

West Area Planning Committee

9th October 2019

Application number:	19/01821/FUL		
Decision due by	9th October 2019		
Extension of time	8 th November 2019		
Proposal	Reconfiguration of existing ground floor and part first floor retail unit (Tesco store to remain in situ) with extensions and alterations to existing building to provide 137 units of purpose-built, managed student accommodation with associated management suite and communal facilities at upper levels.		
Site address	159-161 , Cowley Road, Oxford, OX4 1UT – see Appendix 1 for site plan		
Ward	St Clement's Ward		
Case officer	Felicity Byrne		
Agent:	Mrs Hannah Knowles	Applicant:	Locate Developments Ltd
Reason at Committee	Major development		

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 subject to:

- 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 subject to the completion of a Unilateral Undertaking with the County Council;

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
- 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 Acting Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the reconfiguration of the upper levels of the existing building Nos. 159-161 Cowley Road, currently occupied by Tesco, and erection of additional floors to provide 137 units of student accommodation and ancillary facilities. Together with reconfiguration and improvements to the existing ground floor including the façade treatment of the building.
- 2.2. It is concluded that the development is acceptable in principle; the student accommodation is within Cowley District Centre, on a main arterial route through the City and with good public transport links. The development would also significantly enhance the existing building and would as a result enhance the street scene of the Cowley Road and District Centre as a whole. Whilst it would be one of the tallest buildings along the Cowley Road, the building would sit comfortably within the street scene, would not harm views into or out of the City, and would make best and most efficient use of land. The development would provide an acceptable quantum and quality of purposed built student accommodation that would be managed. There would be no adverse impact on the highway, adequate cycle parking would be provided and limited car parking for disabled and deliveries/servicing only. Opportunities for biodiversity would arise from a new internal landscaped courtyard and it would meet carbon reduction targets. The development would not raise issues in relation to drainage or air quality.
- 2.3. It is considered that the scheme would accord with the aims and objectives of the National Planning Policy Framework would constitute sustainable development, and, given conformity with the development plan, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.
- 2.4. Having taken into account the provisions of the Development Plan, the NPPF, the views of statutory consultees and residents, as well as other material planning considerations, the development proposal is recommended for approval subject to the planning conditions set out in section 12 and subject to a Section 106 legal agreement set out in section 3 below.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 (and other enabling powers) with the City Council to secure a contribution of £859,678.68 (+ 5% £42,983.93 admin fee) towards affordable housing.

3.2. A unilateral undertaking given to the County Council of £2,200 to vary the Road Traffic Order to exclude the development from eligibility for residents parking permits and a Travel Plan monitoring fee of £1,240

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL amounting to £65,148.47.

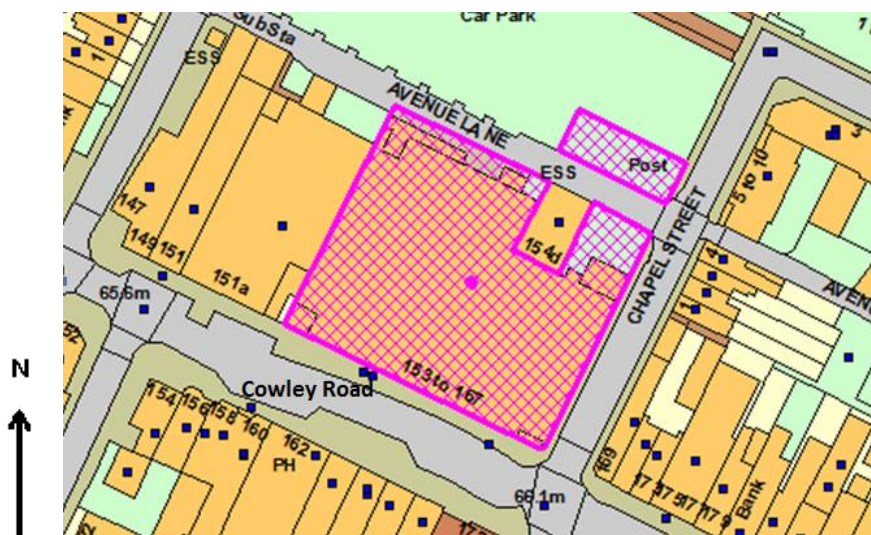
5. SITE AND SURROUNDINGS

5.1. The site is a two storey mid-20th Century building located within the Cowley Road District Shopping Centre and is owned and occupied by Tesco's. The building sits on the corner of the Cowley Road (south) and Chapel Street (east). The main entrance into Tesco is from the southern elevation on the Cowley Road. It has rear access onto Avenue Lane to the north that links Chapel Street with Union Street. The western boundary directly abuts an existing 3 storey building, with Boots operating at ground floor and residential accommodation above. The site is immediately surrounded by 2, 3 and 4 storey buildings including commercial and residential uses as well as the East Oxford Primary School.

5.2. The upper floor of the building is used as storage and staff facilities associated with the existing Tesco, with small high-level windows overlooking Cowley Road. The eastern elevation of the building on Chapel Street has a blank façade which leads around to the rear servicing area to the retail store on the corner of Chapel Street and Avenue Lane. Between the servicing yard and the rear access into Tesco, is an existing two storey building occupied by Yoga Venue. This is outside the ownership of the applicant and does not form part of this application.

5.3. The Applicant also controls a small area of land to the north of Avenue Lane, on the corner of Chapel Street, which currently provides a small parking area (13 spaces, of which 12 are in tandem formation) and a commercial bin store. This is included within the development proposals.

