

West Area Planning Committee

9th May 2017

Application Number: 16/02689/FUL

Decision Due by: 16th January 2017 (Extension of time agreed)

Proposal: Demolition of existing building and construction of new hotel building (use class C1), with associated vehicle and cycle parking, landscaping, plant and engineering works.(Amended plans)(Amended information).

Site Address: Unither House,15 Paradise Street, **Site Plan Appendix 1**

Ward: Carfax Ward

Agent: Mr Neil Warner

Applicant: Dominvs Project Company
3 Ltd

Recommendation:

The West Area Planning Committee is recommended:

1. To approve in principle the application for the reasons below and subject to and including conditions listed and on satisfactory completion of a legal agreement to secure a contribution towards affordable housing; and.
2. To delegate to Head of Planning and Regulatory Services authority to issue the permission subject to the satisfactory resolution of the Environment Agency's technical concerns.

Reasons for Approval:

- 1 The Council considers that the development would provide for an identified need for short-stay accommodation within the city and is of an appropriate quality design and form. The proposal, subject to the conditions imposed, would preserve and enhance the special character and setting of adjacent listed buildings, the Conservation Area and Scheduled Monument. Any harm to these designated and non-designated heritage assets is outweighed in this case by the high quality design and public benefits of the proposed development. 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.

3. The Council considers that 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.

Conditions

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Materials - samples prior to construction (excluding demolition)
4. Revised Landscape plan - including living walls & green roof- as approved
5. Landscape management plan - as approved
6. Landscaping - carry out after completion
7. Cycle parking - further details of on-street cycles required
8. Travel Plan - draft approved & update required post occupation
9. Travel Information Packs
10. Shared Surface – further details to be submitted
11. Traffic Regulation Order – variation required
12. Delivery and Service Management Plan – as approved
13. Construction Traffic Management Plan required
14. Flood Risk Assessment – construct in accordance with
15. SUDs - further details to be submitted
16. SUDs Maintenance Plan - to be submitted
17. Biodiversity - details of bat box and Swift bricks, Prior construction (excluding demolition)
18. Biodiversity - details of external lighting (bats) prior occupation
19. Biodiversity - implementation of the outline Ecology Management Plan
20. Contamination – Revised Phased Risk Assessment
21. Contamination – Validation Report
22. Contamination – Watching Brief
23. Sustainability – further details required

Legal Agreement & CIL:

The development is CIL liable: £51,973.11

Legal agreement required to secure contribution of £53,832 towards affordable housing.

County:

- A Section 278 Agreement (of the Highways Act 1980) to deliver public realm improvements to Paradise Street. The improvements are to be carried out at the developer's cost.
- A Section 38 Agreement will be required to amend the highway boundary and adopt the new area of footway created along the frontage of the new building.
- Amendments to the Traffic Regulation Orders will be required for the loading bay, taxi bay and disabled parking bay. A cost of £3,000 must be met by the developers for this action.
- Travel Plan monitoring fees of £1,240 will be required.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP22** - Contaminated Land
- CP23** - Air Quality Management Areas
- NE23** - Habitat Creation in New Developments
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR13** - Controlled Parking Zones
- TA2** - Transport & Tourism
- TA4** - Tourist Accommodation
- HE1** - Nationally Important Monuments
- HE2** - Archaeology
- HE3** - Listed Buildings and Their Setting
- HE6** - Buildings of Local Interest
- HE7** - Conservation Areas
- HE9** - High Building Areas

Core Strategy (CS)

- CS2_** - Previously developed and greenfield land
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS24** - Affordable housing
- CS32_** - Sustainable tourism

West End Area Action Plan (WEAP)

- WE10** - Historic Environment
- WE12** – Design & Construction
- WE11** – Design Code
- WE14** – Flooding
- WE17** – Affordable Housing from Commercial Development
- WE26** - Hotel accommodation

Other Material Considerations:

- National Planning Policy Framework
- Planning Practice Guidance
- Planning Obligations Supplementary Planning Document
- Natural Resource Impact Analysis
- Parking Standards, Transport Assessment and Travel Plans
- Community Infrastructure Levy (CIL)

This application is in the Central (University & City) Conservation Area & City Centre Archaeological Area.

The application affects the setting of Oxford Castle (County SAM No 21701, includes motte and St George's Tower which is also Grade I listed) and Nos 1, 2 & 3 Fisher Row (Grade II listed buildings).

Relevant Site History:

15/02971/FUL - Demolition of existing buildings and construction of new build floorspace to provide a 5 and 6 storey building for hotel use (use class C1) at ground and 1st to 5th floors (145 bedrooms) with staff living accommodation (use class C3) and complimentary and publicly accessible ground floor uses including delicatessen (use class A1), restaurant and cafe (use class A3) and hotel bar with ancillary micro-brewery (use class A4), with associated vehicle and cycle parking, landscaping, plant and engineering works. (Amended description). Withdrawn 11th May 2016.

Public Consultation:

Statutory Consultees:

- Environment Agency:

Initial comments were that the site was within Flood Zone 3b wherein only water compatible uses are acceptable. However the Applicant supplied further evidence to the EA and consequently the EA accepts that it is not within this flood Zone. However they required further information/plans to demonstrate mitigation against future extreme flooding events. Subsequently a revised FRA has been submitted and the EA's further comments will be verbally updated at committee.

- Highways Authority:

- No objection subject to conditions. Comments in main report;
 - Delivery and service management plan
 - Travel information packs
 - Cycle Parking
 - CTMP
 - Traffic regulation order
 - Shared Surface

- Historic England:

Initial plans:

HE commented that while the current application is a great improvement on previous proposals for this site, and is better than the building currently occupying it, in our view the architects have yet to create a building that responds really well to its context and would be an asset to the area and recommend further design refinements to secure as good a building as possible here.

Our main concerns with development in this area are the retention of the former Brewery Gate public house, which makes a valuable contribution to the character of the conservation area, maintaining the visual dominance of St George's Tower over the area and maintaining views out over the city to the landscape beyond from St George's Tower and the Castle Mound. Both these characteristics make an important contribution to the significance of these Scheduled Monuments. Conserving and reinforcing the character of the conservation area is also an

important aim. This part of Oxford is unusual as it has its origins as an industrial suburb and still retains its industrial character. The former Lion Brewery makes a particularly strong contribution to this character.

