

West Area Planning Committee

8th October 2019

Application number:	18/03369/FUL		
Decision due by	25th March 2019		
Extension of time	31st October 2019		
Proposal	Demolition of existing buildings and redevelopment of site to provide 140 dwellings (3x studios, 73 x 1 bed, 60 x 2 beds, and 4 x 3 beds) with associated works. Additional information and amended plans and description.		
Site address	Site Of, Gibbs Crescent, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Jericho And Osney Ward		
Case officer	Sarah De La Coze		
Agent:	JPPC - Chartered Town Planners	Applicant:	A2Dominion Homes Limited
Reason at Committee	The application is a major application.		

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 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

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 redevelopment of Gibbs Crescent. The application seeks planning permission for the redevelopment of the site to include 140 dwellings (3x studios, 73 x 1 bed, 60 x 2 beds, and 4 x 3 beds) with associated landscaping and parking.
- 2.2. The existing building comprises a crescent shaped residential development with 38 car parking spaces. The development initially comprised 86 dwellings, following an explosion on the site in 2017 a number of the dwellings were demolished and a number of neighbouring properties were left uninhabitable. The site now comprises 74 dwellings.
- 2.3. The application has been subject to a number of amendments mostly in response to comments received by Historic England, officers and neighbours regarding the design of the building and its impact on the historic environment.
- 2.4. The application was subject to pre application discussions and was reviewed by the Oxford Design Review Panel.
- 2.5. The application has been advertised as a departure from the development plan due to the building exceeding 18.2m in height.
- 2.6. Officers consider that the development would be acceptable with regard to principle, design, impact on the historic environment, highways and impact on neighbouring amenity.
- 2.7. The proposal seeks to provide 50% affordable housing on-site. In addition a further 15 affordable dwellings are to be provided on site as part of the Simon House development (planning reference 18/03370/FUL). The planning application for the Simon House development is to be considered as part of the agenda for this committee meeting.
- 2.8. The harm to the historic environment has been carefully considered and great weight has been given to conserving the designated heritage assets referred to in the report. The benefits of the scheme are considered to outweigh the less than substantial harm caused and the development therefore complies with the requirements of Paragraph 196 of the NPPF.
- 2.9. The proposal would provide good quality residential accommodation in a highly sustainable location. Officers consider that the development is acceptable in all other aspects and recommend that the committee resolve to

approve the application subject to a legal agreement which is covered in the section below.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to cover the provision of the on-site affordable housing required by this development together with the off-site affordable housing which is proposed to be located on this site which arises from the Simon House development as well as provide a travel plan monitoring fee of £1,240.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

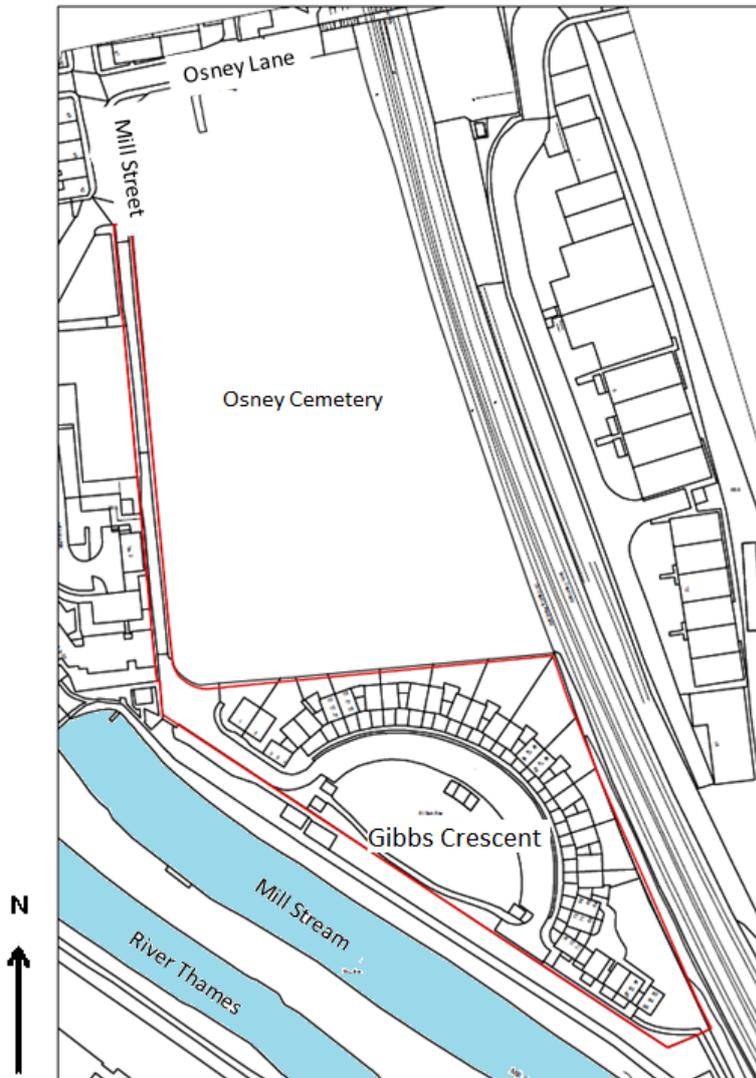
- 4.1. The proposal is liable for CIL at an amount of £1,202,492.69.

5. SITE AND SURROUNDINGS

- 5.1. The site is located to the west of the city in Osney. The site is accessed via Mill Street with a public footpath running along the southern side of the site. To the north of the site is Osney Cemetery, to the east of the site is the mainline railway and to the south of the site is Osney Marina which is separated by a boundary fence and a boundary hedge. There is no direct access to the waterfront from the application site. To the west of the site is residential development set over 3 and 4 storeys. Beyond that is Osney Mill which is a grade II listed building and Osney Abby which is a scheduled monument. The road leading to Gibbs Crescent is characterised by 19th century terraced dwellings constructed as a result of the opening of the railway stations and the influx of related workers to the area. Osney Power Station is a visible visual reference within the area.
- 5.2. The site sits within Osney Conservation Area and is an important area in terms of its archaeology. The site is experienced in a somewhat isolated way as it sits beyond the main built up development of Mill Street and benefits from a long access road. Despite this dislocation from the main built up areas around it the site is visible in the public realm from the towpath and marina.
- 5.3. The existing building initially comprised 86 dwellings set over three storeys in a semi-circular formation with an overall height of approximately 10.4m. Following an explosion on the site in 2017 a number of the dwellings were demolished and a number of neighbouring properties were left uninhabitable. The site now comprises 74 dwellings. The site is occupied by tenants of A2Dominion in which is an affordable housing organisation and registered provider. The site includes 38 car parking spaces which are currently available to residents on the site and are located to the front of the building.
- 5.4. Since the redevelopment of the site was announced by A2Dominion a relocation scheme is underway to allow the existing occupiers the opportunity to relocate to other accommodation. At the time of writing this report, 44 of the dwellings are still occupied by residents and there are a number of property guardians in the other properties. A property guardian is a person

who is allowed to stay in the property on a temporary basis in order to look after the property on a short term basis.

5.5. See location plan below:



6. PROPOSAL

- 6.1. The application proposes the demolition of the existing building and the erection of a building up to six storeys in height to accommodate 140 units comprising 3x studios, 73 x 1 bed, 60 x 2 beds, and 4 x 3 bed dwellings with associated landscaping and parking.
- 6.2. The proposed building would be six storeys at its highest point with an approximate height of 19.9m, it is proposed to be laid out in a broadly semi-circular pattern. The development proposes to be car free with the exception of 7 disabled bays, 2 car-club bays and a delivery, servicing and management bay with the parking spread across the site. Cycle parking is proposed to be located within the building as well as around the perimeter of the site with the majority of it being located to the east of the building adjacent to the railway

line. Balconies and gardens would form part of the private amenity space for future occupiers.

- 6.3. The application proposes to remove a large number of the existing trees from within the site to accommodate the development. In addition the public right of way located to the south of the site is proposed to be straightened to accommodate the development.
- 6.4. The application would provide a 50% affordable housing contribution to be provided on site. In addition, the 50% affordable housing requirement (15 dwellings) from Simon House (application 18/03370/FUL) would be provided on this site. Assessing the combined tenure mix at Simon House and Gibbs Crescent, the proposals would provide 85 affordable units in total. 70 for the Gibbs Crescent scheme and an additional 15 units as an off-site contribution for Simon House. Of the 85 affordable housing units, 68 units would be social rented and 17 would be shared ownership. The remaining 55 dwellings would be open market housing.

7. RELEVANT PLANNING HISTORY

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

72/26386/A_H - C.E.G.B Coal storage yard Mill Street - Outline application for the erection of a terrace of 12 houses. Refused. 12th September 1972.

72/26673/A_H - C.E.G.B Coal storage yard Mill Street - Outline application for the erection of 50 no. 4-person houses each with garage and private garden. Refused. 27th October 1972.

75/00499/A_H - C.E.G.B Coal storage yard Mill Street - Outline application to erect 4 no. dwelling units. Permitted. 2nd July 1975.

77/00427/AH_H - C.E.G.B Coal storage yard Mill Street - Outline application for erection of student accommodation to form 84 student rooms and 2 flats. Permitted. 20th July 1977.

78/00955/AH_H - C.E.G.B Coal storage yard Mill Street - Outline application for erection of 2-storey blocks to provide accommodation for 138 single persons and wardens dwellings and 12 parking spaces. Refused. 22nd November 1978.

80/00755/NFH - Former Coal Yard Mill Street - Erection of two/three storey accommodation to provide 78 bedsitters, 8 one-bedroom flats and 2 houses with associated parking and landscaping. Permitted. 13th January 1981.

81/00239/NFH - Former Coal Yard Mill Street - Erection of two/three storey accommodation to provide 74 self-contained bed-sitting units, 10 one-bedroom flats and 2 houses, with associated parking and landscaping. Permitted. 10th September 1981.

