7m high timber fence and some mature planting.

5.3. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes a single storey rear extension. The proposed extension would be constructed from brick to match the existing house with a flat roof. The extension would infill the area between the existing outrigger (and extension beyond the outrigger) and the boundary with No. 11 Earl Street. A corner of the extension adjacent to the boundary with No. 11 Earl Street is reduced in length to decrease the impact on neighbouring amenity. The extension would be between approximately 5 and 6m in length and between 2.8 and 3m in height. At the ground floor there are proposed to be windows and patio doors facing into the garden; no windows are proposed on the side elevation of the proposed extension. At the roof level it is proposed to insert two black framed heritage type rooflights; these would serve a proposed home office at the second floor level.
- 6.2. The submitted plans show that a 2m high fence would be installed along the boundary with the application property and No. 11 Earl Street and a 1.2m high wicket fence and 2m high hedge is proposed to be installed between No. 12 and No. 13 Earl Street. Planning permission is not required for this aspect of the proposed development as it would be permitted development as set out in Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

72/25391/A_H - Extension to form bathroom. PDV 8th February 1972.
18/02031/FUL - Erection of a single story rear extension and insertion of 2no. rooflights to rear roofslope.. PDE .

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	127 and 130	CP1, CP8 and CP10	CS18		
Natural environment				CS11	
Social and community				HP14	
Transport					Parking Standards SPD
Environmental					Energy Statement TAN
Miscellaneous		CP13		MP1	Telecommunications SPD, External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30th July 2018.

### Statutory and non-statutory consultees

9.2. None received

Public representations

9.3. None received

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Flooding and Surface Water Drainage

### **a. Principle of development**

10.2. The proposed development is for an extension to an existing dwellinghouse. The proposed extension would be a subordinate increase to the accommodation provided in the house and would be acceptable in terms of the principle of development.

### **b. Design**

10.3. The proposed development would not be visible in the streetscene as all the development proposed would be situated at the rear of the house.

10.4. The proposed use of materials to match the existing house combined with the form of the extension which would infill an existing courtyard next to an existing outrigger mean that the proposed development would form a natural and visually harmonious addition to the house. The use of the flat roof would decrease the visual prominence of the proposed addition and is a feature found elsewhere on neighbouring properties (and the host property which already benefits from a flat roof single storey extension).

10.5. The proposed rooflights would be fairly discrete and would be acceptable additions to the rear roofslope of the property.

10.6. Having had regard to the size, design and materials proposed for the development it is considered that it would be acceptable in design terms. The development therefore complies with Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011) and Paragraphs 127 and 130 of the NPPF.

### **c. Impact on neighbouring amenity**

10.7. The proposed extension would be single storey and would therefore not provide an opportunity for overlooking into neighbouring properties or gardens. The proposed rooflights would provide views over the existing garden at 12 Earl Street; whilst there would be oblique views from these rooflights towards neighbouring gardens this would not be uncharacteristic in a terrace of fairly narrow properties.

10.8. The proposed development would not impact on the amenity of No. 13 Earl Street in terms of a loss of light as the existing single storey extension at No. 12 Earl Street is being retained and there is no work proposed to extend any

of the development further to the rear along this shared boundary. Because No. 12 Earl Street lies to the north of No. 13 Earl Street there would be no impact on light for that property anyway.

- 10.9. Officers have carefully considered the impact of the proposed development on No. 11 Earl Street. There is an existing alley between the application property and No. 11 Earl Street; this affords a separation distance between the properties that reduces the impact of the proposed development on No. 11 Earl Street. An existing single storey rear extension at No. 11 Earl Street also means that the rear wall of the proposed development would only extend approximately 3.3m beyond the rear wall of No. 11. A corner of the proposed extension has also been removed along the shared boundary with No. 11 to ensure that the impact of the development on windows at ground floor level of that property aren't adversely effected in terms of a loss of light. Officers have applied the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan and the development would comply with this requirement.
- 10.10. As a result of the above, the development is considered acceptable in terms of its impact on neighbouring amenity and meets the specific requirements set out in Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