The current application is undoubtedly a great improvement on the previous application for this site (15/02971/FUL). The former Brewery Gate pub would be retained, as would the view of St George's Tower from St Thomas Street. The proposals are for a larger building than the Cooper Callas building that currently occupies the site. This would have a slightly greater presence in the street scene than the current building but in our view would not be so large or overbearing that it would compete for dominance with the St George's Tower. The greater bulk of the building would reduce the visibility of the Lion Brewery in views from the top of the tower but not completely obscure them.

Overall we consider the damage done to the visual connectivity between tower and surrounding landscape to be slight. It would be more visible in views from the Castle Courtyard than the present building but would not be appreciably taller and again the harm is likely to be slight. The impact on views from the Castle Mound would also be much less than in the previous proposals as the building is smaller and retains views of the brewery. In our view the visual connectivity with the wider landscape beyond would not be seriously harmed.

Using green roofs is novel but question the longevity of it. HE would prefer to see the roof as an attractive roof-scape in its own terms rather than hiding the roof in greenery. The design of the east elevation when viewed from the south lacks the industrial toughness that characterises the area and does not have quite enough strength of character to stand alone as a statement building. The mix of smooth stone and brick is confusing and consider that a single main material and design theme would result in a much more coherent design.

Comments on revised plans:

The revisions to the east elevation, particularly the use of brick throughout, have significantly improved this elevation, which now looks much calmer and more coherent. Revisions to the green roof are also likely to soften the visual impact of the building in views from St George's Tower and the Castle Mound. As the building is slightly larger than that currently occupying the site there is still a degree of adverse impact on these views. However, this harm is in our view outweighed by the fact that the elevations are of better quality than the existing building. While the design has not succeeded in creating a top storey that positively contributes to Oxford's roofscape it at least hides its bulk reasonably well. Given the constraints of the site, particularly the need to create enough rooms to make the project commercially viable without obscuring key views, this is likely to be the best that can be achieved.

Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph number 132. In determining this application you should bear in mind the statutory duty of 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.

Representations Received:

A large number of comments from interested groups, neighbouring residents and residents' associations were received. Comments on the original submission can be summarised as:

Support:

1212 4th St SE, Apt 729 Washington DC, USA, Oxford Civic Society (comment, not in favour not opposed), 15 Trinity Street, 23 Castle Mews St Thomas Street, 66 Empress Court Woodin's Way.

Design

- The redesign is a great improvement and holds architectural merit.
- Architect has attempted with some success to reduce impact of the building
- Materials and planting helps this
- Like for the design
- The curved aspect is liked
- The current building is an eyesore and the new building is more sympathetic to the surrounding area
- The elevation to Wareham Stream is calm and successful with just brick
- The proposed green roof provides an imaginative link to the green belt when viewed from St George's tower

Hotel need

- It will bring jobs and tax income to Oxford.
- Would ease the hotel shortage in the city centre

Other

- Provision for no car parking is welcomed and must be retained
- The retention of the former pub and horse hospital is welcomed
- A removal of the current 'eyesore' is welcomed

Objection:

83 Clarendon Street, Nos.12,138 80 Marlborough Road, 19 Hollybush Row, 146 Empress Court Woodins Way, Oxford Civic Society (as above), 25 Abbey Road, St Peter's College New Inn Hall Street, Two Ways Summerfield, 27 Woodin's Way, 27 Selwyn Crescent Radley Abingdon, 34 Abbey Road, 1 Barrett Street, 11 Dale Close, 19 Dale Close, 81 Mill Street, 18, 64 26 Observatory St Street, 18 South Street, Flats Nos. Studio D, 1 3 7 9 10 12 26 2836 53 54 The Lion Brewery, 76 Thames Street, 22 Walton Crescent, Two Ways Summerfield, Westcote Close Witney, 2 Bookbinders Court St Thomas street, 17 Cobden Crescent, 2 Dale Close, 24 Edith Road, 83 Gidley Way, Linklater House Mount Park Rd Harrow, St Ebbes New Development Residents' Association, 3 Wentworth Road, 28 West Street, 5 Duke Street, Henry Road, 2 61 West Street, 13 White House Road, 41 Alexandra Road, 93 Kingston Road, 7 Montagu Road, 4 St James Road Radley, 44 St. John Street, Swans Nest Lane Cherry Trees Stratford Upon Avon, 45 The Crescent, 35 Warnborough Road, 3 Wentworth Road, Nos. 29, 67 Abbey Road, 5 Beaumont Buildings, 118 Empress Court Woodin's Way, Oxford Brookes University, Nos. 19 23, 80 Southmoor Road, St Hugh's College St Margaret's Road, 15a Temple Street, 1 The Hamel, 9 Walton Crescent, 12 Cranbrook Road Redland Bristol, 55 East Avenue, 20 Empress Court Woodins Way, 44 Exeter Road Kidlington, 30 Greenhill Prince Arthur Road Hampstead, 27 Harpes Road, 39a Manor Farm Road Horspath, 14, North Parade Avenue, 1 Osney Lane, 14 Richmond Road, 31 St Margaret's Road, 24 St Thomas

Street, 101 Walton Street, 4 Walton Street, Woodstock South Street Litlington Nr Royston, 5 Wordsworth Road London, 50 Wytham Street, 117 New Road Peterborough, 12b Kingsway West Wickham, 236 E 31st St, New York, NY, 26 Fellows House Lilywhite Drive Cambridge, 6 Abbey Walk Osney Lane, 27 Aston Street, 171 Banbury Road Kidlington, 19 Barton Road Headington, 7 Beagle Close, 4 Bookbinders Court, St Thomas' Street, Cliddesden Shefford, 13 Cobden Crescent, 17 Don Bosco Close, 66 Empress Court Woodin's Way, Nos.1&3 Fisher Row, Holmcroft Litlington, 24 Islip Road, 31 James Street, King's College Strand London, 64 Kingston Road, 2 Lower Fisher Row, 27, 252 Marlborough Road, 29 Oatlands Road Botley Road, Shepherds Hill Old London Road Chipping Norton, The Lodge, Old Road Shotover Hill, Nos.1, 2 Osney Lane, Oxford Preservation Trust, 5 Polstead Road, 12, Richard Gray Court Osney Lane, 37 Richmond Road, 10 Rowland Hill Court Osney Lane, 3 Sheldon Way, 25 Stream Edge, 15 The Stream Edge Fisher Row, 17-18 Victor Street Jericho, 52A Walsgrave Road Coventry, 29 Woodin's Way, Worcester College.

