

Agenda

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West Area Planning Committee

Date: **Tuesday 9 October 2018**

Time: **6.00 pm**

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

For any further information please contact the Committee Services Officer:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: democraticservices@oxford.gov.uk

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

Chair	Councillor Colin Cook	Jericho and Osney;
Vice-Chair	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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AGENDA

Pages

1 **Apologies for absence and substitutions**

2 **Declarations of interest**

3 **17/02832/FUL - 276 - 280 Banbury Road Oxford OX2 7ED**

13 - 56

Site address: 276 - 280 Banbury Road

Proposal: Demolition and redevelopment of existing retail office, and residential premises, to provide a mixed-use scheme comprising 4 x units (use classes of either A1,A2,A3 or A4) at ground floor with a 180 bed hotel over three floors and 6 maisonette flats over two floors (1x1 bed, 1x3 bed, 4x2 bed) (amended plans) (amended description)

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 this report and grant planning permission; and subject to:
 - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
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
 - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and
 - complete the section 106 legal agreement referred to above and issue the planning permission.

4 **18/01340/FUL - Trinity College Broad Street OX1 3BH**

57 - 94

Site address: Trinity College, Broad Street

Proposal: Demolition of the existing building and the erection of a replacement building to provide a new auditorium, teaching, and student communal area. On the lower floors together with administration offices and student accommodation to the upper floors. The relocation and widening of the existing vehicular access from Parks Road further South. External alterations to the rear of the President's Garage. Landscape enhancements to the immediate setting of the proposed new building, library quad and the small quad to the south of library quad. Provision of covered cycle parking and replace glass house and machinery and tool store for the gardeners.

Recommendations: 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 this 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 this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and
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 - complete the section 106 legal agreement referred to above and issue the planning permission.

5 **18/01341/LBC - Trinity College Broad Street OX1 3BH**

95 - 108

Site Address: Trinity College, Broad Street, Oxford, OX1 3BH

Proposal: Application for listed building consent for alterations and extension to library to provide new auditorium with foyer, lecture theatre and teaching spaces, administrative offices and student rooms with ancillary support spaces.

Alterations to Parks Road wall to form temporary construction access, widen vehicular entrance and construct new lean-to gardener's buildings.

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 this report, grant listed building consent and
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 issue the listed building consent.

6 18/00896/FUL - The Mitre, No. 16 High Street And Nos. 3-7 Turl Street

109 -
128

Site Address: Student Accommodation At The Mitre, No. 16 High Street And Nos. 3-7 Turl Street

Proposal: Turl Street: erection of two storey infill lodge building.
Courtyard: localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing building, bike storage, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack.
Exterior: repair and renewal works to roofs of No's 3, 6 and 7 Turl Street, replacement dormers to no's 4 and 5 Turl Street and No. 16 High Street.
Interior: internal reconfiguration, addition of en suites, upgrading of all mechanical and electrical services, fire safety measures, provision of an internal fire escape in 16 High Street exiting in the Covered Market Entranceway and other alterations. (Amended certificate of ownership and amended plans)

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 this 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 this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and

Regulatory Services considers reasonably necessary.

7 18/00897/LBC - The Mitre, No. 16 High Street And Nos. 3-7 Turl Street Oxford OX1 4AG

129 -
148

Site Address: Student Accommodation at The Mitre, No. 16 High Street and Nos. 3-7 Turl Street, Oxford, OX1 4AG

Proposal: Turl Street: erection of two storey infill lodge building. Courtyard: localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing buildings, bike storage, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack. Exterior: repair and renewal works to roofs of No's 3, 6 and 7 Turl Street, replacement dormers to no's 4 and 5 Turl Street and No. 16 High Street. Interior: internal reconfiguration, addition of en suites, upgrading of all mechanical and electrical services, fire safety measures, provision of an internal fire escape in 16 High Street existing in the Covered Market Entranceway and other alterations. (Amended certificate of ownership and amended plans).

Recommendation: West Area Planning Committee is recommended to:

- 1. approve the application** for the reasons given in the report and subject to the required conditions set out in section 12 of this report and grant listed building consent.
- 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.

8 18/02124/CPU - 14 Turn Again Lane, Oxford, OX1 1QL

149 -
154

Site address: 14 Turn Again Lane, Oxford, Oxfordshire, OX1 1QL

Proposal: Application to certify that the proposed removal of 2no. rooflights to rear roofslope and formation of 2no. rear dormers in association with a loft conversion is lawful development.

Recommendation: West Area Planning Committee is recommended to: Approve the application for the reasons given in the report and grant a certificate of lawful development

9 17/03040/FUL - 53 Sunderland Avenue, Oxford, OX2 8DT

155 -

Site Address: 53 Sunderland Avenue, Oxford, OX2 8DT

Proposal: Demolition of existing dwelling house, parking and garage. Erection of a replacement building comprising 6 flats (2x3 bedrooms, 2x2 bedrooms and 2x1 bedroom), car parking and landscaping.

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 this report and grant planning permission subject to:**

The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

2. **agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**
 1. 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. finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and
 3. complete the section 106 legal agreement referred to above and issue the planning permission.

10 Minutes

175 -
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Recommendation

To approve as a true and accurate record the minutes of the meeting held on 11 September 2018.

11 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 Road, Oxford, OX2 7ED	Major development
17/03332/FUL: New College Sports Ground, St Cross Road	
18/00975/FUL: 176 Cowley Road, Oxford, OX4 1UE	Committee Level 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	Call in from Councillor Pressel
18/01734/FUL, 18/01735/LBC - 28-32 St Michaels Street, OX1 2EB	Called in
18/01992/FUL: St Giles' Toilets, Oxford, Oxfordshire	Call in - Application Withdrawn 19/9/18
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
18/02176/FUL - 92 Banbury Road Oxford OX2 6JT	call in
18/02211/FUL - 31A Charlbury Road, Oxford, OX2 6UX	Committee level decision

12 Dates of future meetings

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

2018	2019
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10 July 2018	15 January 2019
31 July 2018	20 February 2019
11 September 2018	12 March 2019
9 October 2018	9 April 2019
13 November 2018	
11 December 2018	



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.

West Area Planning Committee

9th October 2018

Application number:	17/02832/FUL		
Decision due by	23rd January 2018		
Extension of time	31st October 2018		
Proposal	Demolition and redevelopment of existing retail office, and residential premises, to provide a mixed-use scheme comprising 4 x units (use classes of either A1,A2,A3 or A4) at ground floor with a 180 bed hotel over three floors and 6 maisonette flats over two floors (1x1 bed, 1x3 bed, 4x2 bed) (amended plans) (amended description)		
Site address	276 - 280 Banbury Road,– see Appendix 1 for site plan		
Ward	Summertown Ward		
Case officer	Felicity Byrne		
Agent:	Mr Matthew Rhodes	Applicant:	GHSR LLP And Easy Hotel Ltd
Reason at Committee	Major development		

1. RECOMMENDATION

1.1. 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; and subject to:

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

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
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in

this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the proposed re-development of a mixed use site within Summertown District Shopping Centre to a new mixed-use development comprising retail, hotel and residential accommodation. The report concludes that the principal of the development in this location is acceptable. It would maintain the vitality and viability of the District Shopping Centre. The design of scale and massing of the proposed building would be appropriate for the location. The building would have no significant adverse impact on local residential amenity in terms of overlooking, privacy and daylight/ sunlight. Appropriate landscaping, including improvement to the Banbury Road street frontage, is proposed and would enhance the site and street scene at this point.
- 2.2. In terms of impact on the highway and parking, the site is in a sustainable location which has good public transport links into and out of the District Shopping Centre and the City Centre itself. The report concludes that sufficient information and plans has been submitted to demonstrate that on a worst case scenario the development would not cause overspill parking on the neighbouring highway network. There would also be no adverse impact on the highway network and access to parking and servicing and deliveries to the development would be carefully managed.
- 2.3. 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.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to secure a contribution of £69,212 towards affordable housing.

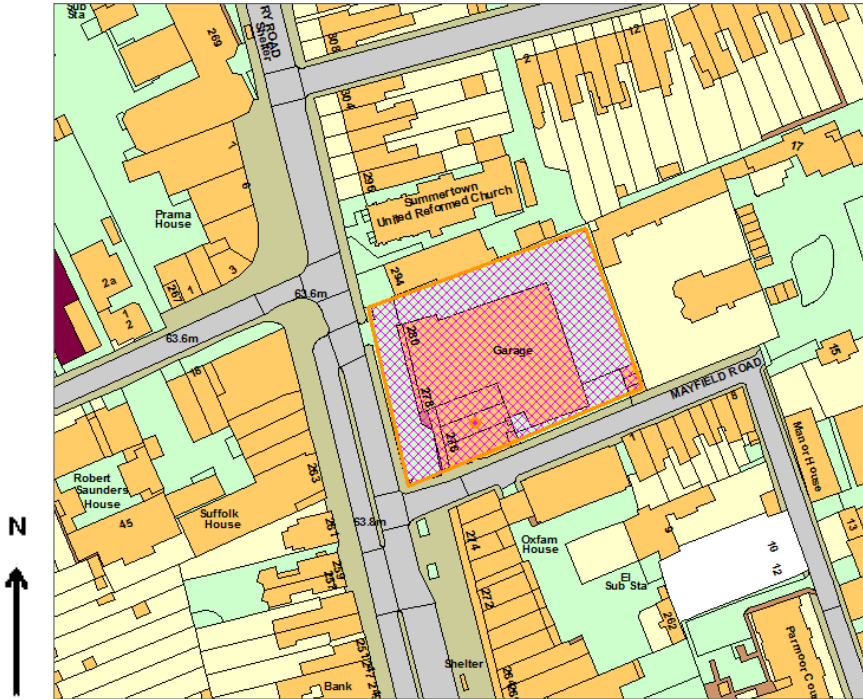
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. The original scheme amounted to £69,212. Committee will be advised of the updated amount for the amended proposal at Committee.

5. SITE AND SURROUNDINGS

5.1. The site lies within Summertown District Centre on the corner of Banbury Road (A4165) and Mayfield Road and consists of two existing buildings Nos 276 (Gordon House) and Nos.278-280 Banbury Road comprising mixed use; 5 retail (Class A1) and estates agents units (class A2), a sui generis Garage, Offices (class B1) and 6no.maisonette flats (Class C2), with associated car parking. Adjacent to the north of the site is an attractive, but non-listed, Victorian building (294 Banbury Road) occupied by an Estate Agents and beyond that Summertown United Reformed Church (294A Banbury Road). Beyond to the north and east is the suburban residential area that wraps around the District Shopping Centre. To the east is Mayfield School and south east are the residential properties on Mayfield Road. To the west and east of the site on Banbury Road are the commercial mixed use buildings within the District Shopping Centre, in varying architectural styles and form from Victorian, to mid-20th Century and late 20th century buildings. Mayfield Road is a one way street and vehicles exiting the site have to turn right up to the junction with the Banbury Road.

5.2. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The proposal is seeking planning permission for the demolition of the existing buildings on site and their replacement with a 5 storey mixed-use building comprising 4 commercial units, 180 bed hotel and 6 maisonette flats (1x3bed, 1x1bed and 4x 2 bed units):

6.2. The proposed uses would be accommodated throughout the site as follows

- Ground Floor: 4 no. A1–A4 commercial units and Hotel entrance lobby. Associated servicing, plant, internal bin and cycle storage. Residential access lobby from Mayfield Road and associated internal bin and cycle storage;
- First & second floors: hotel bedrooms;
- Third floor: hotel bedrooms and 6 maisonette flats (ground floor);
- Fourth floor: upper floor of the maisonette flats;
- Externally a total of 29 car parking spaces are provided: 20 for the hotel (rising to 26 after 8pm), 1 residential and 8 spaces for commercial units (6 of these utilised by the hotel after 8pm). One disabled space is provided and electric vehicle charging points. Existing access entry from Banbury Road and exit onto Mayfield Road would be used with a controlled one way in and out access. Drop off parking for taxis within the site for the hotel.
- New public realm landscaping and landscaping of the rear parking/ courtyard area. Green roof provided on the internal courtyard roof.

7. RELEVANT PLANNING HISTORY

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

<p><i>Gordon house – 276 Banbury Rd</i></p> <p>72/25369/A_H - Erection of 3 No shops, offices and 5 No maisonettes (Gordon House, 276 Banbury Road). PER 22nd February 1972.</p> <p>78/01164/A_H - New office front (Unit 2 Gordon House, 276 Banbury Road). PER 29th January 1979.</p> <p>88/00829/NF - Change of use from retail shop to estate agent. (Unit 3 Gordon House, 276 Banbury Road). PER 20th September 1988.</p> <p>04/00142/FUL - Change of use of ground floor from Class A1 retail to Class A2 offices (Unit 1 Gordon House 276 Banbury Road).. REF 29th March 2004.</p> <p>15/01251/FUL - Change of use from Use Class A1 (Retail) to Use Class A2 (Financial and Professional services). PER 17th July 2015.</p> <p><i>278-280 Banbury Road</i></p> <p>50/00023/D_H - Extensions (in principle) (North Oxford Garage Ltd 280 Banbury Road). PER 16th March 1950.</p> <p>55/04647/A_H - Petrol tank pump and kiosk (North Oxford Garage Ltd 280 Banbury Road). PER 26th July 1955.</p> <p>63/13936/A_H - Reconstruction of petrol filling station, erection of canopy and two new 3000 gallon and one 5000 gallon petrol tanks (North Oxford Garage Ltd 280 Banbury Road). PER 10th September 1963.</p>
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65/17065/A_H - Provision of offices over existing showroom and additional accommodation (North Oxford Garage Ltd 280 Banbury Road). PER 14th December 1965.

69/21640/A_H - Outline application for the erection of motor vehicle showroom, supermarket, offices and maisonettes (280 Banbury Road). PER 19th August 1969.

69/21641/AA_H - Erection of new workshop for vehicle maintenance (280 Banbury Road). PER 19th August 1969.

69/21641/AB_H - Erection of new workshop for vehicle maintenance (revised) (280 Banbury Road). PER 28th October 1969.

69/21641/A_H - Outline application for the erection of workshops for motor vehicle maintenance and car sales display area (280 Banbury Road). PER 10th June 1969.

86/00293/NF - Rebuilding of service and parts areas. Alterations to showroom. Removal of petrol filling forecourt and replacement with car sales display at North Oxford Garage 280 Banbury Road. PER 7th May 1986.

07/01241/FUL - Change of use of front portion of site from car showroom to a retail/financial and professional service use (Use Class A1/A2). Continued use of rear part of site as workshop (Use Class B2). External alterations. (280 Banbury Road). WDN 25th July 2007.

07/02270/FUL - Change of use of front portion of building from car showroom to a Class A1 retail shop (Unit 1) and either Class A1 retail shop or Class A2 financial and professional services (Unit 2). Continued use of the rear of the building as motorist centre including sale and fitting of tyres, exhausts, brakes, MOT testing with associated external alterations. (280 Banbury Road). PER 30th November 2007.

08/00471/VAR - Variation of condition 4 of planning permission 07/02270/FUL (noise levels) to allow the premises to operate between the permitted opening hours Monday to Saturday with noise levels at no more than 40dB Laeq 1 hour and between the permitted hours on Sunday at no more than 35 dB Laeq 1 hour . (280 Banbury Road). PER 28th May 2008.

08/00472/VAR - Variation of condition 11 of planning permission 07/02270/FUL (opening hours) to allow the premises to remain open until 5.30pm on Saturdays and between 10.00am and 4.00pm on Sundays (Unit 3 280 Banbury Road).

278-282 Banbury Road

17/00476/FUL – Demolition of existing building. Erection of two storey building to provide 4no. retail units (Use Class A1). Provision of car parking and bin and cycle stores.(Amended plans). PER 16th May 2017

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	117-123, 124-132	CP8 CP9 CP10 RC13	CS18_ CS19_	HP9_ HP11_ HP12_ HP13_ HP14_	
Conservation/ Heritage	184-202	HE2 HE3 HE7			
Housing	59-76		CS23_ CS24_	HP1_	
Commercial	85-90	RC4 RC11 RC12	CS1_ CS31_ CS32_		
Natural environment	170-183	CP11 CP13 NE13 NE14 NE23	CS11_ CS12_		
Social and community	91-101			HP4_	
Transport	102-111	TR1 TR2 TR13 TR3 TR4 TR12 TR14		HP15_ HP16_	Parking Standards SPD
Environmental	117-121 148-165, 170-183	CP18 CP19 CP20 CP21 CP22 CP23	CS9_ CS10_		Energy Statement TAN
Miscellaneous	7-12	CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 28th June, 23rd November and 4th September. An advertisement was published in The Oxford Times newspaper on 28th June, 23rd November and 6th September 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. The County has provided the following responses

First response 20th December 2017:

9.4. This is summarised as follows:

Principle of development at this location is accepted, however the submission does not provide sufficient details as listed below:

- Proposal includes 180 guest rooms and 1,112 square metres of retail use
- Reduction in parking provision
- No drop-off/taxi facility provided
- Proposal will raise number of employees from 40 to 83
- Lack of information regarding alterations to accesses and lack of visibility splay drawing for exit to Mayfield Road.
- Lack of traffic impact analysis for the AM peak hour.

Second response 19th July:

9.5. This is summarised as follows:

- Proposal includes 180 room hotel, 1112sqm retail use and 6 flats (4x2-bed, 1x3-bed & 1x1-bed)
- Lack of parking for hotel leading to potential additional parking stress on local streets
- Insufficient modelling of Mayfield Road/Banbury Road junction
- Lack of information regarding operation of access gate to parking area
- Lack of cycle storage for residential units
- Tracking shows overrun into parking bays and across pavement
- Submitted documents states Easyhotels have lower car use than other hoteliers – planning permission is for a hotel so could change ownership
- Parking surveys showing severe parking stress on local residential streets on Saturdays which is likely to be [the] busiest period.

Third response 18th September 2018:

9.6. This response supersedes previous response dated 11/07/18. This response follows further information submitted (namely Transport Statement Addendum reference EASY/18/4179/TN03 & Car Parking and Delivery Management Plan). These documents along with previously submitted car parking surveys form the basis for this response and the removal of Oxfordshire County Council's highways objection.

9.7. *Traffic Generation/Junction Capacity*

9.8. The traffic generation presented has not been developed using the correct selections. The data shows a number of London sites, this is not generally accepted outside of London due to the high number of different modes of transport within the capital. Secondly, one of the areas selected for comparison is Town Centre, whilst deemed a sustainable location, Banbury Road is not considered the town centre.

9.9. However, the junction capacity assessment shows no severe harm caused by this development on the junction and residual capacity. With the sustainability of the location in regard to bus services (the number 500 bus travels to the train station every 15 minutes) and with arrivals/departures generally being spread throughout the day, it is not deemed that this proposal will cause a severe impact upon the highway network.

Car Parking

9.10. Potentially the biggest concern of this development is the impact upon the local residential streets from hotel car parking. However, with the sustainable location and the general users of the hotel, along with the measures (as described below) put in place by the applicant it is deemed that that the impact has been sufficiently mitigated.

9.11. The submitted parking surveys show that if all hotel users travelled by car, the local car parks would not be able to fully provide enough spaces. However, it is accepted that with the sustainability of the location and the budget nature of the hotel, it is highly unlikely that this will occur.

9.12. The parking survey shown that the public car parks in the area are busiest at around 10:00 and 11:00 am on weekdays when on-street parking restrictions are in force. At these points the survey shows 88 spaces still available, at this point the car park to the rear of the hotel will provide an additional 20 spaces for hotel guests (rising to 26 after 8pm), as the hotel website will direct people to the public car parks it is deemed that the residential streets will not suffer severe harm from the development.

9.13. The on-site car parking will be allocated as follows and a Car Parking Management Plan will be conditioned to ensure these remain allocated in this way:

- Hotel: 20 spaces in daytime with further 6 after 8pm
- Retail Unit 4: 2 permanent spaces plus 6 between 10:00am and 20:00pm
- 3-bed residential unit: 1 space

- Total: 29 spaces including 2 disabled spaces

9.14. Due to the sustainable location of the site, it is deemed that the residential units can be excluded from eligibility for parking permits so not too add further parking stress to the residential streets.

Cycle Parking

9.15. Further details of the cycle parking have been submitted. This shows a cycle store housing 33 bikes which can be used by residents, hotel guests and staff of all units on the site. For patrons of the retail units, a further 20 spaces are provided to the front of the site, along with 2 bike pumps. This is in line with Oxfordshire County Council's cycle parking standards and as such is accepted.

Gate Operation

9.16. The site will operate as a one-way system. Vehicles will be able to enter freely from Banbury Road through an automatic barrier but will not be able to leave the same way, instead they will be able to exit through a separate barrier onto Mayfield Road. This barrier will be operated by using tokens given to the users by retail/hotel staff and will also have an intercom system so refuse vehicles/taxis will be able to travel through the site without leaving their vehicles.

9.17. For this to work it relies on there being someone available at the hotel reception 24 hours a day, if this is not managed correctly it may result in taxis not using the site and dropping off guests on Banbury Road which is not acceptable. The operation of the gate will be included in the Car Parking Management and Delivery Plan which requires a condition.

Refuse and Delivery

9.18. Tracking has been submitted showing that a 10-metre vehicle can safely enter and exit the site. This is the largest vehicle that will enter the site and this will be enforced through the Car Parking Management and Delivery Plan which will be conditioned.

Summary

9.19. Whilst the concerns of local residents have been considered, it is deemed that the public car parks in the area and the hotel car park can adequately cope with the vehicles generated from the development. Whilst adding additional vehicles to the network is not ideal, the submitted surveys demonstrate that the impact of this development is not severe and Oxfordshire County Council as the Local Highway Authority does not object to this application subject to the conditions stated above being included in any permission granted.

9.20. Conditions requiring a Construction Traffic Management Plan, Travel Plan, a Car Park Management and Delivery Plan and Excluding the flats from eligibility for Residents Parking Permits.

RSPB

9.21. Swift boxes should be installed in the new building.

Thames Water Utilities Limited

9.22. Response 16th July: *Waste Comments* Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

9.23. *Water Comments:* Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following a condition be added to any planning permission requiring details of all water network upgrades required to accommodate the additional flows from the development.

9.24. The proposed development is located within 5m and 15m of a strategic water main. Thames Water have contacted the developer in an attempt to agree a piling methodology, but have been unable to do so in the time available and as such Thames Water request that a piling method statement condition be added to any planning permission.

9.25. The proposed development is located within 5m of a strategic water main. Thames Water do not permit the building over or construction within 5m, of strategic water mains and have contacted the developer in an attempt to agree how the, asset will be diverted / development will be aligned. We have been unable to agree a position in the time available and as such Thames Water request that a condition requiring details of how the asset is to be diverted be added to any planning permission.

Environment Agency

9.26. Response of 4th December 2017: Previous uses at this site may have caused some land contamination that could be mobilised during construction leading to pollution of controlled waters. Controlled waters are particularly sensitive in this area because the proposed development site is located upon a Secondary A aquifer. The Phase 1 Desk Study and Risk Assessment reference AF0239 dated July 2017 compiled by CJ Associated Geotechnical Limited, submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

9.27. We consider that planning permission could be granted to the proposed development as submitted if the following planning condition [Phased risk assessment] is included on any planning permission. Without this condition, the

proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

9.28. We would like to highlight that groundwater may occur at relatively shallow depth at this site. Reference is made within the Site Investigation to a fuel filling station with underground tanks previously located on site. It is not uncommon for mobile contaminants such as some hydrocarbons, to migrate rapidly from point sources, leaving minimal impact to the soil, but significantly impacting on groundwater. Direct groundwater sampling is the most comprehensive method to demonstrate if any impact to groundwater has occurred. The detailed site investigation scheme sought under condition 1 would need to include a comprehensive groundwater sampling. We advise that decommissioned tanks should be removed, and all sides of the excavation should be checked for the presence of contamination.

9.29. Response of 16th July 2018: The proposed amendments do not alter our advice already made on 4th December 2017.

Historic England

9.30. Thank you for your letter of 14 November 2017 regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed.

9.31. Thank you for your letter of 25 June 2018 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Thames Valley Police

9.32. Do not wish to object to the proposals but have concerns in relation to community safety/crime prevention design and suggest a condition requiring CCTV: Advice is summarised as follows:

- I am concerned about the multiple uses of the development in relation to segregation, access control and surveillance. I am willing to advise the authority/applicant further on how a safer environment can be created in respect of this and provide some guidance at the end of this response.
- The DAS states that the rear parking and service area will be 'Enclosed and secure'. However, it is unclear how this will be achieved. The plans show an 'Access barrier' and no boundary treatment at the main vehicular entrance. Also, there are two sections of low wall on the north boundary of the development that could be easily climbed. Therefore, the area will not be secure or enclosed. I strongly recommend that the plans are revised to ensure this is the case, including details of gates and fences, and on how access will be controlled. For guidance, gates and fences should be visually permeable, at least 2m in height and robust (with gates proven to be reliable in operation to a minimum standard of LPS1175 SR2).

- The Banbury Rd frontage requires careful consideration. The landscaping scheme should not impinge upon natural surveillance, street lighting or CCTV. Tree/shrub positions, habit and final growth height/spread should be considered to avoid this. A holistic approach should be taken in relation to landscape, CCTV and lighting and SBD guidance on all should be followed. In addition, the proposed street furniture, planters and bollards should be robust and extended to ensure vehicle intrusion is prevented on to any of the paved areas along Banbury Rd, Mayfield Rd and at the hotel entrance.
- Details of internal and external lighting schemes must be provided so that the safe and secure use of the proposed development can be assured, and to assist in reducing the fear of crime.
- Details of the location, orientation and design of the hotel reception desk must be provided before approval is given. This feature is vital in the control of the building's secure operation and the safety of patrons, residents and employees.
- The internal cycle storage is currently proposed to be used by both residents and hotel customers. Separate secure cycle storage must be provided to prevent conflicts and theft.
- Post/delivery arrangements for residents must be clarified. This should be either through the wall or via an airlock system so that unauthorised access to the private residential area is assured.
- The uses of the 6 rooms adjacent to the hotel lobby (wrapping the NE corner of the building on the ground floor), the room north of the proposed cycle store and the room east of the residents entrance lobby are not clear and must be identified before any crime prevention or security advice can be given in respect of them.

Public representations

9.33. Local Amenity Groups and local people commented on this application. A list of their addresses is appended at **Appendix 2**. In summary, the main points are summarised as below (numbers represent number of people making that particular comment):

Comments Received on First consultation

- Impact on already significant traffic congestion (131)
- Overdevelopment of the area (28)
- Hotel will bring no benefit to the residents of Summertown (33)
- Impact on the small amount of public parking currently available (51)
- No need for hotel, already adequate hotels in the area (33)
- Impact on the character of local high street and independent businesses (29)
- Out of keeping with (Victorian) buildings adjacent to site (13)
- Loss of residential units (36)
- Safeguarding & privacy issues as development will overlook Summer Fields School (40)

- Loss of residential accommodation will impact on recruiting staff at Summer Fields School (1)
- Loss of asset value to Summer Fields School (1)
- Concern over road safety with additional traffic near to Summer Fields School (12)
- Impacts on visual amenity and surrounding buildings (13)
- Concerns on the scale & height of the development (17)
- Hotel not suitable for the area (out of keeping) (46)
- Concerns of traffic flow; already problems accessing Summer Fields School (6)
- Concerns that development provides no parking (guests will inevitably arrive by car) (66)
- Concerns of increased taxi; coaches etc. to drop guests/staff at hotel, as well as service vehicles to hotel (22)
- Development will bring noise; nuisance & pollution to the area and nearby residents (35)
- Hotel will be used as a cheap “stop off” to other locations (5)
- Precedent could be set for other large hotel developments (1)
- No consideration for much needed housing provision (41)
- Providing a care home on the site (1)
- Challenge to recruit staff to the hotel (low wage against high house prices) (4)
- Concerns of replacement for low budget food restaurants (1)
- No advice sought from the Oxford Design Review (2)
- No provision for increasing public transport facilities (4)
- Limited spaces for taxis to drop off – already have current issues (2)
- Impact on services (i.e. water supply) is not adequate to sustain a hotel development (1)

In Support

- Hotel development will enhance the street front; good transport links; conforms to the Local Plan (1)
- Development will bring customers to local shops and restaurants (1)
- In support but signage & design should be considered and in keeping with area (1)
- Support residential flats but site should be devoted to affordable housing (1)

Comments Received on Second consultation (comments received on or after 22/6/18):

Comments received are of the same nature above. The comments below are particular to the amended plans and information:

- Concerns of overlooking of neighbouring properties (additional rooms) (4)
- Loss of natural light (3)
- Additional height inappropriate for the location/damage character of Summertown (9)
- Revised design – made it bigger and too bulky and out of scale (2)

- Height of hotel will overlook neighbouring residential properties and children at Summer Fields pre-prep school (3)
- Amendments have not addressed concerns of residents – parking; height of building; loss of amenity to the residents of Summertown (5)
- Development is out of proportion for the area (2)
- No provision for car parking for the proposed retail units (1)
- The Report mentions other sites (Liverpool & Luton) are situation in commercial areas of a city of town centre, not a neighbourhood shopping centre (1)
- Design of building is out of keeping with the surrounding area (1)
- No provision for affordable housing (2)
- Loss of affordable rented property if development is granted (1)

Comments Received on Second consultation (comments received on or after 22/6/18):

Again comments received are of the same nature above. The comments below are particular to the amended plans and information:

- Increase in traffic (29)
- Lack of current parking spaces in Summertown (13)
- Hotel not suitable for the area (19)
- Concerns of coaches being able to use the hotel site (3)
- Increase in noise (16) – movements in/out of hotel
- Development will impact on neighbouring properties/businesses (6)
- Discount tickets for parking – only encourages more cars to the area (2)
- Concern that new nursery/infant school opened (Sept 2018) behind proposed site (5)
- Other well established B&Bs in the area (6)
- Safeguarding issues with school (5)
- Amendments still don't address parking issues on site (13)
- Concerns of delivery lorries already dropping-off in the area (5)

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of development;
- b) Affordable Housing;
- c) Design;
- d) Transport and Parking;
- e) Neighbouring amenity;

- f) Landscaping
- g) Flood Risk and
- h) Other Matters – Air Quality, Land Quality, Public Art, Archaeology, Energy Efficiency and Secure by Design, Biodiversity, Flooding

a. Principle of development

10.2. The National Planning Policy Framework NPPF was revised in July this year and at the heart of it remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise.

10.3. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.117). It encourages mixed use development schemes in urban areas, particularly where there is a net environmental gain. It also encourages development to go higher above commercial and residential premises to provide new homes where development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed and can maintain safe access and egress for occupiers. In relation to retail uses and commercial development the NPPF states that planning policies should be positive, and promote competitive town centre environments.

10.4. Relevant to his application is the emerging ‘Summertown and St Margaret’s Neighbourhood Plan’. This plan is subject to Examination, which is currently underway and the Examiner’s Report has been received. However spatial policies relating to design and transport are relevant to the consideration of this proposal and some weight given to them given its stage in preparation in accordance with the NPPF (para 48).

Hotel Accommodation:

10.5. There is an acknowledged need for short stay hotel accommodation within the City. Policy CS32 of the Core Strategy (2011) (CS) seeks to achieve sustainable tourism by encouraging longer stays and greater spend in Oxford. The amount and diversity of short-stay accommodation to support this aim will be achieved by permitting new sites in the City Centre and on Oxford’s main arterial roads, and by protecting and modernising existing sites to support this use.

10.6. Policy TA4 of the Oxford Local Plan 2001-2016 (OLP) states that permission will be granted for development that maintains, strengthens and diversifies the range of short-stay accommodation provided that a) it is located on a main route into the City or in the City Centre; b) that it is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements; c) part of any existing dwelling to be changed to short stay accommodation is retained for residential use; and d) it will not result in an unacceptable level of noise and disturbance to nearby residents. The hotel operator and nature of the hotel accommodation e.g. boutique or budget is not material in respect of this policy which is based on use class.

10.7. The provision of a hotel would meet the need for additional hotel accommodation and diversify the range of short stay accommodation within the in the City in accordance with CS32 of the CS and TA4 of the OLP. Issues relating to Highways and impact on residential amenities are set out in more detail below and subject to those being satisfactory; the principle of increased hotel accommodation in this location is considered acceptable.

Retail:

10.8. The application site is located within the Summertown District Centre and fronts onto Banbury Road which forms part of a designated District Shopping Frontage. At the time of submission the existing building consisted of 5 units on the ground floor; Majestic Wine and Charity shop retail unit (class A1), two Estate Agents (class A2) and one vacant retail unit (A1) within the shopping frontage. All but Majestic Wine are now vacant.

10.9. The revised NPPF states the Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption (para 85.)

10.10. Core Strategy Policy CS1 details Oxford's hierarchy of centres and states that the application site is suitable for retail, leisure, employment and other uses serving district level needs. The site also falls within the defined district centre boundary, as set out in the Local Plan, with the site frontage forming part of the defined shopping frontage. Policy RC4 of the Local Plan requires that Class A1 uses (retail) are provided at ground floor level and that other Class A uses are acceptable provided the percentage of A1 uses does not fall below certain thresholds.

10.11. The application proposes 4 new commercial units with flexible uses, Classes A1 (retail) to A4 (drinking establishment). This would result in the net loss of one commercial unit within the development and overall within the district shopping frontage. The hotel would not provide any food/ restaurant facilities and these would have to be sought from the existing provision of food and drink establishments in Summertown.

10.12. The three existing commercial units within Gordon House are very small with a floor area of less than 150sqm. The new development would provide 4 substantially larger units with improved servicing and delivery facilities and a small number of car parking spaces. The existing forecourt parking area to the front would be landscaped to create an enhanced area providing seating, soft planting and specimen trees in keeping with the rest of Banbury Road and for the benefit of all.

10.13. A1 retail units may change use to other forms of Class A uses within the primary shopping frontage if the percentage of units does not fall below 65%. Other use classes outside Class A maybe acceptable if the percentage is over 95%. The current percentage of A1 is 64% in the primary shopping frontage in Summertown. It should be noted that the 2108 Retail Survey of 58% has been adjusted to take account of inaccuracies (double counting of vacant units).

