Application number: 18/03383/FUL
Decision due by 12 March 2019
Extension of time 19 March 2019
Proposal Installation of a welfare compound and erection of modular buildings for a temporary period in connection with Biochemistry Phase 2 construction works.
Site address The Observatory, South Parks Road, Oxford, OX1 3RQ – see paragraph 5.4 for location plan and Appendix 1
Ward Holywell Ward
Case officer Nadia Robinson
Agent: Mr Steven Roberts Applicant: The Chancellor, Masters and Scholars of The University of Oxford
Reason at Committee Over 500m² of new floor space

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. 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; and

1.1.2. agree to delegate authority to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
- issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers an application for 11 linked two-storey modular cabins to be used as a welfare compound by construction workers working on Phase 2 of the Biochemistry building. The site is an area enclosed by fencing and hedge located to the north of the Observatory building within the University Science Area, and lying within the University Parks, a Grade II Registered...
Park and Garden and the Green Belt. The site lies within the Central (University and City) Conservation Area and is currently used as the University Parks plant nursery. Permission is sought for 30 months for the duration of the building work on the nearby Biochemistry building.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is for temporary buildings and is therefore not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is an area measuring just over 1,000 square metres located to the north of the Observatory and the University Science Area. It is enclosed by fence and hedging and is currently home to the University Parks plant nursery, and is therefore previously developed land. There are various polytunnels and a large greenhouse on the site. The greenhouse is the highest structure on site, measuring approximately 4.6 metres in height.

5.2. The site lies within the Central (University and City) Conservation Area, at the southern edge of the University Parks Grade II Registered Park and Garden. It also lies just on the edge of the Green Belt as part of the green wedge that is either side of the River Cherwell.

5.3. The site is accessed from the south of the site on foot from the University Science Area and is visible in views from the University Parks. There is no vehicle access.

5.4. See block plan below:
6. **PROPOSAL**

6.1. The application proposes 11 linked two-storey modular cabins to be used as a welfare compound by construction workers working on Phase 2 of the Biochemistry building. The Biochemistry building was granted consent in 2006 under reference 05/00643/FUL, divided into two build phases. Phase 1 of the building is complete and occupied, and Phase 2 has now commenced. Due to the constrained building site, there is no room for a welfare compound. It is therefore proposed to be located to the north-east of the construction site, as per this planning application.

6.2. Eleven modular two-storey units, linked together as one building, are proposed which would provide changing facilities, a canteen and meeting spaces for construction workers. There would be two external staircases to the upper floor. The overall building would be 5.84 metres tall. Fourteen cycle parking spaces are proposed for workers; no car parking is proposed. Operational access will be from the south-west of the compound, closest to the University Science Area and away from the Park.

6.3. Access for the vehicles delivering and removing the units that make up the compound would be via the Sir William Dunn School car park and through a small section of the park. The proposal includes the removal of the hedge along the northern boundary and one tree so that the units can be installed. A replacement tree would be planted after the end of the temporary period.

6.4. The development is proposed for 30 months.

6.5. See proposed site plan below:
7. **RELEVANT PLANNING HISTORY**

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

<table>
<thead>
<tr>
<th>Application / Approval</th>
<th>Details</th>
</tr>
</thead>
</table>

Also relevant to this application is the following application on a nearby site for the Biochemistry building:


8. **RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

<table>
<thead>
<tr>
<th>Topic</th>
<th>National Planning Policy Framework</th>
<th>Local Plan</th>
<th>Core Strategy</th>
<th>Sites and Housing Plan</th>
<th>Emerging Local Plan 2036*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>124-132</td>
<td>CP1 CP8 CP10</td>
<td>CS18</td>
<td></td>
<td>DH1 DH3</td>
</tr>
<tr>
<td>Conservation / Heritage</td>
<td>184-202</td>
<td>HE7 HE8</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Commercial</td>
<td>80-84</td>
<td>CS27</td>
<td></td>
<td></td>
<td>E2</td>
</tr>
<tr>
<td>Natural environment</td>
<td>170-183</td>
<td>CP11 NE15 NE16</td>
<td>CS2 CS12</td>
<td></td>
<td>G1 G2 G3 G8</td>
</tr>
<tr>
<td>Transport</td>
<td>102-111</td>
<td>TR3 TR4</td>
<td></td>
<td></td>
<td>RE7 M1 M3 M5</td>
</tr>
<tr>
<td>Environmental</td>
<td>117-121</td>
<td>CP20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>7-12</td>
<td>CP25</td>
<td></td>
<td>MP1</td>
<td>S1</td>
</tr>
</tbody>
</table>
9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 7 February 2019 and an advertisement was published in The Oxford Times newspaper on 7 February 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection subject to condition for a construction travel management plan.

