

WEST AREA PLANNING COMMITTEE

14th November 2017

Application Number: 17/00931/FUL

Decision Due by: 6th June 2017

Extension of Time: 21st November 2017

Proposal: Demolition of existing building. Erection of three storey building to provide 3 x 2-bed flats (Use Class C3). (amended plans)

Site Address: 40 St Thomas Street, Oxford, OX1 1JP,

Ward: Carfax Ward

Case Officer Robert Fowler

Agent: Mr Alex Cresswell **Applicant:** RHHS Repository Limited

Reason at Committee: Called in by Councillors Cook, Fry, Brown, Price, Kennedy and Sinclair because of the site's close proximity to the listed St Thomas the Martyr's Church.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

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

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

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where

appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers an application to demolish an existing nursery and erect a three storey building to contain three two bedroom flats. The proposals would be acceptable in principle having had regard to the re-provision of the nursery on an adjacent site which is proposed as part of the application and can be secured by legal agreement. The proposed design of the building would be acceptable having had regard to its scale, mass and bulk. The choice of materials for the proposed development would be acceptable, subject to conditions requiring samples to be submitted. The living conditions provided within the units would be acceptable and it should be noted that all units would provide accessible accommodation. The proposed development would have an acceptable impact on the streetscene and on the setting of adjacent listed buildings. Existing trees along the boundary would be retained and landscaping can be adequately addressed by condition. The proposed development would not lead to an unacceptable impact on neighbouring amenity.

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

- Principle of development;
- Design;
- Impact on neighbours;
- Trees and landscaping
- Access and parking
- Flooding and surface water drainage
- Biodiversity

3. LEGAL AGREEMENT

3.1. This application would require a legal agreement to deal with the re-provision of the nursery on the adjacent site. Details relating to this matter are set out in Paragraph 10.3 of this report.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

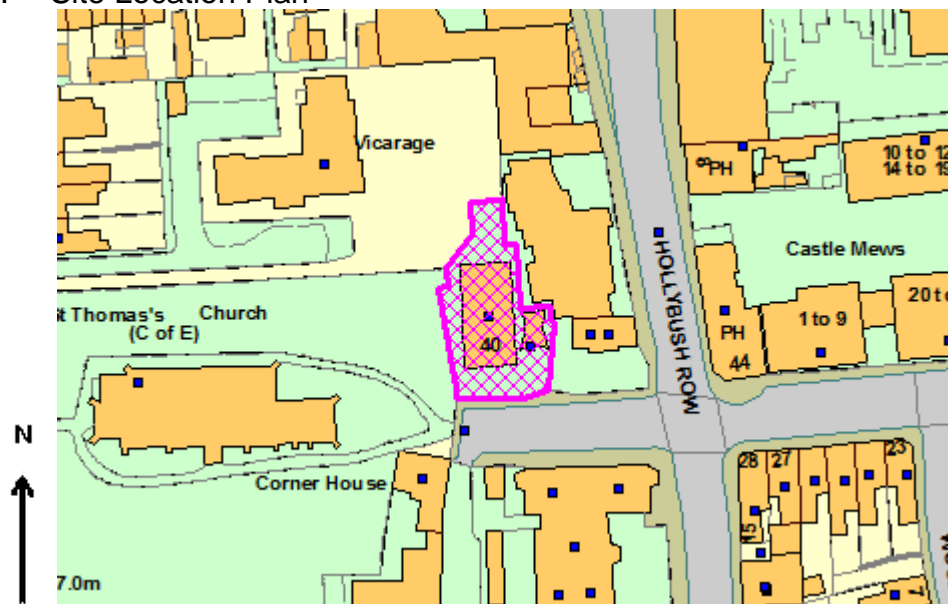
4.1. The proposal is liable for CIL with a total cost of £11,492.15.

5. SITE AND SURROUNDINGS

5.1. The application site is at the end of St Thomas Street adjacent to the Church of St Thomas the Martyr, Hollybush Lodge and Coomb House (a former schoolhouse), these buildings are Grade II listed buildings. At the rear of the site is student accommodation (built for Brasenose College) and the vicarage for St Thomas' Church (a Grade II listed building). There is a wall in front of Hollybush

Lodge that is also listed in its own right (Grade II). To the south of the application site there is a three storey brick built modern apartment building.

