

West Area Planning Committee

11th August 2015

Application Number: 15/01102/FUL

Decision Due by: 22nd July 2015

Proposal: Erection of six pavilion buildings to provide 30 student bedrooms and ancillary facilities. Partial demolition of Fairfield House Northern Annex and associated reformation of Northern elevation. New vehicular access from Banbury Road and associated openings in existing boundary walls (Amended plans)

Site Address: Land To The Rear Fairfield 115 Banbury Road, Site Plan
Appendix 1

Ward: St Margarets Ward

Agent: Barton Wilmore

Applicant: University College

Recommendation: West Area Planning Committee is recommended to approve the application for the following reasons and subject to and including conditions listed below.

Reasons for Approval:

- 1 The development is considered to provide for an identified need for student accommodation in an appropriate design and form. It would not harm the character and appearance of the Central Conservation Area, which is a designated heritage asset. Any loss of trees that are important within public views are suitably mitigated for by new planting. There would be no harm to adjoining neighbours. The proposal accords with the Policies contained within the Local Development Framework and NPPF.
2. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

Conditions:

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans
3. Materials – samples agree prior to construction

4. Works to historic walls; re-use materials and make good etc
5. Biodiversity – measures for wildlife
6. Construction Traffic Management Plan – details prior to construction
7. Cycle & bin storage – further details prior to substantial completion
8. Sustainability – in accordance with details submitted
9. SUDS – build in accordance with
10. Landscape plan in accordance with submitted documents and plans
11. Landscape – planting carry out after completion
12. Trees - Hard Surfaces – tree roots)
13. Trees - (Underground Services – tree roots)
14. Trees - (Tree Protection Plan)
15. Trees - (Arboricultural Method Statement)
16. Details of boundary treatment prior to occupation
17. Archaeology - WSI
18. Travel Plan
19. Student Accommodation and Out of Term Use
20. Student Accommodation - Management Plan
21. Students - No cars
22. Lighting Strategy/ Scheme
23. Obscure glazing

Community Infrastructure Levy (CIL)

The development is liable for CIL.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP22 - Contaminated Land
- TR1 - Transport Assessment
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR12 - Private Non-Residential Parking
- TR13 - Controlled Parking Zones
- TR14 - Servicing Arrangements
- NE14 – Water and sewerage infrastructure
- NE15 – Loss of trees and hedgerows
- NE16 – Protected trees
- NE21 - Species Protection
- NE23 - Habitat Creation in New Developments

HE10 - View Cones of Oxford

Core Strategy (CS)

CS1 – Hierarchy of Centres
CS2 - Previous developed land & greenfield land
CS9 - Energy & natural resources
CS10 - Waste & recycling
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17- Infrastructure & Developer contributions
CS18 – Urban Design, townscape character and historic environment
CS19 - Community safety
CS22 -Level of housing growth
CS24 - Affordable housing
CS23 - Mix of housing

Sites and Housing Plan

HP2_ - Accessible and Adaptable Homes
HP3_ - Affordable Homes from Large Housing Sites
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Planning Documents

Supplementary Planning Documents:

- National Planning Policy Framework
- Balance of Dwellings SPD
- Natural Resource Impact Analysis SPD
- Parking Standards, Transport Assessment and Travel Plans SPD

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Public Consultation:

Statutory Consultees Etc.

- Oxfordshire Architectural & Historical Society:
 - Object to backland development
 - Banal Architecture
 - Scale and density are inappropriate
 - Loss of tree regrettable
 - Loss of boundary walls regrettable
 - Increase in traffic [from both developments]
 - Pleased retaining the coach house

- Historic England Commission: It is not necessary to be consulted on this application
- Highways Authority: No objection subject to conditions; See Main Report
- Thames Water Utilities Limited: No objection subject to a condition requiring a drainage strategy
- Environment Agency Thames Region: Deemed to either have a low environmental risk
- Environmental Development: The report does not identify any unacceptable risks from contamination at the site. The report findings are accepted and agreed that an intrusive investigation is not likely to be necessary. However, informatics are recommended to ensure a watching brief is undertaken throughout the redevelopment to report any unexpected contamination and that topsoil is suitable for use.

