

WEST AREA PLANNING COMMITTEE

12 December 2017

Application Number: 17/00860/FUL

Decision Due by: 4th July 2017

Extension of Time: 29th December 2017

Proposal: Demolition of existing building. Erection of a part 3, part 5 and part 6 storey hotel, with landscaping works in Paradise Square.

Site Address: Greyfriars Court, Paradise Square

Ward: Carfax Ward

Agent: Mr Stephen Brooker **Applicant:** Premier Inn Hotels Ltd

Reason at Committee: Major application

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 13 of this report and grant planning permission subject to:

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

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

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

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

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

2. EXECUTIVE SUMMARY

2.1. This report considers a proposal for the demolition of the existing office building on site and the erection of a hotel over three, five and six storeys with publicly-accessible restaurant at ground floor. Re-landscaping of Paradise Gardens is also proposed as part of the application.

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

- Principle of development
- Design, impact on setting of listed buildings, impact on conservation area
- Archaeology
- Trees and landscaping
- Transport
- Neighbouring amenity
- Flood risk and drainage
- Energy and sustainability
- Community safety
- Other matters

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to secure £1,240 towards travel plan monitoring, the Paradise Gardens landscaping, and £38,800 towards maintenance of Paradise Gardens by Oxford City Council.

3.2. The applicant is required to enter into a Section 278 Agreement to deliver public realm improvements to Paradise Square. As part of the Section 278 Agreement, the applicant is required to submit drawings for technical approval from the County Council. The works are to be carried out at the developer's cost.

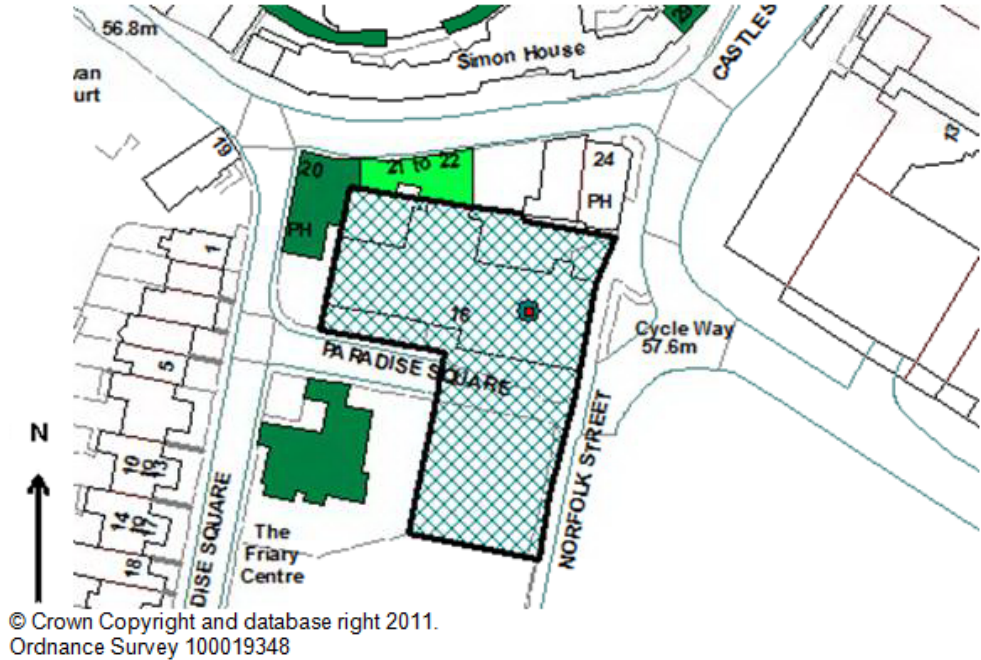
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for the community infrastructure levy (CIL) with £36,805.09 due.

5. SITE AND SURROUNDINGS

5.1. The red line of the development encompasses Paradise Gardens on the south side of Paradise Square, and the site on the north side of Paradise Square which is currently occupied by an office building. The site has an eastern frontage to the junction of Castle Street, Norfolk Street and Old Greyfriars Street, with the new Westgate development beyond. It is bounded to the north by properties in Paradise Street and to the west by the rear garden of the Jolly Farmers pub and residential properties in Paradise Square.

- 5.2. The existing building on site dates from the early 1980s and is an undistinguished brick-built office block. Paradise Gardens, owned by Oxford City Council, is a small enclosed park with pedestrian access points from Norfolk Street and Paradise Square.
- 5.3. The site is within the Central Conservation Area and is bounded by important listed buildings. In Paradise Street, the Jolly Farmers pub is Grade II listed and both parts of Greyfriars House (east and west) are Grade II* listed. The Victorian Rectory now known as the Friary Centre is also listed Grade II and abuts Paradise Gardens on its eastern side. The Castle Tavern is not listed but is an important characterful 20th century building within the conservation area.
- 5.4. See site location plan below:



6. PROPOSAL

6.1. The application proposes the demolition of the existing two, three and four storey office building which was, until recently, occupied by an accountancy firm, and the erection of a 90-bedroom Premier Inn hotel over three, five and six floors. A ground floor restaurant, serving both the public and hotel guests, is proposed, opening out onto Paradise Square and Norfolk Street with outdoor seating on Paradise Square. The building will sit directly opposite the western entrance to the new Westgate Centre with the main entrance to the hotel from a courtyard area in Norfolk Street.