- 5.2. The application site itself contains a two storey 1970s building that is in use as a nursery (Use Class D1). The building itself has a low pitched roof and is clad with tiles; there is a large external staircase at the front of the building and a canopy that covers the adjacent small playground area at the front. The boundary at the front of the building is a low natural stone wall; there are some shrubs and trees along the western boundary of the site and at the northern end of the site.
- 5.3. The area around the application site is characterised by a mix of uses and properties. Despite its central location it retains a peaceful and pleasant character which contributes positively to the setting of listed buildings (particularly Church and Coombe House). In a wider context the application site and its immediate surroundings form an interesting group of buildings in an area that would have once have been the western edge of the historic core of the City. Although this part of St Thomas Street is cut by Hollybush Row the site retains medieval walls and walking from the adjacent churchyard along St Thomas Street (towards the Castle and City Centre) there are clear remnants that point to the historic development of the City. This context is particularly important when considering views into and around the application site.
- 5.4. The application site lies outside of the Central (University and City) Conservation Area.
- 5.5. Site Location Plan



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6. PROPOSAL

- 6.1. Planning permission is sought to demolish the existing building on the site and erect a three storey (plus basement level) building to contain three two bedroom

flats. The proposed building would have several pitched roof sections and a blank gable facing St Thomas Street. Balconies are proposed on the north and west elevations and a small private garden is proposed at the rear. At the front of the building a single disabled parking space is proposed along with a shared courtyard garden, cycle storage and refuse and recycling storage.

7. RELEVANT PLANNING HISTORY

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

02/01769/CC3 - Renewal of consent from the Pratten Building as a day nursery for staff members of Oxford City Council and Oxfordshire County Council for a temporary period of 5 years (Renewal of application No. 97/1496/DT).. RNCPER 27th November 2002.

76/00418/D_H - Renewal of temporary consent for use of Pratten Building as County Council offices.. TEM 13th May 1976.

84/00554/DT - Retention and continued use of Pratten Building as County Council offices (Renewal of D418/76). TEM 13th June 1984.

86/00322/DF - Change of use from office accommodation to NALGO creche, including provision of vehicular turning area. PER 18th July 1986.

92/00107/DT - Retention and continued use of prefabricated building as NALGO Creche (Renewal of DF-/0322/86). TEM 8th April 1992.

97/01496/DT - Retention and continued use as a day nursery. (Renewal of DT/107/92). RNO 30th October 1997.

10/00522/FUL - Installation of 8M x 5M shade sail.. PER 6th May 2010.

15/02403/FUL - Retention of existing use as a day nursery (Use Class D1) on a permanent basis.
. PER 5th October 2015.

16/02293/FUL - Demolition of existing building. Erection of a part two, part three storey building with basement to provide 1 x 2-bed and 8 x 1-bed apartments.(Amended plans). WDN 14th March 2017.

17/00858/FUL - Demolition of existing building. Erection of three storey building plus basement to provide 8 x 1-bed flats and 1 x 2-bed flats (Use Class C3).. REF 20th June 2017.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	Paragraphs 56, 57	CP1, CP6, CP8, CP10, CP11, CP13	CS2, CS18	HP12, HP13	West End Area Action Plan
Conservation/Heritage	Paragraphs 128, 132, 134, 135 and 139				
Housing	Paragraph 14				
Natural Environment		NE15	CS11, CS12		
Social and community	Paragraph 70		CS20, CS23	HP14	
Transport				HP15, HP16	Parking Standards SPD
Environmental		CP19, CP20, CP22	CS9	HP11	Energy Statement TAN
Misc	Paragraph 14	CP.13, CP.24, CP.25	CS17	MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 24th April 2017, a further site notice was displayed in relation to the amended plans on 6th October 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. Revised drawings have been submitted. It is noted that 1 disabled off-street car parking space is to be provided. No other off-street car parking spaces are to be

provided on-site. Policy HP16 of the Sites and Housing Plan states that all new flats within the Transport Central Area must be carfree. Therefore proposed flats must be excluded from eligibility for parking permits to enforce the car-free nature of this development. The application proposes a covered bike shed. The plans show cycle parking for 4 bikes. This is below the 6 required cycle parking spaces for 3 x 2-bed flats under Policy HP15 of the Sites and Housing Plan.