Residents:

Comments received were from individuals, residents groups including one with 48 signatures: The main points raised can be summarised as:

- Does not enhance the historic Victorian character of the area,
- Out of keeping
- Significant reduction in openness
- Institutionalisation of CA
- Too close to Rawlinson Road properties
- Unusual geometric shape of the “pavilion” blocks, large featureless windows at odds with the prevailing architecture; Ugly.
- Too high and dominate views for neighbours
- Unrelieved walls facing neighbours
- Increase in vehicle movement within the site
- New Banbury Road access route will lead to increased noise, air, and light pollution
- Does not conserve its biodiversity
- Bats on the site and other animal species
- Orchard should be protected
- Construction traffic to access should be via Banbury Road not Staverton Road
- Construction work and deliveries should limited to between 8.00am and 5.00pm on weekdays
- The overall impact on a large and significant part of the Conservation Area is quite positive.
- Welcome the additional accommodation for Univ graduate students.
- Principle of development on this area acceptable, support provision of dedicated student accommodation

- Concern of conflict between construction traffic and cyclists on Staverton Road; suggest temporary signing for diverting cyclists through a more appropriate route; well used by school children walking and cycling.

Pre – App Discussion:

The Applicant undertook extensive joint pre-app discussion together with Fairfields with Officers of the Council, ODRP and the community. A public consultation event was held on 17th and 18th October 2014.

The ODRP supported the two applicants' collaboration and aim to create an excellent place for elderly and post-grad students, recognising it represented a unique opportunity to create special place for the two generations to enjoy. They felt that the joint proposals needed an improved site wide masterplan which encompassed landscaping, movements and access, and building principles. They suggested sharing the orchard and vegetable garden with the elderly residents and students. In relation to the Fairfields proposal, in their view the relationship between the pavilions and the residential home was cramped with the change in ground levels between the two developments causing an uncomfortable relationship and unclear access through the sites. However, the Panel praised the proposal as ambitious and inspiring for new student accommodation in Oxford and commended the creative approach, sensitivity to content and successful interpretation of housing in a backland site.

The Applicant and Architects, both Univ and Fairfield's, individually and collectively responded to these comments. The levels between Univ and the building were removed and, whilst a good deal of landscaping had already been proposed, a site wide landscape masterplan, landscape strategy and Narrative and planting plans for soft/ hard landscape plan were produced.

Officers Assessment:

Site Description:

1. The application site lies to the rear of 115 Banbury Road, currently operating as a private residential home known as Fairfield House (Fairfields), and adjacent to the existing University College Oxford (Univ) campus accessed from Staverton Road, known as 'Stavertonia'. The site lies within the North Oxford Conservation Area, which is characterised in part by Victorian villas and academic buildings within generous gardens, with mature trees and planting.
2. Univ proposes to extend their current student accommodation by providing 6 pavilion buildings within the rear garden of Fairfields for 30 post graduate students. Fairfields itself is understood to be now substandard to its functional requirements and upgrading of the main building is not possible. It is therefore proposed to construct a new purpose built care home (15/01104/FUL refers) and Fairfields would be used for student accommodation in the future (no change of use would occur). Both sites would be accessed from the Banbury Road via a new access.

3. Officers consider the principal determining issues to be:
 - Principle;
 - Site Layout, Built Form & heritage;
 - Transport;
 - Impact on Neighbours;
 - Landscaping and Trees;
 - Flood risk and Drainage;
 - Biodiversity;
 - Sustainability; and
 - Archaeology

Principle:

4. The proposal seeks to provide post-grad student accommodation for existing students at the College, there by releasing family housing stock back on to the market. There is no intention to increase student numbers as a result. The site lies adjacent to the existing campus for Univ and as such the proposal falls under, and is in accordance with, SHP Policy HP5 which states that permission will be granted for student accommodation on or adjacent to existing University or College academic site or in the City Centre.
5. 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 is contiguous with an existing University site where student accommodation is provided, the proposed development is exempt from this Policy requirement.
6. Policy CS25 of the Core Strategy 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. Such conditions are recommended by officers in the development is permitted.