Design

- Too densely developed for the area
- The building will occupy the whole footprint of the site
- Overbearing design: to flats in Lion Brewery, in street scene and to Brewery Gate
- No windows on Brewery gate side, lack of natural light to east facing corridors
- This is a commercial area and the building should feel more simple and robust like a warehouse.
- Materials: Ambiguous. The elevation to Paradise Street is 'much too fussy', too many materials. They should cut out the stone/copper/louvres and just use brick Stone should not be used on the front of the building as it has a jarring effect. Not in keeping with the brewery next door. It should have the same windows as the back not the slot windows on the paradise street elevation. The copper cladding is inappropriate
- 'Hideous' shape to the building / impression of a nuclear power station
- The design lacks imagination / not a sensitive or attractive addition to the historic site
- The green roof does not disguise the 'brutality of the architecture'. The foliage would add to the height of the building. The flat roof would be out of place in the area The Brewery Gate side sedum roofs are unlikely to be visible from street level and hence would not have the alleviating effect on the expanses of plain brickwork as is suggested.
- Design of the elevation to St Thomas Street, a massive wall of unpunctuated brickwork, is totally out of character in the area and inappropriate/ compounds the bulky appearance.
- The square block outline makes the development more obtrusive
- in Oxford where it is rarely used
- The new design has a curve that thrusts towards the tower and the pillars will emphasise the outward thrust of the bulk of the upper floors.
- The architect's inclusion of greenery on the roof (a superficial and odd addition given the historic industrial surroundings) is an acknowledgement of the building's aesthetic inadequacy.
- Provides no variety in form, size, detailing or materials that are evident in the locality

- repetitive nature of the disposition of the windows
- the use of narrow mono pitched protruding gables set at odd but repetitive angles on the St Thomas' Street frontage does not help the appearance
- would provide an overwhelming facade for pedestrians and cyclists using the pathway alongside
- Breaches existing building line - new frontage lies ahead of Woodins Way building
- The development is too close to the stream, making it feel more enclosed and less spacious

Height

- It is too high for the area
- Will dominate the view and block view of the Saxon Tower and Castle Mound
- Height of existing Cooper Callas building cannot justify the height and size of the building
- Would be highest building south of St Thomas Street
- Exceeds city height limit for a building in a conservation area contrary to HE9
- Greenery would require a lot of maintenance and no guarantee will always look green and attractive all the year round and for many years to come. Is a potential fire hazard
- Smaller hotel would be more fitting
- A large hotel has been included in the redevelopment for Oxpens so a hotel is not needed here.

Highways & Parking

- There will be more traffic along St Thomas Street
- Street is too narrow to handle large vehicles that would use the street to access the hotel
- Not enough space for delivery vehicles to turn around
- Streets are ill equipped to cope with increase in traffic
- Deliveries will cause traffic disruption
- A full traffic management study for this whole area should be completed before permission is given for this development
- St Thomas Street is too narrow for 2 lane traffic, narrow turn into Paradise st and st Thomas st not mentioned
- Tidmarsh lane has a dangerous blind corner
- traffic flow along Thames St is already heavy
- the amount of traffic generated may damage surrounding roads
- Travel plan suggesting most guests will arrive on foot or bike is unrealistic
- Tourist groups will arrive in coaches and many in taxis Use of taxis and hotel guests cars not mentioned
- Coach movements will cause disruption down the narrow streets, including access problems
- Quaker bridge cannot cope with the increase in traffic
- Car free development will increase unauthorised parking
- Car free development is also unrealistic
- The increased traffic will impact the safety of cyclists
- Pavements are too narrow for people to pass each other, safely wheel suitcases etc without stepping into road
- The proposed addition of one parking bay is not sufficient to address the hotel suppliers drop off or disabled parking requirements.

- Parking is already a problem on these streets and the hotel will only exacerbate that problem
- No apparent means of access to Brewery Gate
- The increase in vehicular traffic adds to air pollution

Heritage

- Out of keeping with the area: Poorly thought out design as it does not compliment the area and the historic buildings around the site out of scale with other buildings in neighbourhood. Will blight the character
- Redevelopment should be more in keeping with Oxford's historic centre
- Lack of sensitivity and respect for conservation area as it is commercial opportunism with little regard to the location or community in which it would inhabit
- The proposal shows a complete contempt to Oxford's historical, visual and cultural heritage. Contrary to policy HE7
- No thought given to preserved brewery chimney on adjacent site
- Will compromise the setting of the existing historic buildings e.g. Lion Brewery, former pub, horse hospital, 1 Fisher Row, Quaking Bridge, and Saxon St George's Tower and possibly block views to the Tower.
- The buildings will damage the historic view from the eastern end of St Thomas High Street.

Effect on light

- Would block light to neighbouring buildings
- This development will significantly deteriorate the light into the Lion Brewery apartments, especially the ones facing the development
- The development would adversely impact on vistas and daylight at ground level

Noise and disturbance

- Noise may be generated due to the increase in people and traffic in area
- Morning deliveries may cause disturbance to the area
- Acoustic Report needs to be completed with figures regarding noise from the inner courtyard and the outdoor dining on Paradise Street, taking the acoustic environment into account.
- Outdoor social areas would be a source of noise and nuisance

Privacy

- Windows facing the Lion Brewery may have an impact on privacy on those properties
- Roof terrace has potential to overlook neighbouring dwellings

Precedent

- If it were approved it would set a precedent that developments like this that have a negative impact on the surrounding area are acceptable

Financial Viability

- There is no Financial Viability Plan included in the application.

Re-consultation:

Comments received on the revised plans/ information can be summarised as follows:

In summary the information and plans do not overcome previous objections or sufficiently address concerns as set out above. Additional comments made:

- Site is on functional flood plain, which requires special measures; do not know if raising the floor level by 250mm will be enough to mitigate this risk
- Noise would adversely impact on wildlife within Castle Mill Stream
- Concern regarding impact on businesses/ trade in Woodin's Way during construction
- Welcome contrast to the almost monotonous residential nature that this area has become
- Tastes change and could even become listed in future years!
- Proposed replacement of stone with brick welcomed

Pre application consultation:

Following the withdrawal of the previous application the Applicant has undertaken further pre-application discussion with Officers and Historic England. Public consultation with residents and key stakeholders was also undertaken by the Applicant during the early stages of the pre-app and also prior to submission.