7. RELEVANT PLANNING HISTORY

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

Application reference	Description of development	Decision
82/00174/NFH	Three storey office block, with associated landscaping and operational car parking.	Approved 1st July 1982

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	Paras 56–68	CP.1 CP.8 CP.9	CS18		
Conservation/Heritage	Paras 126–141	HE.2 HE.3 HE.7 HE.9 HE.10			
Housing	Para 17	CP.5 CP.6 CP.10		HP14	
Commercial	Paras 18–27	EC.1 RC.12 TA.4	CS1 CS5 CS27 CS28 CS32		West End AAP
Natural Environment	Paras 109–125, 142–149	CP.11 CP.17 CP.18 NE.15 NE.16	CS2 CS9 CS11 CS12		Natural Resource Impact Analysis SPD
Social and community	Paras 69–78	CP.14 SR.5	CS19 CS21		
Transport	Paras 29–41	TR.2 TR.3 TR.4 TR.11 TR.14			Parking Standards SPD
Environmental	Paras 93–108	CP.20 CP.21 CP.22 CP.23	CS10		Energy Statement TAN

Misc	Paras 42–46	CP.13		MP1	
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9. PRE-APPLICATION CONSULTATION

- 9.1. The project has had a number of iterations and has been the subject of pre-application advice from officers over a period from early 2014. There have been two design workshops with the Oxford Design Review Panel and the notes from these are appended to this report in **Appendix 2**.
- 9.2. In this time, the scheme has evolved away from a standard hotel typology, towards a design that seeks to respond to the specifics of the site. This includes a stepped design intended to give space to the surrounding listed buildings and make a transition from a lower building height on the more historic western side of the site, to the six storeys where the site is closest to the Westgate shopping centre. The scheme originally did not include Paradise Gardens, but the red line has been extended to allow much wider public realm improvements.

10. CONSULTATION RESPONSES

- 10.1. Site notices were displayed around the application site on 25 April 2017 and an advertisement was published in the Oxford Times newspaper on 25 April 2017.

Statutory and non-statutory consultees

Oxfordshire County Council (Transport)

- 10.2. No objection subject to conditions.
- 10.3. The proposed development is to be ‘car-free’ in line with the Oxford Transport Strategy. The development site is very well located for use of sustainable transport modes.
- 10.4. The proposed public realm works on Paradise Square are welcomed. A Section 278 Agreement with the Highway Authority is required in order to carry out the alterations to the public highway.
- 10.5. Conditions are requested to require a revised Travel Plan, a Construction Traffic Management Plan, details of staff cycle parking, and a Delivery and Servicing Management Plan to ensure safe access and egress of the servicing area.

Oxfordshire County Council (Drainage)

- 10.6. No objection subject to conditions.
- 10.7. Further details requested by condition to cover:

- Confirmation and location of existing outfall to Thames Water's surface water sewer,
- A SuDS Maintenance Plan for the green roof,
- A Health and Safety Plan for maintaining the green roof.

Historic England

- 10.8. Historic England has concerns regarding the application on heritage grounds.
- 10.9. The sight of the hotel would be an incongruous feature in views along Paradise Street of the listed buildings adjacent to the site, causing a degree of harm to the significance of the listed buildings through harm to their aesthetic qualities. The increased scale of the building means that it would also feature strongly in views south down Castle Street. This would cause some harm to an understanding that the former Castle Tavern public house was carefully designed as a focal point which addressed both Castle Street and Paradise Street. Overall we assess the level of harm to both the listed buildings and the conservation area to be low to moderate.
- 10.10. We think impacts to the grade II Rectory would be minor as the western end of the hotel, which is closest to the Rectory, is similar in scale to the existing building. The long views of the proposed hotel from the nearby Castle Motte and St Georges Tower have also been assessed. We are content that while visible, the increased scale of the hotel would not materially affect an understanding of the way these sites historically functioned as it would not have a strong presence in the views.
- 10.11. Paragraph 132 of the NPPF requires clear and convincing justification for any harm to the significance of a designated heritage asset (in this case the listed buildings on Paradise Street and Square and the Central (University and City) conservation area). The key question is whether the number of bedrooms proposed is necessary to make the hotel viable. Historic England is not in a position to assess this and it falls to your Council to scrutinise the viability argument put forward by the applicant as part of this proposal. If you conclude that the proposed number of bedrooms is needed to make the scheme viable, you will need to weigh the public benefits of the proposal against the harm identified to the significance of nearby heritage assets, as required by Paragraph 134 of the NPPF. As the harm is material the hotel use would need to provide genuine public benefits to the local community.

Oxford Preservation Trust

- 10.12. Objection due to scale and impact on setting of listed buildings and the wider area.
- 10.13. This six storey building; rather than blending in, will tower over Paradise Square and dwarf the Jolly Farmers Pub, St Ebbe's Rectory and Greyfriars Oxford Health Department which is Grade II*. It will even outsize Simon's House on the corner of Paradise Street and Castle D Wing flats. From St George's, the building will appear much closer than the Westgate, somehow

being pulled forward and playing a visual trick which only a site visit can ascertain.

Public representations

10.14. Eleven comments were received from local addresses in Tennyson Lodge and Paradise Square, and from Trewint Street London, High Street West Wycombe and Leader Road Newquay.