- 10.14. The development would result in the loss of a unit and proposes that the four new large retail units are flexible in their use from A1 to A4. The Applicant has put forward the argument that the small units could change use to A3 (Café) under the current permitted development regulations. Officers do not agree with this argument in this case due to restrictive conditions relating to floor space both of individual units and cumulatively within the building, and consider that permitted development does not represent a fall-back position.
- 10.15. Notwithstanding any disagreement on permitted development, Officers consider in view of the overall net reduction of one unit within the primary shopping frontage and the introduction of a hotel use, that a minimum of two of the units should be retained as Class A1 shop use bringing the percentage A1 within the district centre up from 64% to 65%. This would allow the other two units to be flexible Class A2 (financial), A3 (Café) or A4 (pub/bar), thereby maintaining the vitality and sustainability of the District Centre as set out in CS1 and RC4 and the NPPF and in accordance with RC4 of the OLP. In addition hotel guests seeking food and drink from other establishments in the vicinity would have wider social and economic benefits for Summertown District Centre in accordance with the NPPF. It has been confirmed that Majestic Wine wish to remain in this location, hence the slightly large unit on the corner of Mayfield Road and associated car parking spaces. The use of the units could reasonably be restricted by condition. All details of signage would require separate permission under Advertisement Regulations in the usual way.

Loss of Office and Garage:

- 10.16. Policy CS28 of the Core Strategy and supporting text sets out the Councils policy for employment sites and states clearly that planning permission will not be granted for development that results in the loss of key protected employment sites. The policy allows for modernisation of an employment site where it can be demonstrated that new development secures employment; 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.
- 10.17. Whilst the site is now almost totally vacant it was occupied at first and second floors by offices (Class B2) and a small vehicular repairs & MOT Garage (sui generis) to the rear of the site was, together employing the equivalent of 40 full time jobs.
- 10.18. The mixed use development would bring with it diverse employment opportunities and would provide the equivalent of 61 full time employment jobs from the hotel and retail (as a result of the amended plans and known occupiers). There would overall be an increase in employment on the site. The proposal therefore accords with Policy CS28 of the CS.

Residential:

- 10.19. The provision of housing is one of Oxford's greatest needs as set out in the Strategic Housing Land Availability Assessments (SLAA) and Strategic Housing Market Assessment (SHMA). The retention of existing residential accommodation and increased provision is significant in meeting this need within

Oxford and therefore afforded a high level weight. Policy CS2 of the adopted Core Strategy (CS) aims to focus development on previously developed land, and in recognition of the housing needs Policy CS22 (housing growth) and CS23 (mix of housing) of the CS set the strategy for the amount and mix of housing to be achieved on appropriate sites and how affordable housing is to be secured. These policies are further detailed in the Balance of Dwellings Supplementary Planning Document (BDSPD) which sets out the appropriate mix for residential development. There is no specific mix requirement for residential developments of 1-9 units in District Centres. HP1 of the Sites and Housing Plan (SHP) states that permission will not be granted for development that results in the net loss one or more self-contained dwellings on a site. 3 beds flats are defined as family accommodation in the SHP.

10.20. The existing maisonette flats in the upper floors of Gordon House (No.276 Banbury Road) provide 5 residential units 2x 2bed and 3x3bed with access to outside roof terrace space. Above Majestic Wine (No.280) is a further flat, however it should be noted that the existing residential use is unlawful and therefore not considered as a dwelling. This argument was rehearsed previously under planning permission 17/00476/FUL for the demolition of 280 Banbury Rd and erection of a two storey building to provide 4no. retail units. In this application the loss of the residential unit was justified on the basis that the existing residential use was unlawful; that it demonstrated poor quality accommodation; and that the economic benefits arising from redevelopment of the site would outweigh the loss of 1 residential unit.

10.21. The application proposal as originally submitted for this site would have resulted in the complete loss of all 5 maisonettes in Gordon House (2x 2-bed and 3x 3-beds). The loss was again justified by the Applicant on the basis that the buildings were in 'poor' condition and the benefits of the proposed development outweighed the loss. However the building survey showed that the accommodation was only in need of updating, but nonetheless provided the type of residential accommodation one would expect to see in an urban context and particularly a district centre. Given the need for residential accommodation in Oxford, Officers advised the Applicant that the net loss of these units was contrary to HP1 of the SHP and given the need for housing in Oxford was not outweighed by the benefits of the development. The Applicant has sought to address this through amended plans.

10.22. The amended plans submitted now show replacement maisonettes for all 5 existing flats and the unlawful unit above Majestic in a mix of 1x1bed, 4x2bed and 1x3bed (family) units. The lower floor of the maisonettes contain the bedrooms and bathrooms and upper floors the main living areas, which take advantage of the views and also have access to the southwest facing balconies with the exception of the 1bed. The 1bed does not have any exterior amenity space as there is no set requirement for its provision under SHP Policy HP13. Three of the larger units also have additional small balconies at the lower floor.

10.23. The flats have been design to meet the National Space Standards internally and requirements for outdoor amenity space, including bin storage. They are all accessible via lift from a main entrance off Mayfield Road. Therefore the

development accords with Policy HP1, HP12 and HP13 of the SHP and CS23 of the CS.

Affordable Housing:

10.24. For the purposes of Policy CS24 the remainder of the development is considered to fall within the 'commercial' category when considering affordable housing provision/ contribution as set out in the Affordable Housing & Obligations (AH&O) SPD. It states that planning permission will only be granted for commercial development that provides affordable housing to meet additional demand created. This could be in the form of a financial contribution that reflects the cost of providing the number, types and sizes of dwelling required where on-site provision is not possible as in this case.

10.25. CS24 and the SPD contain no size threshold at which a contribution will be sought; however an indicative threshold of 2,000m² net additional floor space is used to indicate when a contribution is expected. The proposed development would provide 2247sqm and therefore a contribution is required. The Applicant has agreed to contribute £69,212 towards affordable housing in accordance with CS24 of the CS. This can be secured via a legal agreement.

b. Design

10.26. The Revised NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). It goes on to set out at para 127 that planning decisions should ensure developments:

- Function well and add to the overall quality of the area, during the whole of its lifetime;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Sympathetic to local character and history, including the built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as densities);
- 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;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

10.27. However, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies design should not be used by the decision-maker as a valid reason to object to development.

10.28. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan in combination require that development proposals make best and most efficient use of land, incorporate high standards of design and respect local character. The St Margaret and Summertown Neighbourhood transport spatial policies also seek to ensure high quality design that is appropriate to its context and any heritage assets.

10.29. In considering the development as originally submitted Officers advised the Applicant that the proposed building as was unacceptable due to its overly horizontal in emphasis and large bulk and mass within the street scene. This did not reflect the smaller rhythm and grain of the shop fronts opposite or the grain of the residential to the north, which was considered more appropriate than that of the larger mid-20th Century and later additions in Summertown which it appear to reflect. The development was also not reaching its full potential in terms of density and optimising the potential of the land, particularly in view of the loss of residential and that the building was lower than adjacent buildings.

10.30. In order to resolve these issues the emphasis and detailing of building facades has used greater verticality and rhythm; taking the individual ground floor retail units as a starting point for the vertical emphasis right to the top of the building. Parts of the main building façade on Banbury Road are set back and the top floor is set back from the main elevation behind the outdoor balcony space which is sufficient to reduce the overall feeling of height and bulk and massing. The parapet to the main façade is both solid and glass, acting as the balustrade to the residential balconies behind. The hotel lobby remains the fifth vertical element and is set back 4m from the main elevation. The same principle has been employed to Mayfield Road to better respond to the more domestic scale of the terraced housing. It is considered that this treatment has broken down the massing and allowed the building to respond more appropriately to its context, despite having an additional floor added in order to re-provide the existing residential accommodation.

10.31. It has been designed to meet the functional requirements of the hotel operator's model for accommodation. Therefore the rooms, with the exception of accessible rooms, are very minimal in size to allow a bed, minimal circulation space and an ensuite (there is no minimum size standard for hotel accommodation). 8 accessible rooms are provided, 4 each on first and second floors, and have been designed to meet current standards, allowing for wheelchair access etc. The upper floors are centred around a central courtyard with a proposed green roof, although it would only be accessible for maintenance purposes.

- 10.32. In terms of height Gordon House, which is four storeys, is the same height as the lower ridge/ parapet line of the adjacent building on the corner of Mayfield Road (274 Banbury Road), which rises another floor above it although set back. The new building's overall height and parapet level would be lower than that of both overall height and parapet height of No.274. It also follows the same building line as No.274 and is set back approximately 8m from the pavement. Whilst the building sits forward of the Victorian building to the north, it has been moved further away, which allows a further degree of separation and thus would form an appropriate transition between the two buildings within the street scene. To the rear (east) there is sufficient distance between the school building and proposed building across the carpark and the school grounds so that the building would not be overbearing, despite it being higher at the rear than the existing building.
- 10.33. Details of the façade treatment and proposed materials have been submitted. Power coated aluminium window frames would be set with in deep brick reveals. Different window types have been employed such as bays and angled oriel windows (rear) and inset balconies offer relief and interest within the facades. The proposed red bricks would be in expressed in different bonds, patterns and inset panels. These design details would add another layer of visual richness to the building.
- 10.34. The revised NPPF emphasises the importance of good quality design and whilst the building is not highly innovative or push the boundaries of architecture as some buildings in Oxford have in recent times, the design is acceptable. The existing buildings are not an exemplary example of good 20th Century architecture and do not positively contribute to the street scene. The verified views of the proposed buildings show that the building would sit comfortably within the street scene in terms of height and massing. The development makes best and most efficient use of the existing site.
- 10.35. It is therefore considered that the building accords with Policies CS18 of the CS, CP1, CP8, CP9, CP10 of the OLP and HP9 of the SHP and the NPPF.

c. Impact on neighbouring amenity

Privacy

- 10.36. The Applicant has taken on board objections raised in relation to direct overlooking to Mayfield School to the rear from the rear (east) elevation windows and into the Church hall through their high level/ upper windows. On the rear elevation these concerns have been addressed through the use of angled oriel windows and internal splayed windows at upper floor windows which restrict views towards Mayfield Road direction. There would be no direct overlooking as a result. At ground floor views are restricted by the existing 2.85m high wall that surrounds the site. Tree planting has been proposed that will also provide screening as they mature.
- 10.37. In relation to the Church Hall, the building as amended is reduced in footprint at the rear so the building does not extend as far back as existing. On the proposed north elevation much of the new building would be shielded from views

towards the Church and Hall by the existing Victorian building and its roof (No.294) immediately adjacent to the north. The Hall is only visible in between the end of No. 294 and a two story outbuilding to its rear, a gap of approximately 9m. As amended, the proposed top third floor windows would be angled oriel windows that would direct views towards the Banbury Road and away from the hall and neighbouring residential properties on Lonsdale Road. At first and second floor the most easterly rooms in that façade would face towards the Hall. However given the distance between the buildings in excess of 25m together with the high level nature of the windows in the hall, it is considered that it unlikely that hotel guests would be able to see in.

Overbearing

10.38. In terms of outlook and visual appearance the building would appear larger than the existing building, particularly at the rear. However due to the distance to the site boundary and adjacent properties it is considered that the building would not appear overbearing to neighbouring properties as a result. It would have approximately 10m separation to the adjacent building to the north and approximately 23m separation across the rear courtyard parking area to the boundary wall to the east with Summerfield School. Properties on the opposite side of Mayfield Road would be approximately 11m away. The proposed landscaping would soften the views towards the building from the rear.

Sunlight and overshadowing

10.39. In terms of impact on light, the application submitted a sunlight and Daylight Study assessment based on the BRE guidance which shows that as originally submitted there would be no significant harm to light received to the windows of neighbouring properties as a result of the proposed development. Neither would adjoining properties suffer from either excessive or unacceptable levels of overshadowing from the proposed development. The development has now been moved further away from the rear and residential accommodation at Summerfield and Mayfield Road. It is considered that overshadowing would not be significantly more than currently exists due to proximity of existing buildings and structures across the rear service yards/ car parks and road. No objection is therefore raised in terms of impact on light and overshadowing.

Noise and disturbance:

10.40. Concern has been raised regarding noise and disturbance from deliveries and servicing. The Environmental Noise Impact Assessment by Acoustic Design Ltd dated 1st September 2017 contains includes a noise survey and details of the expected noise issues for new hotel rooms and site noise emissions. Given its location great care is needed during the demolition and construction phases in order to minimise environmental impacts on nearby domestic and commercial occupiers. The hotel has also submitted information in this regard which states that deliveries would be minimal and limited to laundry and waste collection. There are no restaurant facilities in the hotel; however two of the commercial ground floor units could become A3 as mentioned earlier in the report.

- 10.41. In view of the proximity to residential properties, details of any air conditioning, mechanical plant, extraction equipment required by the hotel and commercial units could be secured by conditions in order to maintain the existing noise climate and prevent ambient noise creep in the interests of the residential amenities. In addition hours of delivery could be conditioned so that these are outside peak hours and not on Sundays or public holidays. A condition requiring a Construction Environmental Management Plan would seek to control and mitigate issues arising from demolition and construction.
- 10.42. In summary it is considered that the development as amended would not have neighbouring amenities and as such accords with CS18 of the CS, CP1, CP8, CP9, CP10, CP19 and CP21 of the OLP.

d. Transport

Transport sustainability

- 10.43. The site lies within the Summertown District Centre and is considered a sustainable location which is well served by public transport in and out of the city, including Oxford North Railway Station, Water Eaton Park and Ride and the City Centre itself. 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. Importantly it also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The St Margaret and Summertown Neighbourhood transport spatial policies also seek to ensure sustainable development that would not adversely affect the highway network, encourage sustainable modes of transport and retain existing levels of car parking in the area.
- 10.44. A Transport Assessment has been submitted with the application which considers the impact of the development upon the highway network. This has been supplemented by additional Transport Addendums, Technical Notes, and an Outline Car parking and Delivery Management Plan.
- 10.45. Concern has been raised by residents about the potential adverse impact on car parks and residential streets from parking related to the hotel and commercial units, and impact on the highway network from traffic generation, junction capacity, deliveries and waste collection, taxis and coaches to the hotel. The County Council as highway Authority had also raised concerns and their comments are set out at paragraphs 9.3-9.19 above. In response and in order to address the concerns raised, the Applicant undertaken further parking and traffic surveys and trip generation calculations and amended the onsite cycle and car parking provision, clarified servicing and deliveries, control of parking and access to the site, improved access visibility onto Mayfield Road.
- 10.46. Further information has been submitted about the hotel operator. Easy hotel customers would mainly arrive by public transport and car usage is minimal due to the 'super budget' hotel model they operate. Evidence submitted states that in 2014 over half Easy hotels guests were from overseas, which is likely to be

due in part to being part of the 'easy' brand which includes the Easyjet airline. On average customers stay for 2 nights. Data gathered from other hotels shows that Easyhotel guests are predominantly on leisure-related stays (~67%), followed by business trips (~27%) and visits to family / friends (~7%). Easyhotel distributes 100% of their rooms through their own website. It does not promote coach booking and does not provide discounts for large groups. The Agent has confirmed that that only limited parking onsite would not be advertised as available on their website and customers would have to contact the hotel direct to enquire. In this way the amount of car parking would be controlled.

10.47. Access into the car park would be from Banbury Road, via a barrier. This barrier will allow automatic entry to any vehicle. Exit from the car park would be via Mayfield Road, which would also be barrier controlled. However, the exit barrier will be controlled such that only residential occupiers, customers of retail unit 4, or the hotel including taxis and servicing vehicles could exit the site with either a token/ code number/ key or intercom.

10.48. There are 43 existing car parking spaces on site. The development reduces this to 29 car parking spaces. These would be allocated as follows:

- 1 space for the proposed 3 -bed residential unit on site. This parking bay would be accessed via a drop-down bollard and the resident provided with a key both for the bollard and the exit barrier.
- 6 spaces for the dual-use of Retail Unit 4 (Majestic) and the Hotel. Hotel customers will only be able to occupy these 6 spaces between the hours of 8pm and 10.00am, i.e. outside the proposed trading hours of Unit 4. Within those hours the spaces would be reserved for retail customers of Unit 4. This would be enforced by way of signage and whichever system is implemented for the exit barrier, as outlined above. Retail customers would have to obtain an exit token from Unit 4, regardless of whether they make a purchase or not.
- 2 spaces would be for the exclusive use of Retail Unit 4. None of the other retail units would have access to parking.
- 20 spaces would be reserved for Hotel customers. Again, this would be enforced via signage and the exit system. Customers would be provided with details of on check-in.

10.49. The hotel website would make it clear that on-site parking is not available and would recommend relevant nearby public car parks. This information would be provided to guests on booking and also upon confirmation of their booking. A designated taxi bay is proposed within the development adjacent to the Hotel entrance to ensure that guests can be safely dropped off/picked up. Given that this is a hotel use (customers cannot check-in until after 15:00), the peak demands would be overnight and would not therefore conflict with the peak daytime demands within public car parks.

10.50. Guests of the hotel would be encouraged to use non-car modes and directed towards public transport. Travel information including maps, public transport fares, timetables and operating hours would be provided. This would focus on

the high frequency bus services along Banbury Road and connections to various national rail services. This information would also be given before and after booking. In anticipation of some guests wishing to arrive by car they would also be directed to Water Easton Park and Ride which is a 6 minute ride away and operates every 10 minutes, in addition to the public car parks.

- 10.51. Further information of deliveries and serving has also been provided, together with the Outline Car Parking and Delivery Management Plan. The hotel would require a 1 x linen delivery per day and would utilise a 7.5t box van (8m vehicle) to carry out these deliveries. All other deliveries to the site, including those associated with the hotel, would be made between 08.00hrs and 20.00hrs. Retail Unit 4 (Majestic) requires deliveries twice weekly by a 10m vehicle, for which a tracking plan has been separately submitted. This would be the largest vehicle accessing the site. The applicants would be happy to accept a condition to this effect in terms of vehicle size. Delivery types/times to the other retail units are not yet known but to fall within the scope of these suggested restrictive delivery times. All future operators would be made aware of the restrictions stipulated in this Car Parking and Delivery Management Plan and would have to adhere to the restrictions on delivery vehicle sizes and timings.
- 10.52. The County Council is now satisfied that the information submitted demonstrates that the development would not cause an adverse impact on the highway network in terms of traffic generation or car parking, subject to conditions. The traffic surveys and data, which include trips generated by Summerfield School's new pre-prep, there is sufficient capacity at the junction of Mayfield Road and Banbury Road. Vehicles would enter the site from Banbury road via the existing access and leave via Mayfield Road and so there should not be any adverse impact on the rest of Mayfield Road, which is one way.
- 10.53. Whilst finer details of the actual control barrier system are to be considered, the information submitted demonstrates that there should not be an adverse impact on the Banbury Road as a result of taxis or other vehicles waiting to get into the site. The amount and distribution of the car parking spaces at the rear needs careful management by both the Hotel and Unit 4 (majestic). The number of spaces for this Unit as required by Majestic in order to meet its needs as a bulk -buy commercial enterprise. None of the other commercial units would have parking. The details could be secured via revised and finalised Car Parking and Delivery Management plan.
- 10.54. In relation to car parking and impact on surrounding streets and public car parks, the concerns of residents are understood. 180 hotel bedrooms, some of which being doubles/ twins could potentially result in a significant number of cars to the site and Summertown in a worst case scenario situation. However, the super budget operation of Easyhotel and the evidence submitted regarding its customers suggests that most of its guests would arrive by public transport and stay only for one or two nights. It is in a sustainable location well facilitated by bus services and not far from the Park & Ride and Oxford North Station. The local public car parking surveys undertaken show that in a worst case scenario at peak times there would not be enough public car parking. Hence the provision of the 26 spaces at the rear, 20 exclusive and 6 after the retail Unit closes.

Notwithstanding that, the check in times of the hotel after 3pm means that much of the potential demand by hotel guests would be later on in the day and overnight. The details submitted outline how the Hotel would advertise car parking when booking, control parking on site and promote public transport. It is therefore considered that the proposed development would not have a significantly detrimental impact on the highway network or car parking, subject to the conditions requiring a Travel Plan and Car parking and Delivery Management Plan.

10.55. The County have suggested that the flats are excluded from the Controlled Parking Zone. The current flats in Gordon House are already included within the CPZ and are eligible for parking permits. Evidence from the parking surveys done shows that there is capacity in the area to accommodate these properties. The County has therefore agreed to remove this suggested condition.

10.56. The proposal accords therefore with Policies CP1, TR1, TR2, TR4, of the OLP and HP16 of the SHP.

Cycle parking

10.57. For the hotel use a minimum there of 1 cycle parking space for every 5 members of staff plus one space per every resident member of staff is required. The retail (shop) a minimum 1 space per 113 m² and A3-A5 1 space per 40m² public floor space, plus 1 space per 5 staff (or other people). For residential flats a minimum 1 space per bedroom is required. The development proposed an enclosed secure bike store within the building at ground floor level providing parking for 33 bikes. These can be used by residents, hotel guests and staff of all units on the site. A further 20 spaces are provided to the front, along with 2 bike pumps, for use by retail and hotel customers. The development therefore accords with Policies TR5 of the OLP and HP14 of the SHP.

e. Landscaping

10.58. The proposals do not affect any existing trees on site. The details contained within the submitted revised landscape master plans and the landscape management plan appear to be well considered and are appropriate for the site, including tree planting and other soft landscaping, particularly along the Banbury Road and Mayfield Road frontages, that will make a significant positive contribution to public amenity in the area; refer to OLP policies CP1, CP11 and NE15.

10.59. In relation to Summerfield School, the revised Landscape Masterplan includes tree planting along the eastern boundary of the site with the School and its new pre-prep building and playground. 4 new Callery Pear trees proposed; this is an ornamental pear tree with an upright/conical crown form that flowers in the spring, has good autumn colour, is deciduous but holds its leaves until late in the year. The fruits are very small, so there will be no maintenance, slip hazards associated with their production; in fact the species is commonly planted as a street tree with no such issues. Extra Heavy Standard nursery stock is to be used so the trees will be minimum 4.50 metres tall when planted. The trees have potential to reach 12-15 metres in height. Examples of the species planted 15

years or so ago are along the Cowley Road. At the spacing proposed they might provide a continuous canopy as they mature and provide some softening and a degree of screening of views across the boundary which will become more effective as they mature and get bigger.

10.60. The landscaping proposals accord with Policies CP1, CP11 and NE15 of the OLP. Detailed designs and specifications for each of the various tree planting pits and irrigation can be secured by condition.

f. Flood Risk and Drainage:

10.61. The proposed development is located within Flood Zone 1 according to the Environment Agency's Flood Maps. The site is not at significant flood risk from any sources of flooding, and the existing surface water system currently discharges into a Thames Water sewer.

10.62. A Sustainable Drainage Systems (SuDS) and Drainage Assessment accompanies the application. For previously developed sites, Oxford City Council would seek to reduce runoff to greenfield rates, or where this is not feasible, provide betterment to the existing runoff rate. The SuDS and Drainage Assessment states a 50% betterment for runoff, which would be acceptable in this instance. The Assessment also calculates for 1 in 100y + 25% Climate Change allowance and in Oxford this is expected to be 40%, in line with the Environment agency Climate Change Advice. Therefore, calculations should be submitted to allow for this. This can be covered with a suitably worded condition.

10.63. Given the above, details of the drainage infrastructure and details on how this is to be maintained are required in order to ensure the systems are in place and remain safe and functional for the lifetime of the development.

10.64. Thames Water has advised that there may be an issue regarding water capacity and suggest a Grampian condition requiring details of mitigation measures to enable sufficient water to be provided to the development. The Applicant has advised that there are strategic mains nearby which they consider would have ample local capacity. They have designed in a large amount of water storage on the site, with which they can supply the building with a greatly reduced incoming main size and flow rate. This would lead to a huge reduction in the impact on the local network if required. They are confident that this issue can be resolved in the normal way post planning and the Applicant has agreed to the imposition of the condition. As such the development is considered to accord with NE14 of the OLP.

g. Other matters

10.65. Public Art: The Planning Obligations Supplementary Planning Document (POSPD) identifies that contributions would be required from the scheme towards the provision of public art. This could be provided by way of a condition or contribution. Although public art has not been specifically detailed in the proposed scheme, this could be secured by condition.

- 10.66. Land Quality: The application site was previously used as a Garage including petrol station and vehicle servicing and repair since the 1940's. Records show that the site also housed petrol storage tanks in association with the former petrol station. There are no records of any petrol station decommissioning works nor any site investigations having been undertaken at the site. It is therefore essential that the site investigation is undertaken to determine the land quality and any remediation measures as required. This can be secured through a phase risk assessment pre-commencement condition and subject to this condition the proposal therefore accords with the NPPF, OLP Policy CP22 and Oxford City Council's Land Quality Strategy.
- 10.67. Air Quality: An Air Quality Assessment and Construction Dust Assessment have been submitted with the application. The assessment has indicated a medium risk to air quality from the construction phase and proposes site specific mitigation measures to reduce the impact. These would include the provision of a construction environmental management plan and dust management plan to manage the impact. This could be secured by condition. The proposal accords therefore with CS23 of the CS.
- 10.68. In addition to the above, 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. As a minimum requirement, new development schemes should include the electric vehicle recharging provision and to prepare for increased demand in future years, appropriate cable provision should also be included in the scheme design and development, in agreement with the local authority. The recommended provision rate is 1 charging point per unit (house with dedicated parking) or 1 charging point per 10 spaces (unallocated parking, i.e. flat development). Officers would recommend a condition which requires the implementation of on-site electric vehicle charging infrastructure.
- 10.69. Archaeology: On present evidence and bearing in mind the extent of the current building footprint and the distance from recorded remains of interest, this scheme would be unlikely to have significant archaeological implications.
- 10.70. Biodiversity: An Ecology report produced by Turnstone Ecology (August 2017) and GS Ecology (February 2017) has been submitted and includes a preliminary batt roost survey. It concludes that the site is of low ecological value and there would be no negative impacts on wildlife from the development. In terms of the bats, the survey revealed no bats or signs of bats were found in or around the buildings and no features suitable for roosts were observed. It is considered that the presence of protected habitats and species has been sufficiently assessed and the proposal accords with CS12 of the CS and a scheme of ecological enhancements can be suitably secured by condition.
- 10.71. Energy: An Energy Statement has been submitted which sets out the intended use of grey water recycling, high fabric performance through construction and energy efficiency measures, Air Source Heat Pumps for the Hotel and Combined Heat and Powers and possible use of Photovoltaics. Further details of these energy efficiency and renewable technologies in accordance with CS9 of the CS could be secured by condition.

10.72. Community Safety: Thames Valley Police have raised concerns and given advice on Secure by Design issues, much of which relate to internal working and the operation of the development. However advice on fencing & gates, lighting and CCTV cameras has been suggested in order to reduce the fear of crime. The Applicant has responded and has taken on board these comments. The landscaping scheme has been carefully considered so as to not impinge natural surveillance. Planting to Banbury Road frontage would be maintained to ensure it would not impede natural surveillance. Proposed lights within the pavement would assist deterrence. Proposed street furniture will be robust and additional bollards have been proposed to ensure vehicle intrusion is prevented. Cycles within the cycle storage could be separated to differentiate between residents and other users using partitions and secure coded access. Details of the bollards and CCTV can be secured by condition in accordance with CS19 of the CS.

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 is inconsistent with the result of the application of the development plan as a whole.

11.4. In summary, the proposed development would make an efficient use of an existing mixed use site within the District Shopping Centre. The application has demonstrated that it would not have an adverse impact on car parking or highway networks. 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 properties, and would be energy efficient, and would not have a significant impact upon biodiversity; trees; archaeology; flood risk; drainage; air quality; land contamination; or noise impact and any such impact relating to these matters could be successfully mitigated through the reserved matters applications and

appropriate measures secured by condition or associated legal agreements. 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.

Material Considerations

- 11.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.6. 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.
- 11.7. 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.
- 11.8. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

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. Samples panels of the of the exterior materials including stonework/brickwork demonstrating the colour, texture, face bond and pointing to be used shall be submitted to and approved in writing by the Local Planning Authority before the commencement of above ground works on the site. The development shall be completed in accordance with the approved details.

Reason: In the interests of the visual appearance in accordance with policies CP1, CP8 and CP9 of the Adopted Oxford Local Plan 2001-2016 and CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

4. Ground floor commercial Units 1 and 3 hereby permitted shall be confined to Classes A1(shop), A2 (Financial), A3(restaurant and café) and A4 (Drinking Establishments) of the Town and Country Planning (Use Class) Order 1987 as amended. Unit 2 & 4 shall be confined to Class A1(shop) of the Town and Country Planning (Use Class) Order 1987 as amended. The Units shall not be subdivided or combined into one without the prior approval of the Local Planning Authority.

Reason: The Local Planning Authority considers that changes to the use and number or size of unit should be subject of further consideration to safeguard appropriate uses within the Primary District Shopping Centre, residential amenities, appearance, impact on the highway in terms of traffic generation and safety, and parking provision in accordance with policies CP1, CP8, CP9, RC4, TR1, TR3, of the Adopted Oxford Local Plan 2001-2016 and Policies CS14, CS18 and CS31 of the Cores Strategy.

5. Prior to commencement of development including enabling and demolition works a Construction Traffic Management Plan shall be submitted to the shall be submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in strict accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local amenity and the free flow of traffic on the public highway in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

6. No development shall take place until a Construction Environmental Management Plan shall have first been submitted to and approved in writing by the Local Planning Authority. The plan may refer, inter alia, to the following matters:

- signage for construction traffic, pedestrians and other users of the site;
- controls on arrival and departure times for construction vehicles;
- piling methods (if employed);
- earthworks;
- hoardings to the site, including to future adjacent development plots;
- noise limits;
- hours of working;
- vibration;
- control of emissions;
- waste management and disposal, and material re use;
- prevention of mud / debris being deposited on public highway;

- materials storage; and
- hazardous material storage and removal

The approved Construction Environmental Management Plan shall be implemented accordingly throughout the demolition and construction phases of development.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with policies CP1, CP19 and CP21 of the Oxford Local Plan 2001-2016.

7. Prior to the first occupation of the development hereby permitted the applicant shall submit to and obtain the agreement in writing of the local planning authority, a travel plan. Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling and occupiers of the commercial units shall be provided with a copy of the approved Travel Information Pack.

Reason: To proposed sustainable transport and limit the number of journeys by private motor car and reduce the pressure for car parking in the locality in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

8. A finalised Car Park and Delivery Management Plan shall be submitted to and approval in writing by the Planning Authority prior to occupation. This shall set out the allocation of parking bays between the different uses of the development, details of the controlled barrier and existing gate including operation and management (intercom for the exiting gate and manning of the hotel reception 24 hours a day to allow people to leave), delivery and servicing vehicles sizes and times, and details of the hotel website.

Deliveries must not take place between the peak hours of 07:30-09:30hrs or 15:30-18:30hrs. The size of the vehicles must also remain as stated.

The allocated parking bays shall remain allocated for the agreed uses thereafter.

The whole development shall be occupied and operated in accordance with the approved Car Park and Delivery Management Plan.

Reason: In the interest of highway safety and to encourage sustainable transport use in accordance with CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

9. In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this, the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'. Details shall be submitted and approved in writing but he Local Planning Authority prior to commencement of development above ground and the approved details implemented.

Reason: In order to maintain the existing noise climate and prevent ambient noise creep in the interests of the residential amenities in accordance with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.

10. No deliveries to or collections from the site shall take place before 09.30 hours or

between 15:30-18:30 hours nor after 20.00 hours on any week day or before 08.00 hours nor after 16.00 hours on a Saturday or at all on Sundays and recognised public holidays unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and free flow of traffic on highway in accordance with policies CP1, CP19, CP21, TR1 and CP9 of the Oxford Local Plan 2001-2016.

11. No occupation of the development shall take place until a scheme for treating cooking fumes and odours so as to render them innocuous has been submitted to and approved in writing beforehand by the Local Planning Authority and implemented on site. The scheme shall include the use of a grease filter and deodorising equipment that shall be serviced in perpetuity according to the manufacturer's instructions. There shall be no variation to the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policies CP1, CP9, CP19 and RC12 of the Oxford Local Plan 2001-2016

12. 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). Each phase shall be submitted in writing and approved by the local planning authority.
 - a. Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.
 - b. Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.
 - c. Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved 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.

13. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

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.

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.

14. The landscaping plan 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.

15. Detailed designs and specifications for each of the various tree planting pits shall be submitted to and approved in writing by the Local Planning Authority before the start of construction work on site or by another appropriate deadline as agreed in writing by the Local Planning Authority. Each tree pit shall provide adequate rooting volume to support the successful establishment and growth to maturity of the tree species that will be planted into it and shall also include appropriate tree support and irrigation measures. Reason: To ensure that newly planted trees establish and grow successfully to the benefit of public amenity in the area in accordance with policies CP1, CP11 and NE15 of the Oxford Local Plan 2001-16

16. Prior to the commencement of development above ground, an Ecological Mitigation and Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan will include provision for and management of artificial roost features for bats and birds, including a minimum of five swift boxes incorporated into the new building. Details of landscape planting will be provided, including provision of native plant species and those of known benefit to wildlife. The Plan will also provide details of safeguards in respect of nesting birds and roosting bats, which, as mobile species, may utilise the site prior to development.

The specified scheme shall not be altered without the prior consent in writing of the Local Planning Authority.

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.

17. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures to be included in the plan can be found in the Dust Risk Assessment from Aether (from June 2018) – page 8, that was submitted with the planning application.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will be “not significant”, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

18. Details of Electric Charging Vehicle points shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Only the details shall be implemented prior to occupation. The electric vehicle infrastructure shall be formed and laid out in accordance with these details before the the development is first occupied and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001- 2016 and enable the provision of low emission vehicle infrastructure.

19. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that the proposed works do not cause harm to underground water utility infrastructure in accordance with Policies NE14of the Oxford Local Plan 2001-2016.

20. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: To ensure that the proposed works would not cause harm to underground water utility infrastructure in accordance with Policies NE14of the Oxford Local Plan 2001-2016.

21. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development in accordance with Policies NE14of the Oxford Local Plan 2001-2016.

22. Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with an allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

IV. Where sites have been previously developed, betterment in runoff rates will be expected, with discharge at, or as close as possible to, greenfield runoff rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

23. Prior to the commencement of development, a Sustainable Drainage (SUDs) Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity.