Therefore the County Council does not object to the application subject to conditions to exclude occupiers from parking permits, provide space for six cycles to be stored prior to occupation and submit a Construction Traffic Management Plan.

Public representations

- 9.3. No public representations have been received.
- 9.4. Oxford Preservation Trust have objected to the application. They comment that the application site is in a sensitive location where the setting of nearby listed buildings needs to be carefully considered. They have commented that they consider the amended plans to be an improvement on the original scheme they raise concerns about the blank façade onto the street and the balconies facing towards the churchyard.
- 9.5. Oxfordshire Architectural and Historical Society have commented on the application and raised concerns about the impact on the stone wall at the front. They have requested that the stone wall should be preserved.

Officer Response

- 9.6. The highways comments have been addressed in the officer report and the recommended conditions are included as part of the officer recommendation. The concerns raised by Oxford Preservation Trust have been considered as part of the officer recommendation; the amended plans were specifically sought because of the sensitivity of the site and the impact of the development on the setting of listed buildings. The issue of the stone boundary wall raised by the Oxford Architectural and Historical Society can be resolved by including a condition with any grant of planning permission to require the wall to be retained.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Impact on Setting of Listed Buildings
- iv. Impact on neighbours
- v. Access and Parking
- vi. Flooding and Surface Water Drainage

i. Principle of Development

Location of Development

- 10.2. The application site lies within the City Centre as defined in Policy CS1 of the Oxford Core Strategy (2011). City Centre sites are considered suitable for a range of uses and high density development, subject to the need to protect and enhance the character and setting of Oxford's historic core and to deliver high quality public realm. The application site is considered to constitute previously developed land for the purposes of the National Planning Policy Framework (NPPF) and Policy CS2 of the Core Strategy; previously developed land should be the main focus of development subject to design and other considerations. The proposed development would involve increasing the efficient use of land by providing a more high density use on the site; this approach is generally supported by Policy CP6 of the Oxford Local Plan 2001-2016. As a result, officers recommend that the proposed development is acceptable in terms of the location of the development and the requirements of Policy CS1 and CS2 of the Core Strategy (2011).

Loss of Community Facility

- 10.3. The existing building is in use as a nursery which is considered to be a community facility for the purposes of Policy CS20 of the Core Strategy (2011). The policy requires that such facilities can only be lost if equivalent new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport. Part of the application proposes the relocation of the existing nursery to a building that falls within the ownership of the church. Planning permission has recently been granted for the alterations to the Galilee Rooms (which lies opposite the application site on St Thomas' Street) (reference 16/03318/FUL and 16/03319/LBC). The applicant has indicated that they would be willing to enter into a legal agreement to ensure that the nursery is re-provided; on this basis Officers recommend that the development would be satisfactory as it would not result in the loss of the community facility. As a result, officers recommend that the proposals meet the requirements of Policy CS20 of the Core Strategy (2011) subject to the satisfactory completion of the legal agreement prior to the decision being issued.

West End Area Action Plan

- 10.4. The application site lies within the West End Area Action Plan (AAP) area. The application site is not identified for any specific uses within the AAP and the development proposed would not prejudice any specific redevelopment sites that are identified.

Affordable Housing

- 10.5. An affordable housing contribution is not required as the development proposes less than four dwellings. Despite these proposals being for a development of less than four dwellings, Officers have considered whether the site has the capacity for four dwellings. Policy HP4 which deals with affordable housing contributions

for small sites relates to the capacity of the site (rather than the number of dwellings proposed as part of the scheme). Whilst there have been proposals on the site for larger numbers of dwellings that exceed the threshold for an affordable housing contributions these schemes have not been acceptable (and have been withdrawn). Officers consider that this is a sensitive site where it would not be possible to provide a higher density of development and it is unlikely that the site could accommodate four or more dwellings.