Site Layout, Built Form & Heritage:

7. Local planning authorities have a duty to have special regard to the preservation or enhancement of designated heritage assets, (e.g. listed buildings and conservation areas). The NPPF encourages local planning authorities to look for opportunities to better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably.
8. In considering the impact of a proposed development the NPPF states that the significance of a designated heritage asset should be considered and great weight given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting.

As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification, measured in terms of the public benefits to be delivered through the proposal.

9. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.
10. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.
11. The site lies within the North Oxford Conservation Area and a Heritage Assessment (HA) has been submitted as part of the proposed development, which also relates to the adjacent application for Univ. The HA discusses the heritage significance of the Conservation Area and Officers concur with its findings. This part of the Conservation Area is characterised by large dwellings within generous gardens, set back from the road with walls and hedges bounding the footpaths. The area has a 'leafy quality' with large trees and shrubs visible in both front and back gardens.
12. The site also forms part of that character; the large rear garden to Fairfield's contains glass houses, orchard and a large area of lawn, bounded by brick walls and interspersed with individual and groups of mature and semi-mature trees and shrubs. Redcliffe Maud is set with a walled rose garden and areas of lawn divided by clipped hedging, creating several different garden 'rooms'. Adjacent to it are two mid 20thC student accommodation blocks. Redcliffe Maude House, whilst a fine villa in the Arts and Crafts style, is not listed and is used for teaching and offices by Univ. Immediately adjacent to the north would be the proposed new residential home by Fairfield's and to the south the existing houses on Rawlinson Road.
13. The development consists of 6 individual pavilion buildings linked at lower ground level by shared amenity space. The external appearance is very contemporary in form and appearance. The buildings are two storeys above ground with inset hidden terraced areas curtain glazing to the circulation spaces to the rear. The roofs are a contemporary interpretation of traditional pitched roof in zinc, and windows and door openings would be frameless, treated in a very simple form. The walls would be in stone coloured bricks to reflect the stone seen elsewhere in the City. It is considered that the layout and form of the proposed buildings as garden pavilion buildings is appropriate

within the rear garden of Fairfields, reflecting the character of the conservation area. The ODRP thoroughly supported the sculptural architectural style, height, massing and layout (internally and externally) stating it was inspiring and ambitious. This opinion has not changed at application stage.

14. In relation to the new Fairfields residential home adjacent, the distance between the buildings is approximately 3m which is considered sufficient for it not to appear overbearing or cramped. It would sit alongside the Mid-20th Century existing student accommodation and near to Thackley End.
15. The proposal also involves the demolition of some small parts of the existing home to facilitate the new access. Officers consider that this would not be detrimental to the character and appearance of the existing building and materials used should match the existing as far as possible.
16. Comments raised by neighbours that the proposal is backland development, out of keeping in appearance and harmful to the character and appearance of the CA and, destroying the leafy quality, have been taken into consideration.
17. It is considered that the architectural design whilst uncompromisingly modern represents a high quality design that would enhance the character of the area whilst appropriately responding to its context. It would appear as a series of two storey dwellings and which are appropriate in height and massing (individually and collectively). Views to it from public vantage points would be limited. It is therefore considered that the proposal would not be harmful to the character and appearance of the conservation area providing much needed student accommodation and making the optimum use of land. It is considered that the proposal is in accordance with Policies CP1, CP8, CP9, CP10, HE3 & HE7 of the OLP, CS18 of the Cores Strategy and the NPPF.