Reason: To ensure that the proposed development is maintained in perpetuity and to avoid increasing surface water run-off and thereby attenuating flood risk in accordance with Policy CS11 of the Oxford Core Strategy 2011-2026.

24. Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained. The development is to be maintained in accordance with the approved Sustainable Drainage (SUDs) Maintenance Plan.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

25. A phased public art strategy shall be submitted to and approved in writing by the Local Planning Authority:

Phase 1:

Within 4 months of the commencement of development, details of the competition brief for an artwork which can be directly experienced by members of the public from within the public realm of Saville Road and/or Mansfield Road shall be submitted to and agreed in writing with the Local planning Authority prior to issue of the brief; and

Phase 2:

Details of the successful competition artist and their work of art proposal including form, materials, location and timescales for implementation shall be submitted to and agreed in writing prior to commissioning of the art work; and

Phase 3:

The commissioned public art work shall be implemented within the agreed timescales which may be varied as necessary and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified of the completed implementation.

Reason: To give further consideration to the matter in the interest of public amenity and in order to comply with CP14 of the Oxford Local Plan 2001-2016.

26. Prior to the commencement of development further details of energy efficiency and renewable technologies shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the lifetime of the development.

Reason: To meet the requirements of CS9 of the Core Strategy.

27. No development above ground shall commence until details of bollards, lighting, additional gates and fencing, access control and CCTV provision and management have been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed, maintained and operated in accordance with the approved details.

Reason: in order to create accessible and safe environments, including addressing crime and disorder and fear of crime in accordance with Secured by Design, the NPPF and Policy CS19 of the Core Strategy.

28. Notwithstanding the submitted plans, further detailed plans of the shop fronts of the two commercial units in Site D shall be submitted to and approved in writing prior to commencement of that Phase of the development (Phase 2) in accordance with the approved Phasing Plan. Only the approved details shall be implemented and retained thereafter.

Reason: To give further consideration to these details to safeguard the appearance of the area in accordance with policies CP1, CP8, CP9, RC13, RC13 and RC15 of the Adopted Oxford Local Plan 2001-2016.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – List of addresses

14. HUMAN RIGHTS ACT 1998

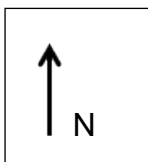
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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/refuse] planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Appendix 1

17/02832/FUL 276-280 Banbury Road, Summertown



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Appendix 2

List of addresses

Public comments received from:

Banbury Road; 112,176, 249A, 260, 277, 295, 303, 304, 304 (flat 3),
307, 325, 458

Banbury Road; Flat 10, Barclay House

Banbury Road; United Reformed Church

Bainton Road; 9,10,27,29,43,45,97,101

Beechcroft Road; 3,5,14,17,20,30,38,47,51

Bishop Kirk Place; 4,2

Blandford Avenue; 17

Blenheim Drive; 41

Burgess Mead; 1,35

Capel Close; 2,7,27

Charlbury Road; 6,11A.45,48

Church Terrace; Reepham Rd, Wood Dalling

Clearwater Place, 24

Clifford Terrace (Wellington); 6

Crozier Close; 4

Cunliffe Close; 6,18,29

Century Row; 2

Davenant Road; 9,54

Elizabeth Jennings Way; 74

Fairacres Road; 47

Farndon Road; 6

First Turn; 1

Five Mile Drive; 27,51

Frenchay Road; 8,9,32,84

Godstow Road; 103

Gordon House; 8

Grove Street; 4,15,20,34 (Flat 11), (Flat 8)

Hamilton Road;

1,6,8,13,20,25,26,27,30,44,45,55,57,61,62,70,80,93,94,95

Hampnett Lodge, Northleach

Harpes Road; 36,48,50, 53,78

Hart Street; 31

Hayfield Road; 32,50,56,59,65,71,88

Hayward Road; 10

Herns Road; Avery Court (9)

Hernes Road; 10

High Street, Harrow on the Hill; 11

Hobson Road; 6,37
Islip Road; 9,24,77, 82,85,86,89
Kings Cross Road; 5,6a,7,9
Kingston Road; 6,6a,64,68,153
Lark Hill; 11,42
Lathbury Road Resident's Association
Lathbury Road; 9,29
Laurel Cottage, East End, Northleach
Leckford Road; 23
Linton Road; 19
Lonsdale Road;
4,8,10,12,16,20,25,28,32,34,37,40,42,44,45,46,47,51,52,54,55,56,58,60
,63,70,82,
84,87,88,92,95,96
Lucerne Road; 2,23
Mayfield Road; 2,3,5,6,9,14A,17,19A,19B,20,21,22
Medcroft Road, Tackley; 101
Middle Way; 9A,9,42,55,58,73,79,89
Mill Lane; The Old Vicarage, Weston-on-the-Green
Moreton Road Resident's Association
Moreton Road; 2,3
Navigation Way; 7,24
Northmoor Road; 33
Northmoor Road (London)
Oakthorpe Road; 2,3,7,17,23,24,43,55
Oatlands Road
Osberton Road; 4,7,9,17
Park Town; 1
Plantation road; 34
Polstead Road; 11,12,13,25
Portland Road; 9,13,17,25,33,39,45,53,55
Ritchie Court; Flat 15
Rolfe Place; 10
Rothafield Road; 5
St. Margaret's Road; 14,35
Salisbury Crescent; 10
School Lane; 5
South Parade; 44
Southdale Road; 47
Southmoor Road; 48
Squitchey Lane; 3,4,6,19,42
Station Road; 54 Wallingford
Stratfield Road; 9,29,31,35,38,44,56

Staverton Road; 9,24,28
Summerfields School, Summerfield Road
Summerfield Road; Meadow Barn
Summer Fields, Mayfield Road
Summerhill Road; 4,7
Summertown/St. Margaret's Neighbourhood Forum
The Stables, Church Lane, Wixford
The Paddock; 11
Thornclyffe Road; 4,30,43
Victor Street; 26
Victoria Road;
1a,10,28,32,34,35,36,46,50,63,71,74,77,102A,103,1113,17
Warnborough Road; 21,25,34
Water Eaton Road; 7
Woodstock Road; 110A,126,214,223,234A,235,291,304,316,369
10 Lyme Road, Stockport
25 Northmoor Road, London
Summertown & St. Margaret's Neighbourhood Forum
Oxbotica, Milford House
Oxford Civic Society

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West Area Planning Committee

9th October 2018

Application number: 18/01340/FUL

Decision due by 22nd August 2018

Extension of time 26th October 2018

Proposal Demolition of the existing building and the erection of a replacement building to provide a new auditorium, teaching, and student communal area. On the lower floors together with administration offices and student accommodation to the upper floors. The relocation and widening of the existing vehicular access from Parks Road further South. External alterations to the rear of the President's Garage. Landscape enhancements to the immediate setting of the proposed new building, library quad and the small quad to the south of library quad. Provision of covered cycle parking and replace glass house and machinery and tool store for the gardeners.

Site address Trinity College, Broad Street. **Appendix 1** - site plan

Ward Carfax Ward

Case officer Felicity Byrne

Agent: Natasha Ireland **Applicant:** Trinity College

Reason at Committee Major application

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; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the

obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and

- Complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers the acceptability of demolishing an existing 20th Century building and erection of a new building providing 51 student study bedrooms, Auditorium/ lecture theatre, teaching accommodation, library facilities, office accommodation and other associated ancillary facilities. In addition, new landscaping, bin & bike storage, replacement Gardeners buildings and minor alterations including works to the Norrington Building and the President's Garage are also proposed.

2.2. Trinity College has many heritage assets of significance including Grade I, II & II* Listed Buildings and a Grade II registered Park and Garden and there are other listed buildings adjacent and nearby. It also lies within the Central Conservation Area. The report concludes that the proposed development is considered acceptable in principle and is of high quality design and appropriate to its context in terms of appearance, height and scale. There is a justifiable need for the accommodation in order for the College to provide high quality education to its students and continue to function as a College within the University of Oxford and Colleges. In relation to heritage assets and their setting the development would cause less-than-substantial-harm to the Conservation Area as a result of the demolition of the Cumberbatch building, but this is at the low end of this classification. There would be no harm to the significance or setting of other listed buildings, structures or registered Parks and Gardens. The proposal would result in the loss of some mature trees within the registered Park and Garden that are publicly visible and of high amenity value. Below ground archaeological heritage would be appropriately mitigated through targeted excavation. It concludes that the public benefits of the development including enhancement of the existing listed New Library, the high quality design of both the new building and landscaped garden and releasing housing back onto the general housing market have moderate weight and would outweigh the low level of less-than-substantial-harm in this case. The development would enhance the character and appearance of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would not harm views outside and within the City Centre. The net gain in student accommodation would release housing back to the general market and contribute to the overall housing need as set out within the Oxford Core Strategy.

2.3. In other matters the report concludes that there would be no harm to protected species or habitats on site or in the vicinity and the loss of biodiversity would be satisfactorily mitigated for off-site and as a result of the well-considered new landscaping and tree planting proposed. There would be no harm caused to the

highway network and car parking for one disabled users only is retained. Adequate cycle parking would be provided. There would be no detrimental impact as a result of Air Quality or Contamination.

2.4. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations on balance support the grant of planning permission.

2.5. The scheme would also 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 14 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.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to secure off site biodiversity mitigation.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

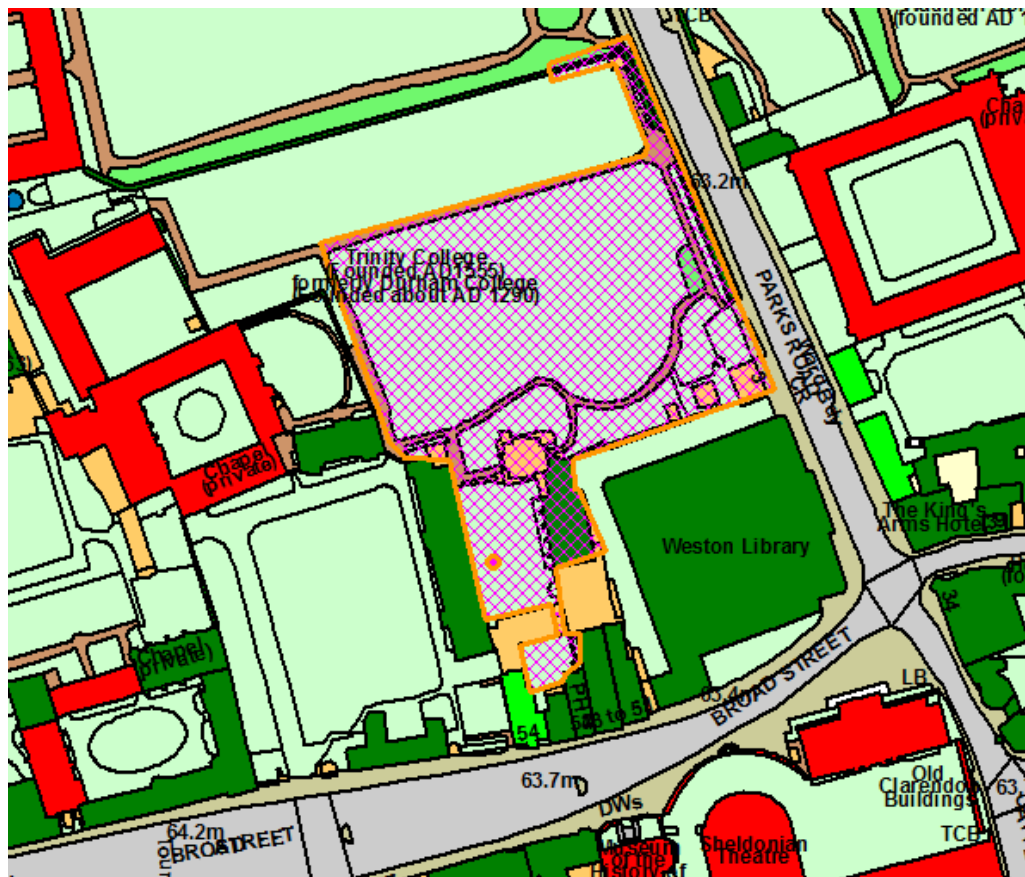
4.1. The proposal is liable for CIL amounting to £181,759.37.

5. SITE AND SURROUNDINGS

5.1. The site is located within Trinity College where the college borders Parks Road within the City Centre and lies within the Central Conservation Area. It comprises part of the existing garden, existing Quads, gardeners outbuildings, 1965 Cumberbatch Building by Maguire & Murray and 1930's Presidents Garage by Giles Gilbert Scott. The college itself has a number of historic buildings and structures listed Grade I, II and II* and other more modern buildings including 20th Century examples. It is also a registered Park and Garden which is Grade II.

5.2. West of the site on Parks Road is Wadham College, and the Kings Arms Public House. Adjacent to the south is the Bodleian's Weston Library. To the east is the remainder of Trinity College and to the north lies the registered park and garden of St John's College.

5.3. See Location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. It is proposed to demolish the Staircase 4 Cumberbatch Building (20th Century non-listed) comprising 15 student bedrooms and teaching room and erect a new building to provide 51 ensuite student bedrooms, teaching accommodation (5 new dedicated teaching rooms and multipurpose function room), 18 study spaces, 148 seat Auditorium/ lecture theatre, office/ staff accommodation, ancillary café, improved library facilities (including officer and reception area) and other ancillary facilities. Alterations to the fire escape for the Norrington Room (below ground). In addition a new landscaped garden is proposed around the new building, which draws upon the significance of the existing Park and Garden. It is also proposed to re-landscape the existing quadrangles outside the Library, the Library Quad, and smaller Quad to the south of Library Quad proposed. Replacement gardeners' buildings in the northeast corner of the main lawn are proposed and new cycle parking sited adjacent to the southern boundary wall with the Weston Library. The President's Garage is retained and the ground floor re-organised to provide bin storage and retain one car parking space (disabled space) and the existing vehicular access onto Parks Road is widened and another external disabled parking space provided.

6.2. The proposed development is the result of extensive pre-app consultation over the last 4 years with Officers and Historic England. It has been presented to the Oxford Design Review Panel who supported the principle of the building and location at the southern end of the Garden, and offered advice on internal layout,

acoustics, landscaping which has been taken on board in the further evolution of the scheme. Public consultation has been undertaken with staff, students, neighbours, and interested parties including Oxford Preservation Trust & Oxford Civil Society.

7. RELEVANT PLANNING HISTORY

7.1. The college has an extensive planning history, however the most relevant to this development is set out in the table below:

63/14234/A_H - Extension to college including teaching and residential accommodation and extension to book shop for offices, sale and storage. Approved.
64/14234/AA_H - Extension to college including teaching and residential accommodation and extension to book shop for offices, sale and storage (revised). Approved
64/14234/AB_H - Extension to college including teaching and residential accommodation and extension to book shop for offices, sale and storage (revised). Approved
64/15133/A_H - Alterations. Approved

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	117-123, 124-132	CP6 CP8 CP9 CP10 CP11 CP13	CS18_	HP9_ HP12_ HP13_ HP14_ HP15_	
Conservation/ Heritage	184-202	HE2 HE3 HE7 HE8 HE9 HE10 HE11			

Housing	59-76		CS22_ CS23_ CS24_	HP5_ HP6_	
Natural environment	170-183	NE15 NE16 NE21 NE23	CS11_ CS12_		
Social and community	91-101		CS16_ CS25_ CS29_		
Transport	102-111	TR1 TR2			Parking Standards SPD
Environmental	117-121 148-165, 170-183	CP22 CP23 NE14	CS9_ CS10_		Energy Statement TAN
Miscellaneous	7-12	CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 13th June 2018 and an advertisement was published in The Oxford Times newspaper on 7th June 2018.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection subject to conditions regarding Construction Traffic Management Plan, sustainable drainage, Student accommodation Management Plan, Travel Plan, Dropped kerb. Their comments are summarised as;

- Proposal will result in the addition of 36 new bedrooms, a new auditorium, 3 music rooms and ancillary administrative accommodation.
- Student and staff levels accessing the site will not change as a result of the proposal.
- The proposal is not expected to result in a significant change in the traffic generation of the site.
- Student Accommodation Management Plan has been submitted; however some amendments are required for it to be acceptable to the county council.

- Appropriate levels of cycle parking have been provided for the residential use, however, no cycle parking has been provided for the D1 use.

Historic England

- 9.3. This proposal follows extensive pre-application consultation by the applicant with ourselves and the City Council over a number of years. We have accepted the principle of a major development on this site on the basis that this is the location that would cause the least harm to the significance of the College itself, which contains a number of listed buildings, many of them highly graded, the grade II registered garden at Trinity and the City Conservation Area in which the College sits. However, this is not to say that there would be no harm. The Cumberbatch building, though not of the very high quality needed for a post-war building to qualify for listed status, does have a degree of architectural and historic interest as the work of Maguire and Murray, a major post war practice, and there are a number of interesting aspects to its design.
- 9.4. The site also stands within a grade II listed registered garden in an area known as 'The Wilderness'. In our previous advice we accepted that, while there had been a very interesting labyrinth here in the 18th century current planting scheme was not of particular significance. Our main concerns were the impact that a large building would have on views from the lawn and we wished to be reassured that such a building would not have an adverse impact on the openness and setting of this key garden feature.
- 9.5. The verified views prepared by LDA have provided reassurance. The new building would be visible from the lawn, and from Parks Road, but would not be an overbearing presence. The decision to retain Giles Gilbert Scott's President's Garage is also a positive move as this would help manage the transition between Park Street, which has a very informal feel at this point, and proposed new building, which is both large and formal.
- 9.6. The bay studies provided give a clear idea of what the new building would look like and I am now convinced that this would be a handsome piece of architecture which carefully and cleverly adapts classicism to meet modern needs. It would work much better with the New Library and T G Jackson's East Range than the Cumberbatch Building currently does and presents a good opportunity to greatly improve the currently rather bleak Library Quad.
- 9.7. Nevertheless, the proposal would entail a degree of harm to the conservation area as the Cumberbatch building does contribute to its special interest. While it may not be highly visible from Park Street and so does not make a contribution to the wider cityscape of Oxford the way that Colleges sponsored innovative modern design during the latter part of the 20th century is arguably part of the reasons why the conservation area is of special architectural and historic interest. The loss of one of these innovative buildings, albeit not one of listable quality, therefore constitutes harm to the significance of the Oxford City conservation area. The proposal therefore needs to be assessed for compliance with paragraph 129 of the NPPF, which states that conflict between the conservation of a heritage asset and a proposal should be avoided or minimised, paragraph 132 of the Framework, which requires that any harm to a designated

heritage asset, such as a conservation area, needs to be clearly and convincingly justified and paragraph 134 of the NPPF, which requires the entailed by a proposal to be weighed against the public benefits it would bring.

9.8. In our view the requirements of paragraph 129 and 132 have been met as this is the least harmful site on College grounds for the facilities that they require. It is for the Council to weigh up this harm against the public benefits. These public benefits include improvements to the library quad which, although they do not outweigh the loss of the Cumberbatch building, should be counted as a heritage benefit that mitigates this loss to an extent (and should be considered to better reveal the significance of these listed buildings, which paragraph 137 of the NPPF states should count in favour of the proposals). We therefore do not object to this planning application.

9.9. Historic England has no objection to the application on heritage grounds. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

In response to further consultation on amended information

9.10. The additional information submitted is in response to concerns raised about the impact that this application may have on the grade II listed Weston Library. HE had the opportunity to visit the Weston Library on the 12th September and view the Reading Room along with the conservation workshops above, which informs the following comments.

9.11. The most pertinent concern that has been raised is the impact on the reading room on the first floor of the library. This is a magnificent space but was originally conceived as a place of study and as far as it can be ascertained it was situated on the north side of the building to take advantage of an even north light rather than to command views out of the windows over Oxford. Indeed the view from the windows is principally of the large trees immediately opposite rather than a panorama of Oxford and this has been the case since the Library was built. It is I am sure pleasant to glance up and see trees while working and the backdrop of trees undoubtedly makes a contribution to the ambience of the room; but HE is not persuaded that the proposals would entail serious harm to the significance of the Weston library provided that light levels and the quality of light within the Reading Room were not affected and that the view out was of a high quality building.

9.12. The applicant has looked at moving the proposed building in response to comments on the application. Moving it 6 metres north would have a marked impact on the significance of the registered garden of Trinity College, as it would be much visible from this garden, while moving it less than 6 metres would not have an appreciable impact on the views from the Reading Room.

9.13. HE are firmly of the view that the Reading Room is the only part of the building which the proposed new building has the potential to affect the significance of. The north elevation has only ever been generally visible in oblique views from Parks Road and these would not be greatly altered if the proposed building was erected. The view from the second floor is not considered to contribute to the significance of the building as these were workshops. While enjoying high quality north light is of value to the processes currently taking place in them the current use is not an aspect of the significance of the library as a listed building.

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

Thames Water Utilities Limited

9.15. None received

Natural England

9.16. No comments to make

Oxfordshire Gardens Trust

9.17. We note that in essence the proposal is to construct a new building along the southern boundary of the college site stretching from Parks Rd (E) to the Library Quad (W). This will involve the demolition of the listed Cumberbatch Building and will take up a large part of the area known as the Wilderness in the registered college gardens involving the removal of up to 20 trees.

9.18. The Wilderness is part of what remains of the original C18 “Dutch” garden which lies to the east of the main college buildings as far as the wall and gates on Parks Rd. This area as a whole is divided into two sections separated by a yew “hedge”. To the north are the large formal lawns and the path running from the Garden Quad to the gate on Parks Rd. We acknowledge that the application proposal will have no direct impact on this area.

9.19. However it is on the area to the south of the yew hedge that the application proposals will have most impact. This area itself was originally divided into two equal parts by a long W-E path running parallel to the yew hedge towards the secondary gate on Parks Rd. The area closest to the southern boundary was known as the Labyrinth. By the C19 these two areas had grown together and the formal patterns of the Labyrinth were lost. The whole area became known as the Wilderness and took on a much more naturalistic woodland character with a mix of closely planted trees producing a dense canopy. The line of yews remains as its northern boundary but with trees replanted at different times it has lost much of its formal character.

9.20. We note that the applicant’s landscape consultants have categorised the Wilderness as having “medium” sensitivity to change. We can see that there is a certain logic in the proposal for a long range of buildings running W-E along the southern boundary of the site. The poorest trees (5 in category C, 1 in category U) are clustered along this boundary mixed with another 6 in category B. At the eastern end of the Wilderness is an area of gardener’s sheds tucked away

behind the President's Garage which we acknowledge will be rationalised and tidied up in this proposal. In effect this long building will take up the space originally occupied by the Labyrinth with its front running roughly along the line of what was the path running between the Labyrinth and the Wilderness towards the secondary gate on Parks Rd.

9.21. However in addition to this 3 storey W-E range there is a proposal for a Pavilion building projecting from it further into the area of the Wilderness to the north. This is 2 storeys high with a flat roof to create a terrace for entertaining. To accommodate this seems to require the felling of almost as many trees again as required for the main building alone and the majority of them are category B. In total around 20 trees are proposed for removal half of which are in category B. They will be replaced by two new trees to the north of the Pavilion and two on the Parks Rd frontage next to the President's garage. Whilst we acknowledge that there may be good reasons for thinning out some of the trees in the Wilderness we would have hoped that this might have been balanced by more substantial proposals for replacement.

9.22. We also note that the proposed location of the Pavilion slightly to the east of centre will create a residual area of the Wilderness close to Parks Rd. This will leave the majority of what remains to the west between the Pavilion and the President's Lodgings, to be renamed the Woodland Garden. Whilst we welcome the proposals for new under-planting here with shade tolerant perennials we should not lose sight of the fact that what remains of the Wilderness appears to be less than one third of the area that exists at the moment.

9.23. Overall we cannot help but feel that an opportunity has been lost to maintain the W-E lines of the original Dutch garden by confining any new building to the area to the south of the line of the old path between the Labyrinth and the Wilderness. A single new building fronting the line of that path would both respect and reinforce the W-E linearity of this part of the garden and leave the Wilderness, even if renamed and replanted as the Woodland garden, in broadly its original position on the C18 garden plan. We certainly have strong reservations about the damaging impact the size and location of the Pavilion will have on the extent of the tree cover and the lines of the garden here.

9.24. The Oxfordshire Gardens Trust recommends that reasonable steps be taken to investigate the archaeology of the Wilderness.

Public representations

9.25. Responses were received from Oxford Preservation Trust (OPT), Oxford Architectural and Historical Society, the Bodleian Weston Library. These can be summarised as follows:

- Loss of light to the Weston Library
- Loss of view from the Weston Library
- Proximity of the new building to the Weston Library
- Lack of regard to the historical significance of the Weston Library; misunderstood the function and therefore significance of the north side of

the library (siting of Reading Room, Conservation Room and Curatorial Room).

- Noise, general disturbance and nuisance cause by the students occupying the proposed development on the Weston Library
- Construction impact on the Library book vaults and possible flooding
- Harm to the Conservation Area, setting of listed buildings and registered gardens
- Size and bulk of the new building, in particular the north element
- Objection/ sadness to the loss of Cumberbatch Building – difficult to understand the significance of the Cumberbatch buildings and Norrington Room below. Understand that Historic England do not consider it worthy of listing.
- A safe design and largely hidden when viewed from the public domain

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design & Historic Environment
- Historic Landscape, Trees & Landscaping
- Neighbouring amenity
- Transport & Parking
- Archaeology
- Lighting
- Biodiversity
- Energy
- Air Quality
- Contamination
- Flooding & Drainage

a. Principle of development

10.2. Trinity College is relatively small comprising 50 Fellows, 300 undergraduates, 150 graduate students and approximately 120 permanent and temporary staff, including academics who are not Fellows. The College has grown incrementally over time in response to arising need and the resulting layout and accommodation is piecemeal, illogical, at times of poor quality and with accessibility issues. The current teaching and student accommodation at Trinity is minimal and below the expected standard of that provided elsewhere at Oxford University and Colleges. Only five rooms teaching rooms are available within the

College to enable lecturers to teach small groups of students, two of which are of a very poor standard having been converted from student bedrooms. The College only has one larger room to hold large group meetings and lectures and there are no informal breakout study spaces available for students. In relation to student accommodation the College can only house 12 of its 150 graduate students on site. The College wishes to accommodate all its first year graduates enabling them to foster a stronger academic community, and by doing so would release housing back on to the general housing market.

- 10.3. The National Planning Policy Framework (NPPF) states that sustainable development should be granted planning permission without delay, unless other materials considerations dictate otherwise. The NPPF and Oxford Core Strategy (CS) Policy CS2 encourage the reuse of previously developed land, while Policy CP6 of the Oxford Local Plan 2001-2016 (OLP) requires development proposals to make an efficient use of land in a manner where the built form suits the sites capacity. The Council supports access to education set out in Policy CS16 of the CS.
- 10.4. The proposal seeks to make best & most efficient use of land owned by Trinity College to provide graduate student accommodation and teaching facilities for existing students at the College, thereby releasing family housing stock back on to the market. There is no intention to increase student numbers at Trinity as a result. As the proposal is within an existing College site and is in the City Centre it accords with Policy HP5 of SHP and Policies CP6 of the OLP and CS2 of the CS.
- 10.5. As set out elsewhere in the report this is the only viable location for development in this highly sensitive location and will be the last building that Trinity will build. The case for need put forward by the College satisfactorily demonstrates that the current facilities are very poor and the need for the academic teaching accommodation is high and robustly justified. Without the development the College will not be able to compete with other Colleges or be able to provide the high quality education expected of an Oxford College, or continue to function as a College within the University of Oxford and Colleges. It therefore accords with CS29 of the CS.
- 10.6. Sites and Housing Plan (SHP) Policy HP6 sets out the requirement to either provide or contribute towards affordable housing on student accommodation of over 20 bedrooms, and also criteria for exemption. As the proposal within an existing College site and is in the City centre, the proposed development is exempt from this Policy requirement.
- 10.7. Policy CS25 of the CS encourages the provision of high quality purpose-built student accommodation buildings that do not significantly harm the amenity enjoyed by local residents. The policy also states that the Council will seek appropriate management controls to restrict students from bringing cars to Oxford through the imposition of appropriate conditions or planning obligations. It is proposed that the student accommodation would be car-free in any event. Such conditions are recommended by officers should permission be granted and the proposal accords with CS25.

b. Design & Historic Environment

- 10.8. The Revised NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being (para 127).
- 10.9. In relation to the historic environment the NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance. In making any such assessment great weight should be given to the asset's conservation. While there is a general presumption that development proposals should not substantially harm, or result in total loss of the significance of a designated heritage asset where development proposals will harm the significance of a designated heritage asset but that harm would be less than substantial then this harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character. The site is located within the 1,200m radius of Carfax Tower as set out in the High Buildings Policy HE.9 of the OLP. It also lies within View Cones under HE10 of the OLP.
- 10.10. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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 the character or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage and National Trust*, 18th February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).
- 10.11. Oxford Local Plan Policies HE3, HE7, and HE8 which seek to seek to preserve or enhance the special character and appearance of Conservation Areas and their settings; the settings of Listed Buildings; and the settings of historic parks and gardens. Whilst the wording of these policies does not include the balancing exercise identified in paragraphs 196 of the NPPF and that they 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.
- 10.12. There are several individually listed structures that lie close to the site and within the boundaries of Trinity College. The east wall of the garden forms the eastern

boundary of the site and is a Grade II listed building. The boundary wall's integrated ironwork gate and stone piers are a Grade II* listed building. The southern boundary wall of the garden (which forms the boundary with the Weston Library) and the Wall of the Presidents Garden are both Grade II listed buildings and also fall within the site.

- 10.13. There are also a number of listed buildings within the College grounds adjacent to the site including 'Garden Quad' and East Range facing Parks Road (Grade I), Presidents Lodging and Gateway and wall The Presidents Lodging, Bust of Cardinal Newman (Grade II), New Library and Library Quad buildings (both Grade II) and Kettell Hall (Grade II*).
- 10.14. In addition, there are several listed buildings and structures in the vicinity including Wadham College (Grade I listed and Grade II* listed onto Parks Rd), Parks Road wall and Wadham Cottages (Grade II), St John's College (immediately adjacent building Grade I), the Weston Library (Grade II), and The King's Arms public house Grade II). St John's College garden is also registered Park and Garden (Grade II).
- 10.15. The Design and Access Statement sets out clearly that the application has been developed following pre-application discussions with officers and the Oxford Design Review Panel. The design of the scheme has been informed throughout its development by an understanding of the historic environment which provides the context for the proposal in a Heritage Statement and Heritage Impact Assessment. These have considered the significance of the heritage assets within and surrounding the site and the impact of the development. The design has also been informed by the findings of a Visual Impact Assessment and a Landscape Impact Assessment (LIA) which consider the impacts of the proposed design on significant views, based on verified views. Further information has been submitted in a Heritage Statement and an LIA Addendums regarding the impact on the Weston Library.

Demolition

- 10.16. The Cumberbatch Building (Staircase 4) was designed by Maguire and Murray Architects and constructed in 1964-5. The building sits just within the Wilderness and is attached to the New Library. Whilst by recognised important Architects of the 20th Century building, it is considered that it is not the finest example of their work. The College were granted a Certificate of Immunity from listing by Historic England. Cumberbatch North was very crudely attached to the original and older library building; the gable end of which was part demolished and made good as the new was attached. However the addition although not overwhelming the earlier building paid little deference to the Library in terms of its architecture. Internally the Cumberbatch building layout does not meet the requirements of current College needs and standards.
- 10.17. It is proposed to demolish this building. It is considered that the removal of the Cumberbatch building would not result in harm to the significance of Trinity College or the historic park and garden. However, it is part of the collection of 20th Century Collegiate Buildings in the City Centre that make up this part of the

significance of the Conservation Area (CA). Historic England considers that its loss would therefore inevitably result in some harm to the character and the appearance of this part of the CA. It is considered that the harm would be less than substantial and sit at the low end of this classification. Officers concur with Historic England.

Design, Height and Massing

- 10.18. The College's architecture is rooted in classic architecture, with the exception of a small number of 20th Century buildings, and the College therefore decided to continue this classic and traditional design form so the new building would harmonise with existing buildings. The new building would be a modern building in the traditional Classic form and style of Architecture. The Architects have done other buildings within the City, most notably the Sackler Library on St John's Street. This proposed building is a well-considered and high quality proposal that has undergone a great deal of pre-application consultation with the Council, Historic England and ODRP.
- 10.19. The proposed building lies on an east-west axis with elements that project southwards and northwards. It has been designed to read as four elements of varying height and scale to reduce the overall bulk of the building. However all these elements are unified through the thread of the architectural style and materials. The height of the ridge of the main element of the building is less than the existing Cumberbatch Building and below the 18.2m height maximum for new development within the City Centre. It therefore accords with Policy HE.9. The materials proposed would be ashlar and rubble stone, bronze finish windows and doors and slate tile, where pitched. It is considered that this would be a high quality building given the materials proposed and attention to detail shown. Officers consider that it would preserve and enhance this part of the Central Conservation Area.
- 10.20. The unlisted President's Garage, also designed by Gilbert Scott, sits on Parks Road adjacent to the Weston Library, and currently provides one car parking space and a self-contained 2bed flat above. This is retained and the ground floor reorganised to provide bin storage and one disabled parking space for the development. The removal of the Cumberbatch means that a new fire escape route is required from the Norrington Room below. This would be achieved with minimal intervention and no harm in heritage terms to this building.
- 10.21. In terms of the impact on the street scene and Parks Road and the Weston Library, the new building would be set back 6.4m behind the existing President's Garage that sits right onto the edge of the pavement. This means that it would be approximately 14m from the edge of the pavement itself. When traversing down Parks Road towards Broad Street (southerly direction) the views of the building would be restricted by the high stone boundary walls and existing trees within St John's and Trinity College's gardens. Existing trees in the Wilderness and the Yew trees that line the formal lawn within Trinity would further screen the building, with only glimpsed views being possible.
- 10.22. The set back from Parks Road would still allow a large proportion of the north

façade of the Weston Library to be seen. The President's Garage in front provides an architectural continuity on the west side of Parks Road and visually acts as a foil to the new building. It has been carefully designed to respond with some deference to the more domestic scale of the garage and maintain some deference in views from Parks Road to the Weston Library. The rubble stone façade proposed would tie it in with both Weston Library and the President's Garage. It is therefore considered that the new building would not be visibly intrusive when seen from Parks Road. It is considered that it would not harm the setting of the adjacent listed buildings and any contribution that this setting makes to the significance of the heritage assets. This is discussed further at paragraph 10.51 below.