5.4. See block plan below:



6. PROPOSAL

- 6.1. The application proposes the remodelling of the ground floor and first floor of the building and creation of four floors of student accommodation above the ground floor. Part of the first floor would retain the retail storage and staff facilities for the supermarket and the remainder of the upper floors would operate as student accommodation. The third and fourth floors would be contained within the pitched roof; the third floor denoted by dormer windows and the fourth floor hidden from public view with internal courtyard windows. The Tesco supermarket would be retained and continue to trade during and after construction. The front and rear facades of the building at ground floor would be remodelled to form part of the whole architectural form.
- 6.2. The new building would measure approximately 17.80m high to ridge, 12m to eaves and sit within the existing building footprint. A small element on the corner of Chapel Street and Cowley Road would have a slightly higher ridge at 18.2m high and 13.2m high, creating a book end at the corner. This element would contain the entrance lobby into the student accommodation. The existing entrances into Tesco would remain from Cowley Road (front) and Avenue Lane (rear).
- 6.3. New cycle parking and bin storage would be provided on the small parcel of land on the northern side of Avenue Lane replacing the existing 13 Tesco staff car parking spaces there. This building would measure approximately 4.2m high with a flat roof and 15.8m wide and maximum of 6m deep with a lower bin enclosure to the front.
- 6.4. Three replacement car parking spaces would be provided accessed from Chapel Street and Avenue Lane; two for disabled and one for deliveries. There would be no changes to the existing services yard area for Tesco or how it operates. The canopy above the services yard would be replaced and incorporated in to the new development.

7. RELEVANT PLANNING HISTORY

7.1. There is no relevant planning history for the application site:

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents: Tans/ SPDs and Emerging Local Plan 2036	Neighbourhood Plans:
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Design	117-123, 124-132	CP6 Efficient use of Land CP8 Designing Development to Relate to its Context CP9 Creating Successful New Places CP10 Siting Development to Meet Functional Needs	CS18 Urban design, townscape, character, historic environment, CS19 Community safety,	HP9 Design, Character and Context HP11 Low Carbon Homes HP12 Indoor Space HP13 Outdoor Space HP14 Privacy and Daylight	Waste Storage TAN DH1 High quality design and placemaking DH2 Building heights RE1 Sustainable design and construction RE2 Efficient Use of Land	
Conservation/Heritage						
Housing	59-76		CS22 Level of housing growth CS23 Mix of housing CS24 Affordable housing CS25 Student accommodation	HP5 Location of Student Accommodation HP6 Affordable Housing from Student Accommodation	H2 Delivering Affordable homes H8 Provision of new student accommodation H14 Privacy, daylight, and sunlight H15 Internal space standards H16 Outdoor amenity Space Standards	
Commercial						
Natural environment	170-183	CP11 Landscape design CP18 Natural Resource Impact Analysis	CS11 Flooding CS12 Biodiversity		G2 Biodiversity G9 New and enhanced Green and Blue Infrastructure Network features	
Social and community	91-101					
Transport	102-111		CS17 Infrastructure and developer contributions	HP15 Residential cycle parking HP16 Residential car parking	Parking Standards SPD M2 Assessing and managing development (transport) M3 Car parking M5 Cycle parking	

Environmental	117-121 148-165, 170-183	CP17 Recycled Materials CP19 Nuisance CP20 Lighting CP21 Noise CP23 Air Quality Management Areas	CS9 Energy and natural resources CS10 Waste & Recycling		Energy Statement TAN Biodiversity TAN RE3 Flood Risk Management RE4 Sustainable Drainage, surface and ground water flow RE6 Air Quality RE7 Managing the impact of development RE8 –Noise and vibration	
Miscellaneous	7-12	CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN, S1 Presumption in favour of sustainable development S2 Developer contributions	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 15th August 2019 and an advertisement was published in The Oxford Times newspaper on 1st August 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. The County Highways Authority (HA) raises no objection and comments as follows:
- Proposal seeks to reconfigure existing Tesco store on ground floor and vertically extend building to provide 137 student rooms.
 - Proposal will remove existing staff car parking to the rear of the building and re-provide 3 parking spaces which will be used as drop-off/pick-up bays at start term/end. 2 of these bays will then be used as disabled parking bays in term time with 1 being reserved for delivery vehicles.
 - The site will be car-free other than the above spaces, this is deemed acceptable in this location.
 - Site will provide 147 cycle parking spaces within a secure cycle store to the rear, this is above local standards and welcomed.
 - In order for the student accommodation to be considered car-free, a variation to the Traffic Regulation Order (TRO) is required. A contribution of £2,200 is required and secured via a unilateral undertaking.
 - There is some concern that vehicles could block the access to the cycle

store, either a physical restraint or marking should be provided to ensure this does not occur. Similarly, further work is needed to ensure that Tesco staff or members of the public do not use the car parking bays provided, further information is therefore required on these points.

- Further work on the travel plan is required. A monitoring fee of £1,240 is required and secured via a unilateral undertaking.
- 9.3. Conditions requiring a Construction Traffic Management Plan, Exclude eligibility for parking permits, a Student Management Plan, Amended Travel Plan and Travel Information Pack for students.

Thames Valley Police

- 9.4. Thames Valley Police commends the Applicant for providing within their Design and Access Statement (DAS) a specific section relating to the pre-application advice given to them and for stating that they aim to achieve Secured by Design (SBD) accreditation. To ensure that this is the case and that the opportunity to design out crime is not missed it is requested that a condition be placed upon any approval for this application requiring that the development be constructed in accordance with an accredited SBD and shall not be occupied until such accreditation has been confirmed.

Thames Water Utilities Limited

- 9.5. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, they would not have any objection to the above planning application, based on the information provided. Regarding Water, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission requiring confirmation that either network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. The proposed development is located within 5m of a strategic water main. Thames Water do not permit the building over or construction within 5m, of strategic water mains. They suggest conditions requiring Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, and condition requiring a piling method statement before any piling taking place.

Public representations

- 9.6. 133 local people, businesses and interested groups commented on this application. It has been noted that both the Applicant's communications Consultant and some residents did their own door to door consultation in neighbouring streets, in addition to the site notices being posted. Pro-forma comments in support of and objecting to the application have been received. It should be noted that both pro-formas had a box which required ticking if that the person was happy for their comments to be submitted to the Council. Any pro-forma that was not ticked but sent in anyway has therefore not been taken into account.