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	Neighbourhood Plans:
Design	Paragraphs 91, 92, 117, 118, 122, 124, 127, 128, 129, 130, 131	CP1 CP6 CP8 CP9 CP10 CP11 CP13 CP14 HE9 HE10	CS1 CS2 CS18	HP2 HP9 HP12 HP13 HP14		H14, H15, H16, RE2, RE7, DH1, DH2, DH7
Conservation/Heritage	Paragraphs 184, 189, 190, 191, 192, 193, 194, 196, 197, 199, 200, 201, 202	HE2 HE7				DH3, DH4
Housing	Paragraphs 61, 62	CS2 CS23 CS24	CS2 CS23 CS24	HP3		H1, H2, H4
Natural environment	Paragraph 175,	NE6 NE15 NE16 NE21	CS11 CS12			RE3, RE4, G2
Transport	Paragraphs 102,103, 105,106, 109, 110	TR1 TR3 TR4 TR5 TR6 TR13 SR9	CS13 CS17	HP15 HP16	Parking Standards SPD	M1, M2, M3, M4, M5
Environmental	Paragraphs 148, 150, 153, 155, 163, 165	CP11 CP17 CP18 CP22	CS9	HP11	Energy Statement TAN	RE1, RE6
Miscellaneous	Paragraphs 11, 38, 39, 40, 41, 47, 48, 54, 55, 56, 57, 178, 179, 180	CP.13 CP14 CP19 CP20 CP21 CP.24 CP.25		MP1	Telecommu nications SPD, External Wall Insulation TAN,	S1, S2, H10, RE5, RE8, RE9

The Oxford Local Plan 2036 is currently in draft. Limited weight is currently afforded to the policies within this plan. Where relevant the emerging policies are referred to and any conflict is identified.

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 11th January 2019 and an advertisement was published in The Oxford Times newspaper on 10th January 2019.
- 9.2. Following amended plans and additional information being submitted the application was re-advertised by site notice on 12th July 2019 and an advertisement was published in the Oxford Times newspaper on the 12th July 2019. Further plans were submitted and the application was re-advertised by site notice on 12th September and an advertisement was published in the Oxford Times newspaper on 12th September. The consultation expiry date for comments is the 7th October, any further comments received following the publication of this report will be updated verbally at the committee.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.3. No objection subject to conditions

Key issues:

- 9.4. Proposal seeks to demolish existing buildings and redevelop the site to provide 140 dwellings.
- 9.5. Oxfordshire County Council previously objected to the proposal, however, following discussions with the applicant the county council has now withdrawn this objection subject to conditions.
- 9.6. The site would be largely car-free with the exception of 7 disabled bays, 2 car-club bays and a delivery, serving and management bay. This would result in a large decrease in car-trips on the highway network and using the narrow access road.
- 9.7. The applicant would provide a private management scheme to enforce the low car nature of the site.
- 9.8. The applicant has agreed to design and provide a new street lighting scheme to the access road which would increase the attractiveness of sustainable transport modes.
- 9.9. Following discussions, the applicant has provided improved cycle facilities within the site above what is required as standard, this is welcomed as a benefit to residents and accepted.
- 9.10. The PROW to the south of the site should remain unobstructed and improved if possible.

Access Road

- 9.11. Following previous comments relating to the access road, several conversations have taken place with the applicant regarding the mitigation that can be provided. Due to the protected trees within the footpath, there is little

that can be achieved that would be beneficial to the scheme, so it has been agreed that this will stay as it is. However, the applicant will design and construct a new street lighting scheme which would make this route feel more attractive for pedestrians and cyclists at night. Street furniture would also be removed for the same reason.

- 9.12. The surface of the access road would also be amended, this would help the road feel more pedestrianised and help to lower vehicular speeds. It would also be beneficial to provide advisory 5mph speed limit signs which would further help keep speeds lower. However, as this is not public highway this would not be enforced by the highway authority.

Car & Cycle Parking

- 9.13. The car parking numbers have previously been agreed, however, the management bay has been amended to 'Delivery, Servicing and Management Bay', this is deemed beneficial to the scheme and is accepted.
- 9.14. The low-car nature of the site will need to be enforced by a private management company which has been agreed with the applicant, a condition has been included to ensure this is carried out and remains in place.
- 9.15. The County Council previously objected to the scheme's cycle parking details. However, following discussions and the submission of further cycle parking details, the number and form of cycle parking is now accepted. This is above the level required in Policy HP15 and is a welcomed benefit to the residents.

Public Rights of Way

- 9.16. During construction the footpath may need to be diverted, to carry this out a either a 257 TCPA application or a s119 Highways Act application will be required.
- 9.17. The PROW to the south of the site which leads to Oxpens Road is an important link which will have an increased footfall due to the number of dwellings proposed. The access to this from the site should remain open and if possible be improved.

Oxfordshire County Council (Highways) additional comments received 24/09/19

- 9.18. Following the most recent correspondence with local residents regarding highway concerns relating to Gibbs Crescent, I just wanted to explain a few things raised to give a better understating of the county councils position.
- 9.19. Regarding pedestrian access, the access road is being widened further than it is now due to the removal of excessive kerbs. Whilst there will be an increase in residents, there will be a large decrease in vehicle numbers using the access road. The road will still have the footpath on the eastern edge which can be used, although upon my site visits I have noted pedestrians tend to walk along the middle of the road anyway but at least this acts as a refuge if needed. It is also worth stating that the accident statistics show a very low

accident rate (0 in the 5 year period). With the decrease in vehicles on site it is not considered that the access road will be unsafe.

- 9.20. Regarding shared surfaces, the former Minister of State for Housing and Planning, Kit Malthouse MP clarified the pause on shared surface in a ministerial letter stating “the focus of the pause is on level-surface schemes in areas with relatively large amounts of pedestrian and vehicular movement, such as high streets and town centres (outside of pedestrian zones). The pause does not apply to streets within new residential areas, or the redesign of existing residential streets with very low levels of traffic, such as appropriately designed mews and cul-de-sacs”. As the access road cannot be described as having high vehicular traffic I do not feel that this is a reason for the development not to go ahead.
- 9.21. As I have said above, there is already a good accident record here, there will be significantly less vehicles, improvements are being made to the access road to encourage lower speeds and a new street lighting scheme will be coming into place to improve the road at night. Therefore as stated within my original response, Oxfordshire County Council do not object on highway safety grounds.

Oxfordshire County Council (Education)

- 9.22. As the proposed housing mix has been updated for the proposed development, the county council has reviewed pupil generation and the impact on availability of school places.
- 9.23. The proposed development will increase the demands placed on local infrastructure and services. The development is in the designated area for West Oxford Primary School, which sits in the school planning area of Cumnor, where there is a low level of spare primary school places. However, as the proposed development largely replaces existing housing, it is not expected to have a significant impact on the demand for school places.
- 9.24. In relation to secondary provision, the county council considers that sufficient secondary school capacity will be provided through The Swan School, a new secondary school delivered through the central government free school programme, which opened in Oxford in September 2019.
- 9.25. There is a shortage of special school places in the Oxford area, however the proposed development is expected to generate less than 1 pupil requiring SEN education, so is not expected to require the expansion of special school capacity.
- 9.26. Therefore, the county council is not requesting developer contributions towards education for this application.

Oxfordshire County Council (Drainage)

- 9.27. No objection subject to conditions

Key issues

- 9.28. Incomplete information provided to enable a full technical audit of the proposal.
- 9.29. Proposal is based on infiltration but no evidence has been provided.

Detailed comments

- 9.30. FRA states intrusive ground investigation, in detail, is still to be undertaken. The proposal, as per point 7.5 assumes infiltration is possible. A Surface Water Management Strategy cannot be based on unknowns and assumptions.
- 9.31. Buffer Zones between water courses, Osney Mill Marina and River Thames need to be provided.
- 9.32. EA mapping demonstrates surface water flooding within the site and along Gibbs Crescent. Justification of safe ingress/egress needs to be demonstrated.
- 9.33. Pre/post development Surface Water flow paths need to be marked up on the topographical plans and provided for assessment.
- 9.34. Evidence of a Treatment and Management train needs to be demonstrated.
- 9.35. It is expected that storage should be dispersed around the site with any run-off limited to Greenfield run-off rates for all relevant return periods including Climate Change allowance.
- 9.36. The use of; Green/Blue roofs, bio-retention, swales, soakaways and permeable is noted and welcomed. Consideration should also be given to use of rain gardens and down pipe disconnection to this type of SuDS feature.
- 9.37. Green space around site should be fully maximised for SuDS usage.
- 9.38. Sacrificial storage areas on site for temporary shallow ponding in exceedance events should be considered and demonstrated on plan.
- 9.39. If phasing of the development is proposed management of surface water during this stage of development needs to be demonstrated.
- 9.40. The Management and Maintenance document should be produced as a stand-alone document.

Thames Water Utilities Limited

Waste Comments

- 9.41. Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul 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.

- 9.42. The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

- 9.43. Following initial investigations, 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 the following condition be added to any planning permission.

Thames Valley Police

- 9.44. No objection subject to conditions but has raised concerns which include natural surveillance on site, scale of landscaping, lighting of the site, boundary treatments, texturing of the building.

Historic England

- 9.45. In our previous advice, given in our letter dated 21 January 2019, we raised concerns regarding the design of the proposed new development. The amendments now submitted address these concerns.
- 9.46. Historic England has no objection to the application on heritage grounds.
- 9.47. In determining this application you should bear in mind the statutory duty of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Network Rail

- 9.48. Network Rail has no objection in principle to the proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

Canal & River Trust

- 9.49. The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in 2011 under the organisations former name, British Waterways. The 2011 issue introduced a notified area for household and minor scale development and a notified area for EIA and major scale development. This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

Environment Agency

- 9.50. This planning application is for development we do not wish to be consulted on.