- 10.23. The submitted landscape visual impact assessment of the proposed development concludes that the introduction of this new building would have negligible impact upon Oxford's View Cones and views from high public vantage points within the city centre. Officers concur with this view and the proposal accords with HE10 of the OLP.

Gardener's Facilities

- 10.24. New facilities for the Gardeners are proposed in the north-eastern corner of the formal gardens. The glass house is a lean-to structure that is dropped into the ground (by approximately 250mm) to allow the roof to tuck under the capping of the listed boundary wall. The roof pitch of the glass house matches the neighbouring tool shed which would be set out to a minimum pitch of 15 degrees for a cedar shingle roof. An access door being is located to the western end. The Machine and Tool Store is a lightweight timber framed building, clad in timber boarding with a cedar shingle roof covering, designed to weather to a silver tone to blend in with the listed wall. The timber frame will sit on a stone base to match the glass house. The two buildings are spaced apart to allow for maintenance and to ease construction.
- 10.25. It is considered that the buildings have been carefully designed and located and sympathetic to their setting within the registered park and garden and adjoining the listed wall. There would be no harm as a result to these heritage assets.

Public Benefits

- 10.26. As the proposal would result in less-than-substantial harm to the character and appearance of the Conservation Area, resulting from the demolition of the Cumberbatch Building, this will need to be justified against the public benefits, including the optimum viable use, in accordance with the NPPF.
- 10.27. In redeveloping the site the proposal would make a positive contribution to Oxford's significant housing need by effectively releasing existing housing stock back into circulation for the general population. This would constitute a public benefit and given the need for housing in Oxford this is afforded moderate weight.
- 10.28. Paragraph 131 of the revised NPPF states that 'great weight should be given to

outstanding or innovative designs that raise the standard of design more generally in the area'. It is considered that this proposal is a high quality building that would raise the standard of design in this area and Oxford.

- 10.29. In accordance with Historic England's 'Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment', it is considered that the less-than-substantial harm would be adequately mitigated by the high quality contextual design response and the high quality landscaping scheme proposed, which has been refined through the pre-application advice and design review process, and as such is also a public benefit that is afforded great weight.
- 10.30. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area, and the settings of the surrounding listed buildings and registered park and garden as designated heritage assets. It is considered that the less than substantial harm that would be caused by the proposed development has been adequately mitigated by high quality design and is justified by the public benefits that would result. Subject to conditions, the proposal is considered to comply with sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3, HE7, HE8 and HE10 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy.

c. Historic Landscape, Trees & Landscaping

- 10.31. The gardens at Trinity College are grade II registered Park and Garden. It has several different character gardens in it and trees within are features of significance in terms of the setting of the overall garden, both collectively and individually. The trees are also protected by virtue of location within the Central Area Conservation Area. The proposed development lies within the area of garden between Parks Road and 'Garden Quad' (listed grade I), St John's College garden (also registered Park and Garden grade II) to the north bounded by a stone wall (grade II), and to the south the Trinity's Library and Library Quad buildings, Weston Library and listed boundary stone wall (all grade II). Further south of the Library Quad, the small quad is surrounded by grade II and grade II* (Kettell Hall) listed buildings. The eastern boundary wall on Parks Road is listed grade II with the exception of the main gates and piers facing Garden Quad and section of wall to the north of these which are grade II*.
- 10.32. The gardens were laid out after the foundation of The College in the mid 16thC and have always extended as far east as the Parks Road boundary. The gardens form distinctly different areas and exhibit different characters. They are currently divided into two main areas; the formal lawns and herbaceous borders to the north, to the east of the Garden Quad; and the Wilderness to the south. The two areas are divided by an almost continuous line of Yew trees varying in age from approximately 40 years of to 100 years. The Wilderness also includes several mature trees. The lawns are used on a regular basis for college functions and garden parties throughout the summer, and as an informal area for students to sit and socialise in the summer months. A straight gravel path

connects the Garden Quadrangle to the Stuart Gates along Parks Road and gravel footpaths along the eastern boundary. An informal gravel pathway runs through the wilderness area connecting the Front Quad to the Library Quadrangle and gardener's area to the east.

- 10.33. The OLP requires that as far as possible existing trees and other landscape features are successfully retained within new development and that new trees and new soft landscaping including tree planting is included whenever it is appropriate. Policy NE16 of the OLP seeks to ensure that development will not destroy protected trees if it will have a significant adverse effect upon public amenity. Any protected tree that is destroyed must be replaced by a tree, or trees, suitable for the location. Policy NE15 seeks to ensure that development will not destroy hedgerows and other valuable features where this would again have a significant adverse impact upon public amenity or ecological interest.
- 10.34. Of most relevance in this case is OLP Policy HE8 which states that planning permission will not be granted for any development that will adversely affect the visual, historical or horticultural character of an historic park or garden or its setting, whether or not it is included on the statutory register. Permission will be granted for development that avoids the loss of key features, retains the essential character of the site and assists with the protection, management and restoration of important parks and gardens. The impacts of development on trees must be carefully considered given their significance as features within the listed garden.

Historic Landscape:

- 10.35. A Historic Landscape Assessment has been undertaken and submitted with the planning application. It describes the character and significance of Trinity College and its surrounding urban context and the evolution of the college and the gardens. In relation to the area of the park and garden of application site itself it began in the 13th to 16th Centuries as a grove and vegetable garden, originally created by the Benedictine Monks, which continued more or less after the dissolution of the monasteries in the 1500's. Later came the creation of a garden in the Dutch style in the 1700's, with three distinct gardens; a large formal lawn, a lime tree avenue, consisting of 48 trees, and a labyrinth garden, the remnants of which are seen today. As garden fashions changed and a more naturalist and simplified garden approach became popular in the late 1800's, much of the intricate 'Dutch' elements were removed, including the labyrinth. This appears to have become a woodland area which merged together with the remains of the lime avenue to form a single garden area, known as the 'Wilderness'. The division between all three original distinct 'Dutch' gardens became eroded leaving the Wilderness and the formal lawn area separated by a yew hedge.
- 10.36. The new Wilderness featured serpentine paths, flowering shrubberies and the lime trees whose canopies arched over to formed a covered walk. The Bodleian (Weston) Library was built adjacent to the south of the Wilderness between 1937 and 1940. The President's Garage was built on the eastern end of the wilderness garden as compensation for the College's loss of a small building,

No7 Parks Road, which was located on the site of the Weston Library.

- 10.37. By 1930 only 8 of the original 48 lime trees planted in 1730 remained. Little was done during the War years until the late 1950's when a new lime avenue and other trees were planted in the Wilderness. The greatest change then occurred with the construction of the Cumberbatch building in 1965-6. The old limes had died and the later limes had begun to become diseased. Brenda Colvin, regarded as most distinguished landscape architect, was approached to try to integrate the new Cumberbatch into the Wilderness area. She considered that the limes trees would impair the sense of community of the old buildings and the new, the avenue did not go to or from anywhere in particular and given that they were diseased, she advised on their removal. However this action was challenged by others and the debate went on for several years. Some Mongolian Limes were planted and rhododendron and bulbs planted within the Wilderness.
- 10.38. The debate was not resolved until 1989 when it was finally agreed to incorporate the lime walk into the woodland area which would retain some of the visually important older limes and give more interest in the informal open woodland area to the south, which was done by 1995. The Library Quad and Small Quad were re-landscaped in the early 1980's from soft landscaping to the hard landscaping seen today. By the mid 1990's the yews dividing the lawn were stricken with heart rot and had to be removed for safety reasons, but were replaced. Nothing significant has been done to the gardens since that time.
- 10.39. Trinity College is different to other Colleges in Oxford and has a somewhat unique spatial and visual relationship to its surrounding townscape and neighbouring public highways. Whilst there remains a clearly demarcated boundary between public and private domains, this is designed to be visually permeable and controlled views to core college buildings, set within their grounds, are possible both from Parks Road and Broad Street.
- 10.40. The development would result in the removal of some trees within the Wilderness area. The application includes an Arboricultural Report which includes a tree survey that assesses the quality and value of existing trees and identifies the constraints their retention places on site layout.
- 10.41. Proposals require some existing trees to be removed, as identified in the Arboricultural Impact Assessment (AIA), several of which feature in important and sensitive public views from Parks Road and make a valuable contribution to public amenity in the area; these include most notably a red chestnut (T85), 2 sycamores (T74 and T95) and a lime tree (T87) that are large, mature trees of moderate quality and value (BS5837:2012 B category) within The Wilderness wooded area. Collectively these trees enhance the existing character and appearance of this part of the Central Area Conservation Area in public views along Parks Road. The trees are also a component of the grade II listed registered garden which is important to the setting of the listed college buildings. However, the proposed building is within an area known as 'The Wilderness', and it is understood that the current 18th century planting scheme in this part of the garden is not itself of particular historic significance.

- 10.42. A significant proportion of the existing mature tree canopy cover, which is a scarce resource in the city centre and provides a range of environmental benefits (ecosystem services, such as reducing air pollution, modifying the urban heat island effect, reducing localised flooding from surface water run-off etc) to the area, will also be lost within the college site.
- 10.43. The proposals for the main building encroach within the Root Protection Area of several retained trees including 3 lime trees (T67, T90 and T97). While the proposed new gardeners facilities do not require any trees to be removed it does encroach within the Root Protection Areas of 2 trees; a paulownia (T34) and a London plane (T40; off-site) However, the encroachments are relatively minor in extent and if appropriate care is taken to protect these trees during the construction phase these encroachments should not be detrimental to the viability of the impacted trees going forward.
- 10.44. Various retained trees are likely to require pruning to facilitate the development, but if carried out by a competent arboricultural contractor in accordance with good practice (BS3998:2010) this should not be harmful to amenity in the area.
- 10.45. The submitted Landscape Impact Assessment is thorough and clearly sets out the evolution and historic significance of the park and garden. The resultant landscape strategy is subsequently carefully considered and based on a thorough understanding of the historic significance of the grounds and the changes they have undergone throughout its evolution. The proposed landscape design has been taken from the original historic 'Dutch' layout of the garden when the Wilderness was a formalised labyrinth/ maze and creates a new landscaped garden area with tree planting, paths, open spaces and seating. The organic free flowing planting within it references its relationship to Trinity's Library and the Bodleian's Weston Library, taken from the illustrated dentelle covers of library books which has been abstracted and simplified. The garden design strategy is taken through to the Library and small Quads, where current hard surfacing and lack of planting leaves these spaces devoid of attraction and activity. A roof terrace is incorporated into the new building above the 'pavilion' element, making good use of this elevated position and providing additional amenity for the students. A green Living wall is also proposed on the rendered section of southern elevation of the building facing towards the Weston Library.
- 10.46. The Historic Gardens Trust supports the proposal in principle and the location chosen for the building within the Garden. However they are concerned about the projecting 'pavilion' element because it would result in the loss of several trees and extends from the labyrinth part of the original Dutch Garden into the area that once was the lime walk. They consider siting of the Pavilion would result in the 'wilderness being less than a third of its original area and would like to see this part removed. They would also like provision of more substantial replacement tree planting as mitigation than currently proposed.
- 10.47. The proposals include detailed soft landscaping proposals and a landscape management plan that should ensure that this is successfully delivered to provide an appropriate setting for the proposed new building. However, the lost views of trees and canopy cover would not be replaced fully.

10.48. Officers support the Landscape Design strategy and detailed landscapes plans and consider they are entirely appropriate to their setting. They would preserve and enhance the significance of the historic park and garden, enabling the new building to respond to its existing garden setting whilst creating a contemporary evolution of what is known as the 'Wilderness' as a woodland garden. It has been accepted that this is the least harmful site within the college ground for the facilities it requires and the need for the facilities is justified and robust. Whilst the development would result in loss of public amenity as a result of the tree removals it would not result in the total loss of this key wooded feature of the Garden, and the essential character of the Wilderness and wider historic garden would be retained and managed. Furthermore, it is considered that in this case that any harm or loss of amenity is outweighed by the benefits of the proposed development. The proposed are therefore in accordance with HE8, NE15, NE16 and the details can be secured by conditions.

d. Impact on neighbouring amenity

Privacy & Noise

10.49. The nearest building, the Weston Library, has raised concerns about noise and privacy. Wadham College sits across Parks Road. The narrowest distance between the proposed building and the Weston Library is 10.7m at the east end. This distance then tapers out to 11.4m at the west end. Each bedroom has been designed for a writing desk to be placed under each window. The beds are set well back to the side of each room and out of direct view, allowing privacy to students. Diffusing blinds are to be integrated into all windows, up to the window transom, facing the Weston Library. This would provide privacy to all students, but would prevent the loss of natural daylight to each room. Given the distance between existing neighbouring and surrounding buildings and the design of the building, it is considered that there would be no harm in terms of loss of privacy.

10.50. In terms of noise any impact from the development will be mitigated by design of the façade with appropriate specification of acoustic glazing and attenuation of ventilation openings. To mitigate any surrounding noise levels or sound disturbance from the Weston Library service yard and the extraction vents from their basement, the windows would be fitted with acoustic trickle ventilators. It is proposed that any new plant installations would be subject to noise limits and this can be secured by condition. It is therefore considered that there would be no harm to the Weston Library or other surrounding neighbours as a result.

Light & Impact on the significance of the Weston Library

10.51. The Weston Library has objected to the proposed building on the grounds that the new building would result in the loss of existing trees along the common boundary, it would impact on the light into the Reading Room on first floor and the Conservation Workshop and Curatorial Room on the second (top) floor, and would result in the loss of views of the important gardens of Trinity, St John's College, Wadham College and Rhodes House. They consider that this would harm the significance of these rooms within the Library and would harm the setting of the Library as a result of breaking the relationship between the Library

and it's public function and the area to the north.

- 10.52. In response to the objection Trinity has submitted Heritage and landscaping addendums, tree technical notes and undertaken a daylight and sunlight assessment of the proposed building, which has also included readings taken from within the Weston Library rooms. The methodology used, based on the BRE Guidance, is standard industry practise and is usually applied to residential accommodation only and two further tests a daylight factor (DF) and Spatial Daylight Autonomy (sDA) that supplement the methodologies in the BRE Guidelines. It cannot take account of existing trees or other landscaping nor can it take into account light reflected from any new building or structure. The analysis therefore represents worst case scenario.
- 10.53. The submitted Daylight and Sunlight Report by Waldrams dated 2nd May 2018 the evidence shows that in relation to the Reading Room, Conservation Workshop and Curatorial Room, which are most sensitive to light, would all meet the BRE Guidance in terms of vertical light and daylight distribution, which indicate that they would continue to be well day lit all receiving over 95% daylight in absolute terms. In relation to the Reading Room the further DF and sDA tests indicate that the change to the penetration of daylight would be relatively small and predominately to the rear of this room (a reduction of 0.39% DF and 10.12% sDA). The Reading Room is constantly lit by artificial light, including ceiling lights and desk task lights over each book stand/desk, and as such the change in daylight is, in Waldram's opinion, unlikely to be noticeable. In sunlight terms the rooms only receive sunlight in the early morning and late afternoon in summer months. However, the BRE Guidelines do not recommend that north facing windows are measured in terms of sunlight.
- 10.54. Whilst the assessment does not take account of any light reduction as a result of the existing trees on the application site, Officers observe that for much of the year the trees when in leaf would impact on light into the Weston Library windows. Furthermore, the new building with its stone and render material facing the Weston Library, would naturally be brighter in appearance than the existing tree canopies and reflect sunlight in the afternoon into the Weston Library (as it is not directly north but southwest–northeast axis). It is therefore considered that taking in to account the Sunlight and Daylight Report and the change from natural screen to solid structure and materials, the impact on the Weston Library and the functioning of these key rooms would not be adversely impacted on in terms of sunlight and daylight. In particular, the Reading room would still be able to function as originally intended as a result.
- 10.55. The Weston Library has also cited the loss of views from these windows as an objection to the proposal and less-than-substantial harm to its setting. It is acknowledged that the occupants of the rooms identified have been very fortunate to have been able to coincidentally benefit from the borrowed view of the trees that run along Trinity's southern boundary and in winter months when standing at the windows of the Reading Room (the desks are ranked across the room) a glimpsed view into the gardens of Trinity College, none of the other gardens cited in the objection contribute to views from the Reading Room or workshop windows. However, it is also well known that there is no right to a view

in planning terms. This is a City Centre location and the location of this building has been carefully considered and located over many years of consultation with the Council and Historic England. The proposal represents the least harm to the heritage assets within the Trinity College main campus whilst allowing them to provide the vitally importance facilities they need in order to participate as part of the University of Oxford and Oxford Colleges. The new building would still allow the Weston Library to be seen in views form Parks Road (as discussed above) given its set back from the Road frontage and height and massing as it goes back into the site.

- 10.56. The Weston Library has cited the location of the Reading Rooms as important to its significance and quoted the Brief to the Architects in 1935 as evidence of this. Officers have had sight of this document. As with all instructions to Architects it is a directive document and devoid of emotional influence. Therefore it outlines that natural light required for the rooms and how they should be laid out. Furthermore the document stresses that the Broad Street and Parks Road facades to the building are to be the important ones and in the process of re vamping the Weston, Wilkinson Eyre identified the importance of the historic route through Catte Street and Park Street and how this alignment was significant to the Weston building. It does not say anything about the view to the north or that this is a particular feature to be accommodated within the building's design.
- 10.57. The new building would be 11m away, and whilst the view would change from green trees to solid building, the sky would still be visible, oblique views would still be possible and there would be no significant adverse impact on amenity. Trinity have also included a green living wall on the rendered section so that part of the changed view would retain a verdant quality which could be secured by condition. It would not possible to plant trees in between the buildings due to the restrictions placed by the extent of the basement of the Weston Library, known issues of water table levels and flooding, practicality of space and actually planting trees that would provide anything like the current canopy, that would survive any length of time and therefore the efficacy of any planting. Ideally the Weston Library would like the building moved sufficiently away to plant replacement tree screening (approximately 6m would be needed), which would require further tree removals and place it along the edge of the formal lawn. It is considered that the harm to the significance of the registered park and garden and the impact on the settings of Trinity's numerous other listed buildings, the harmful impact on both character and appearance of the Conservation Area through the presence of what would be a far more intrusive and present building than the current proposal, the significant loss of important trees that have a significant public amenity would all result in substantial harm, and therefore would be totally unacceptable. It is considered that the trees within Trinity do not contribute to the significance of the Library. Landscape is ever changing in any event and the library was not purposely designed to take of the tress but only the north light for the Reading Room, Curatorial Room and Conservation Workshop.
- 10.58. Historic England consider that the proposals would not entail serious harm to the significance of the Weston library provided that light levels and the quality of light within the Reading Room were not affected and that the view out was of a high

quality building. To move the building 6m would harm the registered park and garden. The oblique views of the Weston Library from Parks Road would not change as a result of the proposed building. The view from the second floor is not considered to contribute to the significance of the building as these were workshops. While enjoying high quality north light is of value to the processes currently taking place in them the current use is not an aspect of the significance of the library as a listed building.

10.59. In conclusion therefore, Officers consider that the development would not result in a significant loss of light to the Conservation Workshop, Curatorial Room or Reading Room and would not harm the function of these rooms and workshop. The new development would be a high quality building and whilst this represents a change from green verdant view to solid building it is considered that the development would not harm the significance of rooms within the Library or the contribution that the setting of the Weston Library makes to its significance.

e. Transport & Parking

Transport sustainability

10.60. The proposed development would not result in a change in staff numbers or students studying at the college. The existing vehicular access to the site will not be changed as part of this proposal, other than the widening of the access off Parks Road, in agreement with the County Council for an extended dropped kerb. Two car parking spaces will be provided for disabled users from its access off Parks Road (one inside the Garage and one outside adjacent) and 30 cycle parking spaces.

10.61. The site is in the City Centre and therefore a highly accessible by foot, cycle and public transport and local parking restrictions and the site not providing additional car parking for general use, the site will not generate significant numbers of vehicular trips as a result of this proposal. However, given the increase in student accommodation, the site will experience a short period of high traffic generation during term start and finish periods when students move in and out of the accommodation. A Student Accommodation Management Plan has been submitted which outlines how this will be managed. The County accept it in general but suggest it needs amending to allow moving in/out times over weekday mornings when Broad Street is less busy. The new auditorium will be used for events which will generate additional movements to the site. However, given that these trips will be outside peak hours, it will not result in a significant impact on the road network and that the surrounding streets are appropriately restricted, which will control any ad hoc car parking. Any vehicles accessing the site are able to use on-street car parking. The development allows the opportunity for the College to review and implement a Travel Plan for the whole college in line with that of the University of Oxford and other colleges. The County raise no objection therefore in terms of impact on the highway as a result of the development, subject to conditions.

10.62. The SHP policy HP15 requirement for cycle parking provision for student accommodation is 3 cycle parking spaces per 4 bedrooms. Therefore, the

proposal would need to provide 27 cycle parking to accord with standards. The provision of 30 spaces located to near the entrance of the proposed building therefore complies with Policy HP15.

- 10.63. The county suggest that additional cycle parking is provided for the Auditorium use within the site for additional staff and visitors. There are 197 existing cycle spaces within the College. The new facility is for the College and there is no increase in staff or students. Any public use is likely to be out of term time and there is Cycle parking elsewhere in the College grounds. Given the constraints on development here, including trees, listed buildings and registered park and garden, the provision of more cycle stands would not be possible without being harmful. It is therefore considered that it is not appropriate to request further cycle parking in this case. The County has confirmed that in view of the constraints and existing cycle parking that the additional provision is not required in this instance.
- 10.64. The development accords with Policies TR1 and TR2 of the OLP and HP15 and HP16 of the SHP, subject to conditions requiring a construction traffic management Plan, amended Student Accommodation Management Plan, Travel Plan and cycle parking.

f. Archaeology

- 10.65. The site lies within an extensive landscape of prehistoric ritual and funerary monuments and subsequent Iron Age and Roman rural settlement located across the Oxford 2nd gravel terrace (Summertown-Radley terrace) and has general potential for these periods although no known remains of prehistoric or Roman date have been previously recovered from the near vicinity. Furthermore given the proximity to the medieval town it is possible that the site contains tenement remains relating to the expansion of settlement along Beaumont Road (Parks Road) in the 12th or 13th century before the subsequent economic contraction of the town. By the mid-16th century the site became part of Durham College and it has potential to preserve rubbish and extraction pits and subsequent garden features relating to the college, particularly the 1706 'labyrinth' as depicted on historic mapping.
- 10.66. Further trial trenching has been undertaken at the request of Officers. This has revealed medieval features, post-med garden archaeology, and large numbers of post med gravel quarry pits and an addendum port has been submitted. Given the results of the trenching it is considered that suitable mitigation could be achieved via targeted excavation, the details of which could be secured by condition. As such the proposal accords with HE2 of the OLP and the NPPF.

g. Lighting

- 10.67. The Lighting Strategy proposes a range of luminaires in response to the different character areas, with the aim of achieving a unified palette across the site. The strategy shows the general arrangement and type of fittings being considered

and will be subject to detailed LUX level calculations and specification. The key principles of the strategy include:

- Using low level luminaires - to minimise light spill to neighbouring areas and generally maintain the evening character of the Trinity College Gardens
- To create a safe environment for students, staff and visitors
- To create safe and welcoming gateways for pedestrians moving to and from the new building
- To create a distinctive and attractive environment that is useable both in the daytime and during the evening

10.68. Officers support the provision of the light in accordance with the strategy in accordance with CP21 and the details can be secured by condition.

h. Biodiversity

10.69. The site is not of any significant or designated ecological value. CS12 of the CS states that there should be no net loss of sites and species of ecological value and where there is opportunity development will be expected to enhance Oxford's biodiversity.

10.70. The Ecology Report by BSG Ecology in April 2018 submitted has been reviewed. Officers are satisfied that the presence of protected habitats and species has been sufficiently assessed and there is no evidence of roosting bats, although there is evidence of foraging. There would be no harm to them or other protected species (nesting birds for instance).

10.71. There would be a loss of biodiversity as a result of the loss of trees and grassed garden area. However it is proposed that mitigation would be provided for off-site due to the constraints of the site including heritage assets and park and garden. The site is a meadow field on Ferry Road in Marston owned by Trinity, which is designated a SLINIC and lies immediately adjacent to the New Marston Meadows SSSI. The meadow is agriculturally unimproved and heavily grazed by ponies and has a poor biodiversity value. It is proposed that Trinity College fence line is maintained and managed in a way so as to increase the biodiversity value of the site from poor to moderate. This could be secured via a legal agreement.

10.72. A scheme of ecological enhancements can be secured by condition. The proposal accords with CS12 of the CS and the NPPF. It should be noted by the Applicant that the protected species surveys undertaken are considered valid for two years, therefore surveys undertaken in respect of bats would need to be updated prior to any works on site commence. This could be secured by condition.

i. Energy

10.73. A Sustainability Statement and NRIA checklist has been submitted to show how 20% on site renewables and energy efficiencies can be achieved in accordance with Policies HP11 of the SHP and Core strategy CS11. It states the development would achieve a 29% reduction in carbon emissions, by using a low

carbon technology approach including air source heat pump and combined heat pump. The NRIA check list shows that the project would achieve a score of 9 out of a maximum 11. The proposal would therefore accord with Policies HP11 of the SHP and CS9 of the CS and details/ implement could be secured by condition.

j. Air Quality

10.74. An Air Quality Assessment (AQA) has been submitted and reviewed along with other supporting documents in the application. Officers conclude that there will be no negative air quality impacts over current and future receptors as a result of the new development. However the dust mitigation measures set out in the AQA should be implemented during construction in order to prevent harm, which can be secured by condition. The development therefore accords with Policy CS23 of the OLP and the NPPF.

k. Contamination

10.75. A Ground Investigation Report was submitted with the application. The site investigation 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, with the exception of some minor asbestos fibres located in two locations adjacent to the existing building footprint. The report recommends that appropriate remedial measures are taken to avoid potential exposure to site workers during construction and future occupiers of the site. The development accords with Policy CS22 of the CS, subject to a condition securing remediation of the site.

l. Drainage and Flooding

Flooding:

10.76. A Below Ground Drainage Strategy & Flood Risk Statement has been submitted and reviewed. The report concludes that the site is not at significant risk of flooding from any sources. The site is in Flood Zone 1, and is not shown to be at risk of surface water flooding. Groundwater was encountered during the ground investigation at a depth of 4.87 – 4.91m below ground level, with the underside of the slab at approx. 4.79m. It is proposed that the basement will be made waterproof, with an internal cavity drainage system in order to prevent flooding. Additionally, the report also concludes that there will be no effect on groundwater elsewhere.

Drainage:

10.77. The principle of the preliminary drainage strategy as submitted is considered acceptable but should to be amended to allow for a 40% climate change allowance, which Oxford City Council would expect, rather than the 20% used. Soakage tests suggest that infiltration will be feasible on the site, and proposes a cellular soakaway, subject to confirmation of soakage rates at the location of the proposed soakaway. A final strategy should be submitted once the additional soakage testing has been undertaken, and the higher climate change allowance

used. The maintenance strategy for the Sustainable Drainage Scheme (SuDS) systems proposed should also be produced in a form that can be given to those responsible for the maintenance, and it should be clearly stated who will be responsible.

10.78. The proposed development accords with Policy CS11 of the CS subject to conditions requiring an amended Drainage Strategy and SuDS Maintenance Plan.

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.
- 11.3. It is therefore 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. It is considered that the development would provide for a clear and identified need for student accommodation and academic facilities for Trinity College. The site layout and built form has been developed in a comprehensive and thoughtful manner following an extensive pre-application process which has sought to deliver facilities of an appropriate and high quality design and form recognising the sensitivities of the site. The proposal, subject to the conditions imposed, would accord with the statutory duty to have regard to the special character and setting of adjacent listed buildings, registered park and garden and Conservation Area. Any harm to these designated and non-designated heritage assets through is outweighed in this case by the high quality design and public benefits of the proposed development. In addition to this, it is considered that the loss of trees from the site that are important within public views are partly mitigated by new planting. There would be no harm to adjoining neighbours.
- 11.5. In terms of any material considerations which may outweigh these development plan policies, the NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that

accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

- 11.6. 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.
- 11.7. 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, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.8. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning, Sustainable Development and Regulatory Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

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. (i) Samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority before the commencement of above ground works on the site.

(ii) Sample panels of the stonework/brickwork demonstrating the colour, texture, face bond and pointing shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced.

The development shall be completed in accordance with the approved details.

Reason: In the interests of the visual appearance of the Central Conservation Area in which it stands in accordance with policies CP1, CP8 HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016.

4. Notwithstanding the submitted Construction Traffic Management Plan, prior to the commencement of development including demolition and enabling works a revised Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in strict accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local amenity and the free flow of traffic on the public highway in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

5. The development shall be implemented in accordance with the submitted and approved Landscape Plan and Planting Plans and managed in accordance with the Landscape Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

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

6. Details of the living green wall on the rendered section of the southern elevation of the building facing the Weston Library shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development above ground and implemented in accordance with condition 7 below.

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

7. 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 Oxford Local Plan 2001-2016.

8. Prior to the commencement of development including enabling works and demolition, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the roots of retained trees in accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

9. Prior to the commencement of the development excluding demolition and including enabling works, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations. Works shall only be carried in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

10. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. 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.

11. A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS 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. Development shall not begin until details of a Tree Protection Monitoring Plan (TPMP) have been submitted to and approved in writing by the LPA. The TPMP shall include details of a monitoring programme for compliance with the approved Tree Protection Plan and Arboricultural Method Statement. An Arboricultural Clerk of Works (ACoW) appointed by the applicant shall oversee implementation of the approved TPMP. The TPMP shall include the following details:

- The role and responsibilities on site of the ACoW or similarly competent person;
- Responsible persons and lines of communication and reporting including with the LPA Tree Officer;
- The times during construction when ACoW will be present on site to oversee works.

Reason: To demonstrate compliance with tree protection conditions and to ensure that trees are protected from injury or damage during development. To ensure a high quality landscape appearance in the interests of public visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

13. The cycle parking hereby approved shall be implemented prior to occupation in accordance with the approved plans and there after retained at all times thereafter.

Reason: To ensure adequate cycle parking provision in accordance with HP15 of the Sites and Housing Plan 2013.

14. The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city has been submitted to and approved by the local planning authority; and the study bedrooms shall only be let on tenancies which include that clause or any alternative approved by the local planning authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, TR12, ED6 and ED8 of the Adopted Oxford Local Plan 2001-2016.

15. Prior to occupation of the development, a revised Student Accommodation Management Plan to include allocated time slots for the moving in / out of the accommodation appropriately staggered over weekday mornings to prevent any adverse impacts on the operation of the highway should be submitted for approval by the Local Planning Authority in advance of occupation of the student accommodation.

Reason: In the reason of highway safety and the efficient operation of the public highway in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

16. Prior to first occupation of the development hereby permitted, a Travel Plan for the whole College shall be submitted to and approved in writing of the Local Planning Authority. The College shall thereafter operate in accordance with the Travel Plan.

Reason: To encourage sustainable forms of transport other than the car in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

17. Prior to the commencement of development excluding demolition and enabling works the detailed design of the widened access onto Parks Road including a dropped kerb shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: in the interest of highway safety and to encourage sustainable travel in accordance with policy TR4 of the Adopted Oxford Local Plan 2001-2016 and Policy CS25 of the Core Strategy and the National Planning Policy Framework.

18. No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in

accordance with the agreed WSI, which shall include the statement of significance and research objectives; and

The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: 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 Late Saxon, medieval and post-medieval remains in accordance with Oxford Local Plan Policy HE2.

19. Prior to the commencement of development above ground, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include provision of artificial roost features for bats and birds, including a minimum of two swift boxes, a replacement log pile and habitat for Priority Species hedgehog. Details of the lighting scheme should be presented and there shall be no lighting of any artificial roost feature, including no up-lighting of feature trees with potential to support bats. Details of management of the off-site biodiversity habitat will also be provided.

The specified scheme of enhancements shall not be altered without the prior consent in writing of the Local Planning Authority.

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.

20. The development shall be undertaken in strict accordance with the safeguards in respect of bats provided within the Revised Ecology Report produced by BSG (September 2018).

No bat roosts have been identified to date within any habitat to be affected by the development, however bat survey data are considered valid for a period of two years, therefore should determination take place any later than September 2018, an updated bat survey will be required, undertaken in accordance with prevailing best practice guidance. The results of the survey shall be submitted to and approved by the Local Planning Authority prior to commencement of any works on site.

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.

21. No development shall take place until a Dust Management Plan (DMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found on Appendix E (pages 45-46) of the Air Quality

Assessment submitted with the application (Document reference: REP-1006797-CR-20180329-Trinity College Oxford-R3-(f), from 29th March 2018).

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001-2016.

22. Prior to the commencement of the development excluding demolition 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). Each phase shall be submitted in writing and approved by the local planning authority.
 - I. Phase 1(desk study) and phase 2 (intrusive site investigation) have been completed and approved.
 - II. A phase 3 remediation strategy, validation plan, and/or monitoring plan must be submitted to and approved 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.

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 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.

23. Prior to commencement of development excluding demolition, a final revised Drainage Strategy which includes a Sustainable Drainage System designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change and the results of the further infiltration testing undertaken shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy.

Reason: To prevent flood risk increase from surface water in accordance with Policy CS11 of the Core Strategy.

24. Prior to first occupation of the development, a Sustainable Drainage Maintenance Plan document for the sustainable drainage components shall be submitted and approved in writing by the Local Planning Authority. It should include details of maintenance tasks, schedule of tasks, responsibility for undertaking the

maintenance, and how this will be carried out (e.g. plant and techniques required etc.). The development shall be maintained in accordance with the Plan for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To keep the drainage system functional and safe for its lifetime, in order to prevent flood risk increase from surface water in accordance with Policy CS11

25. Prior to commencement of the development above ground, details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details which shall be implemented before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and in the absence of information in accordance with policies CP1, HE3 and HE11 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

26. No demolition of the Cumberbatch Building Staircase 4 or enabling works within the 'Wilderness' shall take place until an appropriate programme of architectural recording of the 'Wilderness' and buildings to be demolished by measurement, drawing and photography to Historic England Level 2 Historic Building Survey has been secured and implemented in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority. One copy of the final report shall be deposited in the College's archives and one copy shall be deposited in the County Records Office.