Officers Assessment:

Background to Proposals:

1. An Application was submitted in 2015 for the redevelopment of Cooper Callas and the adjacent residential property No.5 St Thomas St (formerly a public house & stables) to create a new boutique hotel comprising 145 bedrooms & staff flat (application 16/02971/FUL refers). The proposal met strong opposition not least towards the loss of the former pub and 'Brewery Tap' to the former Brewery adjacent to the site and which formed part of a collection of industrial and residential properties linked to the Morrells family brewery business. It was also considered to be too high and large in bulk and massing which would be detrimental to the character and appearance of the street scene and also harmful to designated and non-designated heritage assets, including St George's Tower and that part of the CA. The application was withdrawn and subsequent pre-application discussion were held between the Applicant and Officers in conjunction with Historic England in order to collaboratively work together on a suitable development here.
2. The most significant difference between the previous application and this proposal is that the residential property, i.e. the former brewery tap, is no longer part of the re-development proposals.

Site Description and Proposals:

3. The site comprises the existing Cooper Callas building (address known as Unither House) and the footpath & road in Paradise Street. The site lies within the Central Conservation Area and lies west of St George's Tower (Grade I listed) within the Oxford Castle and Castle Mill Stream, which runs alongside Paradise St itself and between St George's Tower. To the south is the mixed use residential and office development of Woodin's Way. The western boundary is formed by the Wareham Stream and on its western side is the residential complex of the former Lion Brewery. Bounded to the North is

the former public house now residential property No.5 St Thomas Street. To the northern side of St Thomas Street lies the Grade II listed buildings residential properties Nos 1,2 & 3 Fisher Row. The site is also within the West End regeneration area.

4. It is proposed to demolish the existing building and erect a new hotel comprising 140 rooms on 6 floors set around an internal courtyard with a roof top terrace garden. The top (6th Floor) is clad in a living wall and green roofs are proposed on all the flat roofs of the proposal. Improvements are proposed Paradise Street itself including a shared surface and narrowing of the carriage way, disabled car parking bay and drop-off/ loading pick up bay. Staff & guest cycle parking is provided within the building and further visitor cycle parking on the street.

Officers' Assessment:

5. Officers consider the following issues are relevant in determining the application:
 - Principle of Development;
 - Affordable Housing;
 - Design and Heritage;
 - Highways and Parking;
 - Residential Amenities;
 - Landscaping;
 - flood risk and drainage;
 - Contamination;
 - biodiversity;
 - Air Quality
 - Sustainability

Principle of Development

6. There is an acknowledged need for short stay hotel accommodation within the City. Policy CS32 of the Core Strategy (2011) 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 (including the West End) and on Oxford's main arterial roads, and by protecting and modernising existing sites to support this use.
7. WE26 of the WAAP states that planning permission will be granted for the development of new hotel accommodation in the West End which strengthens or diversifies the range on offer.
8. Policy TA4 of the Oxford Local Plan 2001-2016 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.

9. The provision of a hotel would meet the need for additional hotel accommodation within the in the West End of the City Centre in accordance with CS32 of the CS, WE26 of the WEAPP and Policies TA4 and TR4 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.

Affordable Housing:

10. For the purposes of Policy CS24 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. This is also reflected in WE17 of the WEAAP.
11. 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 2247m² and therefore a contribution is required. The Applicant has agreed to contribute £53,832 towards affordable housing in accordance with CS24 of the CS and WE17 of the WEAAP. This can be secured via a legal agreement.

Design and Heritage:

12. Policies CS18 of the Core Strategy (CS) and Policies CP8 and CP9 of the Oxford Local Plan (OLP) and Policies WE11 & 12 of the WEAAP collectively seek to inform the decision making process and building upon the requirement in the NPPF for good design. Without being overly prescriptive the policies emphasise the importance of new development fitting well within its context with high quality architecture and appropriate building height, design, massing and materials creating a sense of place and identity.
13. In respect specifically to the historic environment, CS18 of the CS states that development must respond positively to the historic environment but not result in the loss or damage to important historic features or their settings. Policy HE7 of the OLP further adds that the special character and appearance of the conservation area should be preserved with Policy HE3 stating that planning permission will only be granted for development that respects the character of the surrounding of listed building and have due regard for their setting.
14. The NPPF reiterates the Government's commitment to the historic

environment and its heritage assets which should be conserved and enjoyed for the quality of life they bring to this and future generations. It emphasises that the historic environment is a finite and irreplaceable resource and the conservation of heritage assets should take a high priority. Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets in considering a proposal and also desirability of new development making a positive contribution to local character and distinctiveness.

15. At the heart of the NPPF is a presumption in favour of sustainable development which is stated to mean, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay. However, development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm.
16. This part of the Central Conservation Area (CA) has a special character not found elsewhere in Oxford. The area has retained its historic grain, scale and distinctive character and the medieval street pattern still exists. Its origin is as an industrial suburb and it still retains its industrial character. The former Lion Brewery makes a particularly strong contribution to this character as do the former Brewery Tap (No.5 St Thomas St) and Nos.1-3 Fisher Row, which were also owned by the Morrells brewery family.
17. St George's tower dates from the 11th century and is of exceptional national architectural and historical importance and it is possible that it dates from before the conquest, thus may be late Saxon. It is a rare and exceptional structure nationally. The tower forms a significant landmark in the West End and makes a highly important contribution to the skyline in local and wider views. Setting is part of a building's significance and maintaining the visual dominance of St George's Tower over the area and maintaining views out over the city to the landscape beyond from St George's Tower and the Castle Mound is important.
18. The existing Cooper Callas building is an example of 1960's functional form and design appropriate to its use and of its time. However, it is considered that it does not make a particularly positive contribution to the street scene or this part of the CA and its demolition would not be unacceptable on the basis of a high quality designed replacement building.

Design & impact on the street scene and CA:

19. The proposed new building has been designed to reflect the industrial character of this part of the CA, as seen in the old brewery buildings nearby. The initial plans showed a mix of stone and brick on the front elevation, intended to reflect St George's Tower and Castle and industrial character of this part of the CA. However, following comments from Historic England (HE) (see above) and Officers the proposals were amended to use mainly brick with stone detailing only. The proposed building would take up the whole plot width and projects forward of the plot creating a colonnade over the existing

footpath. It sits hard up to the Wareham Stream as the existing building does. In terms of height the new building would be approximately the same height as the existing building, which sits at the lower city height limit of 75.03OD, and would be just 0.5m higher. The shoulder height of the fourth floor is approximately the same as the roof height of the building adjoining to the south and that of No 1 Fisher Row. To the rear the bedroom windows are angled oriel windows to take in views to the south and mitigate overlooking to the Lion Brewery to the rear. Vertical brick coursing and stone bands are used to give horizontality and perforated bricks add visual interest.