#### **d. Flooding and Surface Water Drainage**

- 10.11. The application site lies in an area of defined high flood risk with most of the site being with flood zone 3. The National Planning Policy Framework Paragraph 164 set out the requirements for minor developments (which would include these proposals) and that the specific requirements for the sequential test for flooding and exception tests are not required. However, there are still specific requirements for site-specific flood risk assessments and this has been considered as part of this application.
- 10.12. The application includes measures to mitigate the impact and risk of flooding on the property. The existing outrigger would have the floor levels raised to the rest of the ground floor of the property and the new extension would also be at this higher level. As a result the proposed development is able to incorporate flood voids which would mitigate the increased covered of ground that would result from the development. The proposals also include the use of waterproof materials and raised plug sockets. The use of these mitigation measures alone would not normally make the development acceptable. However, a significant amount of ground could be covered at the rear of the host property without planning permission (as permitted development) and could be done without the need to include any flood mitigation measures. Officers have also had regard to the fact that the existing site where the extension would be located is made up of a hard surface courtyard which would be impermeable and therefore the proposed development would provide some benefit in terms of allowing increased infiltration of water. As a result, on balance the development would be acceptable in terms of its impact on flooding and surface water drainage and meets the requirements of Paragraph 164 of the NPPF and Policy CS11 of the Core Strategy (2011).



## **11. CONCLUSION**

- 11.1. On the basis of the above the development would be considered acceptable in terms of its design, impact on neighbouring amenity and impact on flooding and surface water drainage. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

## **12. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 The materials used in the external construction of the approved development shall be those set out in the approved plans and specified in the submitted application form.

Reason: To ensure that the development is visually satisfactory as required by Policy CP1 of the Oxford Local Plan 2001-2016.

- 4 Flood mitigation measures including raised electric sockets, the use of waterproof materials and flood void details (as shown in Drawing No. 169-105) shall be carried out in conjunction with the approved development unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that there are adequate flood mitigation measures as required by Policy CS11 of the Core Strategy (2011).

## **13. APPENDICES**

- **Appendix 1** – Site location plan

## **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

**15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

15.1. 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

# Appendix 1- Site plan

18/02031/FUL – 12 Earl Street



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## Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 10 July 2018

www.oxford.gov.uk



### Committee members:

Councillor Cook (Chair)	Councillor Arshad
Councillor Bely-Summers	Councillor Gant (for Councillor Gotch)
Councillor Harris	Councillor Hollingsworth
Councillor Iley-Williamson	Councillor Lygo (for Councillor Corais)
Councillor Upton	

### Officers:

Sally Fleming, Lawyer  
Robert Fowler, Planning Team Leader  
Clare Golden, Team Leader, Urban Design and Heritage  
John Mitchell, Committee and Member Services Officer  
Andrew Murdoch, Planning Team Leader  
Sarah Stevens, Planning Service Transformation Consultant

### Apologies:

Councillors Gotch and Corais sent apologies.

## 18. Declarations of interest

### 18/00258/FUL and 18/00933/VAR

Cllr Cook - as a Council appointed trustee for Oxford Preservation Trust and as a member of the Oxford Civic Society stated that he had taken no part in those organisations' discussions or decision making regarding the applications and was approaching them with an open mind.

Cllr Upton - as a Council appointed trustee for Oxford Preservation Trust stated that she had taken no part in any discussions or decision making by those organisations that may have taken place regarding these applications.

### Oxford Heritage Asset Register nominations 2018

Cllr Hollingsworth - as Vice Chair of the Cripsey Meadow Allotments Association said he had had no involvement in the proposals for Castle Mill Stream and Fiddlers Island Stream to be added to the Oxford Heritage Register but would not take part in the decision on those nominations.