Gardens Trust

9.3. We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

Public representations

9.4. No public representations were received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

i. Principle of development
ii. Impact on designated heritage assets
iii. Green Belt
iv. Trees
v. Transport
vi. Biodiversity

i. Principle of development

Temporary buildings

10.2. Policy CP25 of the Oxford Local Plan 2001-2016 allows for temporary or portable buildings where short-term need has been clearly demonstrated, such as in connection with major site development work. This is subject to buildings not adversely affecting visual attractiveness, trees or parking provision; and the proposal adequately addressing landscaping; noise insulation; access for people with disabilities; relationship to existing buildings; not prejudicing future developments; access points; and providing a suitable external appearance.

10.3. It has been clearly demonstrated that the facility is needed in connection with major site development work, and the site search set out in Appendix 1 of the
planning statement demonstrates that other site options have been explored. There is no other area within a reasonable and workable proximity to the site on which to site a working compound. The principle of the temporary buildings is therefore acceptable. The other requirements of Policy CP25 are discussed in later sections of this report.

10.4. Policy CP25 states that planning permissions for temporary buildings will be subject to a planning condition that requires the removal of the buildings within a specified time period. In this case, it may not be appropriate to reinstate the site to the current arrangement, and landscape improvements shall be sought. A condition for a reinstatement plan to be submitted and approved six months before the end of the temporary period is therefore recommended.

**Green Belt**

10.5. The site lies within the Green Belt. The new buildings proposed with this development do not fall into any of the exceptions listed in the NPPF and the proposal would therefore constitute inappropriate development. Paragraph 143 of the NPPF states that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF continues in paragraph 144, "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

10.6. Policy CS4 of the Oxford Core Strategy supports this position, stating that, in accordance with national policy, planning permission will not be granted for inappropriate development.

10.7. Therefore, the principle of this development can only be acceptable if very special circumstances exist whereby the harm it would cause to the Green Belt is outweighed by other considerations. This is considered in section iii of this report, below.

**ii. Impact on designated heritage assets**

10.8. The NPPF in section 16 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and the positive contribution that conservation of heritage assets can make.

10.9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
10.10. Oxford Local Plan Policy HE7 seeks to preserve or enhance the special character and appearance of conservation areas and their settings. Policy HE8 prevents development that will adversely affect the visual, historical or horticultural character of an historic park or garden or its setting but supports development that avoids the loss of key features, retains the essential character of the site and assists with the protection, management and restoration of important parks and gardens. Whilst the wording of these policies does not include the balancing exercise identified in paragraph 195 of the NPPF in relation to designated heritage assets and would therefore be deemed to be out-of-date with the framework, they would be consistent with the above-mentioned legal requirements of Section 72, and they must therefore carry considerable weight in the determination of this application.

10.11. The development proposed would affect two designated heritage assets. Firstly, University Parks, which is a late 19th century landscape laid out with walks, specimen trees and formal planting beds. There has been more recent development in terms of planting but essentially the park remains as originally intended. Footpaths are significant in that they were laid out to provide health-giving walks for academics and residents of North Oxford. The University Science Area provides the backdrop to views from within and across the Park looking southward. Secondly, the Central Conservation Area, which is dominated in this location by the development of the University Science Area.

10.12. The design of the buildings is functional and, due to their temporary nature, does not make a bespoke response to the context of the site. However, the choice of colour and ensuring there is no signage visible from views from the Park may provide some mitigation by reducing the level of visual intrusion. A condition is therefore recommended for the colour to be a grey-green with a specified standard colour, should permission be granted, with another condition to control the visual impact of signage.

10.13. The height of the building at almost six metres will be seen against the backdrop of the substantially larger science buildings to the south in views across and out of the historic park. This will be more visually intrusive than the existing greenhouses.

10.14. It is considered that there will be a level of harm to the character and appearance of the Grade II Registered Park due to the loss of a tree, albeit to be replaced, and the visual intrusion of the buildings. The harm is limited to views and visual impact in mid- and close-range views, with the majority of the Park being undisturbed. Therefore it must be concluded that the harm will be “less than substantial” by the definition set out in the NPPF. The development proposal will therefore fall to be determined under the provisions of the policy set out in paragraph 194 of that document.

10.15. Officers would assess the harm as a moderate to high level of less than substantial harm. Harm to heritage assets must be given a considerable weight in balancing it against any offered public benefits.