ii. Design and Impact on Character of Surrounding Area

Streetscene and Visual Appearance

- 10.6. The proposed development would create a building with a slightly greater overall bulk than the existing building. However, it is considered that the proposed development has been carefully designed to reduce that bulk and visual mass as viewed from the streetscene and the wider context (including the churchyard of St Thomas the Martyr Church). Whilst the existing building on the site has little architectural merit it is discrete in terms of its siting and mass and this does ensure that it does not dominate the setting of the adjacent listed buildings (particularly the Church and Coomb House). The proposed building would emulate some of the existing building's successes in terms of its lack of dominance by being set back behind the existing boundary wall and by having a relatively narrow frontage and visual presence in the streetscene.
- 10.7. Further to the above, the form of the building is particularly important in terms of reducing the visual mass of the building in the streetscene and both ensuring that it does not dominate the setting of the listed buildings and forms an addition to the built environment which responds to the character and context of the area. The proposed building would have a front façade that would appear as a series of gables that are each set at different distances from the street. This would reduce the visual bulk of the building and break up the façade. The proposed gables would also respond to the context of the area as gables address the streetscene on a number of nearby buildings including most importantly the adjacent church. As a result, the proposed development would have a form that would be complementary to the adjacent listed buildings whilst also addressing the need to not dominate or harm the setting of the Listed Buildings.
- 10.8. It is important to note that the proposals have changed significantly since they were originally submitted and whilst the overall number of dwellings proposed has not changed there have been changes to the form of the building and particularly the treatment of the front façade. Officers have had several meetings with the agent and applicant to facilitate these changes which have also involved the Council's Conservation and Design specialists. The approach that has been adopted is considered to be high quality and whilst the proposed blank gable to the streetscene is a bold architectural statement it is justified in terms of the impact that this has in the context by decreasing the prominence of the building and ensuring this façade is visually recessive. Significant consideration of the blank gable took place when seeking amended plans and it was suggested as an improvement over a more busy elevation.

- 10.9. In addition to responding carefully to the context of the application site officers recommend that the proposed development would represent high quality contemporary design.
- 10.10. The existing natural stone boundary wall is an important feature of the site. This is a fragment of the original streetscape but also forms an important continuation of the boundaries around the Church and Coomb House. This point has been raised as part of the comments to the planning application. The proposed development would retain this feature with some restoration. A condition is included in the officer recommendation that would require the stone boundary wall to be retained with details or restoration (including materials) being submitted prior to commencement of the development.
- 10.11. Officers recommend that the proposed development would be acceptable in terms of its design having had regard to the context and the impact on the streetscene. It is considered that the proposed development would meet the requirements of high quality design as required by Policies CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

Trees and Landscaping

- 10.12. The trees around the edge of the site lie outside of the application site boundary but the canopies from these trees would have an impact on the amenity spaces at the rear and during the construction phase of the development. An arboricultural assessment was submitted with the originally submitted application but this requires updating following the changes made to the application. Officers recommend that this would be acceptable subject to conditions to ensure updated information is provided. It is noted that there would be some shading from existing trees along the boundary which could present an issue for occupiers of the flats and the management of the site. Officers recommend that specific conditions are included to ensure that the development would not have an adverse impact on trees, including tree protection measures and measures requiring additional detail for hard surfaces to ensure they do not impact on tree roots.
- 10.13. The proposed landscaping would be acceptable in the indicative areas shown. Officers recommend that if planning permission is granted then additional details relating to the number and species of planting to be required should be included as a condition in order that the proposals meet the requirements of Policy CP11 of the Oxford Local Plan 2001-2016.

Materials

- 10.14. The proposed development would be constructed from a mixture of titanium zinc cladding and stone cladding. The use of this mix both responds to the existing context of the site (particularly the pale stone of the Church and Coomb House but also the adjacent flats and Hollybush Lodge). The blend of materials and their use on the elevations would further break up the façade, this would be particularly effective on the elevation facing the Churchyard which would reduce

the visual mass of the development and ensure that the new building would not have a dominant impact on that space (which is an important setting for the Church). Officers recommend a condition requiring the submission of samples of external materials prior to the commencement of the development to ensure that they are satisfactory with specific consideration for the sensitive nature of the site.

Internal space

- 10.15. The proposed development would provide an acceptable amount of internal floorspace that would meet the requirements of the national space standards. Officers also consider that the proposed development would provide an acceptable quality of internal floorspace and is acceptable for the purposes of Policy HP12 of the Sites and Housing Plan (2013).
- 10.16. The proposed development would have a sensible internal layout which would make the flats suitable for people with reduced mobility. All flats would benefit from access to a lift accessed from the shared entrance area. As a result, Officers consider that the development would meet the requirements of Policy HP2 of the Sites and Housing Plan (2013) and Policy CP13 of the Oxford Local Plan 2001-2016.