Transport:

18. A detailed Transport Assessment was submitted and supplemented in response to comments from the Highways Authority. It is proposed to create a new access from Banbury Road that essentially serves the residential home for visitors and dropping off, ambulances and the like, but would also serve the Univ student accommodation at the beginning and end of terms only. The development would be car free (the 6 car parking spaces provided along the new access are solely for use by the new Home) and servicing and delivery movements would take place from Staverton Road as existing.
19. The HA commented that as part of the Oxford Transport Strategy, Banbury Road is proposed to operate as a Mass Rapid Transit route. It therefore raised concerns regarding the proposed new access as having a potentially adverse impact on future Mass Rapid Transit (MRT) operation. However, on the basis of further information submitted and the fact that there only be parking at the beginning and end of term, the HA on balance, considered the proposal unlikely to result in a significant impact on the operation of a MRT system in future.

20. The HA recommended conditions including a construction travel management plan, sustainable drainage and a Student Accommodation Management Plan to be implemented to control parking demand at the start and end of term. The latter to incorporate a booking system to avoid over-subscription of the parking spaces which could result in an adverse impact on the operation of Banbury Road with vehicles waiting for car parking spaces to become available. The booking system will also help control the traffic generation of the site by spreading trips across the day. Furthermore Officers recommend a condition which would control students bringing cars to Oxford in line with our usual practice.
21. Cycle parking is to be provided with in the existing college grounds. SHP Police HP15 requires a minimum of 3 spaces per 4 study bedrooms, which can be reduced to 1 space per 2 study bedrooms where they are located close to their main studying and teaching facilities. A minimum of 15 spaces would be required. It is proposed to locate these 15 cycle stands within the cycle storage on the existing college campus, which could be suitably secured by condition.

Landscaping:

22. 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. Planning permission will not usually be granted for development proposals which include the removal of trees, hedgerows and other valuable feature that form part of a development site where this would have a significant adverse impact upon public amenity or ecological interest; Policy NE15.
23. The application includes a joint site-wide Univ and Fairifelds Landscape Masterplan, Landscape Strategy & Narrative, Detailed Planting Plans, an Arboricultural Tree Report, and a Conservation Area Tree Assessment. The latter has assessed the character of the area in relation to trees and landscape and an arboricultural report which accurately records existing trees growing within and adjacent to the application site in a tree survey to BS5837:2012. An arboricultural impact plan which identifies trees to be removed and retained, and a preliminary tree protection plan which includes proposals for protecting retained trees during the construction phase. The detailed planting proposals are underpinned by the Landscape Masterplan, Strategy & Narrative which has taken on board ODRP comments.
24. It is proposed to remove a large number of individual and group of trees, all of which are categorised as moderate to low quality and value. However, it is also proposed to plant 16 new ornamental trees, 8 orchard fruit trees and 8 espalier fruit trees, including; 2 heavy standard Himalayan birch and a heavy standard incense cedar along the boundary with Staverton Road; a semi-mature silver birch, 2 extra heavy standard sized flowering cherry trees and an extra heavy standard sized Judas tree along north side of the new entrance drive; and, an extra heavy standard flowing cherry tree and 4 snowy mespilus at the front of the proposed replacement residential care home.