9.51. Natural England

- 9.52. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

- 9.53. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Oxford Civic Society

- 9.54. The planning statement argues that it is the size of the site which precludes the provision of more 3-bed family homes with the required outdoor space. But the driver seems to be the desire to provide 1-bed units with no private outdoor space, thereby cramming more units onto the site to everyone's disadvantage. We know that any home is better than none and the City Council has an impossible task to perform. This should though be weighed up against providing good mixed housing schemes.
- 9.55. In addition to these concerns we note that the buildings will be 1.5 storeys higher than existing and we should ask for scrutiny of the effect on distant views, the development is intended to be car-free (10 spaces, 7 for people with mobility problems, 2 for car club and one for the management). The transport assessment is, as usual, sanguine about walking times to local amenities, the access path to the development appears to be uninviting especially after dark and may present some personal security issues. We have no objection to the demolition of the existing structure but have serious misgivings about squeezing so many units into this small space. We fear that it will eventually become an isolated and deprived part of inner-city Oxford
- 9.56. Oxford Civic Society notes the slight change in the combination of property types and some alterations to exterior design including the configuration of the roofs. The objections expressed previously still apply. A smaller well-designed scheme with a mixture of tenure and property types with more family

accommodation would have more likelihood of becoming an established community

Oxford Preservation Trust

- 9.57. Our concerns regarding the scale, massing and design of the proposal have not been overcome by the revisions proposed to the originally submitted scheme. There is no clear design detail to reflect how the proposed design responds to the site and its surroundings, and OPT fear that this will result in an unsympathetic dominant addition to the setting of the historic world famous skyline, in addition to shorter distance views, such as those from the Canal or St Georges Tower.

Oxfordshire Fire and Rescue Service

- 9.58. Our reference: Gibbs Crescent (Street Record) 10002415204
- 9.59. Please find my revised comments based upon the updated "Fire Tender Access Strategy" document dated Sept 2019. Drawing PL020. It is taken this does not form the formal Fire Service consultation as defined under Building Regulations 2010, as it is taken this will be completed at a later stage.
- 9.60. It is welcomed that all of the flats will be provided with automatic water suppression systems (Sprinkler system). This active fire safety measure is a significant step in protecting the residents of the development, minimising fire development and fire spread, and thus mitigating any fire damage in the event of a fire.
- 9.61. Fire hydrant locations as marked on the plan are suitable
- 9.62. It is noted that adequate access has been provided for a Hydraulic platform, with several locations on the access road which are wider where it can be used effectively.
- 9.63. The inclusion of the passing places and an additional turning head, should allow for reasonable movement of emergency vehicles on site.
- 9.64. Whilst the roadway is of adequate width, ongoing management of overhanging trees will be required to ensure access is maintained.
- 9.65. It is noted that combustible cladding will not be used as part of this development.

Oxfordshire Fire and Rescue Service (additional comments received 26/09/19)

- 9.66. In terms of the Fire and Rescue Service, we look to follow the planning process with each Local authority and will offer written responses to formal consultation as determined by the planning authority.
- 9.67. The Fire & Rescue Service are not statutory consultees at a planning stage and therefore have no powers to require amendment to any plans. However, with regard to the potential redevelopment of Gibbs Crescent the planning

authority have sought proactive dialogue with the Oxfordshire County Council Fire & Rescue Service to ensure that our needs are considered. It must be stressed that the Fire & Rescue Service seeks only to comment on Functional Requirements of the Building Regulations (solely section B5).

- 9.68. Based upon the communication that we have had with the Planning team, we remain satisfied that the planning authority is paying the correct consideration to emergency service access to the proposed redevelopment. Building Regulation approval can only be given by the chosen Building Control Body, be that the Local Authority (City Council) or an Approved Inspector, and not by the Fire and Rescue Service.
- 9.69. To provide absolute certainty over the ongoing safety of the current residents of Gibb's Crescent and confirm the ability of Oxfordshire County Council Fire and Rescue Service to attend incidents, a fire appliance from Rewley Road Fire Station attended Gibbs Crescent on Tuesday 17 September 2019. It drove down the access road confirming adequate access arrangements and this was achieved using the existing road width.
- 9.70. I hope that our response and actions have reassured you in the concerns that you have raised and you have the confidence that we have again visited Gibbs Crescent to assure ourselves of the Emergency Access. The Oxfordshire County Council Fire and Rescue Service requests that any future correspondence be directed to the Planning Authority as we believe that this is a matter solely for them.

Building Control

- 9.71. The legal requirement for the developer of this site is to meet the following Functional Requirement as set out in the Building Regulations 2010, it should be noted that the guidance issued in Approved Document B is not the 'Regulations'; it is simply one method of achieving compliance to the Functional Requirement which is:
- 9.72. Access and Facilities for the Fire Service:
- 9.73. B5
- 9.74. 1) The Building shall be designed and constructed so to provide reasonable facilities to assist fire fighters in the protection of life.
- 9.75. 2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.
- 9.76. Building Control would like to make the following comments:
- 9.77. 1) Existing Access Road to the Site:
- 9.78. There is an existing access road leading to the new site which has been detailed out by the Architect as achieving the recommended minimum dimension of 3.7m in Approved Document B in most locations, once the alterations to the road surface as detailed below have been carried out. As

this is an existing access road to the current flats, the improvements that are being made can only provide better Fire Service Access than the existing arrangement, which we know can be accessed by Fire Service Vehicles.

- 9.79. There are some occasional pinch points on the access road to the site (they will be submitting an Application to have tree stump 3 removed) where the road way is less than 3.7m, however the overall width is greater than the recommended minimum dimension of 3.1m between gateways in Approved Document B. These have been agreed with the Oxfordshire Fire and Rescue Service based on operational evidence that their appliances can access the site despite these pinch points, and consideration that if these pinch points were to have gates fitted then they would then be compliant with the guidance in Approved Document B.
- 9.80. Information has been provided to us that details out that the existing kerbs lines, and raised kerbs will be removed and the access road resurfaced to create a level shared surface for use by vehicles and pedestrians, which is how the dimensions quoted by the Architect on their drawings being achieved.
- 9.81. Oxfordshire Fire and Rescue have previously accessed the site using the road in its existing arrangement to attend incidents at Gibbs Crescent, and the improvements to widen the road are acceptable to them. The responsible person under the Regulatory Reform order will need to ensure that the trees are regularly maintained to ensure that they do not encroach over the Fire Service vehicle access. On this basis the access is shown to meet the Functional Requirement B5.
- 9.82. 2) The New Site:
- 9.83. The road surface around the new site achieves the recommended minimum dimension of 3.7m in Approved Document B, in addition to this they have provided localised widened areas of road to accommodate a high reach appliance (this is above the minimum requirement contained in the guidance given in Approved Document B, but was a recommendation for the site from Oxfordshire Fire and Rescue Service to assist them operationally). The site has also been provided with widened areas of road way to act as passing places for emergency vehicles during an incident, which again is above the minimum requirement in the guidance document Approved Document B.
- 9.84. The development is being proposed as being fitted with a dry rising main, with Fire Service vehicle access to within 18m to the inlet connection and outlets fitted to each upper floor level, in addition to this the flats are being proposed as being fitted with sprinklers (the sprinkler provision is above the minimum requirement).
- 9.85. The access within the new site itself and the firefighting provision within the buildings containing the flats is shown as compliant with the guidance in Approved Document B and the Functional Requirement B5.
- 9.86. It is the view of Oxford City Building Control that the proposed site based on the information submitted to us by the Architect and Planning Consultant, and the

agreement from Oxfordshire Fire and Rescue Service is that the building meets the Functional Requirements of Requirement B5.

- 9.87. Building Control can only make comments relating to the current Legislation and Approved Documents that are in force at the time that these comments have been made, we do not have any powers to enforce any additional measures suggested under the various reports and documents that are in circulation which have not been formally adopted and embedded in our Legislation.
- 9.88. The once a valid Building Control Application has been submitted the appointed Building Control body will oversee the building work and ensure that complies with the Function Requirements of the Building Regulations. Oxford City Council Building Control may not be Building Control provider for the site, as the developer can choose to appoint a Private Approved Inspector to undertake this service for them, and if this is the case then Oxford City Council's Building Control Service will have no legal powers to oversee how Building Regulations are demonstrated as compliant on the site.

Public representations

- 9.89. 69 local people commented on this application from addresses in The Warren, Mill Street, Gibbs Crescent, Osney Mill Marina, Princes Avenue, Wharton Road, Hodson Close, Arthur Street, Barrett Street, Ditchley Park, Abbey Walk, Millbank, Abingdon Road, Beech Road, Fraser Road and users of the Marina as well as Councillor Pressel.
- 9.90. The comments can be read in full on the website as part of the application, in summary, the main points of objection were:
- Security of the marina will be compromised
 - Residents are being forced out of the development
 - Building design will be out of keeping with the area
 - Height of the development is not in keeping
 - Redevelopment is good for the area
 - A number of residents are happy to relocate as the conditions are not favourable
 - The existing flats are dated and damp
 - The loss of trees is unacceptable
 - Increased level of service vehicles accessing the site
 - Would have an adverse impact on the biodiversity of the area
 - Traffic calming should be incorporated in to the scheme
 - Alternative developments should be explored
 - Development is overbearing

- Proposal is an overdevelopment of the site
- The access road is not adequate for construction traffic
- Proposal would result in increased traffic with regard to deliveries etc
- Will overlook the marina
- Loss of privacy for neighbouring properties
- Development would provide much need affordable housing
- Will there be sufficient amenity space for the occupiers
- Will increase noise and light pollution
- Does not preserve or enhance the Conservation Area
- No benefit to the community
- Development too bulky
- Very few family dwellings proposed
- How will the car free nature be enforced
- Height of the development should be reduced
- Local community have not been engaged adequately
- Flooding is a concern
- Would change the character of the area
- Hedge between the site and the marina would be reduced to an unacceptable level
- Inaccurate information in the supporting information
- Whilst car free, development would still increase traffic in the area
- Impact on other pedestrian routes in and out the site and around the city
- Improvements to other public routes should be provided
- Will not impact on greenfield land which is positive
- Road is not wide enough to accommodate development
- Development does not meet building standards
- Existing building should be refurbished
- Six storeys are not in keeping
- Materials should be in keeping
- The combined developments of this site and the power station would be overwhelming for the area
- Increase pollution
- Does not meet fire safety standards
- Application will increase footfall on pedestrian links

- Simon House should have its own on site affordable housing
- Crime prevention officer should be more forceful in this comments
- Height will have an adverse impact on views in and out the city
- Was not clear that the application is linked to Simon House
- Road does not comply with highway standards
- The use of a shared surface is contrary to government guidance
- Does not take in to account those with disabilities
- Does not comply with conditions of existing development
- Does not comply with various highways legislation

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Affordable housing and mix of dwellings
- iii. Design and impact on the historic environment
- iv. Residential amenity and impact on neighbouring amenity
- v. Highways
- vi. Biodiversity
- vii. Drainage and Flooding
- viii. Sustainability
- ix. Air Quality
- x. Noise
- xi. Other Matters

i. Principle of development

10.2. The application site comprises residential accommodation in a sustainable location within the city. The application seeks permission to replace the building with a residential development of a larger scale.