Comments were received from the following:

Oxford Civic Society
Divinity Road Residents Association
Ashhurst Way: 32
Aston Street: 20, 36, 57
Barnet Street: 15
Bartlemas Road: 25,
Berry Close: 11
Brent Road, Bourne End: 16
Bullington Road: 23, 96B, 101, 120, 123
Chapel Street: 1, 8
Char?, Hinksey Hill
Chester Street: 44
Chestnut Close, Bicester: 12
Crescent Road: 10B,
Church Cowley Road: 133, 186, 268
Clive Road: 22, 40, 44
Collins Street: 2
Conifers, Sandy Lane
Cowley Road: 48, 105, 117, 125A, 137-139, 152, 166, 169, 173, 173A, 186A,
188, 218, 224, 234, 236, 246, 255, 266, 284, 334, 380, 398, 418, 443, 470
Cumberland Road: 24
Cricket Road: 112
Crown Street: 2, 21, 22
Cycle King, 128-130 Cowley Road
Cumberland Road: 20
Denny Gardens: 5
Derwent Avenue: 52
Divinity Road: 21, 116, 135
Drove Acre: 2
East Avenue: 70, 99
Edgeway Road: 127
Empero Garden: 12
Garsington Road: 32
Glanville Road: 30
Harcourt Terrace: 13
Havelock Road: 6
Headley Way: 133
Henley Avenue: 5
Hertford Street: 14, 22, 46, 52, 56

Hooper House (ground floor east), 3 Collins Street
Howard Street: 173
Hurst Street: 18, 93, 133
Iffley Road: 149
James Street: 38, 41, 45
James Wolfe Road: 1
Kestrel Crescent: 19,
Lake Street: 26
Lewell Avenue: 21
Leopold Street: 26
Little Brewery Street: 11
Lime Walk: 121
Magdalen Road: 8, 133, 150
Marsh Road: 46
Marshall Road: 15
Marston Road: 329
Marston Street: 29, 51
Minster Road: 21, 40, 42
Nicholas Avenue: 7
Nye Bevan Close: 24
Old Marston Road: 32
Princes Street: 6
Regent Street: 21
Ridgefield Road: 6
Rushmead Copse, Abingdon: 2
Salford Road: 23
Sandy Lane Farm, Sandy Lane, Tiddington
Sidney Street: 1, 2B,
Silver Road: 17
Sorrel Road: 20
Spencer Crescent: 96
St. Mary's Road: 15; 16, 32, 42, 65C,
St. Omer Road: 8
Tawney Street: 19
The Avenue, Kennington: 30B
The Bullingdon Arms
Union Street: 5,
Upway Road: 15
Van Dieman's Lane: 4
Warwick Street: 2, 8, 33
West Street: 57
Woodstock Road: 43

9.7. In summary, the main points were:

Objections: -

- Overshadowing of adjacent properties
- Inadequate details for provision of bicycle storage

- Not enough information on waste management on site
- Area is already over-populated with students
- Development will increase in student numbers, rather than decrease
- The economic benefits would be limited – accommodation is to replace existing HMO student accommodation
- More students could increase local business to want to apply for late night licences, in an area which already has noise/pollution issues
- Too many students for one building
- Site should be used for affordable housing/social housing
- Concerns over kitchen facilities for the number of rooms
- Accommodation above Boots – should this also be considered
- Live-in manager should be available on site
- Disruption to local business during building works – not acceptable
- Redevelopment should focus on social housing and housing for key workers
- Poor design of proposed additional floor – require a more imaginative design
- It will have a negative impact on the cohesiveness of the local community
- Concerns over extra traffic and strain on parking around the Cowley Road
- No substantive evidence in the proposal that student accommodation is needed
- Use of the site should be for the beneficial to the local community
- The current local plan policy does not reflect current local needs
- This development doesn't help with affordable housing in Oxford
- Concern with extra pressure on the already over-stretched parking in East Oxford
- Out of keeping and overbearing due to the proposed height of the build
- Disruption to local businesses during construction work

Support :-

- Good to take students away from small crowded housing – make available more houses for families
- Sensible option for the site, rather than using it for standard houses and HMO's.
- Important that traditional family house is available for families – sensible use of site
- Proposal will improve the Cowley Road and its overall appearance
- Development for purpose built student accommodation is good use of the site
- This development will allow for students to be managed in a safe and proper manner
- Support in principle but students should be made aware of the area they are moving into; therefore should not make complaints on the day and night operations of the surrounding area.

Officer response

9.8. The application is solely for the Tesco building and therefore the accommodation above Boots and other adjoining properties in that frontage cannot be considered. Whether the development would result in further late night licences from food or drink premises being requested is not material to this application.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Affordable Housing from Student Accommodation
- iii. Design
- iv. Impact on Amenity
- v. Transport
- vi. Air Quality
- vii. Energy efficiency
- viii. Drainage
- ix. Biodiversity and Landscaping
- x. S106 Heads of Terms
- xi. Other

i. Principle of development

- 10.2. The National Planning Policy Framework (NPPF) states that sustainable development should be granted planning permission without delay, unless other material considerations dictate otherwise. The NPPF and Oxford Core Strategy (CS) Policy CS2 encourage the reuse of previously developed land, while Policy CP6 of the Oxford Local Plan 2001-2016 (OLP) requires development proposals to make an efficient use of land in a manner where the built form suits the site's capacity. The Council supports access to education set out in Policy CS16 of the CS.
- 10.3. Policy CS25 of the CS encourages the provision of high quality purpose-built student accommodation buildings that do not significantly harm the amenity enjoyed by local residents. It states that all new student accommodation (built either speculatively or directly by the Universities or Colleges) will be restricted in occupation to students in full-time education on courses of an academic year or more. The policy also states that the Council will seek appropriate management controls to restrict students from bringing cars to Oxford through the imposition of appropriate conditions or planning obligations.
- 10.4. SHP Policy HP5 sets out the criteria for locating student accommodation and permission will only be granted for student accommodation which can be accessed from a major thoroughfare or within a District centre. Where 20 or more rooms are proposed, as in this case, permission will only be granted where the Developer undertakes to prevent the students from bringing cars to Oxford, implements a Management regime and provides indoor and outdoor amenity space.
- 10.5. The new emerging Oxford Local Plan 2036 (OLP 2036) has been submitted to the Secretary of State for Examination, which is due to happen later this year with a view to adoption in Spring 2020. The NPPF gives guidance on when weight can be attached to policies in emerging Local Plans. At paragraph 48 the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 10.6. The policies in this document are a material consideration and policy H8 is of relevance. The Policy supports student accommodation in District Centres. In relation to speculative student accommodation the new policy seeks to restrict it to occupation by Oxford Brookes University or the University of Oxford. This