## **19. 18/00258/FUL: Northgate House, 13 - 20 Cornmarket Street, Oxford, OX1 3HE**

The Committee considered an application (18/00258/FUL) for planning permission for the demolition of the existing building to ground level and the erection of a replacement building to provide replacement commercial units on the basement, ground and first floors, and new teaching facilities, ancillary accommodation and student fellows' rooms on the upper floors for Jesus College. (Amended Plans)

The Planning Officer introduced the report, noting the addition of two additional conditions (to seek a phasing and materials plan for the surfacing works to Market Street and to seek active retail frontages onto Market Street ) and the correction of the reference to Section 12 in recommendation 1.1 (a) which should read Section 11.

The proposal provided an excellent opportunity to reinvigorate that part of Market Street and Cornmarket. The current building gave a 'back of house' sense onto Market Street. The proposals would see a new principal entrance to the college from Market Street and open up the public realm. The report set out the reasons for the officer recommendation, the principal ones of which were:

- There was no material reason to object
- The deployment of the commercial element was flexible and would contribute to the need to re-energise Cornmarket following the Westgate development
- The scheme represented an important opportunity to redevelop the area and had the potential to act as a positive catalyst for other users in the immediate vicinity
- The expansion of the public realm
- The development of a 'front of house' sense in Market Street.
- The scheme would expose a grade one listed building which is currently hidden from view
- The scheme had been subject to extensive pre-application work and consultation, all views from which had been taken into account. This included positive support from both Historic England and Oxford Civic Society and two sessions with the Design Review Panel, both before and after publication of proposals.
- All anticipated views of the new building fitted well into the Cornmarket Street scene and represented a significant improvement in the case of Market Street.
- The "Gatehouse" tower element of the scheme had been subject to revision following the pre-application phase, notably a reduction in height to 21.3 m and some changes in design detail . This was above the City's benchmark of 18.2 m for new build but this was not an absolute limit . All cases had to be judged on their merits and assessments made of the harm that would be caused by height. Support for proposals in excess of the benchmark was not given lightly. In this case the anticipated skyline views from a variety of directions were considered improved by the scheme.

Debbie Dance, representing the Oxford Presentation Trust spoke against the application.

Professor Sir Nigel Shadbolt (Jesus College), Stuart Cade (Architect), and Simon Sharp (JPPC) spoke in favour of the application. David Stevenson (Jesus College) attended to respond to questions

The Committee discussion included, but was not limited to the following points:

- The extent to which the public had engaged with the various consultation elements of the proposal was questioned. It was explained that there had been every opportunity for the public to do so.
- Traffic management during construction would be dealt with by a condition and taking account of advice from the County Council as Highways Authority. The Committee sought assurance that the Market Street commercial frontage should be active and it was agreed that this should be added as a condition (which the applicant confirmed would be acceptable to them).
- The fact of the City's commitment to a Zero Emissions Zone was not a relevant planning consideration and should play no part in coming to a decision about this application.
- The scheme would have no material impact on current parking arrangements (including those for blue badge holders) in Market Street.
- Some Members of the Committee expressed concern about the height and bulkiness of the Gatehouse Tower while supporting all other elements of the scheme. Agreement to the height of the tower as proposed would not set a precedent in planning terms given the requirement for all proposals to be considered independently and on their merits.

In reaching a decision the Committee considered all the information put before it including the officer's report and presentation and the representations made by speakers.

On being put to a vote a majority of the Committee agreed with the officer recommendation as set out in the report, subject to the addition of two conditions to seek a phasing and materials plan for the surfacing works to Market Street and to seek active retail frontages onto Market Street.