10.3. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Paragraph 117 states that planning policies and decisions should promote an effective use of land.

10.4. Policy CS2 of the Core strategy states that development will be focused on previously developed land. The supporting text then goes on to say “Providing new housing on previously developed land within the existing built-up area enables people to live closer to shops, services, and places of work. It can

help to reduce the need to travel, as well as helping to sustain existing local businesses and facilities.”

- 10.5. Policy CP6 of the adopted Local Plan states that Development proposals must make best use of site capacity, in a manner compatible with both the site itself and the surrounding area.
- 10.6. Policy RE2 of the Emerging Local Plan supports the efficient use of land. It requires the density to be appropriate for the site. The scale of development, including building heights and massing should conform to other policies in the plan, opportunities for developing at the maximum appropriate density must be fully explored and built form and site layout must be appropriate for the capacity of the site.
- 10.7. A number of the objections relate to the relocation of the occupiers of Gibbs Crescent. The city’s housing team is working with A2Dominion to ensure that the occupiers are relocated in appropriate accommodation across the city. Currently there is no requirement for Gibbs Crescent to remain as affordable housing as there was no planning condition or legal obligation restricting the use of the site or the type of occupiers. The development would allow for the affordable housing to be retained on site in perpetuity which would be a public benefit.
- 10.8. The principle of redeveloping the site for housing is therefore acceptable subject to compliance with the other policies in the development plan which will be explored in further detail.

ii. Affordable housing and mix of housing

- 10.9. Policy CS24 of the Core Strategy relates to affordable housing and states that on sites of 10 or more houses planning permission will only be granted for residential developments that provide generally a minimum of 50% of the proposed dwellings as affordable housing on all qualifying sites.
- 10.10. Policy HP3 of the Sites and Housing Plan further supports this requirement and details that of the 50%, 80% of that should be provided as social rented with the remaining 20% being formed of affordable rented or as other types of intermediate housing.
- 10.11. The application has been submitted alongside Simon House (application 18/03370/FUL). Simon House does not seek to provide any on site affordable housing. Instead it seeks to provide its 50% (15 units) of affordable housing on Gibbs Crescent.
- 10.12. Policy CS24 allows for off-site affordable housing to be provided where the City Council and the developer both consider it preferable. The City Council’s housing team has been in consultation with A2Dominion to ensure that the affordable housing target is met and complies with the council’s housing strategy. The housing team have been consulted on the application and are in support of the provision of all of the affordable housing on the Gibbs

Crescent site. The principle of providing off-site affordable housing would therefore comply with the requirements of Policy CS24.

- 10.13. 140 units in total are to be provided on Gibbs Crescent. In total the development would provide 85 affordable dwellings. 70 for the Gibbs Crescent scheme and an additional 15 dwellings as an off-site contribution for Simon House. Of the 85 affordable housing dwellings, 68 dwellings would be social rented and 17 would be shared ownership which would comply with the 80-20 mix. The remaining 55 units would be open market housing. This combination would comply with Policy HP3 of the Sites and Housing Plan.
- 10.14. In addition to the requirement for affordable housing, Policy CS23 of the Core Strategy refers to the mix of housing. The mix of housing required on larger sites is set out in the Balance of Dwellings SPD. Gibbs Crescent is located in an Amber area which shows that the “pressure is considerable, so the council needs to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new developments.” The proposal therefore does not comply with the recommended mix of dwellings in the SPD.
- 10.15. Policy H4 of the emerging plan details the required mix of affordable dwellings outside the city centre. The policy requires a greater provision of larger affordable dwellings to be provided which is not proposed in the development with only 4 x 3 bedroom dwellings being proposed. The policy states that development below this threshold should demonstrate how the proposal has regard to local housing demand.
- 10.16. The Council’s Housing Strategy (2018-21) identifies the greatest need for social housing as being small units for single people, couples and small families. There are currently approximately over 2000 households on the Council’s housing register and the greatest need is for 1 and 2 bed flats with 910 and 630 households respectively; there are 500 households with a 3 bed need. The proportions of 1 and 2 bed flats which are proposed are therefore higher than the policy requirement because of this strategic assessment of housing needs.
- 10.17. In addition, pressure to keep up the number of 1 bed flats also arises for two other reasons when the two applications are considered together. Firstly, Gibbs Crescent currently makes a significant contribution to the existing one bed stock city wide and its redevelopment would see the loss of a high number of single dwellings. The redevelopment of the site would require a number of occupiers who live in a smaller dwelling to be relocated in to further smaller dwellings across the city, of which there is already a high demand. The reduction in the number of smaller dwellings as a result of redevelopment would therefore impact on the numbers rehoused annually from the housing register. Secondly, relocating existing households from Gibbs Crescent for the redevelopment would, in the short term, take up much of the capacity from existing stock, again reducing the overall numbers. The increased number of smaller dwellings proposed would be in line with the local housing need as well as respond specifically to the impact on housing numbers due to redeveloping the site.

- 10.18. In addition to the above, the inclusion of a greater number of two bed flats would still allow accommodation for up to four people and would allow for some household growth. This growth would allow for a mix of people occupying the site, and would allow for the overall principle of supporting mixed and flexible accommodation to be achieved.
- 10.19. Gibbs Crescent also allows for a larger provision of outside space. This larger outside space afforded to Gibbs Crescent is considered to be more flexible and allows for a wider range of outside activities to occur such as outdoor play. The inclusion of the larger dwellings on Gibbs Crescent means that these which are more likely to include children or larger families are afforded better levels of outside amenity and space to socialise.
- 10.20. The proposal is therefore not compliant with Policy CS23 of the Core Strategy but would be in line with the needs of the Council's Housing Strategy as well as the general thrust of the Emerging Plan. Given this, the proposed mix of housing is considered acceptable when considering the site specifics of the applications and sites.

iii. Design and impact on the historic environment

- 10.21. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and policies CP1 and CP8 of the adopted Oxford Local Plan and Policy DH1 of the emerging Local Plan require that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.22. In addition the site sits within the high building area. This is covered in Policy HE9 of the Oxford Local Plan and states that planning permission will not be granted for any development within a 1,200 metre radius of Carfax which exceeds 18.2 m (60 ft) in height or ordnance datum (height above sea level) 79.3 m (260 ft) (whichever is the lower) except for minor elements of no great bulk. The Oxford High Buildings technical advice note further explores and seeks to inform decisions that relate to high buildings within the city. The assessment of the proposals in relation to these requirements is dealt with in the assessment below.

Design and impact on the Conservation Area

- 10.23. The proposal has been subject to design review carried out by the Oxford Design Review Panel as well as officers and other statutory consultees. As a result of these discussions amended plans have been provided for the scheme and these plans are subject to the final consideration.
- 10.24. The site is located within Osney Conservation Area and therefore great weight is given to its conservation in line with Paragraph 193 of the NPPF. Policy HE7 of the Oxford Local Plan and Policy DH3 of the Emerging Local Plan refers to Conservation Areas and states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the Conservation Areas or their setting.

- 10.25. Within a Conservation Area, Officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and section 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 196 of the NPPF then goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.26. Osney Town was designated as a Conservation Area on 16 July 1976 in recognition of its special townscape quality, its relationship with the Thames and its archaeological interest. The boundaries were drawn to include the main island extending south-eastwards to include the mill complex of the former abbey and Osney Cemetery bordering the railway line.
- 10.27. Gibbs Crescent can be associated with the river, lock and tow path which is identified as a character area within the Conservation Area Appraisal. The character area identifies the river as having “an important setting to the Conservation Area. The Thames separates Osney from the rest of Oxford and creates an air of tranquillity despite its proximity to the main road. The roar of the water passing through the sluices under Osney Bridge can drown out the noise of traffic with the trees and other vegetation along the banks and walls of the stream acting as a buffer between the two elements.” It then goes on to say “The towpath forms part of the Thames Path, passing over Osney Lock, weaving its way through Oxford and beyond. In Osney, it is an important element of local amenity providing a rural escape from the nearby city. Trees, meadows, wildlife and boats enhance the long views of the river and help mask Osney Mead Industrial Estate to the south of the island”.
- 10.28. The development has been designed to broadly follow the existing layout of buildings on the site by proposing a crescent shaped development. The applicant has purposefully sought to include a pitched roof in order to add variety to the design and to the way the building is viewed in longer views. The use of the pitched roof is also considered to reflect the domestic character of dwellings in the wider context of the site.
- 10.29. The development would be set across two buildings, a smaller building on the western corner which would comprise four storeys and the larger building which would comprise the rest of the development with accommodation set over five and six storeys. The development has been designed to make the most of the setting of the marina with balconies being incorporated in to the southern elevation.
- 10.30. The building seeks to provide an interesting and varied fenestration to the rear and a more uniformed appearance to the main crescent. A lot of the character of the building would be established in the brick work with varying brick courses being proposed to help break up the massing and give visual interest to the building. The materials and overall look takes reference from the neighbouring mill buildings. Zinc would be used on the roof to

accommodate the low pitch roofscape. The perimeter of the site would include a number of outbuildings for cycle parking and bin storage these are proposed to be timber clad and would feature green roofs. Conditions would be added requiring detailing of the balconies and brickwork to be provided to ensure that the details of the building are appropriate and respond positively to the site.