10.15. In summary, the main points of objection were:

- Construction disturbance and the cumulative impact with the Westgate development
- Housing should be prioritised on the site over tourist accommodation
- Threat to LGBTQ character of the area and its safety for LGBTQ people
- Loss of light and privacy for properties in and garden at Tennyson Lodge
- Loss of open space
- Excessive height of the building at six storeys
- Harmful impact on historic townscape character of the area
- Nuisance resulting from change to a 24-hour facility
- Increased air pollution

11. PLANNING MATERIAL CONSIDERATIONS

11.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design, impact on setting of listed buildings, impact on conservation area
- iii. Archaeology
- iv. Trees and landscaping
- v. Transport
- vi. Neighbouring amenity
- vii. Flood risk and drainage
- viii. Energy and sustainability
- ix. Community safety
- x. Other matters

i. Principle of development

11.2. The proposal is an appropriate city centre use and would use previously developed land. As such it would comply with policies CS1 and CS2 of the Core Strategy.

11.3. The principle of a hotel in the city centre, where demand for visitor accommodation is strong, is consistent with the aims of policy TA4 of the Oxford Local Plan and with policy WE26 of the West End Area Action Plan. It would also accord with policy CS32 of the Core Strategy which seeks to achieve sustainable tourism by encouraging longer stays and greater spend in Oxford.

- 11.4. The office building on the site is currently occupied by Critchleys accountants and provides 98 full-time equivalent jobs. The loss of this existing employment site therefore triggers policy CS28 of the Core Strategy. This policy states that the loss of employment sites needs to demonstrate marketing for alternative employment-generating uses, and that the loss of jobs would not reduce the diversity and availability of job opportunities. Critchleys has moved within the city centre to new offices in Hythe Bridge Street and there is therefore no net loss of jobs for the city. The proposal would provide an alternative employment-generating use, albeit with only 24 full-time equivalent jobs. Strictly speaking, the requirements of policy CS28 are therefore not fully met.
- 11.5. In balancing the objectives of policies relating to the protection of employment uses and those promoting sustainable tourism growth, officers recognise the scheme's overall contribution to sustainable economic development and the city's tourism economy through the provision of short-stay accommodation. As such, the proposal, would accord with policy CS27 which seeks to maintain, strengthen, modernise or diversify Oxford's economy. The principle of development is therefore considered acceptable.
- 11.6. The Affordable Housing and Planning Obligations SPD states that developments with a net additional floor space under 2,000 square metres, as is the case with this proposal, would not normally be required to make a contribution for affordable housing. A commercial development under this threshold is to be assessed on a case-by-case basis as to whether it would generate a significant need for affordable housing. In this case, there is a net decrease in jobs on site and so, in accordance with policy CS24 of the Core Strategy, no affordable housing contribution is required.
- 11.7. Paradise Gardens are to be retained as a publicly-accessible space and so there is no conflict with policy SR5 which resists the loss of public open space.

ii. Design, impact on setting of listed buildings, impact on conservation area

- 11.8. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; attractive public realm; and high quality architecture. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the sites capacity and surrounding area. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
- 11.9. The new building has been designed to occupy a similar footprint to the existing office building but to have a more broken massing with varied height up to six storeys at the western end of the site, opposite the new Westgate development. The staggered roof form is appropriately articulated, avoiding

large areas of flat roof and incorporating green wildflower roofs to minimise bulk in long views. It is also proposed to step the new building away from the southern (rear) façade of the Greyfriars Health Centre building in contrast to the current building relationship which is one of tight juxtaposition. The new building would be entered from Castle Street, through a small landscaped courtyard that would enable retention of an existing tree that currently makes an important contribution to the streetscape of Castle Street.

- 11.10. The existing building lies on an important site on the southern edge of the Central Conservation Area. This building does not make a strong or important contribution to either the character or the appearance of the area and therefore its loss is not contested. In proposing to replace the existing building the applicant has sought to design a new building that responds to the site's context, both its historic context, the significance of the open space immediately to the south of the site with its reference to the historic Paradise Gardens and the 18th and 19th century survivals (pub and health centre) that bound the site to the north and west, as well as its most recent neighbours, particularly the new Westgate Centre.
- 11.11. It is recognised that the existing building is sited uncomfortably close to the south façade of the Greyfriars Health Centre building and the new building is designed, as far as possible whilst making efficient use of the site, to sit further away from this important building elevation and to provide a very simple backdrop to the listed buildings in important views eastward along Paradise Street from the bottom of the Castle walls.
- 11.12. However, the additional height of the new building over and above that of the existing building will have a harmful impact on the setting of the listed buildings. The harm is less than substantial, no work is proposed to the listed buildings and the slight easing of the gap between them and the new building with small but purposeful courtyard spaces separated by a single-storey entrance building in the space between helps to provide a more comfortable relationship between old and new.
- 11.13. The height of the proposed building is 75.25 metres AOD, and so the development is below the maximum height set out in policy HE9 of the Oxford Local Plan of 79.3 metres AOD. The massing and form of the building sits comfortably with the scale of surrounding development and is appropriate to its location, stepping down from six storeys at the east of the site closest to the Westgate Centre down to three storeys to the west, reflecting the more domestic scale of the Friary Centre, Paradise Square and properties fronting Paradise Street. The design review panel encouraged the applicants to increase the height on the Norfolk Street end of the building when they first reviewed the scheme, subject to high design quality. It then stated after the presentation of a revised iteration showing six storeys on the eastern end, dropping to three to the west, that, "We welcome the proposed building scale which successfully relates to the Westgate Centre to the east and existing buildings to the west."
- 11.14. Immediately to the north of the site, on Castle Street sits the Castle public

house, an early twentieth century building with decorative timber framing to its façade and steeply pitched tiled roofs. Of local significance, this building sits distinctively in views down Castle Street from the north. Elements of the important, east façade of the new building which faces directly onto Castle Street have been designed to pick up the key markers of the pub's massing, in particular its eaves line as it takes the viewer's eye down the street. Although the new building is clearly taller than the public house, the design has considered this and respected, through breaking up the building's façade with simple glazed elements that reduce the overall perception of the building's scale and allowing horizontal lines of reference within the building's façade.