10.16. There are three public benefits of the proposal. Firstly, that the building is enabling the construction of a world-class Biochemistry facility and the
economic and social benefits that research and development will produce. This facility supports Policy CS27 of the Core Strategy (Sustainable economy), and great weight is given to this public benefit. Secondly, the existing gardener’s compound makes a jarring and incongruous edge to this part of the Park. The installation of temporary buildings will require the area to be reinstated to the satisfaction of the local planning authority. This creates an opportunity for a thoughtful landscape scheme to improve this part of the edge of the Registered Park, and thereby brings a significant heritage benefit. Thirdly, there is provision of cycle storage to encourage and support sustainable transport. Little weight is apportioned to this benefit.

10.17. It is noted that emerging Policy E2 (Teaching and research), to which some weight can be given, supports development that contributes to the growth of the University of Oxford through the redevelopment and intensification of academic and administrative floorspace on existing University of Oxford and college sites.

10.18. On balance, the public benefits, coupled with the temporary nature of the installation, would outweigh the harm to the heritage asset. A condition is recommended for the appropriate restoration of this area of the park at the end of the temporary period.

10.19. It is noted that the proposal would comply with emerging Policy DH3, to which little weight can be given, in respect of designated heritage assets.

iii. Green Belt

10.20. The NPPF at paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At paragraph 145 it states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt and should not be approved except in very special circumstances.

10.21. Paragraph 141 of the NPPF encourages local planning authorities to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

10.22. The site is already occupied by the various structures that form part of the gardener’s compound and the development site is adjacent to the built form of the University Science Area and is viewed in this context. It constitutes previously developed land due to the structures on site. The level of harm to the openness and permanence is considered to be low due to the temporary nature of the development, the location of the development site very close to existing urban form and the existing structures on site.

10.23. In this case, the harm caused to the openness and permanence of the Green Belt and its purposes is limited to temporary, localised impacts and is low-level. Great weight is given to this low-level harm, but it is outweighed by two
material planning considerations. Firstly, the opportunity to improve the landscaping in this area at the end of the temporary period, which would make a positive contribution to the openness and permanence of the Green Belt. Secondly, the need for the facility in this location, as demonstrated by the site search detailed in the planning application and the wider Phase 2 Biochemistry development it would. As such, very special circumstances exist with this case and the harm to the Green Belt that would be caused by development is acceptable in compliance with local and national Green Belt policy.

10.24. It is noted that the proposal would comply with emerging Policy G3, to which little weight can be given, in respect of the Green Belt.

iv. Trees

10.25. Paragraph 127 of the NPPF requires new development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and to be sympathetic to the surrounding and landscape setting. Policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan safeguard trees and landscape features of public amenity or ecological interest and require appropriate new landscape proposals for new development.

10.26. Provision of vehicle access to the site for the installation of the cabins is proposed via the Dunn School car park and into University Parks. This will require the removal of a single Whitebeam tree (Sorbus aria 'lutescens') marked as T11 within the Arboricultural Survey. This tree is a high quality category tree. It is proposed to be replanted with a tree of the same variety in the same location at the end of the temporary period for which permission is sought. Officers accept the principle of the development as being necessary and therefore the removal of the tree is necessary. The replacement planting, which must be secured by condition, will mitigate the impact of the tree loss.

10.27. There are indirect impacts and risks to root protection areas of other trees associated with heavy vehicles accessing the site along trackways to be laid out; however this can be adequately mitigated through appropriate site management and tree protection measures identified in the arboricultural report contained within the application. These measures are recommended to be secured by condition.

10.28. The proposal, subject to the recommended conditions, would comply with policies CP1, CP11, NE15 and NE16, and with the NPPF in respect of arboricultural considerations.

v. Transport and access

10.29. The only vehicle movements required to and from the site will be for the removal of the tree and for the delivery and later removal of the temporary cabins; no other vehicle movements are anticipated and no new highway access is proposed. The transport impact is therefore considered to be negligible. A construction travel plan for the delivery and removal of the
temporary units is required by the Highways Authority and this is recommended as a condition.

10.30. Fourteen cycle spaces are proposed. There are no specific standards for numbers of cycle spaces for this type of development in local policy. The quantum is considered acceptable and sufficiently secure within the welfare compound. Such provision would support sustainable travel to work in compliance with policy TR4 of the Oxford Local Plan 2001-2016. A condition is recommended to secure the provision for the lifetime of the development.

10.31. It is noted that the ground floor cabins will provide level access and so the proposal, being temporary, is acceptable in respect of accessibility and would accord with policy CP25 and CP13 of the Oxford Local Plan 2001-2016.

vi. Biodiversity

10.32. Officers are satisfied that the impacts of the development on biodiversity are likely to be low. In order to ensure there are no indirect impacts on wildlife, a condition is recommended in respect of external lighting so that illumination does not impact light-sensitive wildlife such as bats. Subject to this condition, the proposal would accord with policy CS12 of the Core Strategy and the NPF.

11. CONCLUSION

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPF. The relevant development plan policies are considered to be consistent with the NPF despite being adopted prior to the publication of the framework.