**The Committee resolved to:**

- a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of the report and 2 additional conditions to seek a phasing and materials plan for the**

**surfacing works to Market Street and to seek active retail frontages onto Market Street and grant planning permission; and**

- b) Delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in the report and the two additional conditions referred to in (a) above including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.**

## **20. 18/00933/VAR: 18 Hawkswell Gardens, Oxford, Oxfordshire, OX2 7EX**

The Committee considered an application (18/00933/VAR) for variation of conditions 2 (approved plans) and 3 (materials) of planning permission 15/02352/FUL (Erection of 3 x 6 bedrooms dwellinghouses (Use Class C3). Provision of car parking spaces, private amenity space, bins and cycle stores (amended plans) to allow change of main roofing material to natural slate, change of the general finish to external walls, replacement of velux with dormer window on the front elevation, flat lead roof proposed to front porches and relocation of bin and cycle storage (amended description).

The Planning Officer presented the report, reminding the Committee that it simply sought agreement to variation of conditions for a proposal which had originally been refused and then allowed on appeal.

The Committee asked that condition 8 (submission and approval of Construction Method Statement) should be robustly enforced.

On being put to the vote the Committee agreed with the officer recommendation as set out in the report.

**The Committee resolved to:**

- a) 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**
- b) Delegate authority to the Head of Planning, Sustainable Development and Regulatory Services finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.**



## **21. Oxford Heritage Asset Register nominations 2018**

Councillor Iley-Williamson joined the meeting at 19.10, prior to the presentation of this item and was able to participate in its determination.

The Committee considered a report setting out proposed nominations within the wards falling within the Committee's remit for addition to the Oxford Heritage Asset Register (OHAR)

The Heritage Team Leader noted that the inclusion of South Park in the list of nominations had been in error as South Park is already in a conservation area and therefore doesn't meet the criteria for inclusion because it already benefits from the greater protection afforded by conservation area status. The Committee was therefore recommended to reject the proposal that it be added to the OHAR.

In response to questions the Heritage Team Leader explained the rationale for the inclusion of Castle Mill and Fiddlers Island Streams; Brasenose Squash Courts; 109-111 Magdalen Road; and 76 Lonsdale Road.

The Chair proposed that the nominations to add both Castle Mill Stream and Fiddlers Island Stream to the OHAR be rejected on the grounds that it is illogical to seek to protect water. A reconfigured proposal that might, for example, seek to protect the river bed or banks would make more sense.

After discussion and taking account of all the points raised, on being to the vote, the majority of the Committee agreed that:

1. Castle Mill Stream should not be added to the OHAR (without prejudice to a revised proposal coming forward in the future);
2. Fiddlers Island Stream be added to the OHAR;
3. 76 Lonsdale Road should not be added to the OHAR;
4. The remainder of the nominations that were recommended for approval, with the exception of South Park, should be added to the OHAR;
5. The remainder of the nominations that were recommended for rejection, with the inclusion of South Park, not be added to the OHAR.

**The Committee resolved to ACCEPT the following nominations:-**

- 1. The site of the Franciscan (Greyfriars) Priory**
- 2. Brasenose Squash Courts**
- 3. Bridge over Bulstake Stream, Binsey Lane**
- 4. Fiddlers Island Stream**
- 5. 109-111 Magdalen Road**
- 6. 1-9 Cyprus Terrace**
- 7. Oriel College playing fields**
- 8. South Oxford Community Centre**
- 9. Site of Osney Abbey**
- 10. 4 South Parade**

11. 5-6 South Parade
12. United Reformed (formerly congregational church), Banbury Road
13. Warneford Meadow

The Committee resolved to REJECT the following nominations:

1. Castle Mill Stream
2. The Wareham Stream
3. Fisher Row
4. The Hollybush Inn
5. Oriel Square historic paving
6. South Park
7. 76 Lonsdale Road

## 22. Minutes

The Committee resolved to approve the minutes of the meeting held on 12 June 2018 as a true and accurate record.

## 23. Forthcoming applications

The Committee noted the list of forthcoming applications. The Planning Officer to confirm whether 18/00896/FUL (the Mitre) should be on the list.

## 24. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.25 pm

Chair .....

Date: Tuesday 31 July 2018