

West Area Planning Committee

13th June 2017

Application Number: 17/00250/FUL

Decision Due by: 24th May 2017

Proposal: Alterations for the continued use of the buildings as student accommodation comprising: External alterations to elevations and roofs of the existing buildings; tree planting (including containers and supporting structures); alterations to, and landscaping of the courtyards; new cycle stores; alterations to existing lighting; and the formation of pedestrian pathways on the east side of Blocks 5 and 8 and the three gatehouses.

Site Address: Castle Mill, Roger Dudman Way (**site plan: appendix 1**)

Ward: Jericho And Osney Ward

Agent: Mr Nik Lyzba

Applicant: Chancellor, Masters And
Scholars Of The University
Of Oxford

Recommendation:

The West Area Planning Committee are recommended to grant planning permission for the following reasons

Reasons for Approval

- 1 It is considered that the proposed design mitigation strategy for the existing buildings will, on balance, provide some mitigation for the harm that has been caused to the significance, in particular to the settings of a number of high value heritage assets. The Environmental Statement has assessed the strategy in respect of the landscape and visual impacts, historic environmental impacts, and impacts on ecology and nature conservation and considers that there will be some beneficial effects from the measures on these matters. Similarly it is not considered to give rise to any impacts with respect to highway matters, land contamination, air quality, and archaeology and any such matters could be addressed by appropriately worded planning conditions. The proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 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 to commence within 6 months of date of permission in accordance with Unilateral Undertaking
- 2 Develop in accordance with approved plans and specifications within the ES and supporting documents
- 3 Samples of all materials
- 4 Landscaping carried out by completion
- 5 Submission of the Prescription Fertilization Plan
- 6 Revised Construction Traffic Management Plan and Phasing Plan
- 7 Securing on-site ecological expertise during construction
- 8 Badger run kept free from obstruction during construction
- 9 Cycle storage to provided as approved
- 10 Revised Land Contamination Report
- 11 Noise Assessment recommendations carried out
- 12 Mitigation measures for the suppression of dust during construction
- 13 Details of sustainable urban drainage methods for hard surfacing
- 14 Details of all external lighting

Principal Planning Policies:

Oxford Local Plan 2001-2016

- 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
- CP17** - Recycled Materials
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- CP23** - Air Quality Management Areas
- TR1** - Transport Assessment
- TR4** - Pedestrian & Cycle Facilities
- NE6** - Oxford's Watercourses

NE13 - Water Quality
NE16 - Protected Trees
NE20 - Wildlife Corridors
HE1 - Nationally Important Monuments
HE3 - Listed Buildings and Their Setting
HE7 - Conservation Areas
HE9 - High Building Areas
HE10 - View Cones of Oxford

Core Strategy

CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS10_ - Waste and recycling
CS11_ - Flooding
CS12_ - Biodiversity
CS13_ - Supporting access to new development
CS17_ - Infrastructure and developer contributions
CS18_ - Urban design, town character, historic environment
CS19_ - Community safety
CS25_ - Student accommodation

Sites and Housing Plan

MP1 - Model Policy
HP5_ - Location of Student Accommodation
HP11_ - Low Carbon Homes
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Relevant Planning History

11/02881/FUL - Extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate units consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 car parking spaces. (Amended Plans): Approved 13th August 2012.

14/03013/FUL - Environmental Statement for the Roger Dudman Way Development Castle Mill.

14/03013/CONSLT - Environmental Statement Addendum and Substantive Additional Information for the Castle Mill development, Roger Dudman Way.

Public Consultation

Statutory Consultees

- Cherwell District Council: No objection

- Oxford Preservation Trust

The Trust was invited to various consultations as these proposals progressed writing to the University at the time with our thoughts. The current application is in keeping with these proposals and OPT feels they are an improvement on the present situation as the buildings will now be less starkly defined in the long views

OPT has written to the University to ask them to commit to take down the buildings after 25 years of occupation, by the end of 2040. We also asked them to agree that any subsequent redevelopment on this site be well-designed and high-quality, enhancing the setting of Port Meadow and restoring the lost view from the Meadows to the spires of Oxford

This should be made a condition of this planning application, ensuring that this harm is not everlasting and will not be repeated in the future.

- Vale Of White Horse DC: No comment

- Environment Agency Thames Region

The proposal is unlikely to have a significant impact on groundwater quality given that this site has recently been developed and assessed environmentally. However, given that an oil pollution incident occurred in April 2013 in the area of the Badger Run we would request that a condition is imposed which seeks a watching brief for unexpected contamination.

- Oxfordshire County Council

The application proposes the alterations for the continued use of the buildings as student accommodation comprising: External alterations to elevations and roofs of the existing buildings; tree planting (including containers and supporting structures); alterations to, and landscaping of the courtyards; new cycle stores; alterations to existing lighting; and the formation of pedestrian pathways on the east side of Blocks 5 and 8 and the three gatehouses. It is noted that the number of off-street car parking spaces will remain the same. The application proposes there will be new cycle stores which will increase the number cycle parking spaces by 38. These appear to be located in an appropriate and easily accessible location and must be secure, enclosed and undercover.

We note a Construction Management Plan has been submitted. However, this will need to be amended to include the restriction of deliveries (restriction times 0730 - 0930 and 1630 - 1830). In addition there has to be a commitment to undertake a dilapidation survey of the junction between Roger Dudman Way and Botley road. This will need to be agreed with the Highways authority.

Therefore the county council does not object this application subject to a condition requiring a construction traffic management plan

- Natural England: No comments to make on the application

- Department of Communities and Local Government: No comment to make on the Environmental Statement

- Historic England

Historic England has concerns regarding the application on heritage grounds. However, we do not advise changes to the designs as they have been presented, which are an improvement on the existing.

This is of course a long-running case. The team submitting the current modifications to the Castle Mill buildings, Orme and Nicholas Pearson Associates, were not involved in the original application or design, and have done what they could to deliver 'Option 1' of the possible mitigation strategies for the design shortcomings of this poor scheme. HE agree that there would be some beneficial effect from the proposals, even on the setting St Barnabas Church, Jericho, which HE have identified as having suffered substantial harm to its significance through the effect on its setting. Still, that small beneficial effect must be set against the 'high adverse' effect identified by NPA from the current design: so this set of modifications is playing around at the edges of what has happened. In the case of St Barnabas, the colour range of the buildings would come closer to the colour range of the tower itself, rendering the contrast less stark; but the contrast in colour was not the worst thing about the juxtaposition of these large and repetitive buildings with the church. Their location and scale was, and will be, the main demerit of the buildings. Over time, the planting will soften, but not remove, this problem.