Reason: To preserve by record the Cumberbatch Building Staircase 4, the 'Wilderness' and Central Conservation Area that will be affected by the works hereby granted permission in accordance with policies HE2 and HE4 of the Adopted Oxford Local Plan 2001-2016 and Policy CS18 of the Oxford Core Strategy 2026.

27. A phased public art strategy shall be submitted to and approved in writing by the Local Planning Authority:

Phase 1:

Within 6 months of the commencement of development, details of the competition brief for an artwork which can be directly experienced by members of the public from within the public realm of Saville Road and/or Mansfield Road shall be submitted to and agreed in writing with the Local planning Authority prior to issue of the brief; and

Phase 2:

Details of the successful competition artist and their work of art proposal including form, materials, location and timescales for implementation shall be submitted to and agreed in writing prior to commissioning of the art work; and

Phase 3:

The commissioned public art work shall be implemented within the agreed timescales which may be varied as necessary and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified of the completed implementation.

Reason: To give further consideration to the matter in the interest of public amenity and in order to comply with CP14 of the Oxford Local Plan 2001-2016.

13. HUMAN RIGHTS ACT 1998

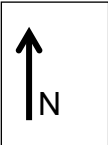
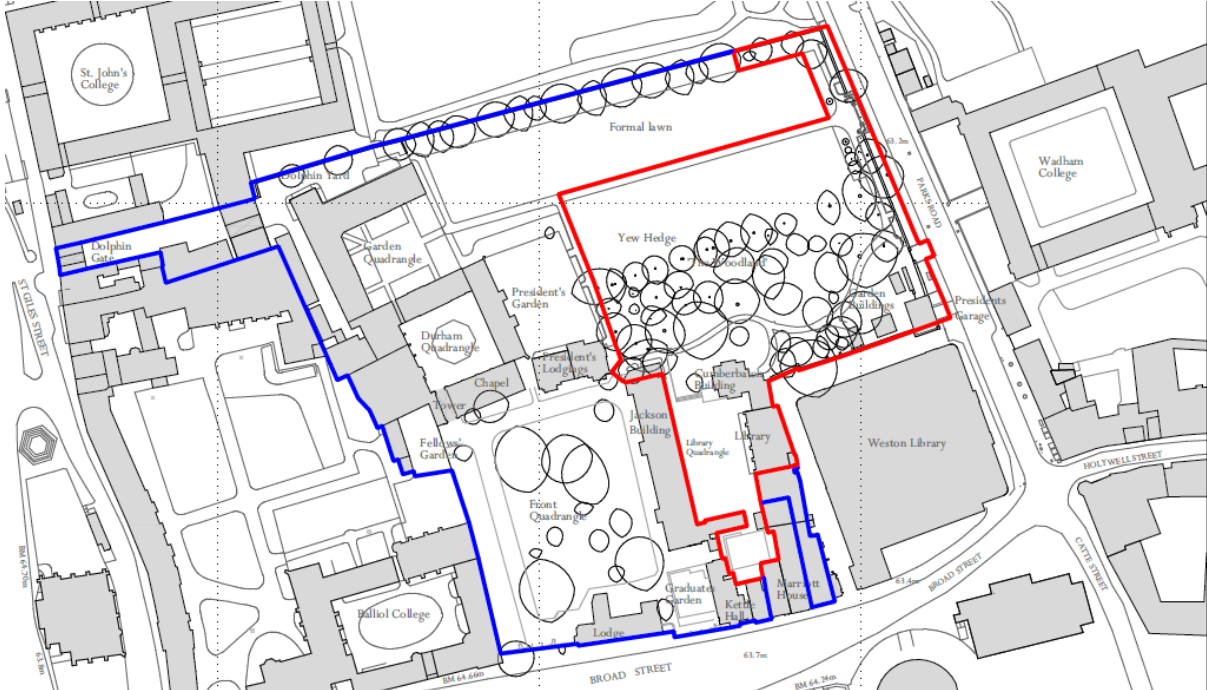
- 13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 14.1. 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

18/01340/FUL – Trinity College



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WEST AREA PLANNING COMMITTEE

Application Number: 18/01341/LBC

Decision Due by: 18th July 2018

Extension of Time: 19th October 2018

Proposal: Application for listed building consent for alterations and extension to library to provide new auditorium with foyer, lecture theatre and teaching spaces, administrative offices and student rooms with ancillary support spaces.

Alterations to Parks Road wall to form temporary construction access, widen vehicular entrance and construct new lean-to gardener's buildings.

Site Address: Trinity College , Broad Street, Oxford, OX1 3BH

Ward: Carfax Ward

Case Officer Gill Butter

Agent: Natasha Ireland **Applicant:** Trinity College

Reason at Committee: The application relates to major development.

1. RECOMMENDATION

West Area Planning Committee is recommended 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 this report, grant listed building consent and

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. 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 listed building consent.

2. EXECUTIVE SUMMARY

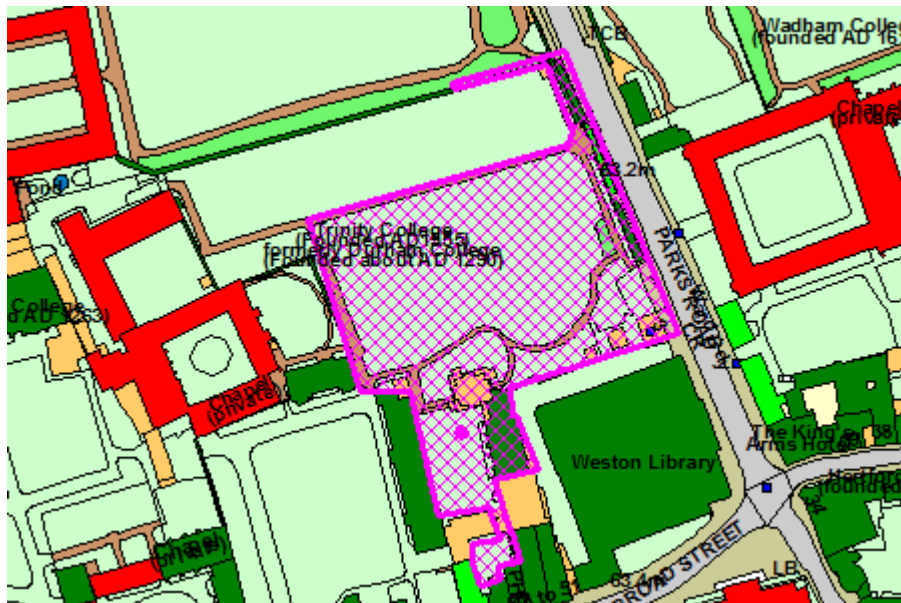
2.1 This report considers the impact of the proposed development on the architectural and historic significance of the grade II listed New Library.

2.2 The key matters for assessment set out in this report include the following:

- the demolition of Cumberbatch 2 building
- the impact to the architectural and historic significance of the New Library building of proposed alterations to that building including an extension.
- the impact of the alteration to the existing gates, gate piers and part of the boundary wall to Parks Road.
- the impact of the construction of a glass house against the north boundary wall of the Trinity College Gardens.

3. SITE AND SURROUNDINGS

- 3.1 The site is located within the main campus of Trinity College which is bounded by Balliol College to the west, St John's College to the north, Broad Street to the south and Parks Road to the east.
- 3.2 The site includes the two Cumberbatch buildings, North and South which create Rose Quad to the south and library Quad to the north and the southern part of the Trinity College Gardens including Giles Gilbert Scott's garage building, formerly part of the Weston Library and now the college President's garage.
- 3.3 Site Location Plan



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Ordnance Survey 100019348

4. PROPOSAL

- 4.1 The application proposes alterations to the New Library building at Trinity College through the demolition of Cumberbatch North and the addition of a new range of buildings to accommodate an auditorium with ancillary spaces, teaching rooms and student bedrooms. In addition and to facilitate the construction of the new buildings it is proposed to dismantle the Stuart Gates, demolish the existing gate piers in the east boundary wall that faces onto

Parks Road together with a short section of the wall to the south of the existing entrance. These structures will be re-built at the end of the development, relocating the gates slightly further south than they are presently. Finally it is proposed to relocate an existing glass house against the north boundary wall to the garden in the north-east corner of the site. Other works are proposed for which planning permission, not listed building consent is required and a concurrent planning application ref. 18/01340/FUL has been submitted to the local planning authority and is to be determined at this same planning committee meeting.

5. RELEVANT PLANNING HISTORY

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

<p>01/01204/L - Staircase 15 - Listed building consent for installation of heating system _ provision of fire safety measures involving internal alterations _ erection of a ventilation grille in Garden Quad.. PER 24th December 2001.</p> <p>02/00273/LBC - Listed Building consent for erection of gas meter housing abutting kitchen garden wall, Parks Road.. PER 3rd October 2002.</p> <p>02/00274/FUL - Planning permission for erection of gas meter housing abutting kitchen garden wall, Parks Road.. PER 3rd October 2002.</p> <p>02/00816/LBC - Listed Building consent for internal alterations involving installation of new electrical, heating and washing services and facilities in basement and on ground, first and mezzanine floors, Staircase 16, Trinity College. PER 4th July 2002.</p> <p>54/03685/A_H - Alterations to presidential. PER 8th June 1954.</p> <p>55/04486/A_H - Alterations to stores. PER 31st May 1955.</p> <p>55/04487/A_H - Flat and garage to replace cottage. WDN 31st December 1955.</p> <p>55/04908/A_H - Flat and Garage. PER 8th November 1955.</p> <p>58/06932/A_H - Modifications to cornice and windows of existing top stories of north wing. PER 27th May 1958.</p> <p>61/11194/A_H - Conversion of basement with lavatories, showers and cloakroom. PER 12th September 1961.</p> <p>62/11829/A_H - Alterations to basement to form law library. PER 27th March 1962.</p> <p>63/14234/A_H - Extension to college including teaching and residential accommodation and extension to book shop for offices, sale and storage. PER 12th November 1963.</p>

64/14234/AA_H - Extension to college including teaching and residential accommodation and extension to book shop for offices, sale and storage (revised). PER 5th May 1964.

64/14234/AB_H - Extension to college including teaching and residential accommodation and extension to book shop for offices, sale and storage (revised). PER 14th July 1964.

71/24550/L_H - Re-surfacing the garden quadrangle with second hand randomly rectangular York stone slabs and Crowborough rough stock bricks laid to pattern. PER 17th August 1971.

81/00175/NFH - Demolition of brick-built gardeners store and erection of two new garden stores. PER 5th May 1981.

84/00547/NFH - Change of use of existing basement into Library Reading Room, including new door in existing window opening.. PER 22nd August 1984.

84/00548/L - Listed Building consent for change of use of existing basement in Library Reading Room, including new door in existing window opening.. PER 22nd August 1984.

95/01169/L - Listed Building consent for installation of surveillance system on the following locations, Old Library, Chapel, Garden Quadrangle, Jackson Building (east and west elevations), Lodge Cottages (2 locations).. PER 30th November 1995.

95/01170/NFH - Installation of surveillance system on the following locations, Old Library, Chapel, Garden Quadrangle, Jackson Building (east and west elevations), Lodge Cottages (2 locations).. PER 30th November 1995.

04/00674/LBC - Listed Building consent for installation of platform hoist to library main entrance involving alterations to existing external stairs, provision of disabled access ramp and new doorway to staircase 7. Internal alterations involving new partitions and up-grading facilities to provide disabled w.c. facilities at ground and first floor level - staircase 7. (Amended plans). PER 9th July 2004.

04/00675/FUL - Planning Permission for installation of platform hoist to library main entrance involving alterations to existing external stairs and provision of disabled access ramp and new doorway to staircase 7. (Amended plans). PER 9th July 2004.

05/00144/LBC - Listed Building consent for installation of platform lift to external steps to library (revised scheme). PER 23rd March 2005.

05/00145/FUL - Planning permission for installation of platform lift to external steps to library (revised scheme). PER 23rd March 2005.

18/01340/FUL - Demolition of the existing building and the erection of a replacement building to provide a new auditorium, teaching, and student communal area. On the lower floors together with administration offices and student accommodation to the upper floors. The relocation and widening of the existing vehicular access from Parks Road further South. External alterations to the rear of the President's Garage. Landscape enhancements to the immediate setting of the proposed new building, library quad and the small quad to the south of library quad. Provision of covered cycle parking and replace glass house and machinery and tool store for the gardeners.. PCO .

18/01341/LBC - Application for listed building consent for alterations and extension to library to provide new auditorium with foyer, lecture theatre and teaching spaces, administrative offices and student rooms with a ancillary support spaces.

Alterations to Parks Road wall to form temporary construction access, widen vehicular entrance and construct new lean-to gardener's buildings.. PCO .

6. Relevant planning policy

6.1 The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	12 Paragraphs 127,128,129 and 130	HE.3	CS18	n/a	
Conservation/ Heritage	16 Paragraphs 184,190, 192, 193, 194, 196, 198 and 199.	HE.3			

7. CONSULTATION RESPONSES

7.1 Site notices were posted around the application site on 5th June and an advertisement was published in The Oxford Times newspaper on 7th June 2018. Following the submission of additional information further site notices were posted on 12th September and the application was re-advertised in The Oxford Times newspaper on

Statutory and Non-Statutory Consultees

Historic England

- 7.2 In a letter dated 13th June 2018 Historic England advised that on the basis of the information available to date they did not wish to offer any comments and suggested that the views of the authority's specialist conservation adviser be sought.

Oxford Preservation Trust

- 7.3 OPT initially responded to the concurrent planning application in a letter dated 4th July in which they express their sadness at the loss of the Cumberbatch Building but acknowledge that Historic England considered that it failed to meet the criteria for statutory listing and recognise that it therefore has no protection from demolition. They could see no reason to object to the new building, considering the architecture to be "safe" and observing that the building would be largely hidden from public view. The letter did make reference to the concerns raised subsequently by the Bodleian Library in respect of potential harm to the significance of that listed building. OPT then submitted a further letter dated 14th August, addressing this response to both the planning and listed building consent applications which expresses stronger concern at what it considers will be an adverse impact on the Reading Rooms of the Weston Library.

Bodleian Library

- 7.4 A letter dated 9th July 2018 was submitted on behalf of the Bodleian Library addressed to both the planning and listed building consent applications which raises concern that the proposed development will have a harmful impact on the significance of the Weston Library. The letter concerns issues that fall to be considered under the planning application not the listed building consent application which concerns alterations to the listed buildings within the site.

Public representations

- 7.5 There were no representations from members of the public.

Officer Response

- 7.6 Whilst not to be dismissed, the substantive concerns raised on behalf of the Bodleian and by OPT relate to the significance of the setting of the new Bodleian (Weston) Library and therefore fall to be considered under the planning application and not this listed building consent application.

8. MATERIAL CONSIDERATIONS

- 8.1 Officers consider the determining issues to be:

- i. The contribution that Cumberbatch North makes to the architectural significance of the New Library building and the consequent impact of its loss
- ii. The impact that the proposed alterations, including extensions to the New Library building have on its architectural and historic significance.
- iii. The harm that would arise to the significance of the east boundary wall from the proposed alteration of the southern gateway and to the Stuart Gates from their dismantling and subsequent re-assembly.
- iv. The impact that the construction of the existing glasshouse against the north boundary wall of the Trinity Gardens would have on that structure's architectural and historic significance.

i. Cumberbatch North

- 8.1 Cumberbatch North is currently attached to the northern end of the New Library building and forms part of a group of buildings that were designed and built for the college in 1964-5 by Robert Maguire and Keith Murray.
- 8.2 The building displays strong references to the traditional Japanese architecture that influenced its architects, appearing as a four storey pavilion. Three, repetitive, relatively simple upper storeys of residential accommodation over architecturally dynamic, a strong play of light and shade, ground and basement floors effectively closes the northern end of Library Quad. Whilst the lower floors are an excellent example of seminal architecture of the period, the upper floors are considered to be less significant and are evidently flawed in terms of their functionality. For this reason together with the building's standard although well executed detailing the building was considered in 2016 not to meet the extremely rigorous criteria for inclusion of post-war buildings in the statutory list and was granted a certificate of immunity from listing for five years to May 2021.
- 8.3 Whilst not imposing itself on the New Library building (1925-7) Cumberbatch North is certainly not in any way deferent to the earlier, classical building whose significance is derived much from its well-proportioned, neo-Georgian architecture offering a rare example of generosity in a period of extreme austerity. It must therefore be considered that the removal of Cumberbatch North would not have a harmful impact on the significance of the listed building.

ii. Alterations and extensions

- 8.4 Having removed Cumberbatch North the application proposes some alteration of the original north gable of the New Library building in order to enable addition of a new three storey, part basement building providing a link between the principal west-east wing of the extension. This façade of the Library building was altered when Cumberbatch was added. Much of the façade would become internal fabric with a small alteration to the ground/lower ground floor doorway to enable disabled access. In addition the coped parapet of the north gable is proposed to be given a larger, more generous proportion in order to give the end of the Library more distinction.

These alterations are relatively small and would have little impact on the architectural significance of the listed building and certainly no impact that would harm that significance.

- 8.5 The principal element of the extension is proposed to be a new three storey plus basement and attic wing that is sited to run west east from the north end of Library Quad to the west side of the President's Garage. The building range will by virtue of its alignment and siting, its separation from the New Library building and the fact that it primarily addresses the former "wilderness garden" not compete architecturally with the New Library building which will remain the primary building in Library Quad. The "safe" classical architecture of the extension will, subject to careful execution act as a restrained foil to the exuberance of the New Library's principal façade (the secondary façade is of no architectural merit). Consequently it must be considered that the extension will have no harmful impact on the significance of the New Library.

iii. East Boundary (Parks Road) Wall and Stuart Gates.

- 8.6 The East Boundary wall is an C18, tall, coursed rubble wall that forms the southernmost section of a wall that extends along much of the west side of Parks Road and provides the eastern boundaries of both Trinity and St John's College gardens. The significance of the wall derives from the contribution that it has historically made to enclosure of the formal college gardens and provides a symbolic separation between public and private as well as to the contribution that it makes to the character and appearance of Parks Road, with a similar boundary wall on the east side of Parks Road enclosing Wadham College and Rhodes House gardens.
- 8.7 The application seeks consent to remove the C20 gate piers and a small section of wall to the south of them to enable access to the site and to re-build this entrance immediately to the south of its current location. The justification for this alteration is firstly to enable construction access but ultimately to adjust the alignment of the existing access (a later addition to the original boundary wall, contemporaneous with the Gilbert Scott garage) such that it aligns more appropriately with the east façade of the new building range and creates a more functional space between this building and the existing garage building. The gate piers and gateway form part of albeit a more recent intervention in the original C18 wall and therefore their re-siting will have an impact on the historic significance of the wall but any harm would be at the low end of less than significant and will be mitigated by careful (conditioned) re-use of the existing fabric.
- 8.8 The application also seeks consent to temporarily remove the Stuart Gates which also sit in the East Boundary wall but further north than the simpler gate. The Stuart Gates are a pair of ironwork gates with fixed side panels that date from the early C18, are probable contemporaneous with the wall and are thought to be by William Townsend who built up a reputation as a master mason as well as a designer of buildings. His work can be seen at many prestigious sites across the city. The gates would be removed to provide construction access. The application provides an appropriate

methodology for the careful removal and then storage of the gates and appropriate conditions will provide surety for the careful dismantling and re-building of the ashlar gate piers. These gates contribute to one of the seminal “glimpsed” views in the city, not quite as popular as that on Broad Street but nevertheless significant. The removal of the gates and encapsulation of the gate piers, albeit for a temporary period will be harmful, but the harm will be less than significant and the proposal has some justification. There will be no harm to fabric provided that the piers are carefully protected (conditioned).

iv. Works to North Boundary Wall

- 8.9 The North Boundary Wall forms the northern boundary to Trinity College and the north boundary to the registered garden. The wall, a rubble stone wall probably built at the same time as the East Boundary Wall, derives its significance from its contribution as a boundary to the college and the backdrop to the registered gardens. The application seeks consent to relocate an existing glasshouse from its existing location at the south-east corner of the site adjacent to the garage to the north-east corner of the gardens. The glasshouse would be built as a lean-to structure against the wall. The significance of the wall would be impacted by the intervention of the glass house however it must be considered that as the wall derives some of its significance as a garden structure the further its alteration by the addition of another garden structure would seem to be entirely reasonable and justified.
- 8.10 It is unclear from the information submitted in support of the application as to the nature and extent of supporting structure that would be required beneath the new tool shed which is proposed to be sited adjacent to the North Boundary Wall, immediately to the east of the glass house or indeed the extent of wall support structure, footings etc. that exists below ground level however it is considered reasonable and necessary to condition any consent to ensure that such work is carried out in such a manner as to limit the impact on the wall and the harm to historic fabric.

9. CONCLUSION

- 9.1 Having considered the evidence offered in support of the application and established the significance of the listed buildings to which it is proposed to make alterations and then looked at the impact of the proposed alterations extensions and additions to the listed buildings it is considered that the majority of the changes would not impact on the significance of the listed building in question. Where there would be some impact and that impact would be harmful, the initial harm would be at the low end of less than significant. The proposed changes in these cases have been clearly justified by the applicant and any resultant harm has been mitigated by careful, considered and respectful design.
- 9.2 It is recommended that the Committee resolve to grant listed building consent for the development proposed.

10. CONDITIONS

1. The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

2. The buildings, including Cumberbatch North, the sections of boundary walls, gate piers and outbuildings shall not be demolished before listed building consent and planning permission for redevelopment are granted, agreed recording has taken place and a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the architectural and historic significance of listed buildings and buildings of high architectural significance in accordance with policies CP1 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

3. The applicant shall ensure the safety and stability of the South Boundary Wall both prior to and during demolition of Cumberbatch North, during excavation of basements and while the works the subject of this consent and the associated planning permission are carried out. Details of the measures to be taken to protect the adjoining listed buildings shall be first submitted to and agreed in writing by the Local Planning Authority and only the approved measures shall be carried out.

Reason: To ensure adequate protection to this and adjoining buildings and safeguard their special interest in accordance with policies CP1, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

4. The demolition of the gate piers and section of South Boundary Wall adjacent to the Scott garage shall not take place until the applicant has made a drawn/photographic record of the structures and submitted a method statement to include the storage of material during the works and an agreed timescale for re building. Both record and statement shall be agreed in writing with the LPA prior to commencement of demolition.

Reason:- In order to ensure an appropriate level of recording and agree a methodology for dismantling and storage of material prior to the work taking place to ensure the ability for rebuilding and to mitigate the overall level of

harm to the significance of the listed building in accordance with paragraphs 193 of the NPPF 2018 and policy HE.3 of the Local Plan.

5. The applicant shall ensure the protection of the gate piers to be retained on the removal of the Stuart Gates and shall provide drawn details and methodology of this protection to be submitted to and approved in writing by the LPA prior to the removal of the gates and only the approved measures shall be carried out. An agreed timescale for reinstatement shall be agreed in writing before practical completion of the development works.

Reason: To ensure adequate protection to the listed structures and safeguard their special interest in accordance with policies CP1, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

6. The applicant shall provide drawn details of and a method statement for the attachment of the glass house to the North Boundary Wall together with details and methodology for slabs and footings adjacent to this wall all to be agreed in writing by the LPA prior to any of this work taking place and only the approved measures shall be carried out.

Reason: To ensure adequate protection to the listed wall and safeguard its special interest in accordance with policies CP1, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

7. Any works of alteration repair and stabilisation required to the north façade of the New Library in order to facilitate the abutment of new buildings shall be submitted to and approved in writing by the LPA prior to commencement of any new building abutting this building facade.

Reason: To ensure survival of the existing façade of architectural importance in accordance with policies CP1, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

11. APPENDICES

Appendix 1 – Site Location Plan

12. HUMAN RIGHTS ACT 1998

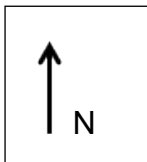
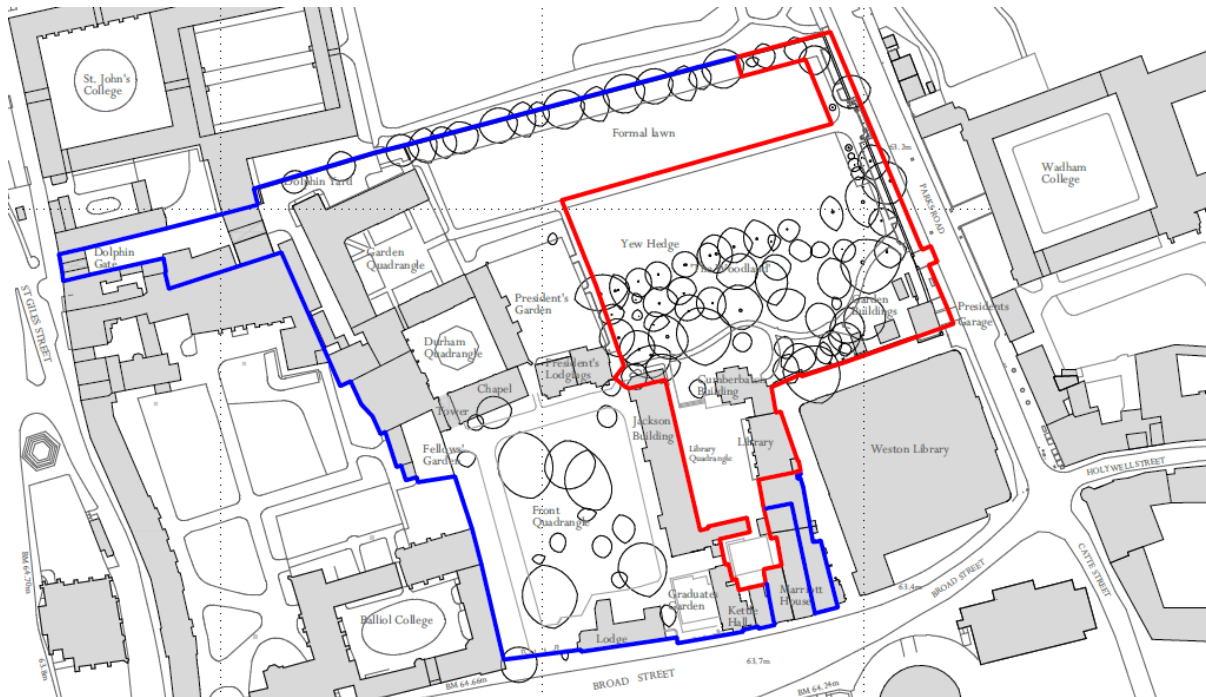
Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- a. 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 planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Appendix 1

18/01341/LBC – Trinity College



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West Area Planning Committee -

9th October 2018

Application number: 18/00896/FUL
Decision due by 20th September 2018
Extension of time To be agreed

Proposal Turl Street: erection of two storey infill lodge building. Courtyard: localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing building, bike storage, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack. Exterior: repair and renewal works to roofs of No's 3, 6 and 7 Turl Street, replacement dormers to no's 4 and 5 Turl Street and No. 16 High Street. Interior: internal reconfiguration, addition of en suites, upgrading of all mechanical and electrical services, fire safety measures, provision of an internal fire escape in 16 High Street exiting in the Covered Market Entranceway and other alterations. (Amended certificate of ownership and amended plans)

Site address Student Accommodation At , The Mitre, No. 16 High Street And Nos. 3-7 Turl Street – see **Appendix 1** for site plan

Ward Carfax Ward

Case officer Sarah Orchard

Agent: Miles Phillips **Applicant:** Mr Julian Mitchell

Reason at Committee The application as called in by Councillors Pressell, Fry, Upton and Rowley because of concerns about the potential development having an impact on the public realm.

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 upgrading of existing student accommodation above and to the rear of The Mitre public house which is occupied by Lincoln College. This is primarily to improve the quality of accommodation and also the fire strategy and escape routes on the site. This includes the erection of lodge building on Turl Street, a fire escape into a Covered Market entrance, consolidation of plant into a plant stack and provision of raised walkway at first floor level behind the Mitre. This report considers the principle of development and assesses the impact on the Central Conservation Area and setting of Listed Buildings, archaeology, amenity of neighbouring occupiers, biodiversity (particularly bats) and impact on the transport network and highway safety. It is concluded that the development is considered acceptable in relation to the above policies and the NPPF.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement. There is no gain in student accommodation therefore the proposal is not liable for an affordable housing contribution.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

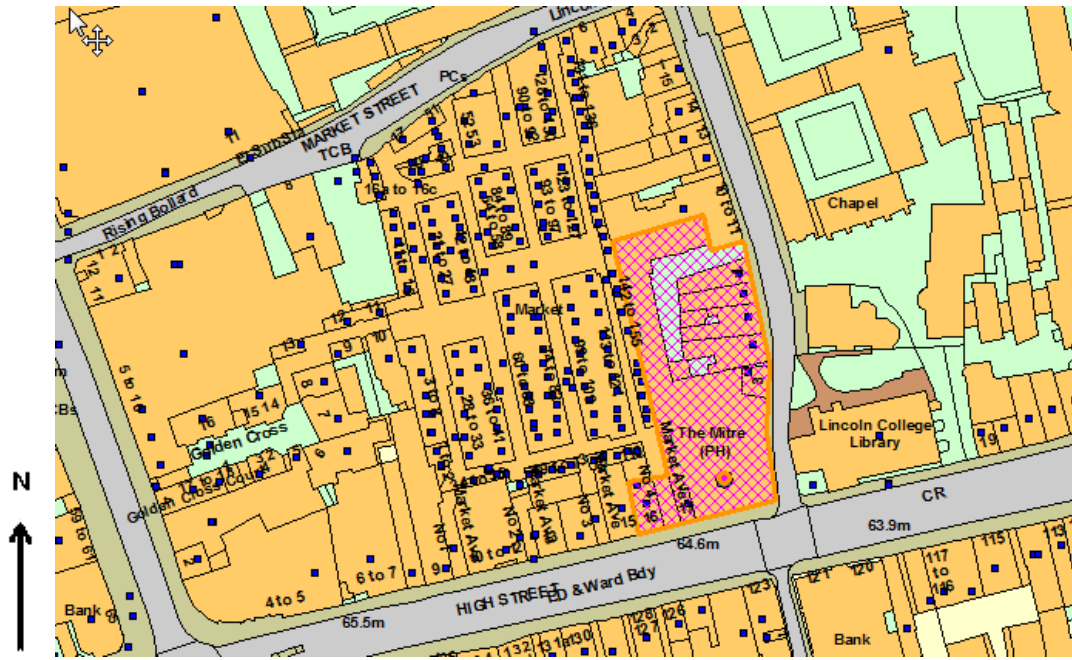
5. SITE AND SURROUNDINGS

5.1. The site is located within the city centre of Oxford on the west side of the High Street and Turl Street junction and lies within the Central Conservation Area. The application site comprises a complex set of interconnected historic buildings which includes The Mitre (a grade II* listed building), 16 High Street which over sails the entrance to avenue 4 of the Covered Market and is a grade II listed building, 3-7 Turl Street (of which No's 3, 6 and 7 are grade II listed) and Turl Yard, a linear building range sited to the rear of The Mitre and curtilage listed to it. The upper floors of the High Street and Turl Street buildings and the Turl Yard Buildings at the rear within the courtyard are primarily occupied by interconnected student accommodation serving Lincoln College who are the owners of the application site. The ground floor areas of the buildings are leased and either occupied by The Mitre public house or serve as individual retail units. The student accommodation is currently accessed by a gated entrance on Turl Street between 7 and 10 Turl Street and a doorway adjacent to the shopfront of 4 Turl Street.

5.2. Situated opposite the site, along the east side of Turl Street are the collegiate buildings of Lincoln College which include the grade I listed Library (former parish church), the grade II listed Rector's Lodging and stone boundary wall, and

the grade I listed 17th century Chapel Quadrangle. Abutting the west boundary of the site is the east range of Oxford's grade II listed Covered Market. To the north are the grade II listed buildings 8-9 Turl Street.

- 5.3. The site lies within the central core of the city, of which the medieval street and plot layout is clearly discernible. Although few medieval structures remain visible within the public realm, the 17th and 18th century building frontages which are a pleasing mix of forms, colours and architectural details and largely characterise the area, correspond in scale to the medieval plot divisions. The Mitre site, including 3-7 Turl Street and the access through to Turl Yard, make a significant positive contribution to the character and appearance of this part of the conservation area, enhancing its heritage values.
- 5.4. The Mitre has served Oxford as an establishment for refreshment and lodging for centuries, and is presently in restaurant use at the basement, ground floor and part of the first floor with accommodation for students of Lincoln College provided on the first, second and third floors. A 13th-century account indicates that there was a house on the site of The Mitre, the ancient fabric of which only knowingly remains below ground in the form of the vaulted basements (not affected by the proposed scheme). The above ground structure of the present day building has undergone considerable alteration and rebuilding, and is comprised of large areas of fabric dating from the 16th, 17th, 18th, 19th and late 20th centuries. The Mitre is of exceptional importance and architectural and historic significance for the survival of historic fabric and interiors of the historic inn.
- 5.5. The buildings of Turl Yard to the rear of the Mitre have most likely always been employed by the inn, initially as stable curtilage and in the early 1920s rebuilt as billiard and drinking rooms with rooms above. These buildings are of lower significance, but have heritage value as a piece of 1920s architecture, and their historic relationship with and contribution to the setting of The Mitre and surrounding listed buildings.
- 5.6. No.3 Turl Street dates to the 17th century and underwent alterations in the 20th century when its upper floors were amalgamated with The Mitre Hotel accommodation. 4 and 5 Turl Street are unlisted buildings constructed in the late-19th century. 6 and 7 Turl Street are mid-19th century buildings, of which their principal floors appear to have only undergone minor alteration in the 20th century. Together these buildings have significant group value.
- 5.7. A comprehensive account and assessment of the buildings heritage significance accompanies the application in the form of the Historic Buildings Report by Donald Insall Associates and the Written Schemes of Investigation by Oxford Archaeology.
- 5.8. See site location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the following alterations:

6.2. Turl Street:

- Erection of two storey infill lodge building between 7 and 8 Turl Street. The proposal is primarily open at ground floor level but includes a Porter's kiosk for added security with a reading room above. The first floor also serves as a first floor walkway to provide access to a fire escape in the glass staircase in Turl Yard (permitted under application 11/01106/FUL). The lodge is set below the height of adjacent buildings and set back from the streetscene.