- 10.31. A number of the objections refer to the height and scale of development. Historic England were consulted on the development and with regard to the scale they commented *“The redevelopment proposals are for a denser, taller development than the current crescent but its scale and form would not be entirely out of keeping with the more industrial feel that characterises the southern end of the conservation area. Whilst the development would appear in some townscape views, most notably from St George’s Tower, its varied massing helps to break down its bulk, whilst its undulating roofline and the choice of red multi-stock brick as a primary material mean it would blend well with surrounding development in this view.”*
- 10.32. In the immediate setting the development when viewed against the neighbouring scale of development such as that of Millbank (to the west) and the residential character of Mill Street, the development proposed would be much greater and would be greater than that of the existing scale of development on site currently. Notwithstanding this, as acknowledged by Historic England this end of the Conservation Area has a more industrial feel due to the old Mill buildings and their associated uses as well as the industrial estate being located across the Mill Stream and River Thames. The proximity to the railway line further adds to the more industrial feel in this location. The greatest impact of the development would be on the immediate setting and in short, close up views due to its isolated location down the access road and the screening that is provided from the landscaping located within the cemetery. The longer views of the site allows for the development to be viewed alongside neighbouring sites such as the Power Station and the Student Castle development which is currently under construction on the other side of the railway line, all of which benefit from similar scales and heights. Notwithstanding this, the applicant has amended the roof form from the original application to include a more varied roof form so to address the perceived massing of the development and the way the building is experienced in longer views.
- 10.33. With regard to Policy HE9 of the Oxford Local Plan the proposed building would have an approximate height of 19.9m. Policy HE10 refers to the view cones of Oxford. Policy HE10 seeks to retain significant views both within Oxford and from outside, and protect the green backcloth from any adverse impact. Policy DH2 of the emerging plan focuses more on the impact of high buildings within the city and requires applicants to explore and provide supporting information relating to the impact of a high building on views in and out the city. Given that the building sits above the 18.2m the proposal would be contrary to Policy HE9 and the application has therefore been advertised as a departure from the development plan.

- 10.34. Given the location, scale and height of the building, the proposal would still create the potential for visual impact within Oxford's key strategic views which is covered by Policy HE9 of the Oxford Local Plan which covers high buildings within the city. As part of the application a view cone assessment was undertaken which includes verified views of the development from the view cone areas as well as other locations within the city.
- 10.35. Due to the location of the site the development would sit in the two view cone areas, Boars Hill and Raleigh Park. The impact on views is explored in more detail below.

Long Views

- 10.36. In long views from Boars Hill the development would not be highly visible due to the intervening landscaping and built form, where the building would be seen it would not be visible in its entirety. The seasonal changes would further change the way the building is viewed with winter allowing for it to be more visible. Furthermore due to the position of the development site from this view point, the building would be separated from the main Oxford skyline and would not adversely impact on the views of the spires.
- 10.37. From Raleigh Park views of the development would be more apparent. The amended roof form would allow for a break in the massing of the building, it would sit below the spires which would ensure that it would not compete with the Oxford skyline. From this view cone the development would also be seen in the context of the student castle development which is currently under construction. The view of the development from Raleigh Park would therefore not be considered harmful to the skyline and where it is visible the building would sit comfortably within the built form when viewed from this location.
- 10.38. In addition to the above view cones, an assessment was also taken from Hinksey Heights Golf Club. Similarly to the Boars Hill view, the development would be visible but would be screened by intervening planting and built form. The development would be off set from the main skyline and would not be harmful to the Oxford skyline.

Medium Views

- 10.39. In medium views Carfax, St Georges Tower and The Mound are the most relevant. From Carfax the building would be visible. The building would be visible against Student Castle and therefore would not be viewed as an isolated development but instead would be viewed against the built form. This is also true from St Georges Tower although it would be much more visible from this location. The layout of the development and the design of the building would allow the development to be viewed as a more articulated form of development instead of a flat one dimensional development. From the Mound views of the development would be visible but mostly obscured by the student castle development (which is currently at an advanced stage of construction).

10.40. From the medium distance views the development would be predominantly visible against the Student Castle development and would read as part of the built form in this part of the city, the impact on these views is therefore not considered harmful.

Short and Close Range Views

10.41. In short range views the development would be more prominent. The view study looks at the development from a range of positions.

10.42. From the railway and from trains passing the site, the development would be highly visible. There is a good level of screening on the boundary but this is proposed to be removed and re-landscaped and therefore the visibility of the development would increase due to the reduction in landscaping in this position. The development would sit opposite the Student Castle development and when viewed from the train the sites would very much be viewed together resulting in a large massing of development on this edge of city location. Whilst there would be this combination of built form, it would very much be viewed as development which would be expected in a city approach.

10.43. There would also be riverside views from Osney Lock and Mill Street. The development would be highly visible from these locations and it is in this location that the development would have the biggest visual impact. As part of the original design Historic England raised concerns regarding the detailing and the design of the south east element of the building, and whilst they did not have concerns with the size of the building in this position they were of the opinion the design resulted in a bulky and overly dominant building which would compare poorly to the rest of the building.

10.44. In order to address these concerns amendments were made to the design of the building to improve this element and to mitigate the impact of the development as much as possible. The amended design has seen an improvement to these close range views.

10.45. A large number of trees are proposed to be removed to enable the site to be developed to this capacity and therefore new planting is required to soften the appearance of the building. Whilst fast growing landscaping has been incorporated in order to mitigate the harm of the development, it will still take time to establish and therefore the harm to these close range views will be apparent for some time until the landscaping is established. It is therefore considered that there would be a moderate level of less than substantial harm to the significance of the Conservation Area from these views which would lessen to lower levels of less than substantial harm over time as the landscape matures.

10.46. Views of the site from Mill Street would be less prominent due to the trees and landscaping that surrounds the cemetery. Historic England raises no objection to the amended scheme and the proposals that would mitigate the harm to the Conservation Area.

- 10.47. Whilst officers acknowledge that the proposal due to its height would not be in accordance with Policy HE9 of the Oxford Local Plan weight has been given to the emerging policy and its focus on the impact of a development that exceeds the 18.2m has on views in and out of the city. An assessment has been carried out and officers are of the opinion that whilst the development does not accord with the development plan with regard to the height parameters, the scheme would not have an unacceptable impact on Oxford's skyline.
- 10.48. It is therefore considered that the development would not result in harm to the Conservation Area from long views but would result in harm to the Conservation Area when viewed in short and close up views. Taking into account the comments received from Historic England, the harm to the Conservation Area is considered to be less than substantial harm. Great weight is given to the conservation of the Conservation Area. The harm has been mitigated through amendments to the design and the inclusion of landscaping. In line with Paragraph 196 of the NPPF where a proposal would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal. The public benefits of the scheme are explored further in the report.

Landscaping

- 10.49. A number of objections have been received relating to the removal of the trees and the landscaping. Following comments relating to access for emergency vehicles a fire strategy plan has been submitted which has subsequently had an impact on elements of the landscaping specifically on the landscaping proposed to the outer area of the proposal, where the access road is proposed. Soft landscaping in these areas is proposed to be reduced to ensure that there is adequate space for the passing and stopping of emergency vehicles. In addition there is an area close to the railway line which would be cordoned off to stop indiscriminate parking and allow for a substantial passing place if the fire service require it.
- 10.50. The proposals include the removal of the majority of the existing trees within the site and the reduction in height of the hedge that sits between the site and the marina.
- 10.51. Significantly most of the existing trees to be removed are located to the front (south west side) of the existing buildings which are prominent in public views from the Thames Path and also from the marina, and all of those at the rear of site which are visible from across the railway line to the east.
- 10.52. Collectively, the removal of all of these trees would significantly reduce mature tree canopy in the area, which currently acts to soften and screen the Gibbs Crescent buildings in various public views and helps contribute to the tranquil and 'green' setting of the adjacent river and its marina.
- 10.53. The trees that are proposed to be removed include many that are of low quality and value, such as several large conifers. But they also include 10 large alder trees which have significant amenity value individually; these alders are

categorized as moderate quality and value (and when categorised against the British Standard BS5837:2012) would be B category trees and noted to be “Desirable to Retain” in the submitted Arboricultural Report.

- 10.54. New tree planting is proposed as part of the overall soft landscaping, but it would take many years for these new trees to grow and to mitigate the visual impact of removing the existing trees, so that there would be a residual visual impact in views from the Thames Path and marina that would be to the detriment of public amenity in the area.
- 10.55. The Landscape Frameworks plan does not include details of the nursery stock sizes of the trees that would be planted, this is to be agreed by a landscape planning condition that would require a detailed planting plan and planting schedule to be submitted for approval. In selecting appropriate nursery stock sizes, it is a balance between several factors including, instant effect, chances of successful establishment/risk of failure, resources available for aftercare, practicalities of delivering trees to site and planting and cost. Generally on a development site such as this we would require planting with advanced nursery stock sized trees that are usually between 4.5 and 5 metres tall at the time of planting.
- 10.56. The trees on site were planted along with the original development and add positively to this part of the Conservation Area. Given that the trees were located to correspond to the existing design, in order to accommodate a greater level of development these trees are required to be removed in order to accommodate the building.
- 10.57. The loss of the trees would result in less than substantial harm to this part of the Conservation Area. The introduction of new planting would mitigate this harm and whilst the loss of the existing trees would be regrettable the trees are not of such a quality that their removal would be unacceptable and form a basis for refusing planning permission.

Impact on the setting of the neighbouring Listed Buildings

- 10.58. Policy HE3 of the Oxford Local Plan refers to listed buildings and their setting and states that planning permission will only be granted for development which is appropriate in terms of its scale and location and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building.
- 10.59. A number of listed buildings are located in the wider area with the closest being the surviving element of Osney Abbey. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The Abbey which is the closest listed building would be sufficiently separated from the development site that the proposal would not be harmful to its setting, given that the other listed buildings are located further away their setting would not be unacceptably impacted by the development.