HE do not believe it is realistic to press for further amelioration of a scheme which remains misconceived - however much we understand how it came to be built. As the Preservation Trust has said, we must think of the future. Seeking an assurance that the buildings will eventually be demolished is one way (and not unthinkable in view of the short life of modern buildings). But having an eye to constructive conservation, we would hope that the Council could publish an account of the process which brought the design about and how in the future this can be avoided. It behoves all of us who work in conservation not to create a web of constraints so complicated and sticky that nothing can fly at all, and yet there has to be joined-up thinking when it comes to proposing new buildings in so complex a setting as the fringe of Oxford's centre. If HE can assist in that process of moving forward, for example in relation to the definition of the Views, please let us know.

- Network Rail

Access to Railway: All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, shall be kept open at all times during and after the development. The proposal must not encroach onto any Network Rail, access roads, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.

Landscaping: Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to

be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided and should be added to any tree planting conditions:

Fencing: If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

Drainage: Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways/attenuation tanks should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

Safety: No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land.

Site Layout: It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Excavations/Earthworks: All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Signalling: The proposal must not interfere with or obscure any signals that may be in the area.

Environmental Issues: The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

Plant, Scaffolding, and Cranes: Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Lighting: Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway

- Cripley Meadow Allotment Association

Liaison Group during Construction: On-going effective liaison is crucial throughout the construction period due to our proximity. Such a group should involve the Contractor, the University and the Allotment Association.

Construction and phasing: The phasing and construction operations were difficult to follow and presumably will change when the Contractor is appointed. CMAA members would need to be kept advised. We understand that the start is 29 August 2017 and that the badger run steel work for blocks 8-5 is one of the first operations. The badger run itself cannot be used for construction access without ensuring there is no disturbance to the badgers. Disturbance here is likely to cause further explorations of routes through Cripley Meadow. Cripley Meadow and the badger run must remain secure at all times. These works would need to be done before December 2017 to comply with badger regulations. The Contractor would need to ensure that in working so close to the Allotments, litter, dust and any movement of soil was carefully controlled.

The plan to remove our palisade fence relies on us being assured that the steel frame and the facings that replace it are secure and badger proof. The grid fencing related to the badger space itself is fine as it will allow light and air into the badger run. The use of grid fencing above the badger space is unacceptable. The length of the palisade fence to be removed is the section adjacent to Phase 2 so we will need to know how the present palisade fence and the new boundary would marry together before this is agreed. There is no information on this in the design detail. We cannot see presently how our site will be kept secure during construction?

The water butts and their supply from the roofs was part of our initial mitigation from the university and should be maintained, both during construction and after.

There are no details about this. We are advised that the University will discuss this matter further with the Allotment Association.

Design: The changed design of the western boundary causes some concern. Where the planting containers with steel panels sit above the steel frame, badgers will not be able to climb up. However, steel panels are not a constant and we are concerned about the following:

We have serious concerns about the use of any grid fencing as a boundary except for the bottom of the badger run itself. We know badgers will climb grid fencing. We still have some incursions that we are following up. Knowing badgers determination to follow old habits, we must ensure that this is an effective barrier. We know sheet metal is effective. We do not think the changed design is badger proof and it must be considered further. We would like all the facing above the badger run space to be sheet metal. We are also concerned that there is no longer an internal fence so access through the planting is feasible?

Accessibility to the edge of the badger run – the boardwalk from the development now comes to the western edge with no internal fencing behind as was previously planned. This clearly compromises our security and is intrusive to the allotment holders, particularly the long run at the northern end by the turning head, where there are allotments next to the fence. The agreement to the removal of our fence (which can only be confirmed when we are assured of appropriately secure fencing replacement) cannot be accompanied by a loss of security and privacy for members. Previously there were 2 fences and a 2m gap. As the development has now moved so much closer we feel this will impinge more on our members and such overlooking and potential for access is unacceptable.

Bike shelters now come tight up to our boundary so lighting needs to be considered for us and the badgers. They also need to be badger proof. Presently it looks as though they may get underneath if the shelter does not come down to the ground as shown on the details.

We understand that the detailed design was still to be completed and design refinements may be possible.

Management of the Badger Run: There is, currently, an agreement with the University to spray out the base of our palisade fence and to manage the grass edge in the badger run – this should be retained. We are advised this could be included in the Landscape Management Plan for Softworks

Cripley Meadow Allotments/Oxford City Council Tree Management Plan: We are making progress with the tree management plan but progress to get to the agreed stating point was slower than we hoped and the initial pollarding for 2017 has not yet been completed. This must be completed in 2017 for The Tree Management Plan to be adopted by the Council and the Allotment Association. This has been discussed further with OCC Parks.

- Oxfordshire Badger Group

The Oxfordshire Badger Group have voiced their concerns in past consultations about the closure of badger setts and the increased isolation of the remaining sett, as a result of the construction of student accommodation at Castle Mill. The badgers now have to use a long run to access foraging areas because of loss of habitat.

We share the concerns of many Oxford residents and groups that the development has had a detrimental effect on the setting of Port Meadow and the views from the meadows to the spires of Oxford and any attempt to ameliorate the irreversible damage which has been caused by the development is clearly inadequate.

The planting of trees will have limited impact on reducing the visual intrusion of the student blocks but we feel that overall, the advice given relating to the impact this will have on the badger tunnel is proportionate to the predicted scale of impact. Using steel framing means that the tunnel will hopefully allow the badgers continued use, with no obstruction of movement.

We agree that it is 'crucial' that the western aspect will be meshed, so there will be an airflow into the tunnel. It is important that the badgers do not feel enclosed. It is also vital that the route is not blocked at the allotment end of the run, so the badgers can freely access the tunnel.

We have tried on a number of occasions to check the sett on Council owned land but, despite having permission from Cllr Price, the Allotment Association has not allowed us onto the site. We can find no record of an updated badger survey to gauge the impact of the development. As we monitored the setts in this area for a number of years prior to the development, we would be keen to update our records and will put in a Freedom of Information request to access this information.