11.15. Visual impact studies were undertaken by the applicant to assess views of the new development from the Raleigh Park view point and from St Georges Tower. The results, within the submitted Design and Access Statement demonstrate that the new building will preserve, and not detract from, these views. Despite its larger mass, the building's stepped arrangement prevents it from detracting from the significant views from Raleigh Park. Officers concur with Historic England in being content with the relationship between the new building and the Friary and in views from the Castle Motte and St Georges Tower.

11.16. In respect of public realm, the positioning of ground floor uses and layout of hotel rooms has enabled frontages onto Paradise Square and Norfolk Street to be 'activated'. The proposed glazed fenestration at ground floor level and the outdoor seating area adjacent to Paradise Square will contribute positively to the public realm. Thought has been given to the layout of rooms and the rhythm and articulation of window reveals on upper storeys to ensure that fenestration provides surveillance over the street.

11.17. Historic England identifies less than substantial harm (low to moderate) to the listed buildings on Paradise Street and Square and to the Central Conservation Area. Historic England comments that,

"The key question is whether the number of bedrooms proposed is necessary to make the hotel viable. Historic England is not in a position to assess this and it falls to your Council to scrutinise the viability argument put forward by the applicant as part of this proposal. If you conclude that the proposed number of bedrooms is needed to make the scheme viable, you will need to weigh the public benefits of the proposal against the harm identified to the significance of nearby heritage assets, as required by Paragraph 134 of the NPPF. As the harm is material the hotel use would need to provide genuine public benefits to the local community."

11.18. The applicant argues that a 90-bedroom hotel is viable on the site, but that the removal of one or two floors (resulting in an 80-bedroom and 63-bedroom hotel, respectively) to reduce the height of the building would not result in viable schemes.

11.19. In order to scrutinise this viability argument, the consultancy firm JLL was instructed by the Council. JLL's approach uses a standard development appraisal approach which is recognised by the RICS Guidance 'Financial

Viability in Planning' (2012). Whilst this approach is recognised by the RICS Guidance, the approach is less well known in the hotels sector. This was considered the correct approach given the commercial sensitivity of releasing the Premier Inn in-house bespoke viability testing model. Notwithstanding this shortcoming, the approach does provide a useful guide on the relative viability of the options that the applicant has considered.

- 11.20. JLL concludes that a 63-bedroom hotel would not be viable and would result in a negative profit on cost. A 90-bedroom hotel would generate a typical level of developer's return in the market of approximately 13.59%, while the 80-bedroom option would only generate a developer's return of 1.89%. This indicates that the 90-bedroom option is viable but the 80-bedroom option does not generate a sufficient level of developer's return. This would support the applicant's assertion with regards to the unviability of an 80-bedroom scheme.
- 11.21. However, whilst the development viability appraisal analysis is useful for guiding the relative viability of the options, the approach has its limitations, as this is not how the budget hotel's sector typically operates. In reality, the applicant will own and develop the site themselves, and hence benchmarking against typical levels of developer's return could be argued to be a theoretical exercise. The applicant may take the view that no developer's return is required, as they will be holding the site and are interested in the long term profit generated by the hotel business. This may mean that they may still progress with an option for a lower number of bedrooms.
- 11.22. With this in mind, it is necessary to consider the possibility that the developer may proceed with an 80-bedroom scheme. The question therefore arises of whether the reduction of one storey would lessen the level of harm to the significance of the designated heritage assets. The impact of the proposal in four key views is therefore discussed below:

Viewed from crossing bridge in Westgate, to the east of the site

- 11.23. The existing office building sits up tight against the back of the group of former domestic, listed buildings that run along the southern side of Paradise Street. The new building will sit back from the listed buildings allowing them to be read as a separate building group and not merged into the more anonymous building group. Any reduction in overall height would not be of benefit in terms of harm to the setting of the listed buildings.

Viewed from the southern corner of Castle Street, looking up the street

- 11.24. The existing building appears as an amorphous, indistinct block and whilst the new building will have a distinctly greater height with a consequent stronger presence in the street. The architectural language of its facades will present a more articulated mass that will act to visually reduce the overall impact of the increased size. Elements within the new buildings' facades will allow lines of perspective to follow along and connect the various and varying sized buildings on this west side of Castle Street. From this viewpoint a reduction in the overall height of the proposed building would not on balance create a

more comfortable relationship with existing buildings on this west side of Castle Street.

Viewed from Paradise Street, at the base of the Castle Quarter looking east along the street

- 11.25. From here the new building will have an indisputable greater visual presence than the existing building, however this is not a negative change in that the existing building presents a fairly bland, amorphous mass from here whereas the new building will have a more purposeful presence with strong vertical elements within its facades that will serve to break up its overall massing and provide an element of visual interest in the background to the listed buildings. The listed buildings, being distinctly different in scale, materials and form will appear distinct against the changed backdrop and their architectural significance together. Their clear expression as surviving elements of the historic St Ebbe's quarter will be clearly evident from this viewpoint. Any reduction in the overall height of the proposed building would not result in a significant reduction in harm to the setting of the group of listed buildings.