Archaeology

- 10.60. Policy HE2 of the Oxford Local Plan states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford but in particular the City Centre Archaeological Area, planning applications should incorporate sufficient information to define the character and extent of such deposits as far as reasonably practicable.
- 10.61. This site is of interest because it is located partly within the historic precinct of Osney Abbey and in the vicinity of channels and fishponds associated with the abbey located to the south of the precinct.
- 10.62. The Augustinian Abbey at Osney was founded as a priory in 1129. In 1154 Prior Wigod assumed the status of Abbot. The Abbey grew rapidly in influence and became the wealthiest Oxfordshire monastery, with a substantial banking and finance business. By the 13th century the original buildings had been greatly enlarged, and as a centre of learning and influence Osney had become 'one of the first ornaments of this place and nation' (antiquarian reference quoted in Sharpe 1985).
- 10.63. Excavations nearby in 1975 and 1983 identified at least two phases of water frontage development and associated buildings, fishponds and the final abbey precinct wall. The results indicated extensive land reclamation to allow the extension of the abbey and suggested that the monastic precinct boundary was moved between the 12th and 14th centuries (Sharpe 1985).
- 10.64. The archaeological evaluation undertaken at this site in 2019 recorded the remains of a potential hearth associated with abbey activity at 1.4m below ground level and further potential structural remains at 1.6m below ground level. These results are consistent with previous observations from the 1970s and 1980s which indicate that the site is covered with 1.4m of made ground associated with 19th and 20th century land-forming.
- 10.65. The foundation design has been amended to secure substantive preservation in situ, involving a pile array impact at 1.9% of the building footprint and the placement of other significant ground impacts (ground beams, pile caps) above recorded archaeological deposits. Proposed attenuation tanks have also now been removed from the scheme.
- 10.66. On balance the application can be assessed as likely to result in a low level of less than substantial harm to the archaeology of the abbey precinct. The benefits of the scheme are considered below.

Harm to the historic environment and public benefits

- 10.67. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of

whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 10.68. It is considered that the proposal would not lead to substantial harm to (or total loss of significance of) a designated heritage asset as set out in the NPPF and Planning Policy Guidance. The scheme is therefore considered to have less than substantial harm to the significance of heritage assets. In line with Paragraph 196 of the NPPF any harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.69. The National Planning Policy Guidance sets out what is meant by the term public benefits:
- 10.70. “Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”
- 10.71. There are aspects of the development that would have a harmful impact on the character and appearance of the Osney Conservation Area as well as on the archaeology of the site. The applicant and architect have worked on the design to mitigate some of the harmful elements of this impact, and it is recognised that there has been significant improvement from the originally submitted scheme. Historic England has been consulted on the application and following the amendments to the scheme raise no objection.
- 10.72. As identified earlier in the report, the development would result in harm to the Conservation Area through its visual intrusion in close views and by the loss of a number of existing trees which importantly contribute to the softer, green character of this part of the Conservation Area. The scheme would also have a harmful impact on the significance of the archaeological remains on the site.
- 10.73. The existing building is not considered to contribute positively to the Conservation Area as stated by Historic England and therefore its loss in itself would not be considered harmful. The harm is associated with the scale of the proposed building and its impact on views in and out the Conservation Area. Through the amendments a number of improvements have been incorporated in to the design in order to mitigate the harm to the Conservation Area through breaking up the roofscape as well as through improvements to the massing and detailed design of the south east block. Whilst the development would exceed 18.2m and would therefore be a departure from the development plan, the overall scale of the building would be viewed in the context of the more commercial association with the mill buildings as well as the Student Castle development which is currently under construction. The

overall size and scale of the development would not be considered out of keeping with the area.

- 10.74. The loss of the trees would be significant in terms of the less than substantial harm and would impact on the way this part of the Conservation Area is experienced. The proposed planting would mitigate the harm although it would take some time to mature. The existing trees are not high value trees and are relatively young, these factors are considered when weighing up the harm.
- 10.75. Historic England have confirmed in their most recent comments that they now have no objection to the proposal. Therefore the harm relating to its impact on the Conservation Area is on the lower end of moderate less than substantial harm with mitigation in the form of landscaping and amended design lessening the level of harm. The less than substantial harm identified with regard to archaeology relates to the foundation design, which had been amended to ensure the harm is mitigated.
- 10.76. The principal benefit of the development and one which officers give great weight is the creation of 140 dwellings on a previously developed site which would offer 50% affordable housing in a sustainable location, which would provide good quality accommodation for future occupiers.
- 10.77. The site is centrally located and is proposed to be car free, this would remove a high number of vehicle movements associated with the existing development. Moderate weight is given to this environmental benefit. The reduction in car usage is supported by both adopted and emerging policy and more generally is supported in the government's aims to minimise pollution and adapting to climate change.
- 10.78. The introduction of market rented accommodation along with the provision of affordable dwellings at Gibbs Crescent would provide a social benefit by allowing for the developments collectively to address Oxford's specific housing need. This is achieved by providing a larger number of smaller dwellings across the two sites (both Gibbs Crescent and Simon House, the two developments would effectively facilitate one another) which would be an improvement in terms of providing upgraded amenity spaces and dwellings that comply with modern space standards and are more energy efficient for future occupiers. Moderate weight is given to this benefit.
- 10.79. The economic benefits are given less weight, with the creation of jobs for the lifetime of the construction of the development which could be achieved with any type of development.
- 10.80. On the basis of the above, having given great weight to the conservation of the designated heritage assets, it is considered that the benefits of the scheme collectively would outweigh the identified less than substantial harm and would comply with the requirements of paragraph 196 of the NPPF. As a result the proposals are considered to comply with the requirements of national and local planning policies in relation to the impact on designated heritage assets as required by Paragraphs 192-197 of the NPPF and Policies

HE2, HE3 and HE7 of the Oxford Local Plan 2001-2016 and Policy DH3 of the emerging Oxford Local Plan 2036.

Public Art

- 10.81. Policy CP14 of the Oxford Local Plan requires major development to provide public art. The inclusion of public art in developments allows for the development to contribute positively to the public realm as well as the development itself. Gibbs Crescent has sufficient space for a piece of public art to be installed on the site. Given that there is a public right of way there are a number of positions that would allow for it be highly visible and benefit both residents as well as passers-by.
- 10.82. The proposal does not include any public art and therefore a condition will be included requiring for it to be provided on the site, with the details to be agreed prior to its installation.

iv. Residential amenity and impact on neighbouring amenity

Residential amenity

- 10.83. Policy HP12 of the Sites and Housing Plan and H15 of the Emerging Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development details the requirements.
- 10.84. The three studio apartments will benefit from a floor area of between 39m² - 43m². The one bedroom dwellings will benefit from a floor area of between 49m² – 71m², the two bedroom dwellings will benefit from a floor area of between 69m² – 88m² and the three bedroom dwellings will benefit from a floor area of between 98m² – 104m². The dwellings therefore comply with the internal space standards. In addition the proposal recognises the impact of the railway line and the scheme has been designed to ensure that the majority of the dwellings that are located close to the railway line benefit from a dual aspect especially those that benefit from three bedrooms.
- 10.85. Policy HP13 of the Sites and Housing Plan specifies that planning permission will only be granted where new dwellings have direct and convenient access to an area of private open space. The flats are expected to have access to a private balcony or direct access to a private or shared garden. All the upper floor dwellings will benefit from a balcony with the dwellings on the ground floor benefiting from a garden. In addition they will all have access to the communal garden area to the front of the building. The outside amenity spaces are therefore in line with Policy HP13.

Impact on neighbouring amenity

- 10.86. Policy CP1, CP10 of the Oxford Local Plan, policy HP14 of the Sites and Housing Plan and policy H14 of the Emerging Plan refer to safeguarding neighbouring amenity. Policy HP14 states that planning permission will only

be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes.

10.87. A number of comments relate to the impact of the development on the residents of Millbank as well as the boat users of the marina. The nearest residential properties are located in the development 'Millbank' which is located to the west of the site. The building is located more than 45m from the nearest point. This separation distance would also include intervening planting. The development would therefore be sufficiently separated so not to have an overbearing impact or unacceptable impact on the outlook. Furthermore the separation distance means that the development would not give rise to overlooking or loss of privacy issues.

10.88. The marina is located to the south of the site. All the balconies on the development would face on to the marina. The marina is used for short term moorings and does not benefit from permanent residential moorings. The impact on the outlook for the marina will be significant and will change the way the marina is experienced by its users due to the scale of the building and the proposed reduction in height to the boundary hedge. Notwithstanding this, the moorings are not used for permanent residential moorings and therefore the impact to users of the marina would be short term for the duration of their stay at the marina. There would be increased overlooking in to the marina due to the height and proximity to the boundary the site shares with the marina. There is already some level of overlooking in to the marina but as the moorings are not permanent residential properties they are afforded less privacy. Therefore whilst there would be an increase in overlooking, it is not considered to be at a level that would result in unacceptable levels of overlooking to the users of the marina given the way that the marina is used and the temporary nature of those that visit the marina.

10.89. The development is therefore not considered to give rise to unacceptable levels of amenity to neighbouring properties.

v. Highways

10.90. The development proposes to be car free. The site is located within the Transport Central Area. Policy HP16 of the Sites and Housing plan sets out the criteria for car free developments. The policy states that planning permission will be granted for car-free or low-parking houses and flats in locations that have excellent access to public transport, are in a controlled parking zone, and are within 800 metres of a local supermarket or equivalent facilities. The supporting text goes on to state that "Where no allocated parking is provided for one or more homes, applicants should robustly demonstrate that there is sufficient parking capacity on the existing street to accommodate the additional demand for parking, such that highway safety is not compromised. Exceptions to this may be made where the proposal is located within, and may be excluded from, a controlled parking zone, or if the applicant can robustly demonstrate that the proposal will not result in any worsening in parking congestion."