policy is subject to representations that will be considered through the forthcoming plan examination process. Therefore whilst H8 is a material consideration it currently has limited weight.

- 10.7. It is considered that the principle of student accommodation is acceptable in this location. It would make best & most efficient use of the building to provide purpose built student accommodation above the existing Tesco's supermarket. The site is adjacent to the Cowley Road, a major thoroughfare, and good quality indoor and outdoor space would be provided, discussed elsewhere in this report. The accommodation would be suitably managed via an office on site. Conditions are suggested relating to restricting bringing cars to Oxford and management of the students. The accommodation would also be restricted by condition in occupation to students in full time education on courses of an academic year or more. In terms of use of the accommodation out of term time, it is considered reasonable to allow this as it is the case with much of the student accommodation within the City now.
- 10.8. The comments of residents have been noted, including those who consider the development would not help meet the need for student accommodation within the City and release family housing back to the market, or reduce the number of HMOs and those that think conversely. It is understood that the Applicant has sought interest from the Universities and Colleges etc. but without the benefit of planning permission, there has been no commitment for them to use the site. Despite this, they are also not required to necessarily identify an end user in any event. Nevertheless the development accords with the Policy requirements of CS25 and HP5 of SHP and whilst the accommodation would be speculative it would contribute towards reducing the number of students in private housing in the City.
- 10.9. In conclusion therefore, the principle of student accommodation in this location accords with Policies CS2, CS16, CS25 of the CS, CP6 of the OLP and HP5 of the SHP. It would accord with the principle of student accommodation in District Centres of the emerging Policy H8 of the OLP 2036.

ii. Affordable Housing from Student Accommodation

- 10.10. Sites and Housing Plan (SHP) Policy HP6 and appendix 4 of the SHP sets out that new student accommodation of over 20 bedrooms will only be granted permission if a financial contribution is secured towards affordable housing elsewhere in Oxford. It also sets out criteria for exemption. The development triggers the requirement of the policy but does not meet any of the exemption criteria. This is taken through to Policy H2 of the emerging OLP 2036, which has limited weight. The Applicant has agreed to contribute £859,678.68 (+ 5% £42,983.93 fee) secured by a S106 legal agreement, and it therefore accords with Policy HP6 of the SHP and H2 of the emerging OLP 2036, noting that it carries only limited weight at this time.

iii. Design

- 10.11. The NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being (para 127).
- 10.12. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 and CS19 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character.
- 10.13. Emerging Policy RE2 of the OLP 2036 that updates CP9 of the OLP. This policy states that proposals should make best use of land where it is appropriate in the location and the scale of development, including heights and massing are acceptable. Further to this, the policy suggests that sites within the District Shopping Centres in particular will be capable of accommodating increased scale and density. Opportunities for maximum density must be fully explored. The built form must be appropriate for the capacity of the site. Policy DH1 requires new development to be of high quality design that creates or enhances local distinctiveness and Policy DH2 seeks to retain significant view both within and outside Oxford, in particular to and from the historic skyline and development that causes harm will be refused. Policy DH7 ensures storage for bikes and bins is integrated into the development design and considered at the start of the process. Policy H14 (Privacy, daylight, and sunlight), Policy H15 (Internal space standards) and Policy H16 (Outdoor amenity Space Standards) ensure good quality accommodation is provided. These Policies are a material consideration and afforded limited weight in accordance with Paragraph 48 of the NPPF (as set out above).
- 10.14. The Design and Access Statement sets out clearly that the application has been developed following pre-application discussions with officers. It has been a positive and interactive experience which has resulted in the current scheme. Where opportunities have arisen, the applicant has sought to explore a comprehensive development of the site.
- 10.15. The character and appearance of the Cowley Road is very varied in architectural style, massing and heights ranging from the Victorian era through to mid-Century and more recent developments. It consists of two and three storey buildings punctuated by taller 4 and 5 storey buildings. For example properties Nos.156-160 opposite and the adjoining property to the site (above Boots) which are 3 storeys, the recently completed 4 storey mixed use office and residential buildings on the former Travis Perkins site to the north on Chapel Street, the 5 storeys Health Centre on Manzil Way to the east and 4 storey Tindale House on the corner of James Street and the Cowley Road to the west. Flat and pitched roofs are prevalent throughout the area.

10.16. The existing Tesco building is a mid-20th Century building and its functional architecture and form is of its time. It has a strong horizontal emphasis, few windows and large expanses of brick, with a flat roof. Its southern elevation forms part of the District Centre shopping frontage, however the ground floor is unattractive and inactive. To the Chapel street side there are no windows and no active frontage and there is very little activity at the rear with the exception of the existing service yard and entrance into Tesco. Overall the building is considered to be of little architectural merit and does not positively contribute to the shopping frontage or street scene as a whole.

Design, Height and massing

10.17. The Design and Access Statement sets out clearly that the application has been developed following pre-application discussions with officers. It has been a positive and interactive experience which has resulted in the current scheme. Where opportunities have arisen, the applicant has sought to explore a comprehensive development of the site. The applicant has undertaken an assessment of massing to illustrate the impact of additional storeys on the site from both statutory viewpoints into the city and views out of the city from public view points. Through this process proposals have been adapted in both height and form.