Viewed looking south from the corner of Castle Street and Queen Street

- 11.26. From this view the concern that the Castle pub will become lost in the larger massing of the new building is in fact a fallacy. The current view presents an indistinct backdrop; the new view will present a backdrop of increased mass but also increased articulation which will in fact throw the Castle into more evidence in the foreground of the new building. In turn this changed relationship will place a stronger emphasis on the entrance to Paradise Street. As seen from here, in the context of the buildings that form the western frontage of Castle Street, any reduction in the overall height of the proposed building would have a negligible impact on the setting of the existing buildings or the contribution that is made to the building group.
- 11.27. It is therefore concluded that the reduction of a single storey would not reduce the harm to the setting of the listed buildings and the conservation area. Having scrutinised the applicants' viability argument, and considered the impact that a reduction of one storey would have, the proposed number of bedrooms and the development's resulting scale, massing and form is considered appropriate.
- 11.28. The development would still result in less than substantial harm to the setting of the listed buildings and the conservation area. Paragraph 134 of the NPPF states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." The next consideration, therefore, is the weighing of public benefits against the harm, as required by paragraph 134 of the NPPF.
- 11.29. There are a number of significant public benefits to the scheme:

- A key consideration is making the best and most efficient use of this city centre site to meet an identified need for short-stay tourist accommodation. The provision of such accommodation in a city centre location would contribute to the Council's objective to achieve sustainable tourism by encouraging longer stays and greater spend in Oxford. There is an acknowledged need for such short-stay accommodation in the city.
- The scheme would bring environmental improvements to the public realm through the re-landscaping of Paradise Gardens, Paradise Square and increased activity and passive surveillance from the more active ground floor uses on three sides of the building.
- The scheme would bring the economic benefits of a hotel in terms of employment and sustainability of Oxford as a tourist destination.
- The removal of the existing low quality building and its uncomfortably tight relationship with adjacent listed buildings. The replacement building is considered to make a positive contribution to the area in design terms.

11.30. The combination of these environmental, economic and social benefits to the public is considered to outweigh the low to moderate harm caused by the development.

11.31. The proposal is therefore compliant with the NPPF and is appropriate in design terms and accords with local plan policies in respect of design.

iii. Archaeology

11.32. This site is of interest because it is the likely location of a 12th century parish church and subsequently a short-lived friary occupied by the order of The Friars of the Sack. The English Heritage Monument Class Description for Friaries note that only 17 friaries were established by this order and that a house belonging to it can be considered as rare and important. Following the suppression of this order the friary was subsumed by the adjacent Franciscan friary and *Studium Generale* and became part of its managed gardens (perhaps incorporating a cemetery and subsequently obtaining the name of 'Paradise'). The Franciscan *Studium Generale* as a whole can be assessed as a nationally significant heritage asset.

11.33. The application site is currently poorly understood in terms of the extent and character of surviving remains. In accordance with the NPPF and policy HE2 of the Oxford Local Plan, officers recommend three conditions relating to archaeology.

iv. Trees and landscaping

11.34. The footprint of the proposed development requires the removal of an Ash (T1), False Acacia (T2), Holly (T3) and Rowan (T4) tree (as labelled in the submitted Arboricultural Implications Assessment). Trees T1, T3 and T4 are relatively small specimens whose loss would not have a major impact on the street scene. Tree T2 is a large false acacia standing to the south of the building. It is an attractive feature and acts as a foil to the current building; it is a landscape feature probably contemporaneous to the development of the site

in the early 1980s building. Removal of the tree would be a practical necessity of any significant redevelopment of the site. Its loss would be mitigated to a degree by the presence of the nearby trees in Paradise Gardens; in this context its loss is considered acceptable. The proposals show the retention of the remaining false acacia (T5) located to the north of Greyfriars Court. This is a significant landscape feature in views along Norfolk Street and Castle Street and its retention will provide some landscape maturity to the scheme.

- 11.35. For the Greyfriars Court section of the site, a new tree is proposed (either into the ground or within a planter) for Paradise Square at the junction with Norfolk Street. This is a welcome feature; it would be preferable for the tree be planted into the ground in order to maximise its chances of achieving longevity in the landscape; this will require ground investigations to check for possible conflicts, e.g. utilities, and possibly soil amelioration measures.
- 11.36. Paradise Gardens is currently a rather dark and unwelcoming space and its hard landscaping is tired and defective in parts. The applicant's landscape analysis of the opportunities and constraints in this public space is considered to be a valuable contribution. Proposals to remove the modern brick walls around the park to the north and east in order to make the space more open and accessible, and less intimidating, have merit. The principle of raising the canopies of the trees to increase light and surveillance is appropriate. Arguably the park is overstocked with mature trees along the eastern side, some of which are of low quality and advanced age such that planned replacement would be appropriate.
- 11.37. The landscape proposals involve removal of 9 of the existing trees inside the boundary wall of the garden square, leaving only 1 early-mature Lime and 1 mature Lime (T7 and T8) in the north east corner. The large Robinia (T6) at the Paradise Square entrance to the gardens is a significant tree but in poor structural condition, such that its removal should not be considered as an implication of the proposals. The remaining trees proposed to be removed are mostly of low quality. The key landscape trees are actually just outside the existing boundary wall (Limes T11, T12 and T13); these are retained.
- 11.38. Proposals include the replacement planting of 1 Pin Oak (*Quercus palustris*) at the junction of Paradise Square and Norfolk Street; 3 Japanese Cherries (*Prunus 'Amanogawa'*) in the centre of the garden; 2 *Robinia pseudoacacia* Frisia along the western boundary; and a pocket handkerchief tree (*Davidia involucrata*) on the southern boundary. The positions of these trees are appropriate, but the selection of the robinia cultivar is not considered suitable, mainly due to the disease issues that make the tree extremely prone to failure. However, an alternative species can be agreed under a landscape condition.
- 11.39. The existing hard surface of the park is already distorted in a few locations; associated with the activity of tree root growth. The proposal involves changing the existing tree/shrub soft beds into a bonded gravel hard surface. The proposals address the requirements of the Root Protection Areas (RPAs) of a number of trees by grading the paving up to the edge of an area to be constructed using a cellweb 'No-Dig' design.