- 10.91. The site is located in a highly sustainable location. The development would have an access road running along the rear of the site to allow access for refuse and emergency vehicles.
- 10.92. The site is within walking distance of Oxford railway station as well as a number of bus stops on Botley Road and Frideswide Square. Within a 800m radius of the application site there is limited availability with only smaller shops being available, notwithstanding this, just beyond this parameter there are a number of supermarket options with Waitrose and Aldi being located on Botley Road as well as a new Sainsbury's proposed to be located in Frideswide Square (which would be within 800m). There is also a small Marks and Spencers that is already operational inside the railway station that is within 800m of the site. The location is therefore considered acceptable with regard to access to supermarket amenities and would be suitable for car free development in the context of Policy HP16 of the Sites and Housing Plan (2013).
- 10.93. Oxfordshire County Council Highways have been consulted on the application and raise no objection to the development with regard to the parking arrangement and highway safety. A large number of objections have been raised from local residents on highway grounds.
- 10.94. The surrounding roads are located within a controlled parking zone and therefore there is not the opportunity for excess parking to spill on to the surrounding roads. The proposal should therefore not intensify the parking on the surrounding streets. Objections have also been raised regarding lack of sufficient parking and stopping space for deliveries. The scheme proposes the inclusion of 7 disabled bays, 2 car-club bays and 1 delivery, servicing and management bay. To ensure that the development is car free, a management and enforcement plan for the car parking arrangements is recommended to be required by condition.
- 10.95. Objections also relate to the parking congestion on Mill Street and the required upgrade of other access routes such as the right of way that is located to the front of the site as well as the footbridge that goes over the railway line. These areas sit outside the application site area. Notwithstanding this, as they lead up to the development they have been assessed by the County Council Highways department. They raise no objection and are not requesting additional upgrades to these routes as part of this application.
- 10.96. The right of way which is located to the south of the site would be impacted by the development. An application to redirect the footpath which in this case only requires the footpath to be straightened is required. The process of this redirection would form a separate application which is currently being explored. The straightening of the footpath would not greatly impact on the overall route of the footpath and would allow for it to be upgraded as part of that application process.
- 10.97. Policy HP15 of the Sites and Housing Plan relates to cycle parking. The application seeks the inclusion of cycle parking within the development. 347

spaces are proposed and spread across the building cores as well as to the perimeter of the site. The cycle parking would be enclosed and secure. The amount proposed would exceed the number required for a scheme of this size and therefore the County Council are raising no objection to the number or the location of the cycle parking.

10.98. Objections have been made with regard to construction traffic and the County Council have required the inclusion of a construction traffic management plan condition in order to manage the build of the development with regard to construction traffic.

10.99. Other highways objections have been raised with regard to emergency service access, specifically with regard to the width of the access road, access for fire engines and the schemes compliance with the Building Regulations. Due to these concerns an amended plan was submitted showing the introduction of a shared surface and the removal of a kerb along the access road to accommodate emergency access as well as an additional passing place within the site. The Fire and Rescue service is not a statutory consultee for planning applications instead they are consulted as part of the Building Control process. Notwithstanding this, given the level of concern relating to emergency vehicle access, Oxfordshire Fire and Rescue Service, Oxford City Council Building Control and Oxfordshire County Council Highways have been consulted on the fire strategy plan and raise no objection.

10.100. Concern has also been raised regarding the use of a shared surface and the impact of this on those with disabilities. These issues have been brought to the attention of the highway authority. The pause to shared surfaces was clarified in a letter issued by the department of transport in September 2018 which stated that "In response to concerns raised about shared space and navigability, the Inclusive Transport Strategy asked local authorities to pause the introduction of new shared space schemes that feature a level surface, and which are at the design stage. This therefore does not apply development schemes that are currently at the planning application stage or beyond. For the avoidance of doubt, a level surface is a design feature in which the level difference between the footway and the carriageway is removed. The request to pause such schemes has led to a number of enquiries from developers, practitioners and planning authorities. While authorities need to ensure that all schemes are designed with the needs of different users in mind, and satisfy their obligations under the equalities legislation, the focus of the pause is on level-surface schemes in areas with relatively large amounts of pedestrian and vehicular movement, such as high streets and town centres (outside of pedestrian zones). The pause does not apply to streets within new residential areas, or the redesign of existing residential streets with very low levels of traffic, such as appropriately designed mews and cul-de-sacs, which take into account the relevant aspects of the National Planning Policy Framework and associated guidance". The pause to shared surfaces is still in force and no further updates have been released. Oxfordshire County Council have reviewed the shared surfaces guidance and are of the opinion that as the access road cannot be described as having high vehicular traffic it is not a reason for the development not to go ahead.

10.101. Officers acknowledge that the development would increase the number of people living on the site and therefore there would be an increase in the number of pedestrian movements associated with the development. The site is well served with regard to the footpath and access routes with the footbridge over the railway allowing for pedestrians to access the site from a number of directions. The footpath to the south of the site allows access to Oxpens and St Ebbes area. The site would reduce the overall vehicle movements associated with the site which would be a benefit to the scheme and should help alleviate traffic in the local area.

vi. Biodiversity

10.102. Policy CS12 of the Oxford Core Strategy requires that development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

10.103. The scheme proposes the loss of a number of mature trees on site which officers acknowledge is regrettable. The loss of the trees will impact on the existing habitat that comes with the existing coverage. Notwithstanding, the development would allow for enhancements to be incorporated in to the scheme.

10.104. The surveys undertaken to date have confirmed the presence of Common Pipistrelle and Brown Long-eared Bat roosts within the building complex. Therefore, in accordance with the Ecological Impact Assessment a European Protected Species Mitigation Licence will need to be obtained from Natural England for the loss of both roosts. Mitigation measures will be agreed with Natural England and details provided to the Local Planning Authority.

10.105. However, where a licence will be required because of disturbance to European Protected Species, the Planning Authority when dealing with planning applications, are required to have regard to the likelihood of a licence being granted and in so doing the three tests under Regulation 53 of the Conservation of Habitats and Species Regulations 2010. The three tests are: 1) Imperative Reasons of Overriding Public Interest; 2) No satisfactory alternative; 3) Favourable Conservation Status.

10.106. In respect of whether there are reasons of overriding public interest, the site relates to the redevelopment of an existing residential site. There would be clear social, economic and environmental benefits that would arise from this development as discussed previously and the development would include a scheme of ecological enhancements. In respect of alternatives, these benefits are derived from developing this site and the development would ensure that an overall net gain in biodiversity would be achieved. The third test relates to ensuring the action authorised is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status. The Council's Biodiversity Officer has considered the proposal and has not raised an objection to the proposed development.

10.107. A condition will also be required to ensure that biodiversity enhancement measures are provided with the proposals.

10.108. Given this the scheme is acceptable and would comply with Policy CS12 of the Core Strategy.

vii. Drainage and Flooding

10.109. The site is located within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. A condition is recommended requiring a surface water drainage scheme to be provided. Subject to the provision of a satisfactory scheme as required by condition it is considered that the development would comply with the requirements of Policies CS12 and CS13 of the Oxford Core Strategy.

10.110. Thames Water initially raised concerns relating to the foul water capacity on site. Since those comments were received, the applicants have been in communication with Thames Water and with the additional information submitted Thames Water has confirmed that there will be sufficient foul water capacity to serve the development.

viii. Sustainability

10.111. The application was submitted with an energy statement in line with policy HP11 of the Sites and Housing Plan which requires qualifying developments to include at least 20% of their energy needs from on-site renewable or low carbon technologies. Policy CS9 states that Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated.

10.112. The application seeks to meet this target through a combination of measures which include using energy efficient lighting, energy efficient mechanical ventilation and the inclusion of high efficiency heating systems. The measures proposed would allow the development to meet the 20% target and would therefore be acceptable and comply with CS9 and HP11. The energy statement will therefore form part of the approved documents.

ix. Air Quality

10.113. The application site is located in close proximity to the railway line. An air quality assessment has been carried out. The review of the Air Quality levels in the area states that pollutant concentrations at the façades of proposed residential receptors are predicted to be within the relevant health-based air quality objectives. On that basis, future occupants of the proposed development would be exposed to acceptable air quality and the site is deemed suitable for its proposed future use in this respect.

x. Noise

10.114. The application site is located in close proximity to the railway line. The application includes a Noise Impact Assessment (NIA) by KR Associates (UK) Ltd dated 20th December 2018. The NIA uses current noise survey

data, published site-related environmental information and a software-based noise prediction model to calculate the impact of existing noise sources on the proposed development. These include the railway which runs near to the rear facade of the current site. The NIA recognises that noise levels on the rail-facing and canal-facing facades of the development are very different and that some dwellings on the rail-facing side would need special acoustic treatment. Overall the NIA concludes that “The development complies in full with national and local planning policy and there are no noise related issues why planning permission can’t be granted for this sustainable development”. However, the NIA report states that “At present the final layout of the site has not been finalised” and, presumably for this reason the author does not attempt any site- or dwelling-specific mitigation measures. Although submitted at a date sometime after the NIA was written, none of the other application documents mention or elaborate on this matter further, with the Planning Statement simply stating that that “future residents of the proposed accommodation will not be adversely affected by existing noise conditions with noise mitigation measures incorporated into the design.”

10.115. The NIA has established that adequate standards of noise mitigation may be achieved for all dwellings on the site. However, in order to ensure that sufficient dwelling-specific measures are implemented a condition will be included requiring further details to be submitted.

xi. Safety

10.116. Thames Valley Police have commented on the application. They have raised no objection but have detailed a number of improvements that could be incorporated in to the development. Therefore, to ensure that Secure by Design principles and standards are incorporated within the development, a condition would be added requiring that an application shall be made for Secured by Design accreditation.

xii. Other Matters

10.117. A number of the objections submitted in relation to the consultation on this application refer to alleged incorrect or misleading information in the application submission. Officers have determined the application based on the information submitted in association with a site visit and with the consultation responses from the statutory bodies and the information they hold. The application has been determined in accordance with national and local planning policy.

10.118. A number of comments both objecting and in support refer to the relocation of the existing residents, the banding system and the way that A2Dominion are dealing with the relocation process. Whilst this is not a planning matter officers would like to confirm that the Council’s housing team are working closely with the existing residents as well as A2Dominion to ensure that the relocation is carried out in a sensitive and efficient manner.