20. It is considered that this simplified design is more robust & coherent in appearance and reflects the industrial character of the immediate area within which it sits. The perforated bricks at 5th floor add visual interest and at night will allow light through from the rooms behind and also reduce the solidity and weight of this floor. In views from the south at Swan Bridge the new building curves round from the adjoining buildings and successfully draws the eye down to Fisher Row. The fact that it overhangs the footpath using a colonnade would not make the building unduly prominent in the street scene. In views from within the Castle the existing building is seen behind St Georges Tower and the new building whilst wider and higher would not significantly change or harm that view and is considered to be an improvement on the existing situation. In views from the north (Fisher Row and Tidmarsh Lane/ Mill Stream) the building steps up to the top (6th) floor which is significantly set back so as to be invisible from the ground. This has been done in response to its relationship to adjacent house. Nevertheless, together with proposed planting and brick/ stone detailing, it serves to break down the massing of the proposed building. It is considered that the replacement building although larger in height and massing would not be unduly harmful to street scene taking into account what is already there. The materials proposed and revised design forms an appropriate relationship with the street and CA and is a quality design that would outweigh any harm.
21. HE considers that as the proposed building is slightly larger than the existing building there is still a degree of adverse impact on these views. However, in their view this harm is outweighed by the fact that the elevations are of better quality than the existing building.
22. The information submitted regarding the system for the living wall and the choice of planting proposed means that this would have all year round interest (colour & texture) and would be managed properly giving it longevity and Officers consider it to be a robust proposed design solution for this roof top level.

View Cones & Building Heights:

23. Policies HE9 and HE10 are relevant and seek to ensure that new buildings within the City Centre do not exceed 18.2m in height (or 79.3mOD whichever is lower) and do not harm views in to and out of Oxford to its historic core and 'dreaming spires'. St George's Tower and existing building of Cooper Callas are visible from many close range viewpoints, for example it would be visible from the courtyard area between the tower, D wing and the 1071 café within

the Oxford Castle. The site would also be visible from the motte, the tower, from points along St Thomas' Street and from View Cones sites. The Applicant has submitted a landscape assessment of these views into and out of the City.

24. The new building would be approximately 50cm higher than the existing Cooper Callas building however the large bulk of the hotel would be below the 18.2m limit. Policy HE9 allows for exceptions to the height limit and in this case the whole of the top floor is to be constructed using a green living wall with green roofs. In terms of massing this top floor positioned centrally, set back from the building edge and is a U-shape around the central courtyard core. Officers are satisfied that the living wall system proposed would have longevity and be managed properly. It is considered that despite to the overall massing and appearance at roof top level, the proposed building would not appear unduly bulky or large over the 18.2m and would not impact on this essential character of Oxford's skyline and is therefore would be acceptable in accordance with HE9.
25. The setting of the tower has a very high contribution to its significance; its prominence and height allow us to appreciate its purpose and history. It was designed to dominate the landscape and to be seen from a distance, towering above lower, smaller buildings. The tower still has that quality today. Verified views submitted show that with the use of green walls and green roofs the top floor of the hotel recedes in views from the Tower and Mott and draws the viewer's eye out to the green hills beyond. Long distance analysis from public viewpoints outside the City show that the new building would have any significant harmful impact on St George's Tower or the rest of the City Centre.
26. In conclusion it is therefore considered that the proposed building would not significantly harm the character and appearance of the street scene and CA within which it sits and any harm is outweighed by the quality design of the building. It would preserve and enhance the CA and the setting of the scheduled monument and not adversely affect views into our out of the City. It therefore accord with Policies CP8 & 9, HE3, 7, 9 & 10 of the OLP, CS18 of the CS and WE112 &12 of the WEAAP and the NPPF.

Highways & Parking:

27. The application proposes that the hotel is car free with only disabled parking and a drop off and servicing bay adjacent to the hotel entrance within a new shared surface across Paradise Street, from the junction of St Thomas Street down to Swan Bridge. Cycle parking for staff is located within a specified cycle storage area in the new building accessed from Paradise St and additional cycle parking is proposed within the new shared surface. A Transport Statement (TS) has been prepared in support of a new 'car free' hotel development, which has also taken into account the new Westgate development proposal and the weight restrictions of the Quaking Bridge. The Statement identifies the anticipated movements associated with the new hotel, and assesses the impact of the development proposals on the surrounding network. A separate Framework Travel Plan document has been prepared to

promote sustainable travel at the development for both staff and guests. A Service and Deliveries Management Plan (S&D MP) has also been submitted which sets out intended types and size of vehicles relating to deliveries & serving of the hotel, proposed hours of operation, and how this will be managed by the hotel. A Public Realm Improvement Scheme has been drawn up with regards to the shared surface on Paradise Street that includes space for outside eating, seating and bicycle parking. The designated 'drop off' parking & loading bay will facilitate taxis dropping off/picking up guests.

28. The TS states that a trip generation comparison between the existing office and warehousing use and the proposed hotel development has been undertaken. It has been established that even if the hotel was to provide car parking and generated the full amount of predicted trips, the number of vehicular trips would still be less when compared to the existing use of the site for both the peak hours and over a 12 hour daily time period. In addition, given that the development is car free, and alongside the implementation of the Travel Plan, the proposed new development is anticipated to generate significantly less movements than the consented use of the site. The development site is ideally located near Oxford City Centre, supported by excellent public transport facilities to both local and national locations, meeting the needs of both staff and hotel guests, including Park and Ride facilities.
29. With regard to servicing and deliveries, the servicing of the proposed hotel would take place from the designated loading bay adjacent to the hotel entrance. It is proposed to manage the deliveries and servicing of the site through the S&D MP to ensure that deliveries are planned effectively and do not impact on hotel guests or local residents. It aims to reduce the number of deliveries and to arrange for them to take place at times that are convenient for suppliers and minimise noise and congestion while making effective use of the service bay and loading area. The Applicant has advised that on average there would be 7-deliveries/collections per day between Monday and Friday which would typically occur between 07:00am to 12:00pm. 3-4 of the daily deliveries would be made using light vans whereas the remaining 3-4 would be made using larger 7.5t van.
30. These latter vehicles would deliver/ collect such things as laundry, newspapers/ magazines, drinks deliveries, toiletry/cleaning. Daily deliveries of fresh food, dairy, dry goods, flowers, dry cleaning and mail would be undertaken by smaller 3.5 tonne vehicles. The hotel operator has confirmed that they are keen to use local providers for sourcing the hotel produce, and therefore these vehicles would likely be travelling from the surrounding areas, thus reducing the traffic impact on the wider highway network. The servicing arrangements at the hotel would be undertaken during sociable hours to ensure that both guests and local residents alike would not be disturbed. In addition, the deliveries and collections would be arranged so there would only be one vehicle utilising the bay at any one time. This would enhance pedestrian safety and ensure there is no associated congestion along Paradise Street whilst the hotel is being serviced. In addition there would be a refuse collection made four times each week which would be undertaken by a private firm using a standard refuse vehicle.