25. It is considered that although the proposals include the removal of a number of trees and hedges, most of these are not visible in any public views. However, the 2 false acacia trees that stand in the densely planted garden area east 19A Staverton Road near to the boundary with Thackley End, are visible as skyline trees along a short section of Staverton Road when looking north between Nos. 19 and 21. It is proposed to plant 2 new Himalayan birch trees and an incense cedar along the southern boundary of the application site within this gap and this will go some way to mitigating the loss of trees in this view. However, further mitigation could be achieved by adding an additional 2 new semi-mature false acacia trees to the planting proposals in this area, which could reasonably be secured by condition.
26. The existing false acacia trees are very tall and the very tops of their crowns can also be seen from in gaps between properties from the street in Rawlinson Road. However, these are long distance views and it is considered that their loss will not be significant in these views.
27. Also, the mature silver birch (3006) and Lawson cypress (3005) trees which stand adjacent to the site boundary are visible in public views from the section of Banbury Road adjacent to the site, as is the top of the crown of the walnut (3001). Their removal and the construction of a new vehicular access from Banbury Road will open up new views into the site and trees beyond. New planting will include 2 new small leaved lime trees planted along the Banbury Road frontage south of the new vehicular access and a semi-mature silver birch planted close to the new entrance and this, together with other planting along the verge or the north side of the vehicular access which includes new cherry and Judas trees, will ensure that the change is not harmful.
28. Some of the trees that will be removed will be seen in private views from neighbouring residential properties in Staverton Road, Thackley End, Rawlinson Road and Woodstock Road. The presence of other trees in these private views, including trees retained within the application site, existing trees within adjacent properties, including a row mature lime trees that grow along the southern boundary of Thackley End and existing trees within the rear gardens of the other properties, will ensure that in most cases the residential amenities of neighbouring are not significantly harmed by these tree removals. Proposed new tree planting, including for example new trees planted along the boundary with properties in Staverton Road will further mitigate any impact on neighbours.
29. However, removal of the vegetation which is growing in the garden area of the bungalow near to the boundary of Thackley End, which includes the 2 tall false acacia trees (3168 and 3169) and a row of Leyland cypress and other boundary trees (TG3023 and TG3022), will affect existing private views towards the site from those adjacent Thackley End flats that have an outlook to the west. This garden area will be replaced by the new home and due to the proximity to the boundary there is not opportunity to plant trees to mitigate this change.

30. The draft North Oxford Victorian Suburb Conservation Appraisal and the Conservation Area Tree Assessment submitted both identify the significance of the leafy character of the area and the importance of trees to that. Although the proposals will reduce canopy cover in the area to some degree, it is considered that the proposed new soft landscaping and tree planting is appropriate to the area and will ensure that the site retains a leafy appearance and character and thus would not be harmful to the Conservation Area.
31. The preliminary tree protection plan includes proposals which are appropriate to ensure that retained trees are adequately protected during the construction phase, for example including no-dig construction for the hard surfaces proposed within the Root Protection Area of the lime trees which stand adjacent to the site within Thackley End, the trees adjacent to the boundary within the North Oxford Overseas centre, 117 Banbury Road and the retained veteran oak tree (adjacent to the car park). The concerns of residents, in particular of Thackley End residents regarding impact on their lime trees as a result of the new access road, have been taken into account. If planning permission is granted more detailed final tree protection proposals and arboricultural method statements would be required for approval before any work starts on site as will the location and construction method of all new underground services and drainage to ensure they are not harmed during or post construction.

Impact on Neighbours:

32. The most affected neighbours would be those properties adjacent on Rawlinson Road. The proposed development would be over 47m away, 5m from the joint boundary, which is characterised by hedging, shrubs and trees. The side elevations of the two pavilions nearest would have windows and first and second floor to bathrooms and secondary bed windows. It is proposed to obscure glaze these windows. In addition it is proposed to plant pleached trees between the building and the boundary to further screen views. It is considered therefore that the proposal would not cause harm as a result of overlooking and loss of privacy. Furthermore, whilst it is acknowledged that the outlook for Rawlinson Road residents will change, the development would not be intrusive, overbearing or cause loss of day/ sunlight or overshadowing. It therefore accords with Policies CP1 and CP10 of the OLP and HP14 of the SHP.

Flood Risk and Drainage:

33. A Flood Risk and Drainage Strategy was submitted and concludes that the site of the proposed building is located in Flood Zone 1 and has a low risk of fluvial, surface water and tidal flooding to the proposed building. The proposed development will not increase the risk of flooding on or off site. Any risk of ground water and sewer flooding to the basements can be mitigated by appropriate waterproofing and non-return valves. The surface water drainage will discharge into the ground via infiltration SuDS methods subject to further infiltration tests or a restricted connection to the public sewer subject to approval by Thames Water. Again, foul drainage from the proposed building

will discharge via gravity into the public foul sewer system subject to agreement with Thames Water.