10.119. Other objections relate to building regulations and whether the building would comply with the building regulations. The building regulations requirements

are outside the planning process and would be subject to their own scrutiny once a building control application is submitted. The compliance of the scheme with the building regulations has therefore not been considered as part of this planning application as it is controlled by other legislation. Notwithstanding this, the applicant has been in communication with Building Control and they raise no objection to the proposal.

- 10.120. Other objections relate to fire engine access and the building regulations and the way these matters are considered in the planning process. As stated previously Oxfordshire County Council Highways raise no objection from a highways point of view with regard to access to the site for emergency vehicles. As part of the building regulations process the fire service will be consulted on the development and will respond accordingly with regard to the detailed design of the development and its compliance with the fire safety aspect of the building regulations. Notwithstanding this, the applicant has been in correspondence with the fire service and has included a fire strategy plan. The Fire and Rescue Service raise no objection to the application.
- 10.121. As the application site is located in close proximity to the railway line Network Rail were consulted as part of the application. In their response they raised no objection but requested a number of conditions be applied to the planning permission. The conditions suggested fail to meet the statutory requirements detailed in paragraph 55 of the NPPF for conditions and therefore an informative has been included requiring the applicant to liaise directly with Network Rail to ensure the development complies with the requirements as set out by Network Rail.
- 10.122. In addition comments have been made with regard to disabled access and inclusivity within the development. The development includes an inclusive design strategy as part of the design and access statement. Policy HP2 of the Sites and Housing Plan refers to accessible and adaptable homes. The development will be built to lifetime home standards and the flats have been designed to meet the accessibility criteria required by building regulations and policy HP2.

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 NPPF 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 NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF 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 NPPF. The relevant development plan policies are considered to be consistent with the NPPF 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 NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. The proposal is considered to comply with the development plan except for policy HE9 due to the height of the proposal, where there is conflict in policy specifically with regard to the mix of housing and the high building policy this has been identified and addressed. Where issues have been raised with regard to harm to the historic environment, in line with the NPPF paragraph 196 has been engaged. Whilst some harm has been identified to the historic environment and whilst great weight has been given to the conservation of the designated heritage assets, taking into account all the material considerations, it is considered that the benefits to the scheme would outweigh the less than substantial harm that has been identified.

Material considerations

- 11.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.6. 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.
- 11.7. 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.
- 11.8. The proposal seeks to provide improved residential accommodation in a highly sustainable location, the proposal will not have an unacceptable impact on neighbouring amenity or the historic environment and conditions have been included to ensure this remains in the future. The proposal will allow for sufficient car and cycle parking and will provide biodiversity enhancements.

- 11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

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

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

- 2 Subject to conditions 5 and 6 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 made available to view on site to planning officers, and shall have been submitted to and approved in writing by, the Local Planning Authority prior to the above ground construction phase starting and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1, HE7 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Sample panels of the stonework/brickwork demonstrating the colour, texture, face bond and pointing shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The development shall be completed in accordance with the approved details.

Reason: In the interests of the visual appearance in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 5 Notwithstanding the plans submitted, a plan detailing the brick bonding plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to above ground construction work commencing. The development shall be completed in accordance with the approved details.

Reason: In the interests of the visual appearance in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016

- 6 Notwithstanding the details provided, details of the balconies and eaves details of the development shall be agreed in writing by the Local Planning Authority prior to above ground construction work commencing. The details of

the balconies shall include material, colour and design and the eaves details shall include sections at a scale of no less than 1:10. The development shall be completed in accordance with the approved details.

Reason: In the interests of the visual appearance in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 7 Below ground construction works shall not begin (excluding archaeological works) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- Discharge Rates
 - Discharge Volumes
 - Maintenance and management of SUDS features
 - Sizing of features - attenuation volume
 - Infiltration in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - Network drainage calculations
 - Phasing
 - Surface Water Flow Routes to be annotated on plan for both Pre and Post Development

Reason: To ensure acceptable drainage of the site and to mitigate the risk of flooding in accordance with Policy CS11 of the Oxford Core Strategy.

- 8 A Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of any demolition or any works. The CTMP shall follow Oxfordshire County Council's template if possible. This shall identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives for site related worker vehicles,
 - Parking provision for site related worker vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
 - Engagement with local residents
- The development shall be carried out in accordance with the approved plan.

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

- 9 The proposed enforcement plan for the car parking arrangement shall be submitted to and approved in writing by the Local Highway Authority prior to occupation. This shall be adhered to and remain in place for the duration of the scheme's life unless agreed in writing by the Local Planning Authority.

Reason: To enforce the car-free nature of the development in accordance with policy

- 10 The travel plan shall be updated and resubmitted to the Local Planning Authority for approval in writing before first occupation of the site. The approved plan shall be adhered to for the duration of the scheme's life unless agreed in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport

- 11 Before commencing any above ground construction works, details of the cycle parking areas, including dimensions, means of enclosure and materials, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy HP15 of the sites and Housing Plan.

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

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken. THE PHASE 1 REPORT HAS BEEN COMPLETED AND IS HEREBY APPROVED.

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

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning

authority to ensure the site will be suitable for its proposed use.

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

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

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

- 14 No development (including demolition) 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 page 13 (Table 5-4) of the Air Quality Assessment that was submitted with this application (document Ref No: 422.08737.00003), developed by SLR. The development shall then be completed in accordance with the approved plan through the development of the site.

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 Core Policy 23 of the Oxford Local Plan 2001- 2016.

- 15 Prior to above ground construction work commencing, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:
- The amount of electric car charging points to be installed shall cover at least 25% of the amount of permitted parking of the development (which will be equivalent to 3 parking spaces for this particular development -rounded to the next integer)
 - There will be one EV charging point for each one of the different parking categories that are being considered for the site (one EV charging point installed at wheelchair parking, other installed at the management parking, and the last one installed in one of the 2 car club parking places, so that all parking categories could be covered;
 - Appropriate cable provision shall also be installed to ensure that remaining parking is prepared for increased EV demand in future years. The electric vehicle infrastructure shall be formed, and laid out in accordance with these approved details before the development is first occupied and shall remain in

place thereafter.

Reason - To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority. The recommended provision rate is 1 charging point per unit (house with dedicated parking) or 1 charging point per 10 spaces (unallocated parking, i.e. flat development).

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

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

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

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

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

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

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

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

20 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

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

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

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

22 Prior to commencement of any above ground development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the local planning authority.

Reason: In order to protect the amenity of future occupiers in line with policy CS19 of the Core Strategy 2026.

23 No development shall take place until a written scheme of investigation (WSI) for archaeological recording has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and - The programme and methodology of site investigation, public outreach work, recording, and the nomination of a competent person(s) or organisation to

undertake the agreed works.

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and postmedieval remains in accordance with Local Plan Policy HE2

- 24 No demolition shall take place until a detailed method statement for demolition works, encompassing a methodology for the protection of below ground archaeological remains from unnecessary disturbance, has been approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that demolition works avoid unnecessary disturbance to in-situ archaeological remains (Local Plan Policy HE2

- 25 No development shall take place other than site clearance and demolition until a detailed design for foundations; other ground-works; intrusive landscaping; and a method statement for their construction in areas of archaeological potential; have been approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a foundation design that minimises the harm to important below ground archaeological remains in accordance with Local Plan Policy HE2.

- 26 The development shall be undertaken in accordance with the recommendations provided within the Ecological Impact Assessment produced by SLR (December 2018). No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern in accordance with policy CS12 of the Core Strategy.

- 27 Prior to the commencement of development, a detailed scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall measurable net gain in biodiversity will

be achieved. The scheme shall include details and locations of native landscape planting of known benefit to wildlife, artificial roost features, including bird and bat boxes, and a minimum of four dedicated swift boxes. Results of biodiversity offsetting metric calculations shall be provided, including details of any off-site enhancements if a net gain cannot be achieved within the scheme . The development shall then be completed in accordance with the approved enhancements.

Reason: 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.

- 28 Details of the lighting scheme designed to minimise impacts on bats must be provided prior to occupation and approved in writing by the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

- 29 Prior to above ground work construction commencing or such other period as otherwise agreed in writing beforehand by the local planning authority, a scheme of mitigation measures required for the residential units to meet the noise levels set within the Noise Impact Assessment Statement accompanying the planning application shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved mitigation measures.

Reason: To safeguard the amenities of the occupiers of the proposed development, in accordance with policies CP19 and HS19 of the adopted Oxford Local Plan 2001 to 2016."

- 30 Prior to above ground work construction commencing on site or such other time as previously agreed in writing by the local planning authority, details of a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority and a timetable agreed for its implementation. The public art as approved and implemented shall be retained and maintained at all times following its erection unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy CP14 of the Adopted Oxford Local Plan 2001 – 2016

- 31 A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to above ground construction work commencement of the development. The approved treatment of all of the site boundaries shall be completed prior to first occupation of the approved development and retained as such thereafter

unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with policies CP1, CP8, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

- 32 Details of any exterior lighting including details of light spill/pattern shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such lighting. Any lighting installed shall be completed, retained and maintained in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 33 Any trees that are found to be dead, dying, severely damaged or diseased within 12 months of the completion of the building works OR 12 months of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and HE7 of the Adopted Oxford Local Plan 2001-2016.

INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 2 The applicant must follow the correct procedures for diverting the public right of way and/or diverting the public footpath during construction. This will be through either a 257 TCPA application or a s119 Highways Act application.
- 3 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide working near our assets to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you

require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

- 4 Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise. We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

- 5 The development is located in close proximity to the railway line. Network Rail have commented on the application and have recommended a series of measures to ensure that the development does not interfere with the running of the railway line. The applicant is therefore advised to contact Network Rail on 0117 3721125 or via townplanningwestern@networkrail.co.uk or by post to Network Rail, Town Planning, 1st Floor, Bristol Temple Point, Redcliffe Way, Bristol BS1 6NL to ensure that the development complies with the requirements set out by Network Rail.

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.

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