Public Realm Improvements:

31. The Feasibility Study included within the Transport Assessment outlines that a shared surface arrangement for Paradise Street would be suitable taking into account both the volume of traffic and traffic speeds along Paradise Street. The County Council welcomes the proposed public realm improvements. It comments that as the Quaking Bridge is subject to a 7.5tn structural weight limit and is extremely sensitive, any level changes must be set back from the bridge as far as possible and the proposed ramp onto Paradise Street from St Thomas Street should be a gradient of 1:40 or less in order to protect the bridge. They note that proposed plans also show the section of public highway land (footpath) is to be built over (colonnade) and become part of the hotel complex. The HA raise no objection to this and require an agreement to be entered into accordingly.

Car parking:

32. The development is to be car-free and will not provide any on-site car parking spaces however that a hotel of the scale proposed should provide two disabled parking bays. However it is noted that another disabled parking bay is located on St Thomas' St near to the site and that 'Permit Holders Only' spaces (in which Blue Badge holders can park) are also located within 150m of the site. The applicant has submitted evidence to show that during the peak weekend times typically around 6-7 of these existing disabled parking spaces within 150m of the hotel were vacant and could be used by Blue Badge holders. The HA therefore accepts that one disabled space would be sufficient for disabled visitors to the hotel within a reasonable walking distance.

Cycle Parking:

33. 18 secure and covered cycle parking spaces for staff and 4 for guests would be provided within the hotel. 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. There would be no resident staff and equivalent of 68 full time staff. Therefore the provision is in accordance with Policies TR4 of the OLP.
34. The site is in close proximity to the proposed OTS cycle super route along Park End Street and the therefore the potential for staff journeys to be made by bike are increased. Public cycle parking spaces for up to six bicycles are proposed as part of the public realm improvements. The HA welcomes this provision and further details could be secured by condition.

Traffic Impact:

35. The HA comments that the site is situated in close proximity to the both the city centre and Oxford Rail Station and is well located to exploit opportunities for the use of sustainable transport modes. Accordingly, the HA considers that a low car development would be appropriate for this site. Since the hotel is to be a low-car development, is highly likely that the hotel development would generate fewer vehicle trips per day and during the peak network hours when compared with that which could reasonably be generated from the site's extant use. Many of the hotels guests would be expected to arrive by either

public transport or taxi facilitated by the taxi drop off area in front of the hotel by the entrance. The TS sets out that 7-8 service / delivery vehicles are to be expected require access to the development per day. The HA considers that this low number is not likely to have any significant impact on the wider highway network. Nevertheless it is important to ensure that service and delivery vehicles arrivals and departures are appropriately timed in order to minimise their impact on the local highway network and ensure that the use of the single delivery bay to the front of the hotel is appropriately managed so that so that these vehicles do not arrive at the same time. It is also important to note that Quaking Bridge is an extremely sensitive structure and is subject to a 7.5 tonne weight limit therefore Tidmarsh Lane would not be a suitable route for large service / delivery vehicles and agreed routes must be adhered to. Accordingly a Service Management Plan has been drawn up to manage the servicing and delivery vehicles and sets out that vehicles will be prohibited from accessing / exiting the site via Tidmarsh Lane. The routes set out in the Service Management Plan are acceptable and must be strictly adhered to with instructions issued to suppliers along with their allotted times for deliveries. This document should be updated to include contact details for staff responsible for delivery management.

36. A Construction Traffic Management Plan is required in order to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, secured by condition.
37. Residents' concerns regarding highways, parking & traffic generation etc. as a result of the hotel are understood. It is considered that the proposed public realm improvements would offer a significant improvement to the street scene and this part of the CA and would be a significant public benefit for both existing residents & visitors to this part of the City. The proposal would generate less traffic than the existing building would if retained and re-occupied. The colonnade over the existing footpath would not prevent pedestrians from walking across it and in addition pedestrians would have a wider shared surface in front to also traverse. It is in a sustainable location and with suitable and effective management of servicing/deliveries and taxis and provision of Travel Information Packs for visitors and staff through implementation of the proposed Travel Plan, it is considered that a car-free hotel in this location would be acceptable.
38. In summary therefore, the information submitted by the Applicant, including TS, TP and Servicing and Deliveries Management Plans, together with the information and comments of the HA indicate that the proposed car free hotel in this location would not have an adverse impact on highways issues, and could be satisfactorily mitigated by the measures proposed which can be secured by condition. Therefore Officers raise no objection and the proposal accords with Policies CP1, TR1, TR2, TR3 and TA2 of the OLP.

Residential Amenities:

39. The development is surrounded by residential flats adjoining on Paradise

Street and Woodin's Way to the south and across the Wareham stream in The Lion Brewery to the west. The latter has two blocks of flats facing the proposed development; one directly opposite which has window on all floors including two floors within the roof which have roof lights in them and a second block set back approximately 1m from the stream and is on 5 floors, the top being mostly in glass.

Overlooking & loss of privacy:

40. In terms of overlooking and loss of privacy it is acknowledged that the new building increases significantly the number of windows in the rear west elevation than currently exists. However, the windows have been designed as angled oriel windows with obscure glazed elements so that views are restrict either north or south to avoid any direct overlooking into habitable rooms of the Lion Brewery flats opposite. To the front east elevation the hotel rooms would face towards St George's tower and the student accommodation block beside it which sit beyond Paradise Street and the Castle Mill Stream. Due to the distance between buildings it is considered that there would be no loss of privacy. There would be no other windows in other elevations to residential properties and there would therefore be no issue of overlooking or loss of privacy.