Outdoor Amenity Space

- 10.17. The proposed ground floor flat would benefit from a small garden at the rear of the site. Officers consider that this space would be quite small and dark (having had regard to the trees to the north and west of the site, the canopies from these trees extend over onto the application site). However, having had regard to the size of the flat and likely number of occupiers it is considered that the amenity space would be acceptable. The upper floor flats would benefit from balconies on the north elevation and west elevation. The size of the balconies would be fairly limited but acceptable having had regard to the size of the flats; it is also argued that these flats would not likely be occupied by families. Officers have had regard to the quality of these amenity spaces and despite the fairly small size of the garden and balconies they would be a fairly quiet and pleasant environment because of the adjacent churchyard. There is a small front garden that is proposed adjacent to the proposed disabled parking space and shared cycle stores. This would provide a benefit in terms of a more welcoming entrance area as well as a shared ground floor space for the occupiers of the upper floor flats. Officers recommend that the development complies with the requirements of Policy HP13 of the Sites and Housing Plan (2013).

Refuse and Recycling Storage

- 10.18. The proposed development would have refuse and recycling storage provided at the front of the building. This would be screened by the wall at the front boundary. Officers recommend that if planning permission is granted for the development then conditions would be required to ensure that refuse and recycling bins are adequately screened by the boundary and that screening was provided prior to occupation.

iii. Impact on the Setting of Listed Buildings

- 10.19. The assessment of the design of the building addresses in part the impact on the setting of the listed buildings in the vicinity of the application site. Officers have already set out above that the building has been carefully designed to be a discrete addition to the streetscene and draw from the context in terms of the design (particularly in relation to the form of the building and the façade facing St Thomas Street). However, officers are mindful of the sensitive nature of the site and it is important to note the requirements of Paragraph 132 of the National Planning Policy Framework which requires that the harm to the setting of listed buildings must be assessed. A heritage impact assessment has been submitted with the application as part of the planning statement; despite the development having been amended since the submission of that statement the proposed scale of the building has not been significantly changed. The resulting conclusions are therefore still valid and it is set out in that statement:

There is considered to be no 'harm' to either the setting of the adjacent Hollybush Lodge or nearby St. Thomas Church or to the character of the area. The accompanying archaeological desk-based assessment finds that the only significant potential effect of the proposals upon a heritage asset is that which could arise to on site archaeology from construction works. This impact can however be properly offset by a programme of detailed archaeological assessment prior to construction.

- 10.20. Officers have carried out their own assessment of the development and considered the potential for harm to the setting of Listed Buildings (The Church of St Thomas the Martyr, Coombe House, The Vicarage, Hollybush Lodge and the wall outside of Hollybush Lodge all are Grade II Listed Buildings). The proposal would be bold in the context of a sensitive setting (as a piece of contemporary architecture), but would appear as a series of interlocking elements which would help to break down the overall building mass. Importantly, the relatively simple form of the front gable whilst making a definite contribution to the composition of the important view down St Thomas' Street from St Ebbes, with the distinctive east gable of St Thomas' Church at the end, would appear as a modern intervention, thus not intending to compete with the architecture of the church or indeed importantly with that of Coombe House, opposite the site but rather taking reference in the form (gable) and contributing a very plain element to the street. The more complex series of elements would be set back within the site, away from the important view down St Thomas' Street looking west, out of the Conservation Area (to the east of Hollybush Row) and towards the church.
- 10.21. The setting of the Church from the churchyard is an important consideration. The proposed west façade of the flats, overlooking the churchyard would be long, but broken down by the articulation of elements of the building and by the intention to apply varied façade treatments. The rhythm of windows and balconies would be consistent over the three storeys but the façade would be broken up by the presence of trees along this western boundary and at low level by the churchyard wall. This would soften the appearance of the building and ensure it would not dominate this space and detract from the Church.