We note that the Cripsey Meadow Allotment Association in their submission have objected to grid fencing above the badger space. We understand that the Allotment Association has already secured funding for badger proofing their area to keep the badgers out of the allotments. It is important that there should be no compromise in ensuring the tunnel is meshed to allow airflow and openness. It is a pity that there wasn't enough land next to the student accommodation or on the allotment side of the fencing which could have been used for planting, as this would have left the badger run which was part of the mitigation strategy, free from further interference.

We recognise that the proposals suggest a way to maintain the badger corridor whilst strengthening protection from above and ameliorating the artificial light spill from the existing university buildings. We would, however, be concerned at any intrusive lighting at the bike shelters.

We feel that a construction statement is important to ensure that the badger run cannot be used for construction access and that it is not blocked overnight with machinery or building equipment. It is essential that the badgers are not cut off from their foraging.

It seems that the natural environment and wildlife has had to pay a high price for this development. As there are urgent calls for action to reduce the devastating pressures on the environment and the loss of biodiversity in the county, outlined in the recent State of Nature report by Wild Oxfordshire, it is important that there are more safeguards in place in the planning process. We hope that the badgers of Cripsey Meadow will have a long term future and be allowed to live in peace.

Third Parties

Letters have been received from the following addresses whose comments can be summarised as follows

- 33 Bridge Street; 66 Warwick Street; 45 The Crescent, Rutherway; Ferry Cottage, 7 North Hinksey Village; 40 Edwin Court; 4 Cromwell Terrace, St Ives; 31, 35 Meadow Prospect; 12, 26 William Lucy Way; 24 Navigation Way; 102 Kingston Road; Middle Street, Islip; 58 St Bernards Road; 12 Stable Close, Rewley Park

Individual Comments:

The main points raised were:

Objection

- The development is a travesty
- The building should be demolished
- There is no doubt that this is an attempt to reduce the impact of the development which should not have received planning permission in the first place
- The changes may result in a possible reduction in the impact but it will in no way achieve what many of the hundreds of objectors wanted, which was to reduce the height and visual obtrusiveness of the development
- The public will never regain the views of Jericho and Oxford Spires from Port Meadow, including the Grade 1 Listed St Barnabas Tower
- This is not enough, nor is it quick enough
- The alterations are little more than window dressing
- The University has been allowed to offer as little as possible to improve the impact of Castle Mill on the Port Meadow skyline
- A clause should be added which stipulates that at least one floor is removed when the building needs to be rebuilt / refurbished
- I hope residents will be made aware of their responsibilities towards others wanting to enjoy the adjoining towpath. This means, inter alia, respecting the quiet and beauty of the area, and encouraging less privileged users of the towpath to show some respect. This includes picking up litter left by others
- It is important to remember the views of the Castle Mill blocks from William Lucy Way to the east too. The more greenery the better and a light lichen green colour scheme from this direction to merge with what tree cover that Network Rail has left us would be appreciated.
- The Council should consider releasing land from the allotments to enable more effective tree planting, with compensatory allotment land provided elsewhere
- There should have been a summary of the mitigation plans in amongst all of the documents
- The proposals make the buildings look less ugly because the applicant has been liberal with their paintbrushes when illustrating the 'abundant' leaf screening that

they claim the new trees will provide to the west elevation. This will not be the case in winter

- Proper tree planting will be required by a strict condition which can also grow high enough to screen Port Meadow and the Thames Path
- The proposals to deal with light spillage are inadequate
- Views from the canal towpath have also been affected and need addressing in an effective way
- As a resident in William Lucy Way, the work proposed for amending the appearance of Blocks 5 & 8, and Gatehouses 1 to 3 is appreciated. However Blocks 1-4, 6 & 7 still are very hard on the eye.

Support

- The mitigation proposals represent a good attempt with an inadequate budget to improve the situation, and are supportable, while also regretting the need for them and the fact that they do not go further.
- These proposals are the best that can be hoped for until the buildings are rebuilt
- The green walls will help reduce impact, but there are concerns that the facades are strong enough to bear the weight
- The western elevations have received careful attention

Pre-application discussions / ODRP

A Statement of Community Involvement has been submitted with the application which outlines the consultation that has been undertaken prior to the submission of the application.

The scheme has been developed following pre-application discussions with officers and a number of public consultation events.

The first of these was a Stakeholder Event in March 2016, which included the following attendees

- City and County Councillors
- Oxfordshire County Council Locality Manager
- Oxford City Council (Head of Planning & Regulatory Services)
- West Oxford Community Association
- Freemen of the City of Oxford
- Low Carbon Oxford
- Save Port Meadow Group
- Jericho Community Association
- Cripsey Meadow Allotments
- CPRE
- William Lucy Way Residents Association
- Berks, Bucks and Oxon Wildlife Trust
- Oxford Preservation Trust
- Tenants of Castle Mill

The purpose of the event was to discuss the brief for the mitigation proposals and discuss initial design ideas and techniques that could mitigate the adverse effects of the development. The participants were encouraged to describe their ideas for appropriate changes.

A number of public consultation events were held, the first being on the 1st and 2nd of July 2016; and the second on the 14th and 15th October 2017. The event was promoted by

- Emails to key stakeholders and interested parties
- Publication in local newspapers
- Display on 22 community noticeboards
- Display in 20 outdoor notice locations
- Via a leaflet drop to over 500 local residents.

The first event had 92 attendees, and following this 111 feedback forms and emails were completed and provided to the university. The second event had 127 attendees with a total of 108 feedback forms received.

The proposal has also been reviewed by the Oxford Design Review Panel on the 9th June 2016, and 13th October 2016. The responses of the panel are enclosed in **Appendix 2** of this report

Officers Assessment:

Background to Proposals

1. The application relates to the University of Oxford's Castle Mill (phase 2) Graduate Accommodation that was developed on the former railway land at Roger Dudman Way. It is bordered by Castle Mill (Phase 1) accommodation to the south, railway line to the east, Cripsey Meadow Allotments to the west, and Walton Well Road Car Park to the north (**appendix 1**).
2. In August 2012, planning permission was granted for the development of graduate accommodation comprising 8 blocks and 3 gatehouses, to provide 312 units of accommodation (326 bedrooms), and associated cycle and disabled parking space, outdoor space, and energy centre under 11/02881/FUL. The development was constructed in 2012/2013 and was occupied from September 2013.
3. Members will be familiar with the development's history since then, including the Judicial Review Proceedings undertaken by the Campaign for the Protection of Rural England (CPRE) and the independent review of the granting of planning permission for 11/02881/FUL overseen by Vincent Goodstadt. The original permission was the subject of a formal screening opinion of the Council to the effect that the development was not EIA Development – i.e. did not require an environmental statement. The CPRE sought to challenge that but the normal period for challenging the grant of permission based on that screening opinion had expired. The CPRE argued that there was an on-going duty to remedy breaches of European law (which it claimed had occurred) and that the only way to effect that remedy was by the Council being required to undertake discontinuance action in order to facilitate a retrospective EIA.
4. In February 2013, following the submission of a petition concerning the impacts of the development on views from the adjacent Port Meadow, the West Area

Planning Committee adopted a resolution which included the commitment to *'negotiate with the University of Oxford in order to ameliorate the size and impact of the development given planning permission'*.