Overbearing Impact:

41. The existing Cooper Callas building sits right up to the edge of Wareham stream currently. The proposed building would increase the height by effectively an extra floor at this point (the top floor being set far back from the building edge) again sitting on the edge of the stream. The Lion Brewery block of flats directly opposite is on three floors with two within the large roof and the adjacent block (south) is over five full floors, with glazing on the top floor. Whilst the new building would be a floor higher than currently exists it is considered that the increase in height would not significantly increase any feeling of overbearing currently experienced by occupiers of the Lion Brewer from the existing building in this case.
42. In relation to the adjacent No.5 Thomas St, former Brewery Tap PH, the existing Cooper Callas building abuts it and is physically joins their rear single storey element forming the joint boundary. There is also an existing canopy which extends beyond the Cooper Callas towards Paradise St. The existing building already is to some extent overbearing to the existing property which is as a result of the industrial use of the buildings and the house itself being a former pub. The new building has been designed to step up and away from the boundary of the dwelling and following comments from Officers pulled back at first and second floor to mitigate the impact of the building. The building would be higher on the boundary than the existing building at this point by approximately 3.5m and extends slightly further by approximately 3m. The proposal also gives a parcel of land to over to the garden of this residential property widening it at the frontage on Paradise Street, enabled by the fact that the house is also owned by the Applicant. This would increase their existing garden provision and distance between existing and new buildings.

43. It is considered that any increase in overbearing experienced by occupiers of the house due to a larger and higher building on the boundary would be sufficiently mitigated by design and increase in garden at this point. Furthermore taking into account the existing relationships between buildings, set by the former and existing uses of the buildings themselves, on balance no objection is therefore raised by officers in this case.

Sunlight and overshadowing:

44. In terms of impact on light, the application submitted a light study assessment based on the BRE guidance for urban locations which shows that there would be no significant harm to light received to the windows of neighbouring properties as a result of the proposed development. Officers consider that overshadowing would not be significantly more than currently exists due to proximity of existing buildings and structures across both streams and roads, and on the shared boundaries. No objection is therefore raised in terms of impact on light and overshadowing.
45. In summary it is considered that there would be no significant harm to residential amenities as a result of the proposal and it accord with Policies CP1 and CP10 of the OLP.

Landscaping:

46. A detailed revised roof planting plan and landscape plan for the development including the green roofs, living walls, Courtyard and roof terrace have been submitted, together with a landscape management plan. Further details of the proposed living wall system and plant specification have also been provided. In light of this information it is considered that the living wall would be a robust design solution and that the proposed planting would offer all year round colour, texture and coverage, including native species, whilst being an architectural feature in its own right. The details are acceptable in accordance with Policies CP1, CP11, NE15 and NE16 of the OLP.

Archaeology:

Potential impacts for Archaeology:

47. This site is of archaeological interest because it has potential for late Saxon, medieval, post-medieval and Victorian remains. It is located on the Warham (or Wareham) Bank, the retaining bank of the Castle Mill Stream, that together with the mill bypass channel, the Wareham Stream, forms an 'island' of land at the eastern end of the medieval extra-mural suburb of St Thomas'. The parish of St Thomas' was created out of lands held by Robert D'Oilly and Roger D'Ivri in 1129 and granted to the newly founded Osney Abbey. According to the Osney Cartulary there were houses on Warham Bank by c. 1130. It has been suggested, however, that some settlement already existed in the area in the late Saxon to Norman period as extramural properties are mentioned in this area in the Domesday book and an estate centred on Osney island is mentioned in the will of Archbishop Alfric at the start of the 11th century.

48. St Thomas' Street was probably the ancient approach road to the western end of Oxford. There is currently no archaeological evidence for 10th or 11th century settlement on this route. The excavated evidence from St Thomas' indicates that significant settlement activity dates from the late 12th-early 13th century. Documentary records exist for the medieval tenements that occupied the Brewery Gate site (St Katharine's House) and the Cooper Callas site (known as 'Medewards') from the 13th century onwards. Agas's map of 1578 shows domestic properties in this location, with their gable ends fronting onto St Thomas' Street.
49. The Cooper Callas site was occupied by part of the Swan Brewery in the 19th and early 20th century until the construction of the current buildings in the 1960s. Hoggar's 1850 map of Oxford and the 1876 1:500 first edition shows multiple properties fronting onto St Thomas', including the Shoulder of Mutton Pub which adjoined the Wareham Stream. This complex of buildings included smaller dwellings fronting onto Norman Place, a yard behind the pub which included poor residential housing. The Oxford Board of Guardians reports record 'Out-door poor' resident in Norman place in the 1870s and 1880s including a 'labourer' and 'ash-collector'. The Brewery Gate and its stables replaced these buildings in 1889.
50. Archaeological Desk Based Assessment (CgMs 2015) and the archaeological evaluation report (John Moore Heritage Services 2015) were submitted with the application. An archaeological evaluation was undertaken at this site in 2015 by John Moore Heritage Services. This scope of this work was restricted by the constraints posed by the current building, however a previous archaeological excavation directly to the south of the site in 2003 by John Moore Heritage Services at the Telecom House Site, provides further information on the character of archaeological remains in this area.
51. The 2003 excavation identified a sequence of settlement activity comprising 13th century reclamation dumping, followed by a hiatus until the construction of a building in the 15th century. This was partially demolished in the later 16th century and by the end of the 16th century more extensive development took place. In the 17th century some buildings were abandoned and a masonry structure was built at the northern end of the site. By the mid-19th century the site was dominated by the remains of buildings associated with the Swan Brewery. These buildings were demolished prior to the redevelopment of the site in the 1960s with the construction of Telecom House.
52. The 2015 evaluation by JMHS at the Cooper Callas site involved the excavation of three small trenches and identified occupation layers dated to the 13th-14th century and walls of likely medieval or post-medieval date. Walls, pits and an assemblage of clay tobacco pipes associated with the 19th century buildings belonging to the Swan Brewery were also identified. These remains are similar in character to a number of other previously recorded sites in the suburb, which is an area of Oxford that has been subject to extensive archaeological excavation.

53. In this case, bearing in mind the results of the desk based assessment and archaeological evaluation, it is considered that further archaeological investigation should take the form of post-demolition (to ground level only) trial trenching followed by further mitigation by design or recording if appropriate (including full archaeological excavation if required). This could be secured by condition, in line with the advice in the NPPF and in accordance with Policy HE2 of the OLP.