- 11.40. The implications of the application on existing trees is significant, but given the practical difficulties in retaining the trees on the frontage (south) and the mitigating factors of proposed replacement tree planting and landscape improvements in Paradise Square and Gardens, the losses are considered to be acceptable.
- 11.41. The character of Paradise Gardens will change significantly with the opening of Westgate and improvements to Castle Street and Norfolk Street. The location of bus stops adjacent to this area will mean that its prominence within the city and footfall will increase. It is an opportunity for an exciting piece of new public realm. The revised landscape proposal put forward by the applicants addressed many of officers' concerns regarding the quality of the scheme. Some further detail is needed to secure high-quality design for this now prominent piece of public realm. A revised landscape plan and its implementation are therefore recommended to be secured by condition, as well as arboricultural conditions. The applicant is to make a financial contribution to the Council to support the ongoing management of the space.
- 11.42. The proposal complies with policies CP11, NE15 and NE16 of the Oxford Local Plan and with policy CS18 of the Core Strategy in respect of trees and landscaping.

v. Transport

- 11.43. The site is in a sustainable city centre location with excellent access to public transport, including the rail station. Many attractions likely to be of interest to guests are within walking distance. A car-free development is therefore appropriate in accordance with policy TR3 of the Oxford Local Plan; there is no on-site car parking proposed.
- 11.44. Due to Norfolk Street becoming a bus-only route following the redevelopment of the Westgate shopping centre, taxis will collect and drop off from Paradise Square. The Highways Authority considers that, taking into account the scale of the development and the low traffic volumes on Paradise Square, which is not a through route, it is not likely that occasional *ad hoc* taxi collections or drop offs from Paradise Square would have a significant traffic impact.
- 11.45. The Highways Authority further comments that it is not considered likely that the proposed hotel, which is in a highly accessible location within the city, would generate a significant number of vehicle trips when compared to the current use of the site. Furthermore it is likely that the proposed development would generate fewer peak hour trips when compared to the existing office use.
- 11.46. The site will be serviced from the cul-de-sac section of Paradise Square. However the service vehicle proposed would not be able to manoeuvre within the site constraints. The County Council therefore requests a condition for a Delivery and Service Management Plan setting out the type of vehicles to be used for servicing, taking account of the site constraints.

- 11.47. Cycle parking is proposed in the submitted travel plan, though not marked on the site plan. Details of covered, secure cycle parking for at least seven cycles are recommended to be secured by condition in compliance with policy TR4 of the Oxford Local Plan. Staff shower and changing facilities are provided on the ground floor.
- 11.48. A revised travel plan and associated monitoring fee has been requested by the County as Highways Authority; these are recommended to be applied to any permission.
- 11.49. The site is clearly in a sensitive city centre location when considering construction traffic. The applicants have acknowledged that a thorough and bespoke management plan will be required for the development and have referred to a similar detailed plan created for a confined central London site to demonstrate this intention. A construction traffic management plan (CTMP) has been requested by the County Council. The travel plan and CTMP are recommended to be secured by condition, with the travel plan monitoring fee via legal agreement.

vi. Neighbouring amenity

- 11.50. Policy HP14 of the Sites and Housing Plan states that development should provide reasonable privacy and daylight for the occupants of both existing and new dwellings. This is supported by Oxford Local Plan Policy CP10.
- 11.51. A daylight and sunlight report has been submitted with the application which concludes that there would be a negligible impact on the daylight and sunlight amenity received to the existing surrounding properties when assessed in accordance with the guidelines set out in BRE Report 209, "Site layout planning for daylight and sunlight: a guide to good practice".
- 11.52. The proposal creates greater separation for south-facing windows to residential accommodation within the listed buildings on Paradise Street. Although the building proposed is taller than existing, officers consider that the stepped nature of the new building and increased separation will sufficiently protect the light to these properties. The proposal complies with the 45-degree guidance with respect to the residential windows to the rear of the Castle Tavern. Windows in the north elevation of the new building are staggered to minimise direct outlook onto existing residential windows, and their deep reveals will reduce the sense of overlooking. The windows serve hotel bedrooms and therefore sit more comfortably with the nearby residential windows than the existing office windows. It is therefore considered that the proposal would safeguard existing residential privacy for properties to the north of the site.
- 11.53. The building steps down to three storeys at the western end towards properties in Paradise Square and the Friary, which prevents the building from being overbearing on these properties or causing a loss of light. The set-back of the upper floors, where bedroom windows are located, safeguards the

privacy of the nearby residential properties.