5. In July 2013, the University agreed to undertake a retrospective Environmental Impact Assessment and submit a 'voluntary' Environmental Statement (VES) to the Council. In October 2014 this VES was submitted for public consultation and the Council's consideration (14/03013/CONSLT). The purpose of the VES was to replicate the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as far as possible given that the assessment was retrospectively assessing the environmental effects of the development. The VES included three possible 'design mitigation' options that had been considered in response to the identified significant landscape / visual effects and effects on the historic environment. These were
 - Option 1: Building façade treatment and tree planting;
 - Option 2: Building façade treatment, tree planting, and modification of roof forms to hip and low level roofs;
 - Option 3: Building façade treatment, tree planting, and removal of a floor from six buildings and replacement roofs with low level roofs. (a total of 33 student rooms (38 bedrooms) would be lost under this option)
6. The Design Mitigation Strategy accompanying the VES was considered within the document with the implementation of Option 1 (building façade treatment and tree planting) considered the most suitable mitigation option for the development.
7. The VES was subject to public consultation which closed in December 2014. The Council commissioned consultants to conduct an independent review of the VES. That review accepted the contents in large measure but also identified some potential areas where further information and clarification should be sought. Further information was sought and an Environmental Statement Addendum was registered by the Council on September 2nd 2015. The assessment of the Environmental Statement Addendum by both the Council and its environmental consultants identified the need for some further additional information in relation to the geo environment and in particular land contamination. As a result further information was provided by the University on the 16th November 2015. A further public consultation was undertaken which commenced on 26th November 2015 and ran until Dec 18th 2015.
8. In February 2016, the West Area Planning Committee resolved that the VES was valid and complete, that all outstanding planning conditions of the planning permission reference 11/02881/FUL should be discharged, and that the proposed Design Mitigation Option 1 was appropriate. The Council and University subsequently agreed a Unilateral Undertaking to secure the mitigation measures described in principle in Option 1, as well as other works to reduce light spill from the study bedrooms and roof reflection glare, through a planning application that was to be submitted on or before the 31st January 2017. A copy of the report can be found in **appendix 3** of this report.
9. The application before Members has been submitted in accordance with the requirement of the Unilateral Undertaking and is seeking permission for the

following Design Mitigation Strategy and phasing plan.

- elevational treatments to the facades of the building;
- additional landscaping (in the form of tree planting);
- roof treatment to change the patina of the roof of the development in order to reduce the reflectivity of the roof; and
- Investigates window treatments to reduce light pollution from internal lights to the study rooms
- Phasing plan

10. The application has been accompanied by an Environmental Statement (ES) which considers the landscape and visual effects; historic environment; ecology and nature conservation impacts of the proposed development. The other matters relating to geo-environment; water environment; transport; air quality; noise; lighting; and socio-economic effects were scoped out of the ES as not having significant effects, although a number of these are considered in the supporting documentation with the application.

11. Officers consider that the principle determining issues in this case are as follows:

- Principle of Development
- Design Mitigation Strategy
- Impact on the Significance of Heritage Assets and their Setting
- Landscaping
- Ecology
- Phasing Plan
- Highways
- Other Environmental and Technical Considerations

Principle of Development

12. In February 2016 the West Area Planning Committee resolved to accept Option 1 of the mitigation measures that were proposed to ameliorate the impact of the development identified within the 2014 VES and the Unilateral Undertaking which committed the University to providing these mitigation measures.

13. The National Planning Policy Framework has a presumption in favour of delivering sustainable development, which it sees as meaning planning for economic, environmental, and social progress (paragraphs 6 & 7). The NPPF makes clear in Paragraph 14 that this presumption should be seen as the golden-thread running through plan-making and decision-taking, which for decision-taking means approving development proposals that accord with the development plan without delay.

14. The general principle of providing mitigation measures for the Phase 2 development have been established through the 2014 VES and the committee decision in February 2016. The acceptability of these mitigation measures will need to be considered against the relevant development plan policies

Design Mitigation Strategy

15. The strategy for mitigating the visual impact of the development has been developed following extensive public consultation, pre-application discussion with officers, and reviews by the Oxford Design Review Panel.
16. The Design and Access Statement sets out that the overall objectives of the proposals is to achieve the mitigation objectives set out within the 2014 Voluntary Environmental Statement which were to mitigate the environmental effects of the development with particular regard to the landscape and visual effects and effects on the historic environment. In order to achieve this aim, the design measures proposed for the building look to
- Reduce the impression of height
 - Alter the perception of scale
 - Introduce colour, texture and shadow to the critical facades of the building
 - Be visually integrated in short and long term views
 - Be effective in the short and long term
 - Enhance the existing environment
17. In developing the mitigation measures the design team have needed to have regard to the following constraints on site which have limited the design options available. The development is built above contaminated land and the need to prevent disturbance to the below ground mitigation measures has limited the potential for design proposals that involve any below ground works such as additional foundations or planting. Furthermore the existing buildings are constructed from a light gauge steel frame with a fitted façade, which means that only a limited amount of weight can be added to the facades. As a result the final Design Mitigation Strategy focuses upon elevational changes to the facades of the building in order to reduce their visual prominence and integrate them into the local and wider setting; roof treatments; and landscaping. These matters will be discussed in more detail below, with the landscaping proposals set out in detail within a separate section.