34. The EA has not commented as it considers the site low risk and Thames Water has not objected, and in relation to Fairfields not objected but requested a Grampian style condition requiring a drainage strategy. It is considered therefore development is in accordance with Policy NE14 of the OLP.

Biodiversity:

35. A Phase 1 Habitat Survey and Bat Survey Report by Bioscan was submitted for this application, and an updated bat survey has been subsequently undertaken by Bioscan to assess the presence or not of bat roosts within the buildings to be demolished in June this year. Officers consider the botanical and ornithological elements of this report are considered to be appropriate to use in 2015. The survey study area includes that of the adjacent Univ application (15/01102/FUL) and the findings and proposed measures are applicable to both sites.
36. The assessment states that the study area has no statutory or non-statutory nature conservation designation. No specially protected species were identified as resident within the study area during the surveys or are known from background records to be present. In particular no evidence of bats roosting in the buildings or trees affected by the proposals has been found and no roosts have been identified. Four bat species were detected incidentally during the bat surveys foraging and commuting within the study area. The study area is however assessed to be of only limited value to bats for foraging due to the largely ornamental and/or well-maintained nature of the habitats present and large areas of buildings and hardstanding. Retention of a large number of the mature trees within the overall study area will ensure that commuting activity through the study area is not significantly affected.
37. No other additional protected species surveys are regarded as necessary, bird species found were reflective of the presence of mature garden habitats and no particular constraint was identified over and above the standard legal protection afforded to all nesting birds. The existing orchard (to the rear of Staverton and Thackley End properties) is of interest but considered too small and isolated by its urban context to be likely to support significant secondary biodiversity interests.
38. The report states that the proposed development is not likely to change local conditions to an extent that could be detrimental to the conservation status of any bird or bat species. An addendum containing details of bird and bat enhancement measures have been submitted with this application, including bat and bird boxes.
39. Officers concur with the findings of the report(s) and the survey mitigation and enhancement measures contained therein. The orchards retention is welcomed and additional tree planting proposed would mitigate the loss of any

foraging or nesting habitat. A condition is recommended in accordance with the conclusions and recommendations including the provision of bat and birds boxes in accordance with policy CS12 of the CS and the NPPF.

Sustainability:

40. An Energy Efficiency statement has been submitted to show how 20% on site renewables can be achieved in accordance with Policies HP11 of the SHP and Core strategy CS11. It states the development would achieve a 20% reduction in carbon emissions, by installing an on-site combined Heat and Power System, coupled with highly efficient gas fired boiler. The proposal would therefore accord with Policies HP11 of the SHP and CS9 of the CS.

Archaeology:

41. The site is of interest because of the scale of the proposed development and its central location on the Summertown-Radley gravel terrace, in an area that has not been subject to much previous archaeological investigation and where dispersed Prehistoric and Roman rural settlement might be anticipated, bearing in mind the pattern of settlement evidence to the north and south along the terrace. A targeted geophysical survey has undertaken at this site by Stratascan (2014) and archaeological desk based assessment has been produced for this site by CgMs Ltd (2015) for the joint Univ and Fairfields sites. In this instance the limited geophysical survey did not identify any strong anomalies of likely archaeological origin and it is noted that the site is constrained in terms of pre-determination access for trenching.
42. The NPPF 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 developers should be required 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.
43. In this case, bearing in mind the results of the Heritage Impact Assessment, Officers consider that any consent granted for this development should be subject to condition requiring the archaeological investigation take the form of targeted building recording and watching brief in accordance with Policy HE2 of the OLP and the NPPF.

Conclusion:

44. The development would provide good quality sustainably located student accommodation in a location that is unlikely to give rise to material harm to the living conditions of occupiers of residential properties. It represents efficient use of brownfield land, and whilst back land development, would not be

harmful to the character and appearance of the Conservation Area. Loss of any significant trees would be mitigated by new planting and works close to significant trees would be carefully controlled. Officers therefore recommend that planning permission is granted, subject to conditions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 15/01102/FUL & 15/01104/FUL

Contact Officer: Felicity Byrne

Extension: 2159

Date: 11th August 2015