10.18. The application is also supported by an outline visual appraisal that assesses the likely potential visual effects of the proposed new development. Eight views were identified which had potential to be affected by the proposals including one long distance view from St Mary's Tower (identified in the Oxford High Buildings Technical Advice Note (2018) and three views (two long distance and one short distance) identified in the Assessment of the Oxford View Cones Report (2015).

10.19. The assessment concluded that none of the four views identified in planning policy would be significantly affected by the proposed development. It was also concluded that, in relation to the view from St Mary's Tower, the proposed development complied with the 'four visual tests' set out in the Oxford High Buildings Technical Advice Note (2018) namely that it: would not cause visual obstruction of any key components in the view; would not cause visual competition with any existing feature in the view; would not break the skyline of the view and would not change the character of the view. Consequently it was considered that no further assessment was necessary for these views identified in planning policy.

10.20. Five viewpoints with short and medium distance views towards the site were identified. None of the views were considered to be of high sensitivity; they are not identified in planning policy as being of importance and are not of notable visual or scenic quality. An initial assessment of the effect of the proposed development on these views was undertaken and, although, in each of these the proposed development would be visible to a varying extent, it was considered that the proposals would not be harmful to the local visual amenity.

Appearance

10.21. The new building has been carefully designed to respond to the general character of surrounding buildings. The strong horizontality has been changed to a more vertical rhythm, reflecting the rhythm of the street and the smaller property widths nearby and also corresponding to the existing windows in the ground floor of the building. The building façade would thus read as a whole and recessed guttering would emphasise this verticality. The pitched roof with dormer windows is also characteristic of the area and responds positively. The corner element, which provides the new entrance to the student accommodation, would provide a bookend corner feature to the street, again a characteristic feature that is seen elsewhere on the Cowley Road. Projecting frame window surrounds and patterned and green coloured bricks would add detail and visual interest to the building. Buff bricks and grey roofing materials would be appropriate here. Officers considered that the new building is of high quality design and the architectural form responds well and is appropriate to its location. The buildings' new appearance would significantly enhance the character and appearance of the District Shopping Centre as a whole and street scenes within which it sits.

Height, Massing and views

10.22. The building would be taller in overall height than those immediately surrounding it, reaching approximately 17.9m high with the slightly taller corner element at 18.2m. However, the design of the building has been treated such that it would appear as a three storey building with rooms in the roof, thus reducing the overall massing. Given the kinetic views and sinuous nature of the Cowley Road the building would never be experienced in 2D in relation to its neighbours within the street scene. Cowley Road and Chapel Street provide suitable separation from buildings on the other side of these streets. To the rear Avenue Lane would provide separation from the Car park. From the modelling and assessments done by the Architect and design team, Officers consider a 4 storey building (3 storeys plus dormers) in this location adjacent to 2-3 storey properties would sit comfortably within the street. It would not appear overbearing or have an inappropriate relationship to the building adjoining it (over Boots).

10.23. Officers agree with the assessment and conclusions of the views assessment. The development would not harm views into or out of the City Centre. The mass and height would have minimal impact on the setting of the city and would make a positive contribution to the city's roofscape from wider views.

Internal layout and amenity

10.24. The internal layout of the building creates an exciting sequence of communal spaces providing students with opportunities for interaction. Centrally there is a large communal external courtyard at second floor, which is linked via a spiral staircase to a smaller external courtyard at first floor. The internal communal areas would be placed around these courtyards. The study bedrooms would be adequate in size with ensuite facilities. The courtyards provide adequate outdoor amenity and would bring adequate day and sun light into the building.

10.25. The Applicant consulted Thames Valley Police during the pre-application stage and their advice incorporated into the proposal, including CCTV and external Lighting, to meet Secure By Design standards. These details could be secured by condition

Bike and Bin Storage

10.26. The provision of a single storey contemporary designed bike store in glass and brick is a welcome addition to the scheme and relates well to the main development. It would replace the existing staff parking for Tesco and is accessed from Avenue Lane. The rear elevation of the building would back onto the Union Street car park and would be a solid brick wall, replacing the high brick wall that currently exists. Adequate bin storage for both Tesco and the student accommodation would be provided in a brick enclosure to the front of the cycle building.

10.27. In summary it is considered that the proposed development is of high quality design that would appropriately respond to its setting and would make a positive contribution and enhance the District Centre. It would make best and most efficient use of land and would be of appropriate density and height and massing. It would provide adequate and high quality accommodation both internally and externally for the occupants. As such it accords with the NPPF and Policies CP1, CP6, CP8, CP9 and CP10 of the OLP, Policies HP9, HP13, and HP14 of the SHP and Policies CS18 and CS19 of the CS.

10.28. Emerging Policy RE2 of the OLP 2036 has limited weight but shows a direction of travel for the Council, particularly in respect of higher development within District Shopping Centres. It is considered that the proposal would make best use of the site at an appropriate density, height and massing for its location and thus would accord with emerging Policy RE2. It would also accord with DH1, DH2, DH7, H14 and H5 of the OLP 2036, noting that it carries only limited weight at this time.

iv. Impact on neighbouring amenity

10.29. Policy HP14 of the SHP ensures that development provides reasonable privacy and daylight for the occupants of both existing and new homes and occupiers, and development should not have an overbearing impact. Policy H14 (Privacy, daylight, and sunlight) of the emerging OLP 2036 reiterates this.

Privacy

10.30. The proposed development has windows facing onto the Cowley Road, Chapel Street and the Union Street car park to the rear. It is considered that as the development faces onto the public realm in all cases, that there would be no significant issue of overlooking or loss of privacy as a result than would otherwise be expected in a built up urban area. To the rear of the car park is the East Oxford Primary School and having regard to issues of safeguarding, it is considered that there would be no such issues raised due to the distance to the School and the car park in between which contains existing tree screening.