- 10.22. The proposed east façade of the flats would be much less interesting in composition, but would be hidden behind neighbouring, modern development. The clear distinction in façade treatment between the two lower floors and the upper floors would serve to reduce the impression of the building's overall mass with the intention of creating a strong line at two-storeys, comparable to the more domestic scale of significant neighbours. This is a further success of the design in terms of not competing with adjacent listed buildings.
- 10.23. The strong, asymmetrical gable forms of the building's north façade would sit well back into the site away from its northern boundary and the setting of St Thomas' Vicarage (Grade II listed). The application of a darker façade treatment, synonymous with the building's roof would serve to allow the building to recede in the setting of this listed building. Existing vegetation along the north boundary would further protect and soften the impact on the setting of the Vicarage.
- 10.24. On the basis of the above and having had specific regard to the impact and level of visual intrusion that would arise from the proposals as well as views of the listed buildings Officers do not consider that harm would arise from the development. The development therefore complies with the requirements of Policy HE3 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy. Officers recommend that the proposed development would not result in harm to the significance of designated heritage assets as set out in Paragraph 132 of the NPPF.

iv. Impact on Neighbouring Amenity

Privacy

- 10.25. The proposed development has been carefully designed to ensure that it would not give rise to an adverse impact on the privacy of surrounding occupiers. The proposed development would not have windows facing into the adjacent flats. Screening is proposed on the balconies to also protect privacy of the neighbouring flats. The proposed development would not adversely impact on the privacy of the vicarage to the north-west of the application site and would also be screened by existing mature vegetation. The proposed balconies have been designed to attempt to provide each of the flats with some private amenity space.
- 10.26. The proposed development would have an acceptable impact on privacy and complies with the requirements of Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

Overbearing and Impact on Sunlight/Daylight

- 10.27. The proposed development would not have an adverse impact on the light conditions for neighbouring occupiers. The width of the building and its height have been carefully designed to ensure that the development would not cause loss of light to the adjacent student flats; it should be noted that there is already some loss of light as a result of the existing building but the proposals would not

materially worsen this situation. As a result, the development complies with the requirements of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).

Noise and Disturbance

- 10.28. The proposed development would not result in increased noise and disturbance. There is already a nursery on the site where the activity is probably greater than residential use of the building. As a result the development would comply with the requirements of Policies CP1 and CP21 of the Oxford Local Plan 2001-2016.

v. Transport

Transport Sustainability and Access

- 10.29. The application site lies within the Transport Central Area (TCA) where we would normally require that new developments would be car free. The proposed development would be car free with the exception of a disabled car parking space. The application site is within easy walking distance of the City Centre and railway station and benefits from excellent access to other public transport connections (including the bus stops in Frideswide Square). As a result this is a highly sustainable location and the proposals to provide car free (except for disabled occupiers) would be acceptable in the context of Policy HP16 of the Sites and Housing Plan (2013). The highway authority have not objected to the proposals subject to conditions to exclude occupiers from residents permits, provide sufficient cycle parking and submit a Construction Traffic Management Plan; these conditions are included in the recommendation.
- 10.30. The proposed development would not impact on on-street parking for the local area because it would be car free. It is worth noting that the application site lies close to the station car park where visitors to the site could pay for public parking if required.
- 10.31. The proposals include bollards on the frontage in the location of the existing access. Officers recommend that a condition requiring the details and materials to be used for these bollards are submitted prior to commencement to ensure that their design is acceptable. The bollards would need to be removable to allow access by disabled vehicles.
- 10.32. A condition to ensure that the disabled car parking space is retained solely for the use of disabled occupiers is recommended as a condition.

Cycle Parking

- 10.33. The proposals include a covered cycle store adjacent to the entrance. This would be an ideal location as it would be partially overlooked by the adjacent flats as well as the building itself which would be beneficial in terms of security. The proposed cycle store would be shared by occupiers and there would be capacity to store six cycles in this store which would meet the requirements of Policy

vi. Sustainability and Energy

- 10.34. The proposed development would be built to maximise solar gain and whilst there are no proposals to provide solar panels (due to the built up surroundings and issues of shading) it is noted that the application details measures to ensure that the environmental performance of the building would be acceptable and meet the requirements of Policy HP11 of the Sites and Housing Plan (2013).