6.3. Courtyard:

- Localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing building, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack between The Mitre and the I-shaped courtyard buildings.

6.4. Exterior:

- Repair and renewal works to roofs of No's 3, 6 and 7 Turl Street, replacement dormers to no's 4 and 5 Turl Street and No. 16 High Street.

6.5. Internal Works (covered by the associated Listed Building Consent application 18/00897/LBC which is dealt with under a separate report):

- Internal reconfiguration, addition of en-suites, upgrading of all mechanical and electrical services, fire safety measures, provision of an internal fire escape in 16 High Street exiting in the Covered Market Entranceway.

7. RELEVANT PLANNING HISTORY

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

68/19778/AA_H - Alterations to provide residential accommodation for students and alterations to form restaurants and staff accommodation (revised). PER 23rd July 1968.

68/19778/AC_H - Alterations to provide residential accommodation for students and alterations to form restaurants and staff accommodation (revised). PER 12th November 1968.

68/19778/A_H - Change of use of part of 1st, 2nd and 3rd floors from hotel to residential accommodation for students. PER 13th February 1968.

76/00579/A_H - Change of use from residential accommodation for students to holiday accommodation for students to holiday accommodation during vacations.(The Mitre Rooms and Staircase XVI). PER 22nd September 1976.

92/00359/L - Listed Building consent for construction of timber entrance feature at Turl Street entrance. WDN 15th May 1992.

92/00360/NFH - Construction of timber entrance feature at Turl Street. WDN 15th May 1992.

92/00361/AH - Applied letters illuminated by lantern on timber entrance feature at Turl Street entrance. WDN 15th May 1992.

96/01707/NFH - Turl Bar - External fire escape from 2nd floor level on east gable elevation of The Turl Bar. Turl Bar, Between 7,10. PER 23rd December 1996.

00/00060/L - Remove existing ventilation duct on rear wing. Listed Building consent to construct pitch roof on 2 storey rear wing with dormer windows to enclose air handling units, covered grill on west elevation & access balcony on east elevation. PER 13th May 2000.

00/00061/NFH - Remove existing ventilation duct on rear wing. Construct pitch roof on 2 storey rear wing with dormers to enclose new air handling units, insert covered grill on west elevation & access balcony on east elevation. PER 13th May 2000.

07/00123/FUL - Replacement extraction flue. PER 13th March 2007.

10/02652/FUL - Change of use of ground floor from public bar to educational and social facilities in connection with existing student accommodation at first and second floor level above. Erection of 3 storey extension to provide new lift

and stairs. External alteration to courtyard and to existing buildings to provide new external flue to Mitre Hotel, plus new door openings, etc. (Amended plans). PER 8th December 2010.

11/01106/FUL - Alteration to rear of no.10-12 Turl Street associated with erection of three storey extension to provide new lift and stairs to proposed student accommodation. (Amendment to approved scheme 10/02652/FUL). PER 27th May 2011.

11/01108/LBC - Alterations to rear of no. 10-12 Turl Street associated with erection of 3 storey extension to provide new lift and stairs to proposed student accommodation. (Amendment to approved scheme 10/02652/FUL). PER 27th May 2011.

18/00897/LBC - Turl Street: erection of two storey infill lodge building, including new basement. Courtyard: localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing building, bike storage, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack. Exterior: repair and renewal works to roofs of No's 3, 6 and 7 Turl Street, replacement dormers to no's 4 and 5 Turl Street and No. 16 High Street. Interior: internal reconfiguration, addition of en suites, upgrading of all mechanical and electrical services, fire safety measures, provision of an internal fire escape in 16 High Street existing in the Covered Market Entranceway and other alterations. (Amended certificate of ownership and amended plans). PCO.

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	117, 118, 127, 128, 130, 131,	CP1 CP6 CP8	CS18_		
Conservation/ Heritage	192, 193-202	HE2 HE3 HE7			
Housing	6			HP5_	
Natural environment	170, 175,	NE23	CS9_ CS12_		

Transport	102, 109			HP15_	
Commercial		RC3			
Environmental	10	CP10 CP19 CP21	CS10_	HP14_	
Miscellaneous	38, 47	CP.13		MP1	

Other material considerations:

National Planning Policy Framework

This application is in or affecting the Central Conservation Area. The development is affecting a Grade II* Listed Building.

Planning Practice Guidance

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th April 2018 and an advertisement was published in The Oxford Times newspaper on 19th April 2018. Following the receipt of additional information and a revised certificate of ownership (which served notice on Oxford City Council and long term tenants with more than 7 years left to run on their leases) the application was re-published in The Oxford Times newspaper on 2nd August 2018 and new site notices were posted on 6th August 2018.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No long term transport related impacts. The amount of cycle parking is to remain the same but this is acceptable due to the reduction in number of rooms. Increase in numbers should be encouraged due to overspill parking onto Turl Street. Given the central location of the site, high pedestrian footfall and proximity to the High Street, a Construction Traffic Management Plan will be required in order to minimise the impact of construction traffic upon the local highway network.

Historic England

9.3. Overall the scheme appears well considered. Care has been taken to avoid harm to historic fabric and the more significant parts of the buildings. The external walkway is a novel approach to fire safety and escape, avoids alterations to sensitive parts of the building and tidies up the rear of The Mitre improving views. Finer detail is needed by condition. New bathrooms are thoughtfully sited to make use of existing service runs and avoid decorative features. Ventilation details needs to be agreed by condition. Detail is also required in relation to fire separation by condition. The proposed lodge building is an interesting addition

which subject to finer details could make a positive contribution to the streetscene.

Royal Society for the Protection of Birds (RSPB).

9.4. Request the installation of 4no. swift boxes as a biodiversity enhancement to support habitat creation.

Oxford Preservation Trust

9.5. Objection. OPT seek to guide change but not to stop it. It recognises the city needs to evolve but the city should not be dominated by the colleges. The west of Turl Street is dominated by the Town whilst the east is collegiate. The long ownership of the building by Lincoln College has not previously dictated the use. The gap where the lodge building is proposed should be retained as the introduction of the lodge building will change the character of the west of Turl Street introducing a collegiate character to the town.

Oxford Civic Society

9.6. A very welcomed major refurbishment giving consideration to fire safety and preservation of historic fabric. It is a pity that the platform obscures views of the view of the Richardson and Gill building but this is essential to the fire escape and not in public views. Concerns with the appearance of the Lodge Building as the fussy wrought iron lattice gate seems out of place.

Public representations

9.7. No public comments were received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design/Impact on the Conservation Area and Setting of Listed Buildings
- Archaeology
- Amenity/Noise
- Biodiversity
- Highways/Transport

a. Principle of development

10.2. The proposal substantially relates to the refurbishment and enhancement of existing student accommodation. Policy HP5 of the Sites and Housing Plan states that proposals that result in the loss of student accommodation will be refused. The proposal retains the same floorspace of student accommodation but due to the internal refurbishment works, improvement of movement around

the buildings and insertion of en-suites it does result in the current 70 rooms plus 2 flats being reduced to 67 student rooms and 2 flats. The reorganisation of accommodation does not require planning permission or constitute a change of use and other works enable safer and easier exit routes from the building. The minor reduction in room numbers is therefore considered justified. The proposal also does not remove any accommodation from The Mitre public house.

10.3. A small amount of retail space is lost to No. 16 High Street (7.9m²) to allow for a fire escape to be provided existing into an entrance to the Covered Market between 16 and 17 High Street. This would exit in a former doorway. It would not result in the total loss of a retail unit and retains over 40m² of ground floor retail space. This small loss is considered justified as it results in an additional fire escape contributing overall to the fire escape strategy.

10.4. Policy CP6 of the Oxford Local Plan seeks proposals to make a more efficient use of sites. The proposal seeks to retain as much student accommodation as possible whilst improving layout, quality of accommodation and movement throughout the site.

b. Design/Impact on the Conservation Area and Setting of Listed Buildings

10.5. The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (paragraph 193). And that any harm to, or loss of, the significance of a designated heritage asset, requires clear and convincing justification (paragraph 194). Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).

10.6. Policy CS18 of the Core Strategy states that development proposals should respect and draw inspiration from Oxford's unique historic environment, should not result in loss or damage to important historic features, particularly those of national importance, and where possible should include proposals for enhancement of the historic environment. Saved policy HE3 of the Oxford Local Plan states that permission will only be granted for works involving an alteration or extension to a listed building that is sympathetic to and respects its history, character and setting. Saved policy HE7 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting.

Lodge building

10.7. The proposed lodge building would infill the gap in between 7 and 8 Turl Street and be constructed from ashlar stone with a flat parapet roof. The building would be set back from the front building line of the properties either side and have an arched gated entrance at ground floor level with an internal porters lodge enclosed with glazing and positioned in the rear half of the building. The

first floor of the lodge building would be set back from the ground floor elevation and feature a stone mullion casement window with projecting chamfered stone reveals and mullion. The first floor would accommodate a reading room and provide an access route from the student accommodation in the Turl Street buildings through to the stair and lift core which exits into the courtyard.

- 10.8. The proposed lodge building would infill a gap in between the Turl Street buildings which has historically always been an access into Turl Yard and the curtilage buildings to the rear of The Mitre. As part of the approved 2010 scheme (10/02652/FUL) to change the ground floor use of the Turl Yard building from a public bar to educational and social facilities in association with the student accommodation on the site, a metal gate was installed across the access entrance to restrict public access but still maintain visibility through.
- 10.9. The gap has both historic and aesthetic value as it visually demonstrates and provides insights into the ways past communities and activities took place, and it provides a glimpsed view from the street to part of the rear courtyard and Turl Yard buildings which makes a positive contribution to the character and appearance of this part of the conservation area. For these reasons the gap has heritage significance.
- 10.10. The proposed lodge building would cause less-than-substantial harm to the character and appearance of the conservation area, by infilling the existing historic access. The need to improve the fire safety of the site through improving the escape routes and providing one central location to house all of the necessary fire alarm and control panels for all of the accommodation and commercial units on the site, enabling the authorities to efficiently locate a fire in the event of one, is recognised and it is accepted that the proposed lodge building is a suitable way to achieve this. Therefore, the principle of an infill lodge building in this location is considered justified.
- 10.11. Rather than reflecting the scale and size of the existing buildings along Turl Street, the proposed lodge building has been designed to be subservient to the surrounding buildings, set back from the building line and lower in height. The subservience and proposed ground floor arched entrance of the lodge building would maintain the sense of the historic gap, which subject to the design of the entrance gates and interiors would maintain the visibility through to the courtyard. The lodge building is of a simple high quality contemporary design, and by reason of its vertical proportions, openings of traditional forms and facing in natural ashlar stone, would not appear an incongruous addition to the street scene. It is not considered the lodge building would detract from the special interest of the conservation area, nor would it detract from the settings of the surrounding listed buildings.
- 10.12. Historic England were consulted on the application and have raised no concerns with the proposed lodge building, stating that it is an interesting addition which could make a positive contribution to the street scene. The concerns of the Oxford Preservation Trust, that the proposed infilling of the gap with a lodge building will introduce a collegiate character to an area which has long been associated with the 'town', are acknowledged. Whilst the west side of Turl Street is comprised of smaller scale residential and commercial properties

sited on narrow plots, a characteristic of the medieval town, rather than the larger scale collegiate buildings which characterise the east side of the street, there has historically been an intertwined relationship between the two sides of the street and the current glimpsed view of the courtyard from the street suggests a collegiate use, with a relatively formal treatment of the courtyard area. It is not considered that this addition which suggests a collegiate use would unacceptably harm the character and appearance of this important building group or the conservation area for the reasons stated above.

- 10.13. The less-than-substantial harm that would be caused by the infilling of the historic access, would be justified by the public benefits of an improved fire safety and control strategy, and escape routes from the student accommodation. The harm is considered to be sufficiently mitigated by the appropriately subservient and high quality design of the lodge building, which would result in a positive addition to the street scene and conservation area, and would not appear overly dominant and detract from the historic grain and character of the area or the settings of the listed buildings. The lodge building with its arched entrance would ensure the form and sense of the gap can be read and would not erase the historic interest of this area. The harm is considered justified and minimised, in accordance with NPPF paragraph 196.
- 10.14. The importance of achieving a high quality design and maintaining the visibility through the arched entrance is recognised as being crucial to the success of this scheme and as such it is recommended conditions are applied requiring further large scale design details to be agreed, including design details of entrance gates. The application of this condition would also address the concerns of the Oxford Civic Society regarding the suitability of the gate design.
- 10.15. The proposed lodge building has been designed as a free standing structure abutting the adjacent listed buildings. The side elevations of these buildings, a substantial amount of which would be obscured by the proposed lodge building, are relatively plain in their character and appearance featuring a mixture of facing and painted brickwork and rendered walls with traditional timber sash windows. Although the exposed side elevations do make a positive contribution to the significance of the listed buildings and character of the conservation area, they do not have the same quality as a front elevation for example, which has been designed to front onto and address a street. It is considered that a degree of less-than-substantial harm would be caused to the significance and setting of the listed buildings by the siting of the lodge building in front of their side elevations, however given that these buildings are a storey higher than the lodge building a proportion of their side elevations would remain visible enabling their traditional form to be read in the street scene. The level of less-than-substantial harm is therefore assessed as low.
- 10.16. It is proposed to remove the existing ground floor sash window in the side elevation of 7 Turl Street which would be obscured by the new building. There does not appear to be any reason why the existing window could not be retained in situ and protected by boarding; it is recommended a condition is applied to address this issue. The first floor window of 7 Turl Street would be removed and the brick work lowered to form a doorway to create the proposed access route. There would be a loss of some historic fabric, however the improvements to the

circulation and fire escape routes in the building are considered public benefits that would outweigh the loss of this small amount of historic fabric. The width and head detail of the existing window opening would be retained thereby minimising the harm caused.

10.17. The new structure would obscure a ground and first floor window on the side elevation of 8 Turl Street, a grade II listed building. The ground floor window is currently obscured by boarding and the glazing of the first floor window has been painted over. It is proposed that these windows are to be retained intact in situ and protected by fire rated boarding on their external face. This is considered acceptable.

10.18. Overall the less-than-substantial harm caused to the significance of the listed buildings would be outweighed by the public benefits of improving the circulation, fire escape routes and overall fire safety of the student accommodation.

Courtyard works

10.19. The proposed external raised walkway within the courtyard would connect into the buildings at first floor level in four different locations and involve the creation of new openings to the rear of The Mitre, through the link building to the rear of 3 Turl Street, and in the east elevation of the Turl Yard range. The walkway is considered a novel solution to improving the escape routes and circulation around the site which, subject to careful detailing where the new structures would adjoin the buildings and further large scale design detailing, would not have a harmful impact on the settings of the listed buildings and would better reveal the significance of the rear of The Mitre through the removal of later unsympathetic link extensions.

10.20. The new openings would result in the loss of a small section of fabric from the rear elevation of The Mitre, in a location where an existing recess is sited, suggesting this is the location of a previous opening. The other proposed openings would result in the loss early 20th century fabric from the first floor infill section of the link building and the southern-most dormer window in the Turl Yard building. Harm to the most significant parts of the building will be avoided, and the small amount of harm that would be caused would be outweighed by the public benefits of improving the circulation and escape routes.

10.21. The proposed conversion of the late-20th century section of building situated in between Turl Yard and The Mitre annex, to accommodate the plant equipment for both the student accommodation and The Mitre kitchen, which will be displaced as a result of the proposed walkways, is considered to be a practical solution that would not result in harm to significant historic fabric and would greatly improve the existing situation. The existing kitchen plant equipment comprises incongruous out-dated fixtures adjacent to The Mitre's rear elevation, harming its significance and setting, and that of the surrounding listed buildings. It is recommended a condition is applied requiring further details of the new plant and extraction systems required, including details of the internal pipe and ducting routes and any necessary external fixtures, to ensure that the proposals are as sympathetic as possible.

10.22. The scheme also includes repair and maintenance works to the exterior façades and roofs of the building group. No concerns are raised with these works which follow best practice conservation techniques, repairing historic fabric using appropriate traditional materials and methods and making good fabric which has been subject to inappropriate modern works such as replacing areas of cementitious render with lime render. Unauthorised air conditioning units are situated on the shopfront roof of the retail premise at 17 High Street sited next to the Covered Market entrance and below and besides the public house. The units are incongruous prominent additions, which detract from the significant character and appearance of the front elevation of The Mitre, the conservation area and the settings of the surrounding listed buildings. As this unit falls within the site boundary and same ownership, it is considered reasonable and necessary to apply a condition requiring the relocation of air condition units to a more appropriate location.

16 High Street

10.23. The proposed replacement of the modern dormers to the rear of 16 High Street with dormers of a more traditional form, design and size, would improve the character and appearance of the listed building. There is no objection to the installation of a new fire exit doorway into the currently blocked doorway which exits into the Covered Market avenue entrance.

c. Archaeology

10.24. This site is of interest because it is located within the historic core of Oxford which has been continuously occupied since the late Saxon period. It involves works to the 16th century and later Grade II* Mitre Inn which preserves medieval cellars below and to No 16 High Street, part of the 18th century Covered Market.

10.25. The site has the potential to preserve the remains of late Saxon, Norman and later medieval tenements fronting onto Turl Street. Tenements are documented here from the 13th century onwards with a number of references to 'bakehouses' (H E Salter 1960 Survey of Oxford p46). In the early 14th century a block of tenements in this area were gradually acquired by the town mayor Philip Worminghale. On his death the holding became the Bicester Inn and in the 15th century the inn was acquired by Lincoln College then becoming the Mitre Inn.

10.26. An archaeological excavation in 2012 on the site of a lift shaft in the Turl Bar located 4m to the north of the proposed infill building revealed gravel geology at 62.27m OD and a mortared floor surface and a series of intercutting late medieval /post medieval pits and post-medieval walls.

10.27. The proposed building works are anticipated to have only a minor impact on the interest of the various listed structures but have the potential to expose wall coverings and original fabric in discrete areas where the building history is not fully understood.

10.28. The National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

10.29. In this case, bearing in mind the site constraints, it is requested that, in line with the advice in the National Planning Policy Framework, any consent granted should be subject to archaeological conditions requesting a written scheme of investigation 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 Late Saxon, medieval and post-medieval remains (Local Plan Policy HE2). A condition is also recommended in relation to a detailed design and method statement for the extent and design of foundation and groundworks To ensure the foundations and related groundwork are designed to minimise harm to below ground archaeology (Local Plan Policy HE2).

d. Amenity/Noise

Lodge Building

10.30. The proposal includes the erection of a two-storey lodge building between 7 and 10 Turl Street in the north east corner of the site. This is the area which currently provides a gated access into Turl Yard from Turl Street. The properties either side are The Whiskey Shop, 7 Turl Street (to the south) and Walters of Oxford to the north. The lodge building would involve the removal/blocking up of window on the ground floor of 7 Turl Street which is a secondary window to a shop, another at first floor which is currently a window serving a corridor in the student accommodation which would become a doorway and one on the first floor of 10 Turl Street is also a secondary window/light source. Given these are secondary light sources to non-habitable accommodation and a window to a corridor this impact is considered acceptable.

Platform Walkway

10.31. The proposal contains a platform walkway at first floor level leading down from the back of The Mitre into Turl Yard. This has been located to minimise overlooking into student bedrooms. This platform and staircase is also internal within the site and Lincoln College's domain and does not affect privacy of neighbouring occupiers and therefore complies with policy CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan (2013).

Plant Stack

10.32. The proposal also includes the accumulation of plant for the accommodation and The Mitre within a plant stack adjacent to the courtyard buildings to the rear

of The Mitre. This consists largely of internal alterations to the existing building. However due to the creation of this the impact on noise and odours has been assessed on occupants of the application site and neighbouring occupiers by the Councils Environmental Health Officers.

10.33. Given the mixed uses of the site including retail, public house with restaurant and guest accommodation and student accommodation, the potential for noise issues is considerable. Our records show occasional complaints from student residents in the past and the submitted reports acknowledge that noise breakout and break-in to the student accommodation has been a common problem in the past. In addition there is a potential for smell nuisance given the presence of a commercial kitchen extract ventilation system. The potential noise and smell issues which need to be addressed, therefore, are as follows:

Noise break-in to student accommodation from:

- customers, operational noise and plant noise from The Mitre PH
- operational noise from retail units
- services noise including local mechanical extract ventilation

Noise break-out from student accommodation to:

- other residential accommodation
- retail units
- smells from commercial kitchen at The Mitre affecting residential accommodation and retail units

10.34. Taken together the two iOn acoustic reports have considered the above issues and make proposals. It is accepted that ideal standards are not achievable given the age and character of the buildings and the need to conserve the significance of the buildings. The proposals are pragmatic and take advantage of some practical design requirements, for example the need to raise floor levels in part of the student accommodation is suggested as an opportunity to improve sound insulation to the floors below.

10.35. Although the approach and treatment of these topics are appropriate and comprehensive, there is a need to revisit and follow through some of the ideas put forward at the post-permission stage. It is therefore recommended that scheme-type conditions are attached should permission be granted including details of building insulation prior to occupation to prevent noise breakout, a limit to the noise levels from the proposed plant and a scheme for treating cooking fumes and odours before their emission to the atmosphere.

10.36. Subject to these conditions the proposal is considered to comply with policies CP19, CP20 and CP21 of the Oxford Local Plan.

e. Biodiversity

10.37. The application was accompanied by a bat survey and identified a common pipistrelle bat roost on one of the buildings. However the survey was carried out without the ecologist having known the plans for the building and hence it is not clear if the identified bat roost will be impacted and if so what mitigation will be implemented.

10.38. Further information was requested to provide details of the extent to which the bat roost will be impacted or disturbed during the works and if it would be, full details of the mitigation.

10.39. It was then clarified that the fascia where the bat was recorded roosting will be removed as part of the roof refurbishment works and accordingly the roost destroyed. The removal of the fascia would have to be carried out only under licence (this would qualify for a Low Impact Class Licence). Since the roof requires repair works, this impact is inevitable, however mitigation is required and proposed:

10.40. Mitigation would include:

- A watching brief of removal of the fascia board;
- Temporary positioning of a bat box on site if a bat is present so the bat can be moved to the box temporarily;
- Addition of three lifted roof tiles on the same face as the current roost (with the lining of the roof being 1F bitumen type roofing felt and not a breathable roofing membrane, which is unsafe for bats).

10.41. The Oxford City Council Ecologist has reviewed the application and recommended a condition is attached to any permission that prior to commencement of any roof works, a detailed scheme of ecological mitigation and enhancements is provided including an updated nocturnal bat survey (within the same survey year, May-September) and safeguards to protect bats. Any mitigation measures shall be identified on plans, specifically the lifted tiles as well as location of the temporary bat box to ensure that the mitigation measures are suitable and bats are not harmed.

10.42. A request has also been received by the RSPB for the installation of swift boxes into the development. Biodiversity enhancements and habitat creation are required by policy NE23 of the Oxford Local Plan and paragraph 175 of the NPPF and therefore this condition is considered relevant to the development and recommended as a condition.

f. Highways/Transport

10.43. The proposal results in the retention of the existing bicycle storage (16 spaces). Given there is a reduction in the number of student bedrooms this is considered reasonable as there would be no increased demand on cycle parking. Due to the constraints of the site it is not possible to increase cycle parking provision. Paragraph 109 of the NPPF highlights that development should only be prevented or refused on highway grounds where there is an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe. In this case the development would not result in an increase impact.

10.44. Given the central location of the site, high pedestrian footfall and proximity to the High Street, a Construction Traffic Management Plan is requested by the Local Highway Authority in the interests of highway safety and in order to

minimise the impact of construction traffic upon the local highway network in accordance with policy CP1 of the Oxford Local Plan.

11. CONCLUSION

11.1. The proposed development is considered to be acceptable in relation to the above policies as discussed in the report and is therefore recommended that the West Area Planning committee grant planning permission subject to the conditions listed in the next section.

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 Samples of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority before their installation on site and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the Central Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 4 A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed 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.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure, historic environment and local residents, particularly at peak traffic times. This is also in the interests of protection of adjoining listed buildings in accordance with policy HE7 of the Oxford Local Plan.

- 5 No occupation shall take place until the building has been insulated against noise breakout in accordance with a scheme that has been submitted to, and approved in writing by, the Local Planning Authority. Measures should be in accordance with recommendations made in the Internal Sound insulation Report by iOn Acoustics of 19th December 2017 or of an equal effect. There shall be no variation to the approved scheme unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To safeguard the amenities of existing and future occupiers of properties in accordance with policies CP9, CP19 and CP21 of the Oxford Local Plan 2001-2016.

- 6 In respect of any proposed mechanical ventilation or associated plant, the applicant shall ensure that the plant to be installed will meet the noise limits calculated for this purpose by iOn Acoustics in their Planning Noise Report A1235 R03a, dated 18th March 2018. A noise control scheme, to include this confirmation and appropriate measures for noise management of the potential impact of staff arrival and departure and deliveries and collections, shall be submitted for approval before the development is brought into operation.

Reason: In the interests of the residential amenities in accordance with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.

- 7 The development shall not be brought into use unless and until a scheme for treating cooking fumes and odours before their emission to the atmosphere, so as to render them innocuous, has been submitted to and approved in writing by the Local Planning Authority. Any such works that form part of this scheme shall be completed before the development is brought into use and should include the use of grease filters and other specialist filtering and deodorising equipment that will be serviced according to the manufacturer's recommendations.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with policies CP1, CP9, CP19 and CP21 Oxford Local Plan 2001-2016.

- 8 The hereby approved development shall take place in accordance with the document Written Scheme of Investigation for Historic Building Investigation and Recording, Sept 2018, ref: 7171, Oxford Archaeology. For land that is included within the written scheme of investigation (WSI), no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording, including historic building recording and archaeological excavation, and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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 late Saxon, medieval and post-medieval remains, in accordance with policies HE2, HE3 and HE4 of the Adopted Oxford Local Plan 2001-2016.

- 9 No ground works on site shall take place until a detailed design and method statement for the extent and design of all foundation and groundwork has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme agreed pursuant to this condition.

Reason: To ensure the foundations and related groundwork are designed to minimise harm to below ground archaeology (Local Plan Policy HE2).

- 10 Prior to the occupation of the accommodation details and the location of four swift nest bricks shall be submitted and approved in writing by the Local Planning Authority, installed in accordance with the approved details and retained thereafter.

Reason: In the interests of habitat creation in new developments in accordance with policy NE23 of the Oxford Local Plan.

- 11 Prior to the commencement of any works impacting upon the roof, a detailed scheme of ecological mitigation and enhancements must be provided to and approved in writing by the Local Planning Authority. Details of an updated nocturnal bat survey and safeguards to protect bats shall be included (sensitive working methods and the requirement to obtain a European Protected Species Mitigation Licence) and enhancement measures shall include, but not be limited to, a minimum of one bird box, one bat box and a minimum of one dedicated Swift box. The scheme will outline the specifications, locations and management of new features.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

INFORMATIVES :-

- 1 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.
- 2 The archaeological investigation should consist of 1) Level III historic building recording of the impacted parts of the Mitre with a watching brief during significant fabric interventions 2) the full excavation of the significant below ground impact areas (foundations and new foul sewer route). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

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.

West Area Planning Committee

9th October 2018

Application number: 18/00897/LBC

Decision due by 20th September 2018

Extension of time To be agreed

Proposal Turl Street: erection of two storey infill lodge building. Courtyard: localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing buildings, bike storage, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack. Exterior: repair and renewal works to roofs of No's 3, 6 and 7 Turl Street, replacement dormers to no's 4 and 5 Turl Street and No. 16 High Street. Interior: internal reconfiguration, addition of en suites, upgrading of all mechanical and electrical services, fire safety measures, provision of an internal fire escape in 16 High Street existing in the Covered Market Entranceway and other alterations. (Amended certificate of ownership and amended plans).

Site address Student Accommodation at The Mitre, No. 16 High Street and Nos. 3-7 Turl Street, Oxford, OX1 4AG
– see **Appendix 1** for site plan

Ward Carfax Ward

Case officer Amy Ridding

Agent: Miles Phillips **Applicant:** Mr Julian Mitchell

Reason at Committee The application as called in by Councillors Pressell, Fry, Upton and Rowley because of concerns about the proposed development having an impact on the public realm.

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 conditions set out in section 12 of this report and grant listed building consent.

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 upgrading of existing student accommodation which is occupied by Lincoln College above and to the rear of The Mitre public house and in the upper floors of no's 3-7 Turl Street and no.16 High Street. The proposed scheme is primarily to improve the quality of accommodation, implementing the recommendations of a fire safety strategy improving the escape routes and circulation around the site. The scheme includes the erection of a lodge building on Turl Street, replacement dormers to the rears of nos. 4-5 Turl Street, no. 16 High Street, a fire escape exiting into a Covered Market entrance, consolidation of plant equipment into a plant stack and the provision of raised walkways at first floor level in the courtyard area to the rear of the Mitre. The internal alterations include the provision of en-suites, alterations to the layout and circulation routes and upgrading of the mechanical and electrical services and plant equipment.
- 2.2. The key matters for assessment set out in this report include the impact on the historic and architectural special interest of the listed buildings.
- 2.3. Overall the proposed scheme would result in much needed improvements to the site, including some which would better reveal the significance of the listed buildings. It is considered that the less-than-substantial harm that would result from the proposed development is justified by the public benefits that would arise, namely the continued safe and secure use and maintenance of the historic buildings' stock. The less-than-substantial harm would be adequately mitigated by the appropriate high design quality of the new interventions.

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 liable for CIL.

5. SITE AND SURROUNDINGS

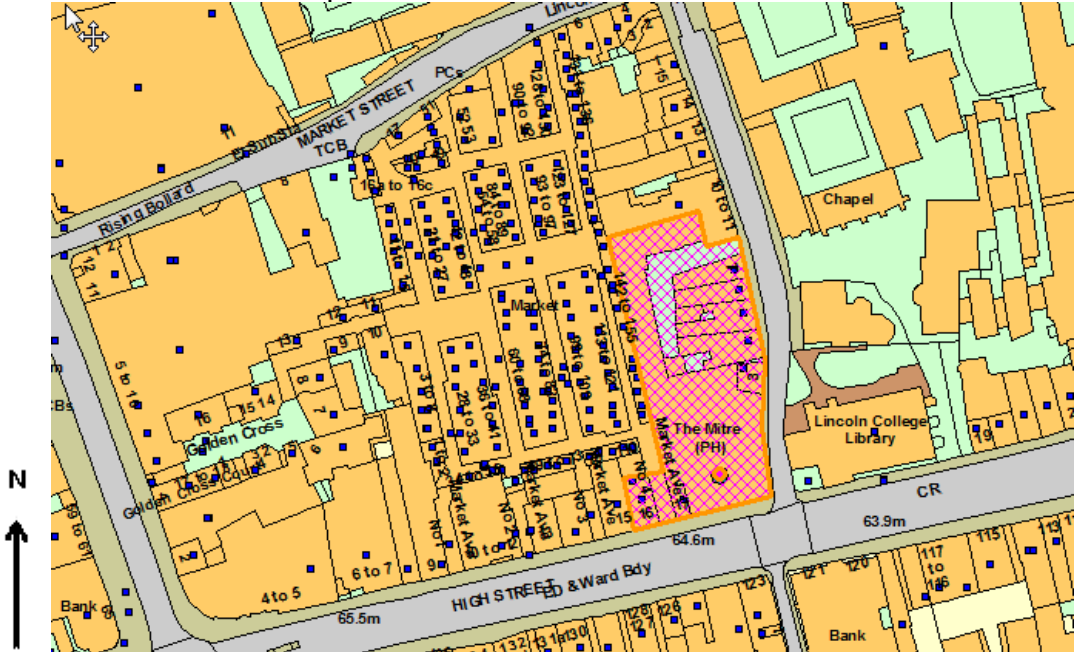
- 5.1. The site is located within the city centre of Oxford on the west side of the High Street and Turl Street junction and lies within the Central Conservation Area. The application site comprises a complex set of interconnected historic buildings which includes The Mitre (a grade II* listed building), 16 High Street which over sails the entrance to avenue 4 of the Covered Market and is a grade II listed building, 3-7 Turl Street (of which No's 3, 6 and 7 are grade II listed) and Turl Yard, a linear building range sited to the rear of The Mitre and curtilage listed to it. The upper floors of the High Street and Turl Street

buildings and the Turl Yard Buildings at the rear within the courtyard are primarily occupied by interconnected student accommodation serving Lincoln College who are the owners of the application site. The ground floor areas of the buildings are leased and either occupied by The Mitre public house or serve as individual retail units. The student accommodation is currently accessed by a gated entrance on Turl Street between 7 and 10 Turl Street and a doorway adjacent to the shopfront of 4 Turl Street.