10.31. The proposed windows in the upper floors in the east elevations facing onto Chapel Street again face onto a public street. There are residential and commercial properties opposite, although the windows mostly face towards the commercial property. It is considered that there would not result in a significant increase in level of overlooking that would otherwise be expected in a built up urban area.

Overbearing

10.32. The development makes best use of existing land within the built up urban area. It is separated from surrounding properties on south and east by roads. Given the design of the proposal which puts the top two floors of the development within the roof, it is considered that overall the development would not have an overbearing impact on properties on the other side of the Cowley Road and Chapel Street. It would not impact on the adjoining property to the west.

10.33. The existing Yoga Studio that sits to the rear on Avenue Lane, is a two storey building with a pitched roof that is the same height as the existing flat roof of the adjacent Tesco. All the windows to this building face either north to Union Street Car park or east over the Tesco service yard. Whilst the new building would be taller than it to the south and west, the existing pitch roof and orientation of the building means that it would not be unduly overbearing to the occupants/ users of the Yoga Studio.

Light

10.34. A Daylight & sunlight Report has been submitted which assesses the impact of the development on light to neighbours against Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 2nd Edition, 2011 (the "BRE guide"). The assessment has used both urban and sub-urban guidelines for day and sun light. Officers consider that whilst this is a suburb of Oxford the grain of the area is more akin to an urban area. In this regard the assessment demonstrates that light to the surrounding properties would meet the BRE guidelines and have adequate day and sun light, including the adjoining flats above Boots and those opposite on Cowley Road and Chapel Street.

10.35. The assessment also demonstrates that all of the gardens and amenity areas, such as balconies, assessed meet or exceed the BRE target criteria for sunlight because at least 50% of their area receives at least two hours of direct sunlight on 21 March, or the reduction in area receiving sun on that date is less than the permitted 20%. Again, this demonstrates that the proposals are appropriate and would not adversely affect light amenity from overshadowing.

10.36. The most affected properties are the residential flats adjoining above Boots which sit to the west, those properties opposite on the Cowley Road to the south and properties on Chapel Street which sit to the east. Due to the orientation of the proposed building, the flats above Boots would experience some change in the degree of shadowing and light to rooms in the morning.

The windows and balconies to properties in Chapel Street would be affected in the evenings. The properties opposite would not be overshadowed by the building, as they are to the south of the site, but would experience a change in light to the rooms as a result of a taller building. Officers agree with the sunlight daylight assessment. There would be a marginal degree of change to the extent of overshadowing experienced and light currently experienced by neighbouring properties as a result of the increased building height and massing. However these properties would still have adequate amount of day and sunlight in accordance with BRE guidelines. Officers therefore consider that any change in overshadowing or amount of light to habitable rooms or amenity areas would not be so adverse as so warrant refusal in this case.

Noise

- 10.37. The site is located within the busy multicultural District Centre, which has mixed commercial and residential uses and has a level of noise associated with that. Concerns raised by members of the public in relation to noise and disturbance have been considered. An acoustic Report has been submitted that shows the accommodation itself would not suffer from any detrimental noise effects providing it is well noise insulated, in particular the windows. In terms of impact on noise to neighbours from the development itself, the accommodation would be managed on site. Given the location of the development within the District Centre, it is considered that students in this location would not significantly increase the level of activity or noise currently experienced in the area.
- 10.38. In summary it is considered that the development would not adversely affect neighbouring amenity in terms of light, noise, overshadowing, overbearing or privacy and accords with HP14 of the SHP and H14 of the OLP 2036, noting its limited weight.

v. Transport

Transport & Parking

- 10.39. Policy CS13 of the CS supports development that prioritises access via walking, cycling and public transport and a Transport Assessment and Travel Plan should be submitted for all major developments. The SHP Policy HP15 requirement for cycle parking provision for student accommodation is 3 cycle parking spaces per 4 bedrooms and therefore a total of 103 spaces are required. Policy HP16 of the SHP does not support the provision of dedicated car parking to serve student accommodation, limiting it to disabled parking and servicing. These policy requirements are taken through to the emerging OLP 2036 policies MP1 (prioritising walking, cycling, and public transport), M3 (car parking), MP4 (cycle parking).
- 10.40. The site is located on the Cowley Road and therefore is considered a highly sustainable location. The Tesco store currently has 13 tandem staff car parking spaces, which are underutilised. The bike and bin store would replace these spaces, reducing the number to a total of 3 spaces for the student accommodation only; two disabled car parking spaces and one drop off/

delivery space. This would provide a benefit in terms of impact on the highway and air pollution.

- 10.41. The level of car parking provision for the student accommodation is considered acceptable and therefore meets Policy HP16. The County Council as Local Highway Authority has commented that to ensure the accommodation remains car free the development should be excluded from eligibility for parking permits, secured by condition requiring a variation of the Traffic Regulation Order. In this way the development would not impact on existing parking in the area either. As such a condition is considered appropriate and reasonable in this case.
- 10.42. The 3 car parking spaces would also be used at the start/end of year for student pick up/drop off with the timings being arranged and a condition requiring a Student Accommodation Management Plan would secure how this accommodation would be managed in order to minimise the impact on the highway, particularly in peak times.
- 10.43. The provision of 147 cycle spaces would be provided in a purpose built glazed cycle store, located to rear of the building on the other side of Avenue Lane. It therefore exceeds the required provision and accords with Policy HP15.
- 10.44. A Travel Plan for the development has been submitted and whilst acceptable in principle, it requires updating to meet the County's approved guidance. An amended Travel Plan could be secured by condition which would set out measures and information to ensure the development is car free (bar the 3 spaces) and students have access to sustainable travel information, including a Travel Information Pack.
- 10.45. The Cowley Road suffers from heavy congestion at peak times and is considered an important route to and from the city centre. To ensure the development does not impact on Cowley Road or the local highway network a Construction Traffic Management Plan would be required and secured via condition.
- 10.46. It is considered that, subject to conditions, the development accords with Policies HP15 and HP16 of the SHP and CS13 of the CS and Policies M1, M3 and M4 of the emerging OLP 2036, noting that it carries only limited weight at this time.

vi. Air Quality

- 10.47. Policy CP23 of the OLP states that planning permission will not be granted for development which would have a net adverse impact upon the air quality in the Air Quality Management Area, or in other areas where air quality objectives are unlikely to be met. This is taken through to OLP 2036 Policy RE6 (air quality). The review of current air quality levels in the area allows us to state that pollutant concentrations in the area where the development is expected to be built are well within the relevant health-based air quality objectives. An Air Quality Assessment of Cowley Road has been submitted, together with other associated documents relating to energy and transport.