Compliance with Development Plan Policies

11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPF, which is inconsistent with the result of the application of the development plan as a whole.
11.4. The main policy where there could be considered a departure from
development plan policy would be with regard to Core Strategy Policy CS4
which states that permission will not be granted for inappropriate development
in the Green Belt, in accordance with national policy. The report sets out the
balancing exercise which concludes that the proposal does give rise to very
special circumstances that would allow development to be approved in the
Green Belt, in accordance with national policy and therefore with policy CS4.

11.5. The application is consistent in all other respects, subject to conditions, with
local and national planning policy. Therefore officers consider that the
proposal would accord with the development plan as a whole.

Material considerations

11.6. The principal material considerations which arise are addressed below, and
follow the analysis set out in earlier sections of this report.

11.7. National Planning Policy: The NPPF has a presumption in favour of
sustainable development. NPPF paragraph 11 states that proposals that
accord with the development plan should be approved without delay, or where
the development plan is absent, silent, or relevant plans are out of date,
granting permission unless any adverse impacts would significantly and
demonstrably outweigh the benefits when assessed against the policies in the
Framework taken as a whole; or specific policies in the framework indicate
development should be restricted.

11.8. Officers consider that the proposal would accord with the overall aims and
objectives of the NPPF for the reasons set out within the report. Therefore in
such circumstances, Paragraph 11 is clear that planning permission should be
approved without delay. This is a significant material consideration in favour of
the proposal.

11.9. Officers would advise members that having considered the application
carefully including all representations made with respect to the application,
that the proposal is considered to be acceptable in terms of the aims and
objectives of the National Planning Policy Framework, and relevant policies of
the Sites and Housing Plan 2011-2026, Oxford Core Strategy 2026, and
Oxford Local Plan 2001-2016, when considered as a whole, and that there are
no material considerations that would outweigh these policies.

11.10. Therefore it is recommended that the Committee resolve to grant planning
permission for the development proposed subject to the conditions set out in
section 12 of this report.

12. CONDITIONS

1. The development to which this permission relates must be begun not later
than the expiration of one year from the date of this permission and shall
be for a limited period of thirty months from the implementation 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. A plan showing the reinstatement of the land within the application site shall be submitted to and approved in writing by the local planning authority at least six months before the expiration of the temporary development hereby approved. The structures hereby approved shall be removed from the site before the expiration of thirty months from the implementation of this permission and the land shall be reinstated in accordance with the approved plan within three months of the removal of the structures.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis, and in order to secure heritage improvements, in compliance with policies CP1, CP25, HE7 and HE8 of the Oxford Local Plan 2001-2016, policy CS4 of the Core Strategy and in accordance with NPPF paragraph 141.

4. The external walls and windows of the building hereby approved shall be finished in RAL6028 in a matt finish unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to minimise visual impact on the Registered Park, Green Belt and Conservation Area in accordance with policies CP1, CP25, HE7 and HE8 of the Oxford Local Plan 2001-2016 and policy CS4 of the Core Strategy.

5. No signage associated with the development shall be visible from within University Parks unless details are submitted to and approved in writing by the local planning authority prior to the installation of such signage. Any signage visible from within University Parks shall be installed in accordance with the approved details.

Reason: In the interests of visual amenity and to minimise visual impact on the Registered Park, Green Belt and Conservation Area in accordance with policies CP1, CP25, HE7 and HE8 of the Oxford Local Plan 2001-2016 and policy CS4 of the Core Strategy.

6. The development including demolition shall be carried out in strict accordance with the approved methods of working and tree protection
measures contained within the planning application details, unless as otherwise agreed in writing by the local planning authority.

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

7. Prior to the end of the temporary period of this consent, the location of a replacement tree for the Sorbus tree removed, its species, stock type and planting details shall be submitted to and agreed in writing by the local planning authority. The replacement tree shall be planted in accordance with the approved details within 12 months of removal of the temporary structures of the approved development.

Reason: In the interests of public visual amenity, and in maintaining and enhancing the character and appearance of the Conservation Area and Registered Park, in accordance with policies CP1, CP11, HE7, HE8 and NE16 of the Oxford Local Plan 2001-2016.

8. The cycle storage hereby approved shall be installed prior to first occupation of the development and thereafter retained for the purposes of cycle storage for the lifetime of the development, unless otherwise agreed in writing by the local planning authority.


9. No external lighting shall be directed towards any vegetation which bounds the site cabins to the west, north and east.

Reason: to ensure illumination does not impact any light-sensitive wildlife such as bats and to comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

10. Prior to commencement of works, a Construction Traffic Management Plan shall be submitted to and agreed in writing by the local planning authority. 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,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
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.

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