- 5.2. Situated opposite the site, along the east side of Turl Street are the collegiate buildings of Lincoln College which include the grade I listed Library (former parish church), the grade II listed Rector's Lodging and stone boundary wall, and the grade I listed 17th century Chapel Quadrangle. Abutting the west boundary of the site is the east range of Oxford's grade II listed Covered Market. To the north are the grade II listed buildings 8-9 Turl Street.
- 5.3. The site lies within the central core of the city, of which the medieval street and plot layout is clearly discernible. Although few medieval structures remain visible within the public realm, the 17th and 18th century building frontages which are a pleasing mix of forms, colours and architectural details and largely characterise the area, correspond in scale to the medieval plot divisions. The Mitre site, including 3-7 Turl Street and the access through to Turl Yard, make a significant positive contribution to the character and appearance of this part of the conservation area, enhancing its heritage values.
- 5.4. The Mitre has served Oxford as an establishment for refreshment and lodging for centuries, and is presently in restaurant use at the basement, ground floor and part of the first floor with accommodation for students of Lincoln College provided on the first, second and third floors. A 13th-century account indicates that there was a house on the site of The Mitre, the ancient fabric of which only knowingly remains below ground in the form of the vaulted basements (not affected by the proposed scheme). The above ground structure of the present day building has undergone considerable alteration and rebuilding, and is comprised of large areas of fabric dating from the 16th, 17th, 18th, 19th and late 20th centuries. The Mitre is of exceptional importance and architectural and historic significance for the survival of historic fabric and interiors of the historic inn.
- 5.5. The buildings of Turl Yard to the rear of the Mitre have most likely always been employed by the inn, initially as stable curtilage and in the early 1920s rebuilt as billiard and drinking rooms with rooms above. These buildings are of lower significance, but have heritage value as a piece of 1920s architecture, and their historic relationship with and contribution to the setting of The Mitre and surrounding listed buildings.
- 5.6. 3 Turl Street dates to the 17th century and underwent alterations in the 20th century when its upper floors were amalgamated with The Mitre Hotel accommodation. 4 and 5 Turl Street are unlisted buildings constructed in the late-19th century. 6 and 7 Turl Street are mid-19th century buildings, of which their principal floors appear to have only undergone minor alteration in the 20th century. Together these buildings have significant group value.

5.7. A comprehensive account and assessment of the buildings heritage significance accompanies the application in the form of the Historic Buildings Report by Donald Insall Associates and the Written Schemes of Investigation by Oxford Archaeology.

5.8. See site location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the following alterations

Turl Street:

- Erection of two storey infill lodge building between 7 and 8 Turl Street. The proposal is primarily open at ground floor level but includes a porter’s kiosk for added security with a reading room above. The first floor also serves as a first floor walkway to provide access to a fire escape in the glass staircase in Turl Yard (permitted under application 11/01106/FUL). The lodge is set below the height of adjacent buildings and set back from the streetscene.

Courtyard:

- Localised demolition of existing buildings; formation of new first floor access platforms and walkways, including new stairs, canopies and decking to connect existing buildings; new entrances, alterations to doors and fenestration; relocation of extract plant and condensers to new plant stack.

Other external works:

- Repair and renewal works to the roofs of No’s 3, 6 and 7 Turl Street, façade repairs, replacement dormers to No’s 4 and 5 Turl Street and No. 16 High

Street; provision of an internal fire escape in 16 High Street exiting in the Covered Market entranceway.

Internal Works:

- Internal reconfiguration, addition of en-suites, upgrading of all mechanical and electrical services, fire safety measures.

7. RELEVANT PLANNING HISTORY

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

49/00769/A_H - Extension to Tudor Lounge. PER 19th October 1949.
58/06633/A_H - Alterations. PER 11th March 1958.
63/14386/A_H - Internal alterations to form two bathrooms. PER 31st December 1963.
64/15792/A_H - Replanning of existing courtyard to kitchen and corridors and cocktail lounge servery. PER 22nd December 1964.
64/15822/A_H - Alterations to cellar. PER 8th December 1964.
65/17021/A_H - Alterations to form 'Turl' and 'Tudor' bars, additional lavatory accommodation and new entrance hall and cellar. PER 23rd November 1965.
68/19778/AA_H - Alterations to provide residential accommodation for students and alterations to form restaurants and staff accommodation (revised). PER 23rd July 1968.
68/19778/AC_H - Alterations to provide residential accommodation for students and alterations to form restaurants and staff accommodation (revised). PER 12th November 1968.
68/19778/A_H - Change of use of part of 1st, 2nd and 3rd floors from hotel to residential accommodation for students. PER 13th February 1968.
76/00579/A_H - Change of use from residential accommodation for students to holiday accommodation for students to holiday accommodation during vacations.(The Mitre Rooms and Staircase XVI). PER 22nd September 1976.
78/01058/LAH_H - Re-organisation and internal alterations on ground floor of Mitre and Turl Bars, rebuilding of stores at the rear. PER 2nd March 1979.
85/00965/L - Listed building consent for refitting and refurbishment of existing bars and restaurants. PER 10th January 1986.
86/00743/L - Listed Building consent for alterations to basement undercroft, including removal of bar and formation of staff facilities and store. PER 19th November 1986.
92/00359/L - Listed Building consent for construction of timber entrance feature at Turl Street entrance. WDN 15th May 1992.
92/00360/NFH - Construction of timber entrance feature at Turl Street. WDN 15th May 1992.
92/00361/AH - Applied letters illuminated by lantern on timber entrance feature at Turl Street entrance. WDN 15th May 1992.
96/01707/NFH - Turl Bar - External fire escape from 2nd floor level on east gable elevation of The Turl Bar. Turl Bar, Between 7,10. PER 23rd December 1996.

99/00188/L - Listed Building consent for external alteration to North facade including reinstatement of casement windows at attic level. PER 29th April 1999.

99/00189/NFH - External alterations to North facade including reinstatement of casement windows at attic level. PER 29th April 1999.

00/00060/L - Remove existing ventilation duct on rear wing. Listed Building consent to construct pitch roof on 2 storey rear wing with dormer windows to enclose air handling units, covered grill on west elevation & access balcony on east elevation.. PER 13th May 2000.

00/00061/NFH - Remove existing ventilation duct on rear wing. Construct pitch roof on 2 storey rear wing with dormers to enclose new air handling units, insert covered grill on west elevation & access balcony on east elevation. PER 13th May 2000.

07/00123/FUL - Replacement extraction flue. PER 13th March 2007.

10/02652/FUL - Change of use of ground floor from public bar to educational and social facilities in connection with existing student accommodation at first and second floor level above. Erection of 3 storey extension to provide new lift and stairs. External alteration to courtyard and to existing buildings to provide new external flue to Mitre Hotel, plus new door openings, etc. (Amended plans). PER 8th December 2010.

11/01106/FUL - Alteration to rear of no.10-12 Turl Street associated with erection of three storey extension to provide new lift and stairs to proposed student accommodation. (Amendment to approved scheme 10/02652/FUL). PER 27th May 2011.

11/01108/LBC - Alterations to rear of no. 10-12 Turl Street associated with erection of 3 storey extension to provide new lift and stairs to proposed student accommodation. (Amendment to approved scheme 10/02652/FUL). PER 27th May 2011.

11/02501/FUL - External alterations to shopfront associated with formation of internal bin store involving insertion of new doorway fronting Turl Street. PER 23rd November 2011.

11/02502/LBC - Alterations associated with formation of internal bin store involving insertion of new partitions and doors. External alterations to existing shop window to form new doorway fronting Turl Street. PER 23rd November 2011.

12/02849/FUL - Removal of one sash window and restoration of 5 others fronting High Street.. PER 2nd January 2013.

12/02850/LBC - Removal of one sash window and restoration of 5 others fronting High Street.. PER 2nd January 2013.

18/00896/FUL - Turl Street: erection of two storey infill lodge building. Courtyard: localised demolition of existing buildings, formation of new first floor access platform, including new stairs, canopy and decking to connect existing building, bike storage, new entrances, alterations to doors and fenestration, relocation of extract plant and condensers to new plant stack. Exterior: repair and renewal works to roofs of No's 3, 6 and 7 Turl Street, replacement dormers to no's 4 and 5 Turl Street and No. 16 High Street. Interior: internal reconfiguration, addition of en suites, upgrading of all mechanical and electrical services, fire safety measures, provision of an internal fire escape in 16 High Street exiting in the Covered Market Entranceway and other alterations. (Amended certificate of ownership and amended plans). 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	12	CP1 CP8	CS18		
Conservation/ Heritage	16	HE2 HE3 HE4 HE5	CS18		

8.2. Other material considerations

- The development is affecting a grade II* and grade II listed buildings.
- This application is in or affecting the Central Conservation Area.
- National Planning Practice Guidance
- Historic England Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment
- Conservation Principles, Historic England, 2008

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th April 2018 and an advertisement was published in The Oxford Times newspaper on 26th April 2018. Following the receipt of additional information and a revised certificate of ownership (which served notice on Oxford City Council and long term tenants with more than 7 years left to run on their leases) the application was re-published in The Oxford Times newspaper on 2nd August 2018 and new site notices were posted on 6th August 2018.

Statutory and non-statutory consultees

Historic England

9.2. Overall the scheme appears well considered. Care has been taken to avoid harm to historic fabric and the more significant parts of the buildings. The external walkway is a novel approach to fire safety and escape routes, avoids alterations to sensitive parts of the building and tidies up the rear of The Mitre improving views. Finer detail is needed by condition. New bathrooms are thoughtfully sited to make use of existing service runs and avoid decorative features. Ventilation details needs to be agreed by condition. Detail is also required in relation to fire separation by condition. The proposed lodge building is an interesting addition which subject to finer details could make a positive contribution to the street scene.

Oxford Preservation Trust

9.3. Objection. OPT seek to guide change but not to stop it. It recognises the city needs to evolve but the city should not be dominated by the colleges. The west of Turl Street is dominated by the 'town' whilst the east is collegiate. The

long ownership of the building by Lincoln College has not previously dictated the use. Filling in this gap will change the character of this side of Turl Street, introducing a college character with a lodge style building to an area and a building which has long been associated with the 'town'.

Public representations

9.4. No public comments were received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Impact on the special architectural and historic interest and setting of the listed buildings.

Impact on the special architectural and historic interest and setting of listed buildings

10.2. The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (paragraph 193). And that any harm to, or loss of, the significance of a designated heritage asset, requires clear and convincing justification (paragraph 194). Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).

10.3. Policy CS18 of the Core Strategy states that development proposals should respect and draw inspiration from Oxford's unique historic environment, should not result in loss or damage to important historic features, particularly those of national importance, and where possible should include proposals for enhancement of the historic environment. Saved policy HE3 of the Oxford Local Plan states that permission will only be granted for works involving an alteration or extension to a listed building that is sympathetic to and respects its history, character and setting. Saved policy HE4 of the Oxford Local Plan requires the applicant to agree a programme of investigation, recording and publication of the results where the structure of a listed building is considered to conceal important archaeological evidence or remains. Saved policy HE5 of the Oxford Local Plan states that permission will only be granted for proposals affecting a listed building which involve fire precautions if the council is satisfied that both design and fire safety requirements can be met without harm to the special interest of the building.

External works

Lodge building

- 10.4. The proposed lodge building would infill the gap in between 7 and 8 Turl Street and be constructed from ashlar stone with a flat parapet roof. The building would be set back from the front building line of the properties either side and have an arched gated entrance at ground floor level with an internal porters lodge enclosed with glazing and positioned in the rear half of the building. The first floor of the lodge building would be set back from the ground floor elevation and feature a stone mullion casement window with projecting chamfered stone reveals and mullion. The first floor would accommodate a reading room and provide an access route from the student accommodation in the Turl Street buildings through to the stair and lift core which exits into the courtyard.
- 10.5. The proposed lodge building would infill a gap in between the Turl Street buildings which has historically always been an access into Turl Yard and the curtilage buildings to the rear of The Mitre. As part of the approved 2010 scheme (10/02652/FUL) to change the ground floor use of the Turl Yard building from a public bar to educational and social facilities in association with the student accommodation on the site, a metal gate was installed across the access entrance to restrict public access but still maintain visibility through. The impact of lodge building on the special interest of the conservation area is assessed as part of the associated planning application (18/00896/FUL).
- 10.6. The proposed lodge building has been designed as a free standing structure abutting the adjacent listed buildings. The side elevations of these buildings, a substantial amount of which would be obscured by the proposed lodge building, are relatively plain in their character and appearance featuring a mixture of facing and painted brickwork and rendered walls with traditional timber sash windows. Although the exposed side elevations do make a positive contribution to the significance of the listed buildings and character of the conservation area, they do not have the same quality as a front elevation for example, which has been designed to front onto and address a street. It is considered that a degree of less-than-substantial harm would be caused to the significance and setting of the listed buildings by the siting of the lodge building in front of their side elevations, however given that these buildings are a storey higher than the lodge building a proportion of their side elevations would remain visible enabling their traditional form to be read in the street scene. The level of less-than-substantial harm is therefore assessed as low.
- 10.7. It is proposed to remove the existing ground floor sash window in the side elevation of 7 Turl Street which would be obscured by the new building. There does not appear to be any reason why the existing window could not be retained in situ and protected by boarding; it is recommended a condition is applied to address this issue. The first floor window of 7 Turl Street would be removed and the brick work lowered to form a doorway to create the proposed access route. There would be a loss of some historic fabric, however the improvements to the circulation and fire escape routes in the building are considered public benefits that would outweigh the loss of this small amount of historic fabric. The width and head detail of the existing window opening would be retained thereby minimising the harm caused.

- 10.8. The new structure would obscure a ground and first floor window on the side elevation of 8 Turl Street, a grade II listed building. The ground floor window is currently obscured by boarding and the glazing of the first floor window has been painted over. It is proposed that these windows are to be retained intact in situ and protected by fire rated boarding on their external face. This is considered acceptable.
- 10.9. Overall the less-than-substantial harm caused to the significance of the listed buildings would be outweighed by the public benefits of improving the circulation, fire escape routes and overall fire safety of the student accommodation. The harm is considered to be sufficiently mitigated by the appropriately subservient and high quality design of the lodge building, which would not appear overly dominant and detract from the settings of the listed buildings. The harm is considered justified and minimised, in accordance with NPPF paragraph 196.
- 10.10. The importance of achieving a high quality design and maintaining the visibility through the arched entrance is recognised as being crucial to the success of this scheme and as such it is recommended conditions are applied requiring further large scale design details to be agreed, including design details of entrance gates.

Courtyard works

- 10.11. The proposed external raised walkway within the courtyard would connect into the buildings at first floor level in four different locations and involve the creation of new openings to the rear of The Mitre, through the link building to the rear of 3 Turl Street, and in the east elevation of the Turl Yard range. The walkway is considered a novel solution to improving the escape routes and circulation around the site which, subject to careful detailing where the new structures would adjoin the buildings and further large scale design detailing, would not have a harmful impact on the settings of the listed buildings and would better reveal the significance of the rear of The Mitre through the removal of later unsympathetic link extensions.
- 10.12. The new openings would result in the loss of a small section of fabric from the rear elevation of The Mitre, in a location where an existing recess is sited, suggesting this is the location of a previous opening. The other proposed openings would result in the loss early 20th century fabric from the first floor infill section of the link building and the southern-most dormer window in the Turl Yard building. Harm to the most significant parts of the building will be avoided, and the small amount of harm that would be caused would be outweighed by the public benefits of improving the circulation and escape routes.
- 10.13. The proposed conversion of the late-20th century section of building situated in between Turl Yard and The Mitre annex, to accommodate the plant equipment for both the student accommodation and The Mitre kitchen, which will be displaced as a result of the proposed walkways, is considered to be a practical solution that would not result in harm to significant historic fabric and would

greatly improve the existing situation. The existing kitchen plant equipment comprises incongruous out-dated fixtures adjacent to The Mitres rear elevation, harming its significance and setting, and that of the surrounding listed buildings. It is recommended a condition is applied requiring further details of the new plant and extraction systems required, including details of the internal pipe and ducting routes and any necessary external fixtures, to ensure that the proposals are as sympathetic as possible.

- 10.14. The scheme also includes repair and maintenance works to the exterior façades and roofs of the building group. No concerns are raised with these works which follow best practice conservation techniques, repairing historic fabric using appropriate traditional materials and methods and making good fabric which has been subject to inappropriate modern works such as replacing areas of cementitious render with lime render. Unauthorised air conditioning units are situated on the shopfront roof of the retail premise at 17 High Street sited next to the Covered Market entrance and below and besides the public house. The units are incongruous prominent additions, which detract from the significant character and appearance of the front elevation of The Mitre, the conservation area and the settings of the surrounding listed buildings. As this unit falls within the site boundary and same ownership, it is considered reasonable and necessary to apply a condition requiring the relocation of air condition units to a more appropriate location.

16 High Street

- 10.15. The proposed replacement of the modern dormers to the rear of 16 High Street with dormers of a more traditional form, design and size, would improve the character and appearance of the listed building. There is no objection to the installation of a new fire exit doorway into the currently blocked doorway which exits into the Covered Market avenue entrance. Furthermore the installation of the internal ground floor staircase would reinstate part of the buildings original layout. The new third floor staircase would improve circulation, which is considered to outweigh the low level of less-than-substantial harm caused to the significance of the listed building.

Internal works

- 10.16. A considered approach has been adopted regarding the proposed installation of en-suites, which has focused on the provision of en-suites in the least sensitive areas, largely avoided those areas comprising the highest degree of significance, and where there are existing bathroom facilities utilising these existing locations for en-suite. Some of the proposed en-suites would have a harmful impact to the character, appearance and significance of some of the rooms, which have decorative architectural features. This harm would be less-than-substantial and the associated improvements to the character and the quality of the accommodation, which would better reveal and enhance the significance of some of the existing spaces, would outweigh the harm caused. The harm would also be mitigated by the sympathetic design of the en-suites which seeks to avoid physically impacting and visually obscuring existing architectural features and includes self-contained shower pods. A condition

requiring further design details of the internal room fit outs is recommended to ensure the installations avoid harm.

- 10.17. A degree of alteration to the layout, circulation routes and building fabric is required in order to meet the fire safety standards. Again a considered approach has been adopted, with the majority of alterations occurring in the areas of least significance where possible. The most intrusive and potentially harmful area of works is the creation of a level access from the second floor of The Mitre through to the second floor of 16 High Street which will involve the removal of a further section of original wall. The current circulation arrangement is less than adequate and replacing the need to negotiate several sets of steps with a level access would improve fire escape and circulation routes to an acceptable level. This is considered sufficient justification, which together with the imposition of conditions requiring the LPA to be notified of the discovery of any unknown features during the works and a programme of historic building recording to take place, would appropriately mitigate the harm caused.
- 10.18. Because of the complex nature of the site, and the need for strip out and further investigative works to be carried out to inform the design development of the scheme, it is considered reasonable and necessary to condition further details of the internal interventions and alterations associated with the fire safety strategy and general upgrading of services to ensure that the works are carried out with the appropriate consideration to the significance of the historic buildings. These include

Archaeology

- 10.19. This site is of interest because it is located within the historic core of Oxford which has been continuously occupied since the late Saxon period. It involves works to the 16th century and later Grade II* Mitre Inn which preserves medieval cellars below and to No 16 High Street, part of the 18th century Covered Market.
- 10.20. The site has the potential to preserve the remains of late Saxon, Norman and later medieval tenements fronting onto Turl Street. Tenements are documented here from the 13th century onwards with a number of references to 'bakehouses' (H E Salter 1960 Survey of Oxford p46). In the early 14th century a block of tenements in this area were gradually acquired by the town mayor Philip Worminghale. On his death the holding became the Bicester Inn and in the 15th century the inn was acquired by Lincoln College then becoming the Mitre Inn.
- 10.21. An archaeological excavation in 2012 on the site of the lift shaft in the Turl Bar located 4m to the north of the proposed infill building revealed gravel geology at 62.27m OD and a mortared floor surface and a series of intercutting late medieval /post medieval pits and post-medieval walls.
- 10.22. The proposed building works are anticipated to have only a minor impact on the interest of the various listed structures but have the potential to expose

wall coverings and original fabric in discrete areas where the building history is not fully understood.

- 10.23. The National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 10.24. In this case, bearing in mind the site constraints, it is recommended that, in line with the advice in the National Planning Policy Framework, any consent granted should be subject to archaeological conditions requesting a written scheme of investigation 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 Late Saxon, medieval and post-medieval remains (Local Plan Policy HE2 and HE4).

11. CONCLUSION

- 11.1. Great weight and importance has been given to the desirability of preserving these grade II* and grade II listed buildings, as designated heritage assets. Overall the proposed scheme would result in much needed improvements to the site, including some which would better reveal the significance of the listed buildings. It is considered that the less-than-substantial harm that would result from the proposed development is justified by the public benefits that would result, namely the continued safe and secure use and maintenance of the historic buildings' stock. The less-than-substantial harm would be adequately mitigated by the appropriate high design quality of the new interventions. The proposal would comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, chapter 12 and 16 of the NPPF, policies CP1, HE2, HE3, HE4 and HE5 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy.
- 11.2. It is recommended that the Committee resolve to grant listed building consent for the development proposed subject to conditions.

12. CONDITIONS

- 1 The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 2 Unless specifically excluded by subsequent conditions the works permitted shall be carried out strictly in accordance with the terms of, and subject to, the conditions attached to this consent and in compliance with the details specified in the application and the submitted/amended plans listed in this decision notice.

Reason: As Listed Building Consent has been granted only in respect of the application as approved, to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 3 The hereby approved development shall take place in accordance with the document Written Scheme of Investigation for Historic Building Investigation and Recording, Sept 2018, ref: 7171, Oxford Archaeology. For land that is included within the written scheme of investigation (WSI), no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording, including historic building recording and archaeological excavation, and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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 late Saxon, medieval and post-medieval remains, in accordance with policies HE2, HE3 and HE4 of the Adopted Oxford Local Plan 2001-2016.

- 4 All existing internal features, such as wall paintings, plaster work, floorboards, ironwork, fireplaces, doors, windows, staircase balustrading and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified to the contrary in the approved drawings.

Reason: To ensure the retention of in-situ features of special architectural or historic interest in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 5 Except as noted on the approved plans, no historic features such as fireplaces, staircases, balustrades, stonework openings, timber window reveals, panelling, floor, doors etc. shall be removed without the prior written

agreement of the Local Planning Authority.

Reason: To protect the historic interest of the building and as Listed Building consent has not been granted for such works, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 6 Where the works require the temporary removal or disturbance of historic features such as fireplaces, doors, fanlights, linings, heads and architrave's they shall be carefully set aside and reinstated in their original locations or in locations as shall be agreed in writing by the Local Planning Authority before the contract for the works is completed. All other features at present in the building, but not specifically referred to on the approved drawings, shall be protected and retained in situ.

Reason: To protect the historic interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 7 All original architectural features exposed by demolition and/or during the progress of the works shall be preserved in situ or relocated in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the preservation of valuable features of historic interest which might otherwise be lost during the proposed works, in accordance with policies CP1, HE3 and HE4 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 8 Details in the form of method statements, schedule of works and drawings showing locations and extents of openings, of any necessary investigation and opening-up works where fabric of historic significance would be impacted, shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant works. The works shall only be carried out in accordance with the approved details.

Reason: To ensure the appropriate conservation of the listed building, in accordance with its special architectural and historic interest and with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 9 Details in the form of drawings, method statements, schedules of works and structural engineers reports, of any necessary structural repair or replacement works, roof works or other alterations which would involve the removal of or impact to existing historic fabric shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant works. The works shall only be carried out in accordance with the approved details.

Reason: To ensure the appropriate conservation of the listed building, in accordance with its special architectural and historic interest and with policies

CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 10 Details in the form of location plans, typical large scale drawn details, method statements and schedules of work showing the necessary upgrades to existing floors, ceilings and walls for acoustic and fire resistance purposes shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 11 A full door schedule detailing which doors are to be retained, upgraded and replaced for fire resistance purposes, including method statements and schedules of work showing the necessary upgrading works shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant works are commenced and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special historic and architectural interest of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 12 Details in the form of drawings showing the location, distribution and routes, internal room fixtures, method statements and schedules of work, of the new mechanical and electrical services, including those for The Mitre kitchen and new sprinkler system shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 13 Existing and proposed plans and internal elevations of the rooms with approved new en suites that are situated in the listed buildings only shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 14 Notwithstanding the approved drawings, samples of exterior materials proposed to be used, including those for the lodge building, walkways, plant room and roof works, shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of the relevant work on the site and only the approved materials shall be used.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1, CP8 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 15 Sample panels of masonry demonstrating the colour, texture, face bond, mortar and pointing for the lodge building, plant room, walkways and infilling works shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The approved samples shall be constructed with a lime rich mortar mix, shall represent the minimum standard and any pointing shall at least match the standard of the sample, to the satisfaction of the Local Planning Authority. The development shall be completed in accordance with the approved sample panel which shall remain on site for the duration of the development works.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies CP1, CP8 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 16 The following large scale drawn details for the new lodge building shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) roof junctions and abutments
- b) doors and windows, including vertical and horizontal sections, materials and finish details
- c) entrance gates, including profiles and sections of the different elements, and details of any security or opening/closing devices

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 17 The following large scale drawn details for the new plant room shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) roof junctions and abutments
- b) windows, including vertical and horizontal sections, materials and finish details

- c) elevations and sections

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 18 Notwithstanding the approved drawings, the following large scale drawn details for the new walkways and canopies shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) elevations and sections
- b) roof junctions and abutments
- c) external steps
- d) railings and balustrades, including profiles and sections, materials and finish details
- e) new associated doors and windows, including vertical and horizontal sections, materials and finish details
- f) canopy rooflights

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 19 The following large scale drawn details for the new dormers shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) elevations and sections
- b) roof junctions and abutments
- c) windows, including vertical and horizontal sections, materials and finish details

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 20 The following large scale drawn details for the new ground floor access to No.16 High Street shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) new entrance door, including elevations, vertical and horizontal sections, materials and finish details
- b) new internal staircase

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 21 Details showing the proposed location, size, design, material and finished appearance of the following external fittings and fixtures, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) Ventilation and extraction equipment, including soil and vent pipes
- b) Heating and air conditioning plant,
- c) Fume extraction and odour control equipment
- d) Rainwater goods
- e) Lighting
- f) Swift boxes
- g) Television aerials and dishes

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 22 The existing air condition units / plant equipment sited on the roof of the ground floor shop unit at No.17 High Street shall be removed and relocated within twelve months of the date of this consent. Details of the proposed new location of the plant equipment including drawn details of the ducting routes shall be submitted to and approved in writing by the Local Planning Authority prior to their relocation. Any making good works necessary as a result of their removal shall be carried out to match the existing original work in respect of materials used, detailed execution and finished appearance.

Reason: To preserve the character and special interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 23 Notwithstanding the approved plans, the existing ground floor sash window in the side elevation of No.7 Turl Street shall be retained in situ and boarded over as part of the construction of the new lodge building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the historic interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 24 An external door and window repair schedule, and full joinery and finish details of the proposed replacement windows as shown on the approved external repair work drawings by Donald Insall Associates shall be submitted to, and

approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed buildings, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

INFORMATIVES :-

- 1 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.
- 2 Any damage caused to the building as a result of the works hereby approved shall be made good to match the existing original work in respect of materials used, detailed execution and finished appearance.

13. APPENDICES

- 13.1. 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.

WEST AREA PLANNING COMMITTEE

9th October 2018

Application number:	18/02124/CPU		
Decision due by	16th October 2018		
Extension of time	Not required		
Proposal	Application to certify that the proposed removal of 2no. rooflights to rear roofslope and formation of 2no. rear dormers in association with a loft conversion is lawful development.		
Site address	14 Turn Again Lane, Oxford, Oxfordshire, OX1 1QL – see Appendix 1 for site plan		
Ward	Carfax Ward		
Case officer	Sarah Chesshyre		
Agent:	N/A	Applicant:	Mr James Axford
Reason at Committee	The application is before the committee because it is a Council owned property.		

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 grant a certificate of lawful development

2. EXECUTIVE SUMMARY

2.1. This report considers whether the proposed formation of 2no. rear dormers and insertion of 2no. rooflights to the front roofslope meets the relevant criteria of the General Permitted Development Order

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

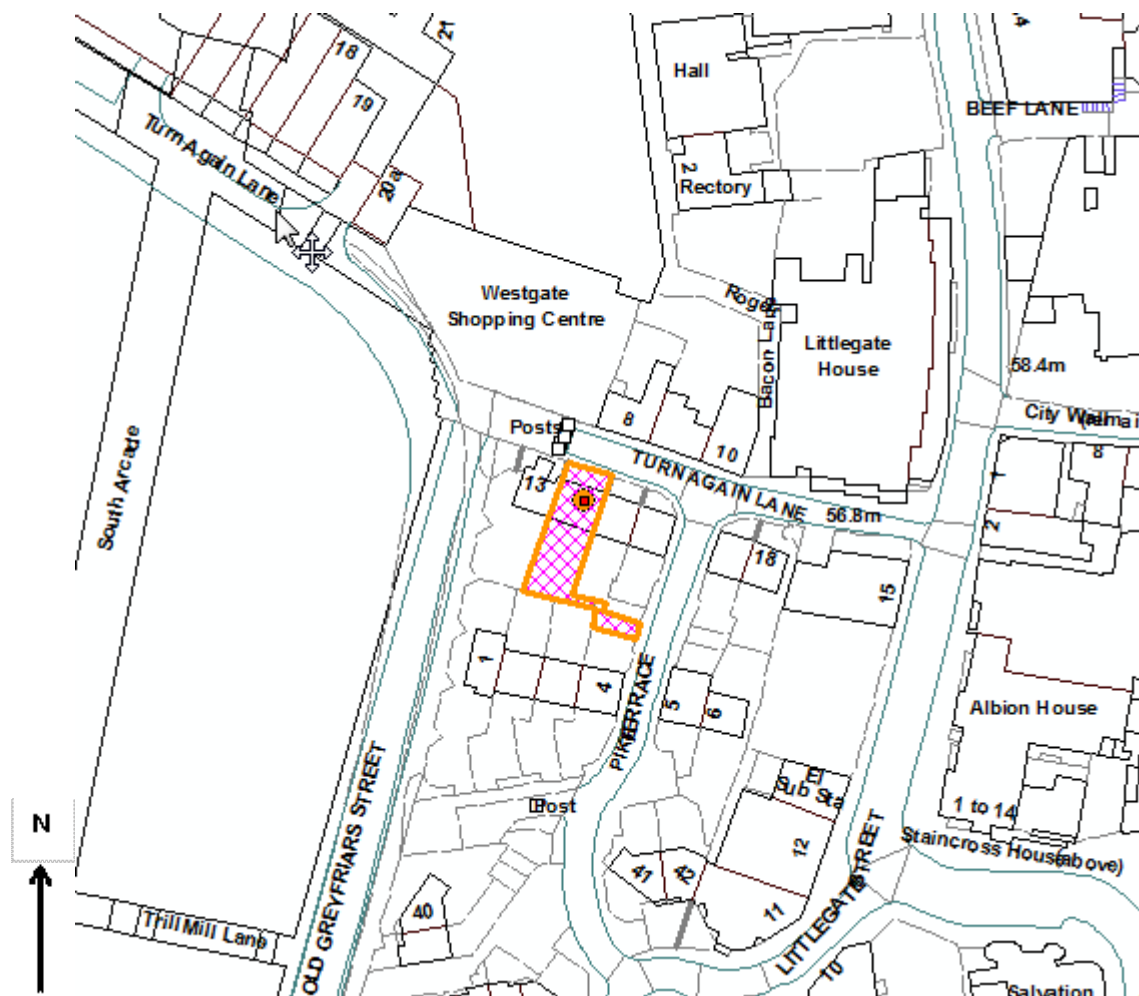
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is a mid-terrace house located on the south side of Turn Again Lane.

5.2. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the formation of 2no. dormers to rear roofslope and 2no. rooflights to front roofslope.

7. RELEVANT PLANNING HISTORY

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

82/00188/GF - Turn Again Lane and Old Greyfriars Street - Demolition of 2 Turn Again Lane. Erection of 54 dwellings, with 12 garages, 36 car spaces and associated roadwork. DMD 20th May 1982.

18/02114/CPU - Application to certify that the proposed formation of 2no. dormers in association with a loft conversion is lawful development.. INSFEE .

8. OFFICERS ASSESSMENT

8.1. The relevant classes of the Town and Country Planning (General Permitted Development) (England) Order 2015 are classes B and C. They are assessed as follows

8.2. Class B:

- No change of use of the dwellinghouse has been granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).
- No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.
- No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.
- The cubic content of the resulting roofspace would be 6.2m³ and therefore would not exceed the cubic content of the original roofspace by more than 40 cubic metres.
- The proposal would not consist of or include the construction or provision of a verandah, balcony or raised platform, nor the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- The dwelling is not on article 2(3) land.
- The materials used would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- The eaves of the original dwellinghouse would be maintained, and the proposed dormer would not be less than 0.2m from the eaves of the original roof
- The proposal would not involve the insertion of any window into a wall or roofslope forming a side elevation of the dwellinghouse.

8.3 Class C:

- No change of use of the dwellinghouse has been granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).
- The rooflights would not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof
- The proposal would not result in the highest part of the alteration being higher than the highest part of the original roof

- The proposal would not consist of or include the construction or provision of a verandah, balcony or raised platform, nor the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- The proposal would not involve the insertion of any window into a wall or roofslope forming a side elevation of the dwellinghouse.

9. CONCLUSION

9.1. The proposal meets the relevant restrictions of the Classes B and C, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. As a result, the development proposed is permitted development.