Flood Risk and Drainage:

Flood Risk:

54. The Environment Agency Flood extent shows the property to lie within Flood Zones 1, 2 and 3. The proposed hotel use of the development according to Table 2 of NPPF's technical guidance a hotel is classified as more "*More Vulnerable*" development. These more vulnerable developments are permitted within Flood Zones 1 and 2 and Flood Zone 3a as long as the exceptions test is passed. More vulnerable developments are not permitted within Flood Zone 3b.
55. A revised Flood Risk Assessment (FRA) has been submitted. From review of the survey levels the proposed development lies outside of Flood Zone. Furthermore according to the levels provided and the Survey levels, flood water from the 1 in 1000 year (Flood Zone 2) will also most likely be contained within the canal areas adjacent. In modelling extreme climate change events and using the EA's higher limits, the FRA indicates that the Paradise Street frontage and part of the site would be affected by this event and given the expansion of the building's footprint in this area 3.5m³ loss of Flood Plain storage would occur. The FRA states that this small amount could be considered to be negligible. It also shows that the proposed ground finished floor level has been raised where necessary to mitigate against flooding, and this includes the main hotel entrance. However this is unlikely to be a viable flood evacuation route due to predicted depth and velocity of water but the Service/ Delivery and Staff Entrance adjacent to No.5 St Thomas could be a viable exit in times of flooding. Given this, it is considered reasonable to accept the FRA's argument in regards to access Tidmarsh Lane.
56. The EA has been re-consulted on the revised FRA and whilst they agree that the site is not within the functional flood plain, they currently object on the basis that the FRA doesn't provide enough detailed technical information to be sure of the potential flood risk in 1 in 100 year flood situation. However, the EA advises that their concerns can be addressed by a revised FRA that provides more clarification as to how the development would remain safe from flooding within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change and that demonstrates that the development will not increase flood risk elsewhere, and where possible reduces overall flood risk. The Applicant considers that this information can be provided and will be submitting a further revised FRA, expected at the time of writing the report. The EA's comments will be updated verbally at committee.

Sustainable Drainage:

57. A Drainage Report prepared by Ian Black Consulting Ltd has been provided. The report outlines that the proposal can be connected to the existing outfall (within the Wareham Stream) and indicates that a total volume of 8m³ will be able to limit discharge to the existing developed 1 in 30 discharge rate for all storms up to the 1 in 100 plus 30% (climate change allowance).
58. The County as lead flood authority has noted that the existing site and proposed site would be completely covered by hard area (buildings and surface) and therefore drainage is anticipated to remain the same. It advises that discharge from the site must be restricted to the existing level or less. The proposed roof top garden and living walls may also benefit the proposal in terms of rainfall runoff and reduction in the amount of attenuation storage, although there are no details at this stage. Further information of SUDs measures and their long term maintenance could be secured by conditions and subject to these it is considered that the proposal accords with Policy CS11 of the CS.

Contamination:

59. A 'Desk Study & Ground Investigation Report' by Geotechnical and Environmental Associates (report ref: J15044 Issue 2) was submitted and presents a Phase 1 Desk Study and a limited Phase 2 intrusive investigation. It proposes further ground investigation upon demolition of the existing buildings and states at Section 7.6 "Further contamination testing will be carried out during fieldwork after the demolition of the existing building, and the risk assessment for the site will be updated in the light of this further work". Officers consider that the information within the report is not sufficient to conclude that no remedial measures are required. It is therefore agreed that more information in the form of further ground investigation is required in order to characterise the type, nature and extent of contamination present (including groundwater, surface water and ground gas), the risks to receptors and to inform the remediation strategy proposals. This could be secured via conditions requiring a Phased Risk Assessment, Validation Report and Watching Brief for unexpected contamination, and subject to these conditions the proposal accords with Policy CP22 of the CS.

Biodiversity:

60. An Ecology report (TEC, v2 Sept 2016) was submitted with the application and a revised roof level planting plan (No. 04A). Officers concur with the recommendations by TEC in section 2 of the Ecology report. The proposal accords with Policy CS12 of the CS subject to conditions securing implementation of the revised roof planting plan, details of bat box and Swift bricks, details of external lighting that will not disturb bats and implementation of the outline ecology management plan (Appendix 5 of the Ecology Report), covering at least the first 5 years after project completion.

Air Quality:

61. Policy CP.23 of the OLP states that permission will not be granted for development which would have a net adverse impact upon the air quality in the Air Quality Management Area, or in other areas where air quality objectives are unlikely to be met, as a result of a net increase traffic generation. The whole of the city was declared as an Air Quality Management Area (AQMA) for nitrogen dioxide in 2010.
62. An Air Quality Assessment has been submitted and considers potential impacts on air quality during both the construction and operational phases of the proposed development. This report considers only those impacts arising during the operational phased and indicates that air quality is not considered to be a constraint for the proposed development. Officers concur with the report and consider that the proposal accords with CP23 subject to details of the location and height of any proposed flue(s), which could be secured by condition.

Sustainability:

63. An Energy Statement has been submitted, which includes an NRIA checklist. The latter scores and 6 out of a maximum 11 and meets the minimum checklist requirement. CHP and heat pumps are proposed, although no details are provided. The report concludes that the proposed construction of the building would result in a 26.6% improvement over building regulations and a 21% improvement in energy from low and zero carbon sources and a 20% reduction in carbon. It is considered therefore that the proposal accords with Policy CS9 of the CS and further details secured by condition.

Other Matters.

Public Art:

64. A piece of public art is proposed on the new boundary enclosure fronting Paradise Street between the hotel and the adjoining house, No.5 St Thomas St and would accord with Policy CP24 of the OLP. Further details of this could be secured by condition.

Conclusion:

65. It is considered that the proposal would meet the need for additional hotel accommodation within the City Centre in a sustainable location and in an appropriate high quality design that would preserve and enhance the street scene and CA and would not harm the setting adjacent listed buildings and scheduled monuments. Any perceived harm would be outweighed in this case by the public benefits of the proposal in the form of hotel accommodation, public realm improvements and quality replacement building. There would be no harm to the highway or neighbouring residential amenities. As such Officers recommend the application be approved subject to conditions and a legal agreement to secure a contribution towards affordable housing, and delegate to Head of Planning & Regulatory Services to issue the permission on satisfactory resolution of the EA's concerns.

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: 16/02689/FUL

Contact Officer: Felicity Byrne

Date: 26th April 2017

This page is intentionally left blank