Elevational Treatments

18. Colour and Materials: The proposal seeks to replace the existing grey white rendered areas of the 8 primary blocks with a mid-tone buff colour. The use of painted render was considered to be the most suitable option given the weight restrictions on the façade.
19. A number of colour variations were tested through photo-montages and images for review at public consultation events, the ODRP workshops, and in discussions with officers. The ODRP in particular considered that painting the buildings in a muted colour will reduce their prominence and perception but also recommended utilising a mix of colours in order to help the break the buildings mass and read as a series of separate buildings. However if a single colour approach is adopted then the ODRP also suggested that one of the blocks could be painted and reviewed before painting the remaining blocks.

20. The Design and Access Statement includes a Colour Study Report which sets out all of the different colours considered and put to public consultation. The initial tests considered light, medium and dark tones of a buff, grey, brick red, and latterly green colours. Following this assessment, local precedents of buildings throughout the city were then colour matched in order to physically test on the buildings. A mid-buff colour was then chosen as the most suitable.
21. Having regard to the comments of the ODRP, the design team acknowledged the benefits of providing a variation of colour across the scheme but have ultimately chosen to continue with the single colour approach. This was because in their view the repetitive mass and volume of the buildings means that variation in colour appeared contrived in tests. The tone of the northern elevations of the primary blocks will change because of the shadowing within the courtyards to provide a natural difference in tone and that the other alterations to the buildings would help reduce the mass of the blocks. Officers do consider that the suggestion of a darker colour in the interior facades of the blocks would have helped break up the mass of the blocks and provide a strong visual backdrop for some interesting planting that would add delight to the courtyard areas between buildings. However not unsurprisingly given the history to this application the applicant has sought a more restrained colour scheme, and officers accept that this has been developed following a rigorous and intelligent modelling exercise and from the information provided in support of the application this would have some, albeit limited mitigation of the current harm to the significant settings of heritage assets including, importantly, views.
22. In addition to the above, the grey white rendered areas to the gatehouses are to be replaced with a dark grey colour. The Design and Access Statement sets out that this recessive colour enhances the courtyard spaces by providing a consistent backdrop by which to view the trees and planted areas within the new courtyard areas. The use of dark grey would be consistent with the brickwork common across the ground floor of the 8 primary blocks and ancillary buildings.
23. The orange duraclad imitation timber on the primary blocks are also to be removed and replaced with untreated natural western red cedar timber. This is to provide natural variation and texture to the elevations.
24. Window Surrounds: The window proportions are to be altered by the provision of bronzed and aluminium window surrounds and spandrel panels, with bronze anodised aluminium and western red cedar brise soleils across all elevations other than the eastern facing the railway line.
25. The intention of the projecting window surrounds is to provide texture and shadow to these elevations in order to provide visual interest. More importantly they will alter the proportions of the windows in order to reduce the amount of render visible on the elevations to the benefit of long and short views from the surrounding area. The provision of the brise soleil also has benefit in terms of cooling the rooms.
26. Stair Cores: The glazed stair cores within the primary blocks will have vertical timber sections added to them, with open jointed natural timber sections to

provide texture and shadow while also reducing solar gain and light spill to and from these stair cores.

27. Roof Gables: The western gables to blocks 1-4, 6 and 7 above the 4th floor level will have an aluminium louvres to match the dark grey roof tone. An overhanging verge detail will also be provided in order to provide an added roof edge.
28. While the ODRP were not convinced about the darkening of the gable ends, the Design and Access Statement sets out that the principle was to help reduce the perceived height of the buildings and this was well received through the public consultation events. The darkening of the gables would help make this part of the building appear as part of the roof and reduces the perceived height of the buildings. The louvres also allow passive ventilation of the building so have some benefit in sustainability terms. Overall officers would raise no objection to this part of the proposal.
29. Green facades and Walls: The scheme will provide green facades comprising of climbing plants, to the light shafts of blocks 1-4, 6 and 7 and the east facing gatehouse walls and to Blocks 5 and 8 left shafts. This would be achieved by aluminium mesh fixed to the structure and planters in front of the cladding.
30. The use of the green walls would help reduce the visual impact of the metallic blank lift shaft walls and soften the appearance of these parts of the building by providing texture and shadows. The ODRP considered the inclusion of green walls as a positive step as they would provide a degree of camouflage to the building from a distance as well as creating interests within the site and a habitat for wildlife.
31. Light Spillage: The proposals are to mitigate light spillage from the development by fitting automatic blinds to communal glazed areas which will cover these areas during darkness. All external lighting will be controlled, and include low level lighting. This is intended to provide more control to the lighting that exists at present within the scheme and thereby reducing pollution.

Roof Treatments

32. The Voluntary Environmental Statement identified the potential change to the roof treatment in order to alter the patina of the roof and reduce its reflectivity as a potential design solution.
33. This has been considered through the Roof Treatment Report, which analysed the issue and the constructional constraints which may limit solutions. This analysis included monitoring the roof glare over a period of time using a time-lapse camera in order to inform future decisions. This work identified that there was not a frequent problem of glare from the roofs, but that any glare was witnessed only in certain locations infrequently in certain weather and light conditions.
34. Following this analysis the most suitable and realistic option was to re-coat the roof with a 10% gloss paint finish to lessen the reflectivity without adding

significant maintenance issues.

35. The ODRP acknowledged the work that was being done to remedy this concern, and had also indicated that they did not consider that other treatments to the roof such as the addition of fins would reduce the perception of glare. Officers would support the work that has been done to consider this aspect of the scheme, and are of the view that repainting the roof would be the best solution to the matter.
36. In summary, officers recognise that the design team have undertaken a significant amount of analysis and public consultation in developing the mitigation proposals for the development. It is considered that the proposed external alterations to the elevations and also the roof would create an appropriate visual relationship with the buildings. When taken together they would alter the appearance to meet the aims identified in the VES to make the overall appearance of the blocks more varied, recessive in tone, and less visually dominant. Moreover the changes are also broadly supported by the ODRP in their letter (**appendix 2**). As such officers consider that they would satisfy the aims of the design policies of the Oxford Local Plan 2001-2016, Oxford Core Strategy 2026, and Sites and Housing Plan 2011-2026.