11.54. Tennyson Lodge is located to the south of the application site and is a 2, 3 and 4 storey block of flats, with communal gardens to the north. The closest point between the proposed building and the Tennyson Lodge building is 47 metres. This distance and the orientation of the two buildings mean that officers do not consider there to be any loss of privacy, light or overbearing impact for these units. With a minimum of 31 metres between the proposed building and the communal gardens, there are no concerns regarding overlooking or loss of privacy for the outdoor amenity areas for Tennyson Lodge.

vii. Flood risk and drainage

11.55. The site lies in Environment Agency Flood Zone 1 and therefore has a low probability of flooding. In accordance with national guidance for developments in Flood Zone 1, no flood risk assessment is required.

11.56. A proposed drainage scheme has been submitted which states that it will be possible to dispose of both foul and surface water runoff from the development without increasing the level of flood risk to the site or neighbouring properties. A green roof covering just under half of the proposed roof area is proposed to minimise the rate of surface water runoff from the development. Surface water flows from the green roof and all impermeable areas will drain to the existing surface water sewer within Paradise Square. It is proposed that foul water will be discharged, as at present, into the foul water sewer in Paradise Square.

11.57. The County Drainage Engineers have requested further details regarding the existing outfall to Thames Water's surface water sewer and maintenance of the green roof. These are recommended to be secured by condition to ensure the proposal complies with policy CS11 of the Core Strategy.

viii. Energy and sustainability

11.58. An energy statement and supporting calculations were submitted which conclude that the proposed development exceeds the 20 per cent on-site renewables target of policy CS9 of the Core Strategy and would generate 40 per cent of the predicted energy usage from renewable low carbon technologies, using a combination of air-source heat pump (ASHP) space heating and a dedicated air-to-water ASHP to provide pre-heat for the hot water services.

11.59. However not all of this energy should be counted as "renewable" as it needs fossil-based electrical energy use for the heat pumps to harvest the energy in the outside air. So, a proportion of this amount should be classed as renewable energy, allowing for the electricity use required.

11.60. While the claim of 40 per cent renewables is not justified, officer analysis of the calculations and the Seasonal Coefficient of Performance – looking at a

likely and worst-case scenario seasonal average – shows that, at worst, the renewable contribution would be 24 per cent. This would comply with policy and a condition is recommended to secure the energy strategy.

ix. Community safety

- 11.61. The improvements to Paradise Gardens, by opening up the enclosed square, increasing passive surveillance and through appropriate lighting, are considered likely to reduce the opportunity for crime and the fear of crime. This would accord with the objectives of policy CS19 of the Core Strategy.
- 11.62. It has been suggested that the introduction of the hotel may erode the LGBTQ character of the area and make LGBTQ people feel less safe in the area. Officers understand these concerns but do not consider that there is evidence that the built form or use of the building will harm community safety. Matters relating to any anti-social or discriminatory behaviour would be dealt with by law enforcement. It is therefore not considered reasonable to object to the application on these grounds.

x. Other matters

- 11.63. Biodiversity: Enhancement measures for bird nesting boxes and pollinator houses are recommended to be secured by condition.
- 11.64. Land quality: The submitted Environmental Report satisfies the requirement for a phase 1 desk study. The report does not identify any potentially significant risks from contamination at the site. An intrusive site investigation will be undertaken for geotechnical reasons and for waste classification purposes in any case once the existing building has been demolished. The report recommends that chemical analysis to determine soil quality will also be recovered to identify any soil contamination. Officers agree with the findings of the report and recommend conditions to secure the intrusive site investigation works and any necessary remediation.
- 11.65. Noise and nuisance: The application has identified a number of potential environmental impacts and means of addressing them. Great care is needed during the demolition and construction phases in order to minimise environmental impacts on nearby domestic and commercial occupiers. A Construction Environmental Management Plan is recommended to be secured by condition.
- 11.66. The submitted Noise Impact Assessment contains details of the expected fixed ventilation plant emission sources from the hotel, setting these against measured current background noise levels. The design targets used are in line with the Council's expected noise limits for new fixed plant. Using suitably conservative assumptions the report concludes that noise at the nearest residential façade will be 10 decibels below background at night. Officers are content with this prediction and recommend a noise scheme condition to safeguard residential amenity.

11.67. Due to the proposed bin stores facing residential accommodation in Paradise Square, a condition limiting delivery and collection times is recommended to preserve residential amenity. For the same reason, a condition requiring approval of details of any food preparation extraction equipment is recommended.

12. CONCLUSION

12.1. The proposal would meet the need for additional hotel accommodation within the city centre in a sustainable location. The design has evolved and responded to the specifics of the site and wider context is considered to be high quality. The applicant's viability argument has been appropriately interrogated in response to the comments of Historic England as statutory consultee. The low to moderate harm caused to the listed buildings and the conservation area is outweighed by the public benefits of the proposal in the form of hotel accommodation, public realm improvements and quality replacement building. There would be no harm to the highway or neighbouring residential amenity. The proposal would therefore comply with local plan policies and the NPPF and is considered sustainable development.

12.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the recommended conditions.

13. 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 Notwithstanding the provisions of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the ground floor restaurant shall only be used within use class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purposes.

Reason: To ensure that the local planning authority can properly consider any alternative use of the unit and its impact on local residential amenity in accordance with the relevant policies of the Adopted Oxford Local Plan 2001-2016.