vii. Flooding

- 10.35. The application site does not lie in an area of high flood risk. A detailed drainage strategy has been provided with the application which would be acceptable in the context of Policy CS11 of the Core Strategy (2011). Details of drainage and measures to ensure that the development does not lead to an adverse impact on surface water drainage are included with the application. A condition is included with the recommendation to ensure that the development would be built in accordance with these details. Subject to the condition being included the development would meet the requirements of Policy CS11 of the Core Strategy (2011).

viii. Other

Biodiversity

- 10.36. The application site lies within an urbanised setting and it is considered that the existing building would not lend itself to occupation by bats. However, if planning permission is granted for the development then a condition would be required to ensure that biodiversity enhancements measures are provided in order that the development complies with the requirements of Policy CS12 of the Core Strategy (2011).

Archaeology

- 10.37. The site lies in an area where there is archaeological interest. If planning permission is granted then a condition could be required to ensure that a written scheme of investigation is provided and the stone wall at the frontage is retained.

Land Quality

- 10.38. Officers recommend that if planning permission is granted then a condition would be required to ensure that adequate survey work is carried out of the site and any subsequent mitigation is carried out prior to occupation.

11. CONCLUSION

- 11.1. The proposed development would be acceptable in terms of its design, impact on the setting of listed buildings and the quality of accommodation provided. The proposed development would not give rise to an adverse impact on neighbouring amenity, highway safety or car parking. A legal agreement to re-provide the nursery would be required in order that the development does not lead to the loss of a community facility. Any negative impacts that would arise from the development could be adequately dealt with by conditions as recommended below.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

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

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

- 3 Samples of exterior materials proposed to be used shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with policies CP1, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 4 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

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

- 5 The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the LPA.

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

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

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

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

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

- 8 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details.

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

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

measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

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

- 10 A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

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

- 11 The drainage for the development should be carried out in accordance with Infrastruct CS Ltd Drainage Strategy, Drawing No. ICS02368 01 Rev P01, and subsequently maintained in line with the accompanying SuDs Maintenance Guide and Owners Manual, Document Ref. 2368.07.002, also prepared by Infrastruct CS Ltd.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026

- 12 No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology for demolition of the existing structure and archaeological trial trenching and subsequent site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
 - And
 - No development shall take place until a method statement for the protection of the existing stone boundary wall at No 40 St Thomas Street during development works has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains (Local Plan Policy HE2).

- 13 The development hereby permitted shall not be occupied until the Order governing

parking at Central Area (B) has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

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

- 14 Prior to the commencement of the approved development, details relating to the retention and repair of the stone boundary wall at the front of the application site adjacent to St Thomas Street shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include information relating to the specific materials to be used in any repairs and reconstruction. Any repairs shall be completed prior to the first occupation of the approved development following its substantial completion.

Reason: To ensure that the development retains the existing boundary wall that is an important feature of the streetscene as required by Policies CP1 and HE3 of the Oxford Local Plan 2001-2016.

- 15 Prior to the commencement of the approved development, details relating to the design, materials and external finish of the bollards to be installed on the St Thomas Street elevation as shown in the approved plan (Drawing No. P-05 REV B) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the design of the bollard is acceptable as required by Policy CP1 of the Oxford Local Plan 2001-2016.

- 16 The approved parking space shown on the approved plan (Drawing No. P-05 REV B) shall be reserved solely for disabled drivers unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that sufficient on-site disabled parking is provided as required by Policy CP13 of the Oxford Local Plan 2001-2016.

- 17 Prior to the commencement of the approved development, details relating to any external lighting to be installed at the application site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include information relating to the specifications of any lighting and their proposed hours of use. Only the approved external lighting shall be installed and it shall be installed in accordance with the approved details unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policy CP19 of the Oxford Local Plan 2001-2016.

- 18 Prior to the commencement of the approved development, details relating to the provision of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancements shall be installed prior to the first occupation of the approved development following its substantial completion.

Reason: To ensure that adequate biodiversity enhancement measures are provided as required by Policy CS12 of the Core Strategy (2011).

INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 2 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 3 In order to meet the requirements of the condition to vary the order governing parking as set out above, you are advised to contact:

Environmental Services,
Oxfordshire County Council,
Speedwell House,
Speedwell Street,
Oxford,
OX1 1NE

01865 815857

13. APPENDICES

Appendix 1 – Site Location Plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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