Impact on the Significance of the Heritage Assets and their Setting

37. The 2014 Voluntary Environmental Statement identified that among the 25 identified heritage assets surrounding the site, the existing development was considered to have a 'high adverse' impact on four heritage assets of high heritage value, namely:
- St Barnabas Church (Grade 1 Listed Building)
 - Port Meadow (a Scheduled Monument and Registered Common)
 - The River Thames and Towpath; and
 - The City of Oxford Skyline
38. The adverse impact related exclusively to the 'setting' of these heritage assets rather than a physical impact. The nature of these impacts included changes to the historic character, and to the direct loss and obstruction of views, including those of the Oxford skyline. The views to these heritage assets are considered to be kinetic, experienced, for example by people walking across an open landscape with a developing sequence of views.
39. The Environmental Statement submitted with the application has considered specifically the landscape and visual effects and impact on the historic environment from the detailed mitigation strategy. This has used the conclusions of the 2014 Voluntary Environmental Statement as a baseline. It concludes that the mitigation measures proposed within the scheme would have some beneficial impact in reducing the visual intrusion of the existing development on the setting of the four heritage assets of high heritage value, namely St Barnabas Church, Port Meadow, River Thames and Towpath and the Oxford Skyline. It also concludes that the detailed design mitigation strategy would have more benefit than originally envisaged within the Voluntary Environmental Statement. The mitigation would also have a beneficial impact on all but one of the other fifteen heritage assets assessed, and no negative impacts.

40. The ES also considers the impact of the development upon a number of landscape receptors, such as the Jericho, Binsey, and Wolvercote with Godstow Conservation Areas; Oxford Skyline; Residential Areas of William Lucy Way, Botley, and Castle Mill Stream Moorings; Road, Railway, Allotment, and Golf Course users; public footpaths throughout Port Meadow; Bossoms Marina Moorings; Other open access areas. The ES concludes that the proposed mitigation would result in beneficial effects to all of the visual receptor groups listed, and even where such effects are considered negligible, there will be improvements to the landscape character and visual amenity of the development and landscape context in which it is set as a result of the changes.
41. Historic England has raised no objection to the proposal. In doing so they have concluded that there would be some beneficial effects from the proposals, even on the setting St Barnabas Church, Jericho, which they have identified as having suffered substantial harm to its significance through the effect on its setting from the existing development. However that small beneficial effect must be set against the 'high adverse' effect identified from the current design. Therefore they consider that this set of modifications is playing around at the edges of what has happened for example, in the case of St Barnabas, the colour range of the buildings would come closer to the colour range of the tower itself, rendering the contrast less stark; but the contrast in colour was not the worst thing about the juxtaposition of these large and repetitive buildings with the church. Their location and scale was, and will be, the main demerit of the buildings, which although the planting will soften the buildings over time, will not remove this problem. Notwithstanding this Historic England do not believe it is realistic to press for further amelioration of a scheme which remains misconceived however much we understand how it came to be built.
42. Having regards to the history of the site and conclusions of the Environmental Statement, officers recognise that it will not be possible, without a more radical response, to reduce the acknowledged harm to the setting of assets such as St Barnabas' tower, historically prominent in the skyline to "less than substantial" where the decision maker is tasked with a balancing act of harm against public benefits. The harm in particular to views of other heritage assets, including the conservation areas of Jericho and the city from Port Meadow, both close views but perhaps more significantly in the longer views where a wider context introduces more heritage assets to be impacted upon, will defy mitigation. The well-intended and again carefully considered planting proposal will have limited mitigating impact due to the limitations on species and size of trees and will be unable to impact on the harmful massing of the upper parts of the buildings which is perhaps where the greatest harm arises. On the East facing side of the development where the large, unrelieved building facades present a stark appearance it is proposed to attach "green wall" to some of the smaller building elements and this will have the welcome effect of providing some visual relief as well as allowing the buildings to potentially make some contribution to the biodiversity and ecology of the area. This design change although small is considered to be beneficial in helping to alleviate the harsh visual appearance that the existing development has.

43. On balance, officers consider that the proposed design changes to the existing buildings will provide some mitigation for the not insubstantial harm that has been caused to the significance, in particular to the settings of a number of high value heritage assets. The mitigation will be insufficient to reduce the harm to a level that might be considered to be “less than substantial”, however it is recognised that possible alterations to the buildings are severely limited by the buildings’ original design and the constraints of the site and that an extremely rigorous and intelligent process exploring the possibilities has been undertaken by the design team. Care has been taken to improve the design of the spaces around the buildings, again constrained by the nature of the site and this will infinitely improve the quality of the “place” outside helping to provide somewhere pleasant for residents to be in appropriate weather. It is therefore considered that the design proposals should be supported in accordance with the relevant design policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026.

Landscaping

44. The Design Mitigation Strategy has also considered the implementation of additional landscaping throughout the development in order to mitigate the visual impact of the scheme upon long and short range views and improve the internal and external environment for occupants of the accommodation. These proposals have also evolved through pre-application discussions with officers, stakeholder consultation, and the Oxford Design Review Panel.

45. The landscaping proposals will comprise new tree planting located in a linear container along the western site boundary with the adjacent allotments, and alterations to the existing soft landscaping within the courtyard areas, including the removal of existing trees, new tree planting, and other soft landscaping.

46. The 2014 Voluntary Environmental Statement and Design Mitigation Strategy established the role of tree planting on the western boundary in the mitigation of the visual impact of the development. The purpose being to strengthen the ‘green urban edge’ of the development through colour, texture, shadow, and variety of species and thereby contributing to the visual integration of the building in certain external views, and partially concealing the buildings through the seasons, initially to the approximate height of the second floor level, and reducing light spillage up to the mid-level bedrooms.

47. The new trees are to be placed in containers above the badger run along the western boundary of the site and the courtyard spaces. In order to provide a meaningful effect on implementation semi-mature trees of approximately 6m-7.5m in height will be used. Along the western boundary the trees will have a mix of species and form and be planted at approximately 3.5m to 4m spacing in order to provide a more naturalistic effect that blends with the surrounding tree canopies. Within the courtyards areas the removal of the cycle storage will free up these spaces to allow them to be used as recreation areas for the occupants. The spaces will have a central grass space that is enclosed by tree planting in containers and additional shrub and herbaceous planting which is surrounding by paved areas and pathways. These areas will have semi-mature trees of 6m-7.5m

in the western end of the courtyards, and semi-mature trees of a smaller girth throughout the remainder of the courtyards. The trees will have a mixture of species that differs from the western boundary planting. The intention of this courtyard planting is to provide individual character and sense of place within these areas.