4 Prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), samples of the exterior materials and sample panels of brickwork and brick course to be used shall be submitted to, and approved in writing by, the local planning authority and only the approved materials and details shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

5 Details of the following elements shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), and the works shall be carried out in accordance with the approved details:

- all openings in facades, i.e. windows, entrances and ground floor openings;
- parapet edge to top of building
- rainwater goods; and
- junctions between buildings and ground adjacent.

Reason: To ensure a satisfactory quality of design, for the avoidance of doubt and so that the local planning authority can agree these details in accordance with policies CP1, and HE3 and HE7, of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

6 Details of all external signage and illumination for the development shall be submitted to and approved in writing by the local planning authority prior to its installation. Only the approved details shall be implemented unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016 and CS18 of the Oxford Core Strategy 2026.

7 Prior to the commencement of construction works above ground level, details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

Reason: In the interests of community safety in accordance with Policy CS19 of the Core Strategy.

8 Prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), details of secure, covered cycle parking for a minimum of 7 cycles, including means of enclosure shall be submitted to, and approved in writing by, the Local

Planning Authority. The development shall not be brought into use until the cycle parking has been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy TR4 of the Oxford Local Plan 2001-2016.

9 The submitted travel plan shall be revised in accordance with comments made by Oxfordshire County Council as Highways Authority in its consultation response dated 10 May 2017, and resubmitted to and approved by the local planning authority before first occupation. The accommodation shall be operated in accordance with the approved details.

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

10 A Construction Traffic Management Plan (CTMP) shall be submitted to the local planning authority and agreed prior to commencement of demolition and construction and should follow Oxfordshire County Council's template if possible. This should identify:

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

11 Prior to first occupation of the development a Delivery and Servicing Management Plan, including contact details for staff responsible for delivery management and details of the servicing and delivery vehicles to be used, shall be submitted and agreed in writing by the Local Planning Authority and provided to the Highway Authority.

Reason: In the interests of highway safety and to mitigate the impact of delivery and service vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with

policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

12 An updated Drainage Statement must be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works on site. This must include the following details:

- Confirmation and location of existing outfall to Thames Water's surface water sewer
- A SuDS Maintenance Plan for the green roof
- A Health and Safety Plan for maintaining the green roof

Reason: To prevent an increase in flood risk in accordance with policy CS11 of the Oxford Core Strategy.

13 No demolition works shall take place until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The demolition hereby approved shall only take place in accordance with the scheme agreed pursuant to this condition"

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains, in compliance with policy HE2 of the Oxford Local Plan 2001-2016.

14 No development shall take place until a detailed foundation design has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the scheme agreed pursuant to this condition.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains, in compliance with policy HE2 of the Oxford Local Plan 2001-2016.

15 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 of site investigation (including archaeological trial trenching and subsequent archaeological 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 and 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

Scope of recording:

The archaeological investigation should consist of 1) post demolition trial trenching 2) further mitigation (including open area excavation if appropriate). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains, in compliance with policy HE2 of the Oxford Local Plan 2001-2016.

16 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.

17 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

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

18 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.

19 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.

20 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.

21 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.

22 Site works or development shall not begin until details of an arboricultural watching brief have been submitted to and approved in writing by the LPA. The brief will include details of a monitoring programme for tree protection measures and supervision of all aspects of demolition and construction that require an Arboricultural Method Statement (AMS) as approved by the LPA. An arboriculturalist shall conduct monitoring at scheduled time intervals and supervision of AMS works as required. The arboriculturalist shall prepare a monthly report of their work, including a photographic record, to be submitted to the Council's Tree Officer for inspection. The arboricultural watching brief shall be carried out during development in accordance with the approved details.

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

23 The development shall be carried out in accordance with the final energy statement produced by Thornley & Lumb Partnership Ltd, dated March 2017 and the additional information provided in email dated 22 August 2017 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable energy use in accordance with policy CS9 of the Core Strategy 2026.

24 Prior to the commencement of the development, details of biodiversity enhancement measures including at least 10 x bird nesting boxes, 2 x pollinator houses (bee bricks or wall-mounted) and planting scheme to include sources of nectar shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

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

25 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

A Phase 1 desk study and site walkover have already been undertaken. The report "Phase 1 Environmental Report" (ref: CRM.413.339.GE.R.001.A) dated February 2017 produced by Enzygo Ltd recommends a Phase 2 investigation is required.

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 site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

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

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in

accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

27 In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this, the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'.

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

28 No deliveries to or collections from the site shall take place before 07.00 AM nor after the hour of 20.00 PM on any week day or before the hour of 08.00 AM nor after the hour of 16.00 PM on a Saturday or at all on Sundays and recognised public holidays unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

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

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

30 Before the construction phase of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan will refer, inter alia, to the following matters:

- signage for construction traffic, pedestrians and other users of the site;
- controls on arrival and departure times for construction vehicles;
- piling methods (if employed);
- earthworks;
- hoardings to the site, including to future adjacent development plots;
- noise limits;
- hours of working;
- vibration;

- control of emissions including dust odours and dirt;
- waste management and disposal, and material re use;
- prevention of mud / debris being deposited on public highway;
- materials storage; and
- hazardous material storage and removal

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

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

14. APPENDICES

Appendix 1 – Site location plan

Appendix 2 – Oxford Design Review panel letters

15. HUMAN RIGHTS ACT 1998

- 15.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.
- 15.2. 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.

16. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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