10.48. Officers conclude that there will be no negative air quality impacts over current and future receptors as a result of the new development, subject to conditions requiring details of the low NOx emission rate boilers proposed and a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures. The development therefore accords with Policy CP23 of the OLP and the NPPF, and RE6 of the OLP 2036, noting that it carries only limited weight at this time.

vii. Drainage

10.49. The site is in Flood Zone 1, and is not shown to be at risk of surface water flooding. CS11 of the CS states that development is expected to provide sustainable drainage (SuDS) unless it can be demonstrated that it isn't feasible. Policy NE14 of the OLP seeks to ensure that there is either adequate capacity for on and off-site infrastructure currently or future capacity could be provided. Emerging Policy RE4 (Sustainable drainage, surface and groundwater flow) of the OLP 2036, noting its limited weight, requires that surface water is managed through SuDS or other techniques to limit run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible.

10.50. A Drainage Strategy & Flood Risk Statement has been submitted which considers this requirement and in accordance with Building Regulations, a hierarchy of drainage discharge options have been considered for surface water discharge. The report concludes that the site is not at significant risk of flooding from any sources. The existing Tesco Metro store on the site would be retained as part of the development. This means that the ground level footprint of the site would not be altered and therefore ground level SuDS systems would not be possible as there is no space to provide them. It is proposed that the foul drainage would be discharged to the existing foul sewer system un-attenuated and all surface water from the site discharged to the existing surface water network.

10.51. Thames Water (TW) has not raised any objection to the development but has identified that upgrades to the existing infrastructure would be required to accommodate the development. It also states that the development is in close proximity to major underground infrastructure. As such TW requires details of piling and confirmation that upgrades to the infrastructure have been completed prior to the occupation of the development. These could be secured by condition.

10.52. Having regard to the site constraints and location it is considered that the proposed drainage strategy is acceptable in this case, adequate infrastructure capacity could be provided and subject to conditions, the development accords with Policies CS11 of the CS.

viii. Energy Efficiency

10.53. An Energy Statement and NRIA Checklist has been submitted to show how 20% on site renewables and energy efficiencies can be achieved in accordance with Policies HP11 of the SHP and Core Strategy Policy CS11.

Emerging Policy RE1, to which limited weight is afforded, seeks to introduce a higher carbon reduction target than current policy. The submitted Statement states the development would achieve a 30.2% energy reduction by using a low carbon technology approach including air source heat pump and photovoltaics. The NRIA check list shows that the project would achieve a score of 7 out of a maximum 11. The proposal would therefore accord with Policies HP11 of the SHP and CS9 of the CS and details/ implementation could be secured by condition.

ix. Biodiversity and Soft Landscaping

10.54. The existing site has no existing biodiversity provision within the existing building and hard landscape service yard. The development would offer new opportunities for biodiversity enhancements and overall could result in a net gain in accordance with Policy CS12 of the CS and the NPPF. Policy NE23 of the OLP seeks creation of new habitats and enhancement features as part of new development proposals. Policy G2 of the emerging OLP 2036 states that development that results in a net loss of sites and species of ecological value will not be permitted. G8 seeks new and enhanced Green and Blue infrastructure. The development would provide a new internal courtyard garden and therefore create opportunity for new soft landscaping for biodiversity interest including birds and insects. In addition the new building could also accommodate bat and/or bird (swift) box enhancement features within its structure. The landscaping and enhancements could be secured by conditions and as such the development would accord with CS12 of the CS and NE23 of the OLP, and G” and G8 of the OLP 2036, noting their limited weight.

x. Heads of Terms of legal agreement

10.55. The application triggers the requirement to provide a contribution towards affordable housing under HP6 of the OLP. Furthermore in order to ensure the development is car free and would not have a harmful impact on the highway, the Road Traffic Order governing eligibility for residents parking permits in the area would need to be amended to exclude the development.

10.56. It is considered that the following matters should be secured through a section 106 legal agreement with the City Council:

- A contribution of £859,678.68 towards affordable Housing plus 5% of the sum for monitoring/admin equating to £42,983.93 in accordance with HP5 and appendix 4 of the SHP.

10.57. It is considered that the following matters should be secured through a unilateral undertaking with the County Council:

- £2,200 to vary the Road Traffic Order to exclude the development from eligibility for residents parking permits; and
- £1,240 Travel Plan monitoring fee.

xi. Other matters

10.58. With regards to archaeology the development would be unlikely to have significant archaeological implications.

11. CONCLUSION

- 11.1. It is concluded that the development is acceptable in principle; the student accommodation is within a Cowley District Centre, on a main arterial route through the City and with good public transport links. The development would also significantly enhance the existing building and would as a result enhance the street scene of the Cowley Road and District Centre as a whole. Whilst it would be one of the tallest buildings along the Cowley Road, the building would sit comfortably within its surroundings, would not harm views into or out of the City, and would make best and most efficient use of land. The development would provide acceptable quantum and quality of purposed built student accommodation that would be managed. There would be no adverse impact on the highway, adequate cycle parking would be provided and limited car parking for disabled and deliveries/servicing only. Opportunities for biodiversity would arise from a new internal landscaped courtyard and it would meet carbon reduction targets. The development would not raise issues in relation to drainage or air quality.
- 11.2. It is considered that the scheme would accord with the aims and objectives of the National Planning Policy Framework would constitute sustainable development, and, given conformity with the development plan, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.
- 11.3. Having regard to the NPPF and Local Development Framework and having considered the application carefully including all representations made with respect to the application, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.4. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions and to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (and other enabling powers) and subject to a unilateral undertaking with the County Council.