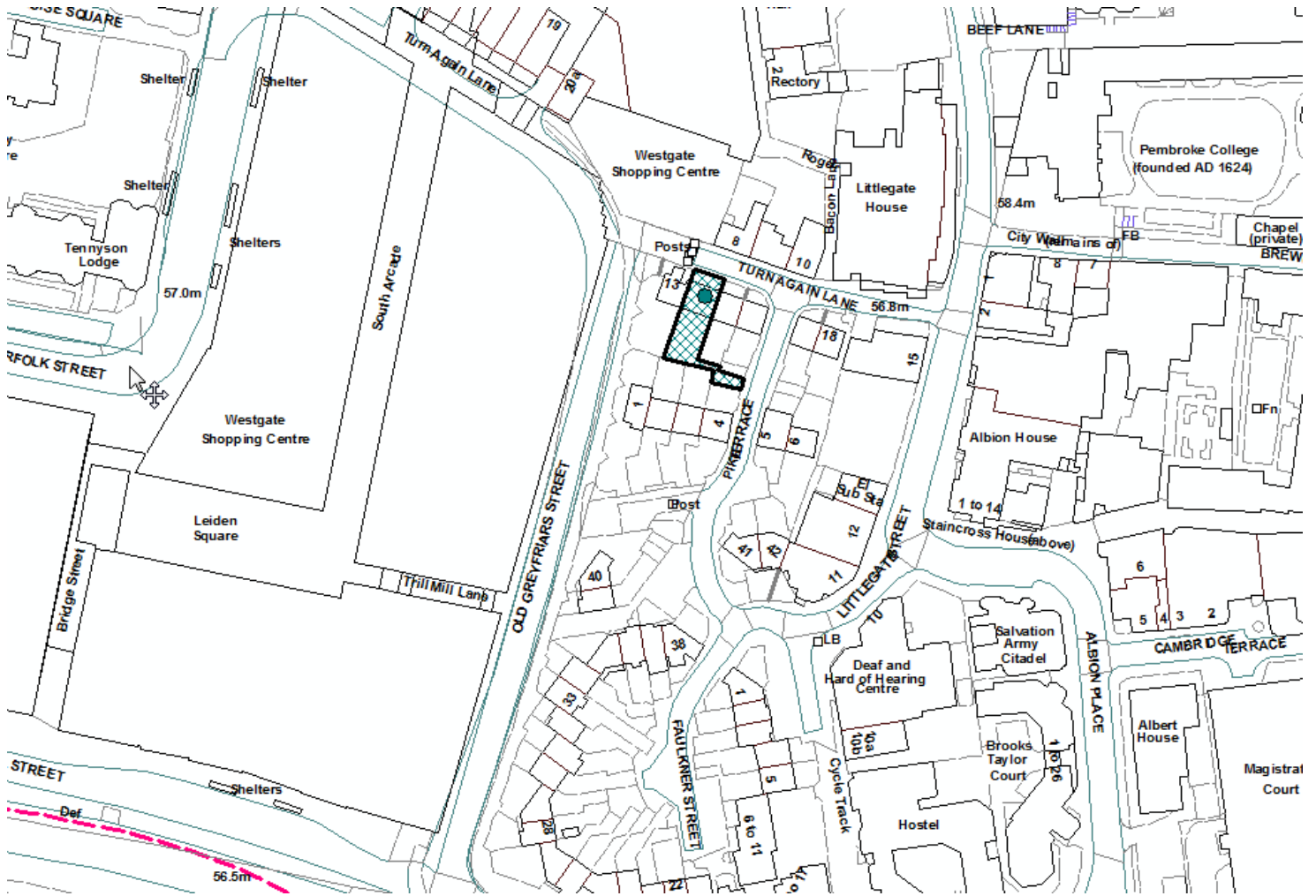
9.2. It is recommended that the Committee resolve to grant a Certificate of Lawful Development.

10. APPENDICES

- **Appendix 1** – Proposed plans

Appendix 1- Site plan

18/02124/CPU – 14 Turn Again Lane



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WEST AREA PLANNING COMMITTEE

Application Number: 17/03040/FUL

Decision Due by: 12th January 2018

Extension of Time: 18th April 2018

Proposal: Demolition of existing dwelling house, parking and garage. Erection of a replacement building comprising 6 flats (2x3 bedrooms, 2x2 bedrooms and 2x1 bedroom), car parking and landscaping.

Site Address: 53 Sunderland Avenue, Oxford, OX2 8DT,

Ward: Wolvercote Ward

Case Officer Tobias Fett

Agent: Mr Alex Cresswell **Applicant:**

Reason at Committee: The development involves the creation of more than four residential units and therefore cannot be dealt with as a delegated item. This application was approved by the West Area Planning Committee on 10th April 2018 subject to a legal agreement. Officers have been unable to resolve the legal agreement in accordance with the original committee resolution so this application is before the committee with a recommendation for a new resolution which reflects the changes needed to secure a legal agreement for a contribution towards affordable housing.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended 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 this report and grant planning permission subject to:

1. The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. 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. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and

3. Complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of an existing family dwelling and its replacement with a block of six flats with car parking and landscaping. The proposed scheme would be acceptable on balance; while not viable to contribute financially towards affordable housing off-site the development would make a more efficient use of a sustainable site and provide additional residential accommodation.

2.2. This application needs to be re-considered by committee as officers have not been able to complete a legal agreement on the basis of the original resolution that was approved by the West Area Planning Committee on 10th April 2018 and a revised resolution is recommended.

2.3. The key matters for assessment set out in this report include the following:

- Principle of development;
- Affordable Housing;
- Design;
- Living Conditions;
- Highways
- Flooding
- Biodiversity
- Trees and landscaping;
- Contaminated land;

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to be drawn up to secure financial contributions for off-site affordable housing from any potential uplift from the currently assumed sales values. To clarify, the existing position is that this site cannot provide a financial contribution towards affordable housing off-site but it is necessary to require a legal agreement in the event that this situation changes in the future.

3.2. The previous committee resolution set out a late stage viability review to secure

an off-site affordable housing contribution from any increase over 15% profit margins.

- 3.3. This approach has not enabled an agreement to be reached due to the prescribed restraints of the previously agreed committee resolution.
- 3.4. Officers have reached an agreement in principle on the proposed head of terms that will enable much needed housing to be brought forward, while ensuring a methodology to secure an offsite affordable housing contribution, under specific circumstances that still mean a contribution would be required if there was an uplift in values. Officers agree that the development is not viable at present but a Section 106 legal agreement is required to deal with an uplift in values if the site does become viable.
- 3.5. Officers recommend an approach that would secure a review of the viability of the site and therefore deal with any potential increase in profit (which could arise if assumptions of values or build costs change).
- 3.6. Officers recommend that any potential changes to the proposed scheme, in terms of time scales and costs involved can be mitigated by securing a more certain time line, encouraging the developer to implement the decision quickly, and completing the development within 16 months.
- 3.7. This means further viability assessment would only need to be submitted by the applicant prior to the point of demolition, unless the building is demolished and a substantive start is made by February 2019.
- 3.8. If a revised viability report is required then Officers have agreed to adopt the profit margin of 20% as suggested by the applicant's submitted viability report and confirmed by the Council's independent viability report.
- 3.9. To clarify, in the case that the applicant completes the proposed works substantially within 16 months of making a substantive start no further review would be required. This time period is considered acceptable and is a reasonable time scale to complete the development without requiring a review of the viability of the site. If substantial completion is not achieved within 16 months of a substantive start then a further review of viability would be required. At which time a contribution would have to be made if the viability shows a profit of 20% or above.
- 3.10. Therefore officers recommend approving this application with this revised approach to agree a legal agreement to secure an off-site affordable housing following the above recommended process and timescales.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL at an amount of £24,919.82.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within the wider Wolvercote Area, along Sunderland Avenue's western end, adjacent to the Wolvercote Roundabout.
- 5.2. This area is characterised by the major traffic and transport nodes, as well as varied architectural styles of mainly detached housing developments.
- 5.3. The application site is on the southern part of the road, accessible via a separate service road to the northern bypass and comprises a large but irregular shaped plot that narrows towards the south with a square shaped enclave to the rear of the communal garden at No. 51 Sunderland Avenue.
- 5.4. There have been a number of redevelopments of plots in the area that have led to contemporary apartment blocks; this includes No. 51 Sunderland Avenue adjacent to the application site.

5.5. Site Location Plan



6. PROPOSAL

- 6.1. The application proposes to demolish a detached 1950s four bedroom family dwelling and replace it with an apartment block with six flats, car parking and landscaping.

- 6.2. The proposal includes two one-bed, two two-bed and two three-bed units, each with parking and balconies, as well as some shared garden, bin and bike storage space.
- 6.3. The proposal would be accessed from Sunderland Avenue with allocated parking spaces to the front and access to the rear garden and bin/cycle storage at the side.
- 6.4. The rear comprises of two private gardens for the large ground floor flats, communal areas for bin and cycle storage as well as communal garden towards the rear of the plot.
- 6.5. The proposed materials include blue/grey bricks, rendering, timber cladding and metal cladding for the roof showcasing the separate floors and geometric shapes of this contemporary building. The ground and first floor are of an angular appearance through a number of recesses, setback and cantilevering, while the roof is scaled back and softer to reduce mass and scale of the building.
- 6.6. The proposed boundary treatment shows a new boundary wall to the front of the plot, along Sunderland Avenue, with opening for pedestrian and vehicular access.
- 6.7. The mature planting to the rear would be retained, with new planting along the side elevational boundaries and two small trees along the road frontage.

7. RELEVANT PLANNING HISTORY

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

50/00054/DO_H - Land at Sunderland Avenue - House. PER 24th October 1950.
51/01618/A_H - House and garage. PER 27th February 1951.
52/02509/A_H - House and garage. PER 9th September 1952.
90/00711/NF - Demolition of existing garage and store. Two storey side extension including integral garage. Single storey front extension. PER 10th October 1990.
17/01021/FUL - Demolition of existing dwelling and garage. Erection of three storey building comprising 2 x 3-bed, 2 x 2-bed and 2 x 1-bed flats. Provision of car parking and landscaping.. REF 18th July 2017.
17/03040/FUL - Demolition of existing dwelling house, parking and garage. Erection of a replacement building comprising 6 flats (2x3 bedrooms, 2x2 bedrooms and 2x1 bedroom), car parking and landscaping.. PDE .

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	12:124-132	CP8, CP9, CP10, P11,	CS18_,	HP9_,	
Housing	Section 5		CS23_,	HP4_ , HP12_ , HP13_ , P14_ ,	
Natural Environment	133-147 148-169 170-183	CP11, NE15, NE16,	CS9_ , CS11_ ,		
Transport	9:102-111			HP15_ , HP16_ ,	Parking Standards SPD
Environmental	117-121			HP11_ ,	Energy Statement TAN
Misc	7-12	CP.13, CP.24, CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 1st December 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. No objection; the proposal is acceptable, subject to imposition of conditions relating to parking permits, visibility splays, TRO, cycle parking and drainage.

Public representations

9.3. 1 local person commented on this application from an unknown address.

In summary, the main points of objection 1 resident) were:

- Amount of development on site.
- Effect on adjoining properties.
- Effect on character of area.
- Effect on existing facilities
- Effect on pollution
- Effect on privacy
- Effect traffic.
- General Like /dislike of proposal
- Height of proposal
- Information missing on Plan
- Light - Daylight
- Local Plan Policies
- Disturbance and Noise
- Not enough information given on application.
- On Street parking
- Open space provision
- Other details.
- Parking Provision.
- Materials
- Impact on streetscene
- Lack of contribution for affordable housing
- Community benefits
- Biodiversity

Officer Response

9.4. The above points are all address in the officer's report below. The proposals have been considered carefully; some of the objections are dealt with by specific conditions that are recommended in Section 12 of this report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Affordable Housing;
- iii. Design;
- iv. Living Conditions;
- v. Highways
- vi. Flooding
- vii. Biodiversity
- viii. Trees and landscaping;
- ix. Contaminated land;

i. Principle of Development

Efficient use/developed land

- 10.2. The application site is currently used for a residential use (Use Class C3) and its redevelopment would therefore be acceptable in principle for the same use; whilst there would be a greater number of residential units resulting from the development. The proposed intensification for the use of six flats is increasing densities on a generously sized plot of 0.08 ha. The proposal would include sufficient garden space while meeting other technical requirements as outlined in following paragraphs, and therefore the proposal would make a more efficient use of the land in accordance with CP6 of the Oxford Local Plan and is therefore acceptable. In reaching a view that the proposal optimises the efficient use of land, officers have considered the context of the application site which is situated around larger properties with generous rear gardens. The proposed development would retain the existing large rear garden and this approach makes the development acceptable in the context of Policy CP8 of the Oxford Local Plan 2001-2016 and Policy HP9 of the Sites and Housing Plan (2013).

Balance of Dwellings

- 10.3. Policy CS23 states that planning permission will only be granted for residential development that delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The Balance of Dwellings Supplementary Planning Document (BoDSPD) seeks to ensure that an appropriate mix of dwelling sizes will be provided in new development. Policy CP6 of the Oxford Local Plan states that planning permission will only be granted where development proposals make maximum and appropriate use of land.
- 10.4. The application site is located within an 'Amber' Neighbourhood Area as specified in the BoDSPD. The 'amber' classification highlights the considerable pressure, whereby the Council needs to protect family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new developments. The mix required for the Neighbourhood Areas recognised as 'amber' is as follows:

Dwelling types	Residential development 4-9 units (percentage range)
1 bed	0-30%
2 bed	0-50%
3 bed	30-100%
4+bed	0-50%

- 10.5. The proposed mix of dwellings is 33% 1-bed, 33% 2-bed and 33% 3-bed. The application complies with the provisions of 3-bed units however the proposal over provides 1-bed units. This slight deficiency in 1-bed units is considered to be acceptable having had regard to the quality of accommodation and good provision of family dwellings provided.
- 10.6. On the above basis the proposal provides an appropriate housing mix for the location. Consequently the proposal ensures that a balanced mix of housing is

provided for the City and is in accordance with Policy CS23 of the Oxford Core Strategy and the Balance of Dwellings SDP.

ii. Affordable Housing

- 10.7. Policy HP4 of the Sites and Housing Plan requires an affordable housing contribution in association with this proposal. The applicant has however sought to argue viability grounds to avoid the need to provide such a contribution.
- 10.8. Policy HP4 (and supported by the adopted Planning Obligations & Affordable Housing SPD) requires sites for 4 to 9 units to make a financial contribution towards the provision of affordable housing off site. The financial contribution required is 15% of the Gross Development Value (GDV) plus a 5% admin fee. This proposal clearly triggers the policy requirement. The Council considers that small developments should still be required to contribute towards affordable housing provision given the severity of housing affordability within the City.
- 10.9. The applicant has submitted information to demonstrate that the proposed scheme would not be viable if required to make a financial contribution towards affordable housing. This has been independently reviewed, and tested, for the Council. The conclusion of that review is that the proposal is not able to make a financial contribution towards affordable housing.
- 10.10. The following conclusions have been made:
1. In reviewing the scheme details and viability appraisal many of the assumptions utilised do not appear unreasonable
 2. The scheme as presented is shown to result in a profit of £194,427 or a return of 8.18% of Cost which the VAR states is below the applicant's target profit level of 25% of cost
 3. A number of trial adjustments have been made, include reducing the assumed Benchmark Land Value (BLV) figure in line with the Land Registry House Price Index (LRHPI), removing the arbitrary £25,000 cost relating to the restrictive covenant and adjusting the development timings
 4. These changes result in an improved out-turn developer's profit of 11.51% on cost or £265,335. This level of profit is however still significantly below what could be regarded as 'normal' profit criteria although does still represent a level of profit above that presumably acceptable to the applicant to bring the site forward for development
 5. As an additional layer of sensitivity testing we have also applied the median BCIS build costs, as opposed to the upper quartile figure used within the submitted VAR. When making this change the scheme generates a profit of £429,975 or 19.28% on cost; thus resulting in an output marginally below a "break-even" scenario
 6. Due to the significant adjustments needed to be made to the appraisals in order to present an outcome that appears even marginally viable, it seems clear that the scheme as presented is undeliverable by any normal standards and that it is not the affordable housing financial contribution or any other planning obligation affecting the viability of the scheme. That said even by reviewing all of the input assumptions and adjusting those as described within

this report, it seems improbable that a sufficient surplus could be generated in order to fund a financial contribution towards affordable housing.

- 10.11. Policy HP4 states that the Council will accept a lower contribution if it can be demonstrated that the full contribution would make the development unviable. In this case the independent advice received is, that the scheme could not support any contribution at all. The scheme is therefore considered to comply with the guidance set out in Policy HP4 and the Affordable Housing and Planning Obligations Supplementary Planning Document.
- 10.12. The Council accepts the fundamentals of the viability argument at this point in time, but officers consider the possibility of the sales value increasing upon completion of the approved scheme, and subsequently a potential uplift would allow for a full or reduced contribution.
- 10.13. The lack of affordable housing contribution at this point in time must be if there is not a substantive start to the development by February 2019 then a review of viability is triggered. This is recommended to be secured by a legal agreement to be drawn up with the applicant and is detailed further in Section 3 of this report.

iii. Design and Impact on Character of Surrounding Area

- 10.14. The proposal is for a three storey block of flats. The design is very contemporary and makes extensive use of geometric forms; the choice of design has been specified to address the constraints of ensuring no negative impact on neighbouring amenity by incorporating setbacks and recessing and cantilevering part of the block.
- 10.15. The block is fronted by parking and soft landscaping. The ground floor would be set back in line with the building line at No 51 Sunderland Avenue, with the first floor cantilevered by 2.5m to meet the more forward building line at No 55 Sunderland Avenue. This is considered an acceptable attempt to situate the proposed development within its context and ensure it does not have an imposing impact on the streetscene.
- 10.16. The overall height also places the building as having a reasonable impact in its context, specifically in terms of having had regard to the surrounding property heights by being ca. 300mm taller than No. 55 Sunderland Avenue and 300mm lower than No 51 Sunderland Avenue.
- 10.17. The second floor is set-back to provide balconies as well as to reduce the visual mass and scale. The visual mass is further reduced by the use of a contemporary half-hipped mansard type roof that gives rise to the second floor accommodation; this element would read as roof-level in the streetscene and thereby have a lower visual impact.
- 10.18. The roof light serving the communal stair case would be conditioned to be flush with the flat metal clad roof.
- 10.19. The proposal would use grey/blue brick at ground floor level which helps the

building appear grounded and solid, render and laminated timber cladding on the middle storey to break up the building and metal cladding at the roof level, which choice of materials will help the building provide visual interest and provide a more fluid visual of the scale and massing and thus reducing the blocks impact on the streetscene.

- 10.20. Overall the design is considered in line with local and national planning policy and represents high quality design. The contemporary approach to shape, scale, massing and materials is not unusual within the streetscene and is considered to fit in with the character of the suburban modern Sunderland Avenue.
- 10.21. The proposal is acceptable and complies with the requirements of Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

iv. Living Conditions

Privacy and Impact on Daylight

- 10.22. The proposal has evidenced its compliance with the 45/25 degree guideline to its nearest neighbour at No. 55 Sunderland Avenue. The relationship between the proposed development and this property would be acceptable because of the use of the setback elements to ensure no detrimental impact on privacy.
- 10.23. The block of flats at No 51 Sunderland Avenue is similarly set back from the boundary and the reduced scale and massing to the rear would ensure no detrimental impact on privacy would result from this development.
- 10.24. The distance to the rear windows of the Banbury Road neighbours is in excess of 30 metres, as a result it is considered that there would be no harmful impact to the privacy or the enjoyment of the private garden spaces, which is further reduced by mature planting.
- 10.25. The proposal is in accordance with the requirements of national and local planning policies including Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

Overbearing

- 10.26. The sensitive contemporary design has taken care to provide setback elements, a change in scale, massing and materials in way that makes sure that the development would have a reduced overall mass and not appear overbearing. The proposal has taken inspiration from the existing block of flats at the adjacent site and other recent developments in the area.
- 10.27. The residential plots and gardens are quite generous, which further enhance the feeling of space, and thus the proposal does not appear overbearing and is acceptable, in accordance with Policy HP14 of the Sites and Housing Plan.

Space Standards

- 10.28. The proposed one bed units are 53sqm and 58 smq and meet national minimum

standard of 50 sqm for a single storey 2person 1bedroom dwelling.

- 10.29. The two bedroom units are 71 sqm and 90 sqm, and both exceed the 70 sqm standard for 4person-2bedroom units.
- 10.30. The proposed three bed units are 92sqm and 93sqm and meet 5person 3 bed dwelling standard of 86 sqm.
- 10.31. All proposed flats appear to provide generous and practically spaced accommodation in accordance with local policy, and would therefore be acceptable in the context of national space standards and Policy HP12 of the Sites and Housing Plan (2013).

Outdoor amenity space

- 10.32. The proposal includes two private, directly accessible gardens for the ground floor three bed family flats. Both gardens are of an adequate size and shape and would provide generous out door amenity space provision for the family flats.
- 10.33. The proposed unit 3 provides small two balconies to the front and rear, which provides acceptable outside spaces.
- 10.34. The first floor unit 4 provides one balcony of just over 4sqm to the rear, which is quite compact, however it is an adequate provision and of a practical size and southerly orientation which would provide generous natural light to this space.
- 10.35. The two top floor 1bed units would have balconies of a large size with 10 sqm and 6 sqm, and would be acceptable.
- 10.36. In addition to the above, all flats would have access to a shared communal garden, and bin and cycle storage would be located in the communal area. The proposal accords with policy HP13 of the Sites and Housing Plan and is therefore acceptable.

v. Highways

Car Parking

- 10.37. The county council has made the following comment: “The application proposes six car parking spaces overall, one for each of the proposed dwellings. This is below the number recommended in HP16 of the Sites and Housing plan, which requires one car parking space for a 1-bed dwelling and two car parking spaces for 2-bed+ dwelling.
- 10.38. Therefore, the development is likely to increase on-street parking pressures in the area. The site is located within a CPZ and the proposed dwellings must be excluded from eligibility from parking permits to prevent an increase on-street parking demand affecting existing resident's access to on-street parking.”
- 10.39. Officers have recommended the conditions that are suggested by the Highway

Authority are added to any permission granted for this development. The proposal would be therefore in accordance with Policy HP16 of the Sites and Housing Plan and acceptable in highway safety terms.

Cycle Parking

- 10.40. The Highway Authority have commented: "There are sixteen cycle parking proposed in the application. This number is in line with policy HP15 of the Sites and Housing Plan which recommends two spaces for 1 or 2-bed dwellings and three spaces for 3-bed dwellings. Furthermore, the cycle parking is shown to be secure, enclosed and undercover."
- 10.41. The above requirement can be required by condition and the development would therefore meet the requirements of Policy HP15 of the Sites and Housing Plan.

Access

- 10.42. The highways representation has made the following comments in regards to access arrangements: "The application proposes that the existing access is to be used. However if a new access is proposed, see the following comments:
- 10.43. If replacing the existing two entrances with a single central access point is required, then this will involve the reinstatement of the existing dropped kerb and dropping of the centre kerb, which will be at the expense of the applicant. Visibility splays for the new entrance must also be provided.
- 10.44. Furthermore, this change will affect the existing on-street parking bays and the double yellow lines to the front of 53 Sunderland Avenue. The parking bays must be reinstated in front to the new development, either side of the new access point. Furthermore, the double yellow lines must be altered to cover only the new single access to the site. These amendments to the Traffic Regulation Order will be at the expense of the applicant."
- 10.45. The county council has requested the imposition of conditions to mitigate the proposal, which would be acceptable with local and national planning policies.

vi. Flooding

- 10.46. The proposed development is located within Flood Zone 1 according to the Environment Agency's Flood Maps. This means that the area is not in a defined area of high flood risk. Furthermore the Environment Agency's Surface Flood Mapping does not indicate the development as being in an area subject to surface water flooding.
- 10.47. No details of the proposed drainage system have been submitted for assessment. Considering the increase in impermeable area, the surface water flood risk category is low it is recommended that a conditions requiring the provision of further Sustainable Drainage system design/plans be provided prior

to commencement of work as well as its retention and maintenance in perpetuity.

10.48. The above can be mitigated by imposition of a drainage condition, and therefore the proposal can be in accordance with local and national policy, specifically Policy CS11 of the Core Strategy (2011).

vii. Biodiversity

10.49. The application site would not likely be a habitat for protected species. Officers recommend that a condition is included to ensure that there is provision of biodiversity enhancement measures. Subject to this condition the development would meet the requirements of Policy CS12 of the Core Strategy (2011).

viii. Trees and Landscaping

10.50. The scheme involves the removal of a small length of beech hedging along the front western boundary and a young self-seeded specimen; neither feature represents a significant or justified constraint to development and any harm can be mitigated through landscape enhancements secured under condition.

10.51. The proposal would be in accordance with CP1, CP11 and NE15 of the OLP and therefore would be acceptable.

ix. Contaminated land

10.52. The development involves the creation of residential dwellings. Residential dwellings are considered to be sensitive uses. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore, it is recommended that an informative is placed on any planning permission regarding unexpected contamination in accordance with local and national planning policy.

x. Planning Obligations

10.53. It is considered that the following matters should be secured through a s106 legal agreement. This is detailed in Section 3 of the report.

xi. Other

10.54. The applicant has addressed and outlined a number of measures to ensure the proposal is sustainable, saves energy and water resources. Those measures are considered acceptable.

1. High performance double glazing
2. Communal air source heat pumps
3. Where necessary, passive flue gas heat recovery devices will be installed to all gas-fired boilers.

4. High levels of insulation to floors, walls and roofs (super insulated)
5. Passive solar gain via orientation and layout
6. High level of natural lighting and ventilation
7. Integrated energy management controls within individual units
8. User information within individual units, highlighting energy efficiency.

10.55. Water is considered by fitting flow restrictors to all taps, dual flush cistern and installation of baths with smaller profiles, as they require less water as well as SuDS, which would be secured through conditioning.

11. CONCLUSION

- 11.1. The proposal for the replacement of a single family dwelling with six apartments and associated parking and landscaping is considered acceptable on balance in planning terms.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

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 Details of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with an allowance for climate change.
- II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.
- IV. Where sites have been previously developed, betterment in runoff rates will be expected, with discharge at, or as close as possible to, greenfield runoff rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

A SuDS maintenance plan should also be submitted and approved by the LPA. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 5 The development hereby permitted shall not be occupied until the Order governing parking at Sunderland Avenue has been varied by the Oxfordshire County Council as highway authority for the Double Yellow Lines and Controlled Parking Bays on Sunderland Avenue.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

- 6 Before the development permitted is commenced details of the cycle parking areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

- 7 The development hereby permitted shall not be occupied until the Order governing parking at Sunderland Avenue has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

- 8 Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6m as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with policy.

- 9 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub 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.

- 10 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.

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

- 11 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

- 12 Prior to the commencement of the development, details of biodiversity enhancement measures including at least 6 x bird nesting and 3 x bat roosting devices, landscaping to include nectar sources (non-hybrid species) and a pollinator box, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 13 The dwelling(s) shall not be occupied until the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

- 14 The obscured glazed glass privacy screens to the balconies and terraces should be maintained and retained obscure glazed for perpetuity.

Reason: To protect and ensure adequate residential amenities in accordance with HP14 of the Sites and Housing Plan.

- 15 Notwithstanding the approved plans, this permission specifically excludes the details of the roof light protrusion; shown on plan(s) No(s) 15033-PE0011-A, PE0010-A; received on 17th November 2017. The rooflight shall be flush with the metal clad flat roof.

Reason: To avoid doubt and in the interest of visual amenities in accordance with CP1 and CP8 of the Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

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 approve of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Appendix 1

17/03040/FUL

53 Sunderland Avenue



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Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 11 September 2018

www.oxford.gov.uk



Committee members:

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Arshad	Councillor Bely-Summers
Councillor Corais	Councillor Harris
Councillor Hollingsworth	Councillor Iley-Williamson
Councillor Upton	

Officers:

Adrian Arnold, Development Management Service Manager
Sally Fleming, Lawyer
Robert Fowler, Planning Team Leader
Nadia Robinson, Principal Planning Officer
Jennifer Thompson, Committee and Members Services Officer
John Mitchell, Committee and Member Services Officer

Apologies:

No apologies were received and there were no substitutes.

25. Declarations of interest

Cllr Cook, as a Council appointed trustee for Oxford Preservation Trust, stated that he had taken no part in its discussions regarding those applications in relation to which it may have commented 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 its discussions regarding those applications in relation to which it may have commented and was approaching them with an open mind.

26. 18/00966/RES - Wolvercote Paper Mill, Mill Road, OX2 8PR

Councillor Harris left the meeting briefly during this item and was therefore unable to participate upon his return or in the vote taken at the end.

The Committee considered a reserved matters application (relating to 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).

The Planning Officer introduced the report, noting that the application also sought to discharge a number of conditions from the outline consent. She drew the Committee's

attention to revisions to the report before the Committee, the need for which had become apparent since its publication.

- Thames Water had now commented on the application and raised no objections with regard to foul water sewage network infrastructure capacity or water network infrastructure capacity. Condition 30 of the outline consent requires a foul water drainage scheme be approved in consultation with Thames Water. It was therefore recommended that condition 30 is approved as discharged as part of this application.
- Condition 36 (relating to archaeology) of the outline consent is split into two parts – a and b. A written scheme of investigation was submitted with the application which meets the requirements of part a of the condition. The approval of partial discharge of condition 36 (relating to part a) was therefore recommended.
- Paragraph 10.103 refers to ongoing discussions between the applicant and the Environment Agency. These discussions have concluded. All relevant agencies are now satisfied with the flooding and drainage arrangements, subject to the recommended conditions.

The Planning Officer reported that:

- The proposal has a number of public benefits, particularly for the immediate neighbours in Wolvercote and will contribute towards the delivery of housing, 50 per cent of which will be affordable. The proposal will open up large areas of previously private land and the site's water features to enjoy and introduce significant public realm improvements. The proposed community centre and facilities in the Mill building are in excess of the requirements of the S106 agreement.
- The site layout, design and landscaping have evolved significantly through a creative and productive pre-application process. It makes the most of the site's natural assets and has clear legible links both within the site and between the site and the rest of the village. There is a sequence of open spaces with varying characters that lead through from the existing Village Green around the site.
- The bus turning circle is now improved and integrated into the central square. S106 funding includes a contribution to improve the frequency and hours of operation of the number 6 bus route.
- Officers were therefore recommending approval of the application and discharge of the conditions with the addition of those noted above.

Paul Comerford (agent) spoke in support of the application. Emily Pugh (agent) and Vikki Roe (applicant: CALA homes) attended to respond to questions.

Mr Loft-Simpson (local resident) spoke in favour of the application and asked if the frequency of the number 6 bus could be increased. The Planning Officer confirmed that

funding would be made available through the section 106 agreement with the outline permission to make provision for improvements to the service.

In response to questions, in summary, the Planning Officer said that the management of the landscape strip between Home Close and Meadow Way would be controlled by Condition 14 and estate fencing built between it and the development. The texture and visual appearance of road and path surfaces would be differentiated to reflect anticipated/desired type and frequency of use with the overall objective of promoting the sense of a shared space.

The Committee expressed disappointment that the applicants had yet to find a doctors' surgery willing to take over the new building. It was hoped that, through the offices of the Council and its Members, some influence might be brought to bear.

The developer confirmed that the addition of the following two conditions was acceptable to them:

1. Revise parking plan to show additional disabled parking spaces close to the proposed GP surgery; and
2. Revise community centre plans to include kitchen facilities

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 proposed, seconded and put to a vote the Committee agreed with the officer recommendations as set out in the report, subject to the addition of two conditions noted above and the discharge of Conditions 30 and 36a.

The Committee resolved to:

1. **Approve** application 18/00966/RES 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 30 – Foul water drainage
 - Condition 31 – Surface Water Drainage Strategy
 - Condition 36 a – Archaeological evaluation
 - Condition 37 – Natural Resource Impact Assessment
 - Condition 38 – Electric Vehicle Charging Points Scheme

for the reasons given in the report and subject to the 18 required planning conditions and 3 informatives set out in section 12 of this report.

with the addition of the following conditions:

- a) Revised parking plan to show additional disabled parking spaces close to the proposed GP surgery; and
- b) Revised community centre plans to include kitchen facilities

and grant planning permission.

2. **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.

27. 18/01590/CT3 - Redbridge Park And Ride, OX1 4XF

The Committee considered an application for planning permission for 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, and means of access and landscaping layout and scale, reconfiguration of existing coach and car parking within Redbridge Park & Ride, Abingdon Road.

The Planning Officer introduced the report and reported a late representation from Travelodge, raising no objections but asking for various minor amendments to the recommended conditions. In response to this, officers recommended that the hours of operation be secured in the conditions Officers explained that the temporary permission for coach parking at Redbridge will expire in October leading to the loss of the current provision. Temporary permission for the car park at Oxpens (on the site of land with permanent permission for coach parking) will expire in December. They advised that a decision relying on linking these two sites would not be reasonable or relevant to this application.

Debbie Dance, representing the Oxfordshire Preservation Trust, spoke objecting to the application and, in summary, asking that a proper strategy for coach parking and suitable provision was put in place in the city before the coach parking at Redbridge was altered.

Arron Twamley, the Agent, spoke in support of the application and Geoff Corps, representing the applicant, and Natalie Maletras, technical consultant, were available to answer questions.

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. Members considered the benefits of the scheme, including the retention of some coach parking, and the drawbacks.

The Committee noted that the hours of operation are proposed to start at 6.00am, and proposed that officers review these hours to compare it with other similar facilities as to whether it would be reasonable to secure a later start time of 6.30am through the existing conditions.

On being proposed, seconded, and put to a vote the Committee agreed with the officer recommendations as set out in the report with the addition of including operating hours in the conditions.

The Committee resolved to:

1. **Approve** application 18/01590/CT3 for the reasons given in the report and subject to the 24 required planning conditions and 4 informatives set out in section 12 of the report, including setting out operating hours, and grant planning permission; and
2. **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.

28. 18/01856/CT3 - Government Building Floyds Row Oxford OX1 1SS

The Committee considered an application for planning permission for the change of use of job centre with ancillary offices (Use Class Sui Generis) to Offices (Use Class B1) at Floyd's Row, Oxford OX1 1SS.

The Planning Officer introduced the report and reported an addition to paragraph 10.8 to note the proposals met the requirements of the statutory tests under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the conservation area..

Julia Castle, representing the applicant, was available to answer questions.

On being proposed, seconded and put to a vote the Committee agreed with the officer recommendations as set out in the report with the addition of a condition requiring a travel plan to be agreed and then implemented showing how the occupation of car parking spaces could be reduced over time.

The Committee resolved to:

1. **Approve** application 18/01856/CT3 for the reasons given in the report and subject to the 4 required planning conditions set out in section 12 of the report and an additional condition requiring a travel plan to be agreed and implemented, and grant

planning permission; and

2. **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.

29. 18/02031/FUL - 12 Earl Street Oxford OX2 0JA

The Committee considered an application for planning permission for the erection of a single story rear extension and insertion of 2no. rooflights to the rear roofslope at 12 Earl Street, Oxford, OX2 0JA.

The Planning Officer introduced the report.

On being proposed, seconded and put to a vote the Committee agreed with the officer recommendations as set out in the report.

The Committee resolved to:

1. **Approve** application 18/02031/FUL for the reasons given in the report and subject to the 4 required planning conditions set out in section 12 of the report and grant planning permission; and
2. **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.

30. Minutes

The Committee resolved to approve the minutes of the meeting held on 10 July 2018 as a true and accurate record.

31. Forthcoming applications

The Committee noted the list of forthcoming applications.

32. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.50 pm

Chair

Date: Tuesday 9 October 2018