48. The ODRP were supportive of the landscape strategy for the development, considering that the planting will help reduce the prominence of the buildings and soften their visual impact from views on Port Meadow. In addition to providing screening of the development, the planting will play a bigger role at close quarters in terms of providing a more attractive and usable environment for residents.
49. Having reviewed the proposals, officers were initially concerned about planters being used to contain these trees and whether or not they would be large enough to provide adequate rooting volume to sustain their growth for the lifetime of the building and to deliver the screening that is intended. The applicant has provided evidence that the soil is highly shrinkable clay and planting in the ground on the western boundary places a high risk of damage to a gas main, which runs adjacent to the site boundary within the allotment, and other built structures by the trees if they are planted directly into the ground.
50. It is clear that trees planted in containers will require very careful maintenance with regular watering and fertilizing to ensure that their requirements for growth and good health are provided over the long term and that the trees perform their intended screening function. The Tree Planting Technical Paper submitted with the application includes details of an automatic irrigation system for these trees and the Landscape Management Plan for Softworks sets out that they are to be maintained in accordance with a detailed Prescription Fertilization Programme, which is to be prepared by Reading University and the Superintendent of the University Parks. A copy of the Prescription Fertilization Programme should be submitted by condition if planning permission is granted.
51. The Tree Species along the western boundary now include more native species such as field maple, hazel, and crab apple which fit better with the riparian/rural character of the wider landscape to the west and north of the application site and offer greater biodiversity benefits than previous iterations of the landscape plan. The removal and replacement of trees within the courtyard areas will benefit visual amenity; the additional canopy cover should act to soften the appearance of the lower part of the buildings at least in a variety of internal and external views. The new trees within these courtyard areas are ornamental species, which would also be appropriate for their location.
52. Therefore subject to appropriate conditions the landscaping proposals accords with Policies CP1, CP11, and NE15 of the Oxford Local Plan.

Ecology

53. The previous ecological investigations for the development concluded that other than badgers the site was of limited ecological interest. According to the Environmental Statement the original Castle Mill Phase Two development

resulted in the loss of an outlier badger sett, creation of a 'badger run' along the western boundary of the site. The proposed tree planting along the western boundary of the site would be located within the existing badger run and has been developed to ensure the continued functionality of the badger run. The design of badger run has been developed following pre-application discussions with independent badger experts, project ecologist, and the council ecologist.

54. The existing badger run will be retained and converted into a covered badger run approximately 300m long, approximately 2m wide, and an overall height of 800mm. The trees planting above the run will be placed on a raised steel platform that includes gridded 'light wells' every 30m in order to allow light and airflow into the run. The existing fence along the boundary with the allotments will be replaced with a badger proof barrier which allows light and airflow into the badger run and prevents badgers accessing the allotments.
55. Having reviewed the proposals, officers would raise no objection to this aspect of the development particularly with respect to the possible effects on badgers and the design of the badger run. It would be necessary to include a number of conditions to ensure that there will be no adverse impact. The first being that an ecological clerk of works is appointed to oversee this aspect of the development. Secondly, and having regards to the concerns raised by the Oxfordshire Badger, that the badger run be free from obstruction overnight during construction so that it can be used by badgers and that the works to modify the run are limited to the months of April – November to ensure minimum disruption to the badgers during the sow gestation and cub birthing seasons. There should also be no works access to be permitted through the artificial badger sett area, and that all works should be limited to daytime with no artificial lighting at night. Finally as recommended within the Environmental Statement, the use of the badger run shall be subject to appropriate monitoring before, during, and after construction. If there is any change in use of the badger run during these times, then construction methods will be adjusted accordingly.
56. With respect to other ecological matters scrub, trees and buildings on site offer suitable habitat for nesting birds. *All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended)* and therefore it is important that the removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest. This should also be secured by condition.
57. Subject to these conditions, officers would agree with the conclusions of the Environmental Statement and consider that the development would accord with the aims of Oxford Core Strategy Policy CS12.

Phasing Plan

58. The Unilateral Undertaking submitted by the University to secure the Design Mitigation Measures agreed to submit a phasing plan with any application for the works, and a commitment that work on any approved scheme would begin within 6 months of the date of planning permission and be undertaken in accordance with the phasing plan.
59. A Phasing Plan has been submitted with the application which gives an overview of the phasing for the project. The mitigation works will be undertaken in three phases
- Phase One – involves works to the north, west and south elevations of blocks 5-8 and gatehouse 3, and the tree planting and external realm works adjacent to blocks 5-8. The plan anticipates these works commencing in August 2017 and end in May 2018
 - Phase Two – involves works to the north, west and south elevations of blocks 1-4 and gatehouses 1 and 2, and tree planting and external realm works adjacent to blocks 1-4. This phase would commence in May 2018 and end in February 2019
 - Phase Three – involves works to the east elevations of blocks 1-8 and gatehouses 1-3, and the external realm works to the courtyard between blocks 2 and 3. This would commence in February 2019 and end in April 2019.
60. The phasing plan has been developed to reduce the impact on the existing accommodation and avoid the need to move occupants.
61. The phasing plan and Construction Traffic Management Plan have been submitted without a principal contractor and detailed design phase of the works being completed, and may therefore be subject to some change. They do however provide the broad principles for the works and as such should be conditioned accordingly with a caveat that written agreement is sought from the Council once these matters are resolved.

Highways

62. A Transport Assessment has been submitted with the application. The assessment sets out that the mitigation measures do not result in any increase in the numbers of beds within the accommodation, or changes to the approved site access or parking provision. The only changes to the development in transport terms would be
- The provision of improved pedestrian access to Blocks 5 and 8 and all three gatehouses; and
 - The expansion and relocation of cycle parking to provide an improved functional environment for residents; improved landscape; and cycle provision.
63. The assessment also considers the transport impacts from the construction traffic from the proposed mitigation works.