12. CONDITIONS

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

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

- 2 Subject to condition 10, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

- 3 Samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development excluding enabling and demolition works on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Prior to occupation a detailed Landscape Plan (including planting schedule) and a Landscape Management Plan shall be submitted and approved and in writing by the Local Planning Authority. The soft planting schedule shall include native plants for biodiversity. The approved Landscape plan shall be implemented prior to occupation and thereafter retained. The landscaping shall be maintained in accordance with the Landscape Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11, NE15 and NE23 of the Adopted Local Plan 2001-2016 and CS12 of the Core Strategy.

- 5 Prior to the commencement of development including demolition and enabling works a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in strict accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local amenity and the free flow of traffic on the public highway in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

- 6 During term time the development hereby permitted shall be used for student accommodation as specified in the submitted application and for no other purpose without the prior written approval of the Local Planning Authority. Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and summer school delegates but not for conference use. The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss

of student accommodation in accordance with Policy CS25 of the Core Strategy 2026.

- 7 The student accommodation hereby permitted shall only be occupied under the terms of tenancy agreements which include a clause restricting residents at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city. The study bedrooms forming the student accommodation hereby permitted shall only be let in accordance with the student accommodation management plan referred to in condition 8 and on tenancies which include the clause referred to above or any alternative approved in writing by the local planning authority.

Reason: In order to maintain the availability of appropriate student accommodation and controls on its management in the interests of amenity, and to ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking street in the immediate locality in accordance with policy CS25 of the Adopted Oxford Core Strategy 2026, Policy HP5 of the Sites and Housing Plan, and Policies CP1 and TR12 of the Oxford Local Plan 2001-2016.

- 8 Prior to occupation of the development, a Student Accommodation Management Plan to include the management controls applying to the student accommodation, (which may include an on-site warden or other 24 hour supervision), allocated time slots for the moving in / out of the accommodation appropriately staggered over weekday mornings to prevent any adverse impacts on the operation of the highway shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the student accommodation. The Student Accommodation Management Plan shall be implemented on first occupation of the student accommodation hereby permitted and there shall be no variation to the approved management controls without the prior written approval of the Local Planning Authority.

Reason: In order to maintain the availability of appropriate student accommodation and controls on its management in the interests of amenity, and to ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking street in the immediate locality in accordance with policy CS25 of the Adopted Oxford Core Strategy 2026, Policy HP5 of the Sites and Housing Plan, and Policies CP1 and TR12 of the Oxford Local Plan 2001-2016.

- 9 The development hereby permitted shall not be occupied until the Order governing parking at Cowley Road, Chapel Street and Avenue Lane has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause

parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

- 10 Notwithstanding the submitted Travel Plan, prior to first occupation of the development hereby permitted, an updated Travel Plan including a Travel Information Pack for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the Travel Plan and the Student Travel Information Pack. Travel information pack shall be provided to every resident at the beginning of each academic year.

Reason: To encourage sustainable forms of transport other than the car in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

- 11 The cycle parking and bin storage hereby approved shall be implemented prior to occupation in accordance with the approved plans and thereafter shall be retained at all times thereafter for that purpose.

Reason: To ensure adequate cycle parking provision in accordance with Policies HP13 and HP15 of the Sites and Housing Plan 2013.

- 12 Prior to the commencement excluding enabling and demolition works, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Provision of artificial roost features for bats and/or birds
- ii. Pollinator provision

The specified scheme of enhancements shall be implemented in accordance with the approved Scheme and shall not be altered without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026 and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

- 13 No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in pages 48-50 of the reviewed Air Quality Assessment that was submitted with this application. The development shall be implemented in accordance with the approved CEMP at all times from commencement of the development to completion of the development.

Reason: to ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance

with the results of the dust assessment, and with Policy CP23 of the Oxford Local Plan 2001- 2016.

- 14 Prior to the occupation of the development, evidence that proves that all emission gas fired boilers that are going to be installed on-site are going to be ultra-low NOx (and meet a minimum standard of <40mg/kWh for NOx) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure that the expected NO2 emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Policy CP23 of the Oxford Local Plan 2001- 2016.

- 15 No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, shall be submitted to and approved in writing by the local planning authority in consultation with Thames Water prior to commencement of development. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground water utility infrastructure and has the potential to impact on local underground water utility infrastructure in accordance with Policy CP1 and NE15 of the Oxford Local Plan 2001-2016.

- 16 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure in accordance with Policy CP1 and NE15 of the Oxford Local Plan 2001-2016.

- 17 (a) Prior to first occupation of the development details of CCTV and external lighting shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be installed prior to occupation and thereafter retained.

Reason: In the interest of Secure by Design, Community Safety and neighbouring amenities in accordance with Policies CP1 and CP20 of the Oxford Local Plan 2001-2016 and CS19 of the Core Strategy.

- 18 Prior to the commencement of development excluding enabling and demolition works details of any mechanical plant and/ or ventilation shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be installed.

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

- 19 The development shall be constructed in strict accordance with the approved Energy Statement. Prior to the full occupation of the whole development evidence shall be submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement to achieve the target performance. The development should be maintained to continue to achieve or improve on this performance target over its lifetime.

Reason: To ensure compliance with Policies CS9 of the Core Strategy and HP11 of the Sites and Housing Plan.

- 20 The development shall not be occupied or used until confirmation of Secure By Design accreditation has been received by the Local Planning Authority.

Reason: In the interest of Secure by Design, Community Safety and neighbouring amenities in accordance with Policies CP1 and CP20 of the Oxford Local Plan 2001-2016 and CS19 of the Core Strategy.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Proposed Block 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.