64. The cycle storage and circulation routes are to be reconfigured as part of the mitigation works in order to create more space in the courtyards for recreation space. The existing cycle storage in Phase 2 provides 314 spaces. The new storage will provide an additional 38 spaces to a total number of 352. The existing cycle stores within the external courtyards will be removed and moved to the edges of the courtyards and along the western boundary (over the badger run). The cycle ports will be of a curved steel frame with timber battens and polycarbonate panels. The location of the storage is considered to be appropriate.
65. The proposal will also include improvements to the pedestrian access to Blocks 5 and 8 and all gatehouses. The intention of these improvements is to minimise the potential conflict during the construction phase of the development between pedestrians and construction works in these locations, but also improve pedestrian access to the buildings on a permanent basis. At the present time the pedestrian access points to Blocks 5 and 8 and the three gatehouses are taken directly from Roger Dudman Way at road level. The proposals will widen the margins at these access points by reducing the carriageway to 3m and converting the remainder into ramped pedestrian accesses which are reinforced by bollards at key points. There would be no material reason to object to these improvements.
66. The Transport Assessment has included a Construction Traffic Management Plan (CTMP) which has been developed in conjunction with the phasing plan for the site and describes the site set up, materials storage, traffic management, and how other movements through and around the site will be managed during construction.
67. The CTMP sets out that the increase in vehicle traffic as a result of the construction works will be minimal and will not have an adverse impact upon the local highway. A site in Osney Mead will be used as a holding area for deliveries with a banksman on site to ensure that only vehicles of an appropriate size are able to proceed to Castle Mill. Any loads from larger vehicles will be off-loaded and transferred to an appropriately sized vehicle. Access to and from the site will also be controlled. The first two phases of the development will ensure that Roger Dudman Way would be available to public and resident's use, and only during Phase three will there need to be short sections of the access road on the eastern boundary will need to be closed to allow the provision of the green walls on Blocks 5, 8 and the 3 gatehouses. The road will however be available in the case of emergencies during this period.
68. The Local Highways Authority have raised no objection to the Construction Traffic Management Plan, subject to a condition which requires this to be amended to include a restriction on delivery times (restriction times 0730 - 0930 and 1630 - 1830), and commitment to undertake a dilapidation survey of the junction between Roger Dudman Way and Botley Road. The planning statement makes clear that this document is intended to be a live document and therefore a condition should be attached to ensure that a revised document is submitted to reflect these suggestions.

Other Environmental and Technical Considerations

69. Land Contamination: The Geoenvironmental and Geotechnical Study Report sets out the ground conditions and possible contamination issues in respect to the above new application for alterations to the landscaping and tree planting (as well as alterations to the roofs and bicycle stores) on the Castle Mill site.
70. It is noted that the report does not address all of the contamination matters for the whole application site, as it only refers to the badger run area and excludes existing landscaped areas that are included in the new application.
71. It is understood from the previous applications, that all landscaped areas on site currently have a clean cover layer installed above a Terram 1000 marker layer. The clean cover consists of a minimum of 300mm of certified clean imported topsoil and a minimum of 550mm of clean cover soils in shrub beds and 600mm within the tree pits. This is to reduce the exposure of site users to potential contaminants in the underlying soils and to provide a suitable growing medium. The details of the above cover system are set out in the report entitled "Verification Report" (Report no. R3089/VR dated August 2013 produced by ESG on behalf of Frankham Consultancy Group as required by condition no. 16 for Planning Permission 11/02881/FUL.
72. Firstly in terms of the works to the badger run, officers had raised concerns that burrowing animals could burrow through the capping layers exposing contaminated soils. In response to this the applicant has responded that within the Badger Run, where badger activity will be concentrated, it is unlikely that contaminated soils will be disturbed as a badger-proof mesh barrier is to be provided at the base of the run, which is an integral part of the badger proofing of the badger run itself. As previously noted, badger activity is likely to be concentrated in the Badger Run and therefore less likely across the rest of the University's Castle Mill site. However, to address concerns, the Landscape Management Plan for Softworks is to be updated to state that *'Any significant damage to soft landscape areas, including badger fencing, resulting from burrowing animals, will be repaired as soon as practicable by the University.'* This should be secured by condition.
73. In terms of the rest of the site, officers would recommend that the Geoenvironmental and Geotechnical Study Reports are updated to acknowledge that the existing landscaped areas have an agreed capping layer and that any works to these areas would ensure that any exposed contaminated materials are dealt with appropriately and the agreed capping layers reinstated. The new landscaped courtyards will need to be verified to demonstrate that the appropriate clean soil has been reinstated. These revisions should be secured by condition
74. Noise: The site is adjacent to the railway and has student accommodation in phase 1 of the Castle Mill development to the south. A Noise Impact Assessment has been submitted with the application which quantifies levels of internal and external noise to consider the impacts on the proposal. The report concludes that the external noise levels surrounding the development (including from the railway line) do not vary significantly from the assessment undertaken prior to the original permission and that the external fabric of the building is performing well in terms of noise insulation.

75. The report goes on to recognise that no neighbouring land uses would be adversely affected by the development and that during construction any noise from such activities would be abated. Overall officers would raise no objection to the conclusions of the report.
76. Air Quality: The site is located within a designated Air Quality Management Area. In considering the 2014 VES, it was noted that the development would not have a significant impact in air quality during the construction phase of the development or that occupation does not have an impact on local air quality and the occupants are not affected by local sources of air pollutants.
77. Notwithstanding this, an Air Quality Assessment has been submitted with the application to consider the impacts of the proposed mitigation measures on air quality. It considers that construction activities will be limited so as not to have significant effect on air quality. However it recognises that there would be the potential disturbance of made ground which could give rise to construction dust that needs to be mitigated. It therefore recommends that any Construction Management Plan includes appropriate mitigation measures and dust suppression measures are put in place during construction. A condition should secure this.
78. Officers also note that the assessment recommends that a monitoring survey to assess the impact on the existing development from idling trains adjacent to the development are carried out. It is understood that this recommendation has come about as a result of a request by the University to review this matter as part of their general estates management and does not relate to the design mitigation measures. As such this is not a material matter for the determination of this application, and will be dealt with separately by the Councils Air Quality Officers.
79. Drainage: The proposal does not include a substantial amount of new building works with any such works limited to alterations to the external elevations of the building. The alterations to the courtyards will mainly involve alterations to ground surfacing etc. Therefore a condition should be attached which states that any of these works are drained using sustainable drainage measures.
80. Archaeology: The mitigation measures are unlikely to have significant archaeological implications.

Other Matters

81. During the consultation process, Oxford Preservation Trust has suggested that there should be a commitment to commit to take down the buildings after 25 years of occupation, by the end of 2040 and that any subsequent redevelopment on this site should be well-designed and high-quality, enhancing the setting of Port Meadow and restoring the lost view from the Meadows to the spires of Oxford. It is suggested that this should be made a condition of this planning application however officers would make clear that such a condition would not be reasonable. The application is seeking full permission for the design mitigation and is not a temporary application, therefore is considered on that basis.

Conclusion:

82. The proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation to Members would be to approve the application.

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

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 3rd April 2017

This page is intentionally left blank