

## West Area Planning Committee

19<sup>th</sup> January 2021

**Application number:** 20/02471/FUL

**Decision due by** 1st January 2021

**Extension of time** 29<sup>th</sup> January 2021

**Proposal** Erection of research and teaching building (Use Class F.1) over five storeys plus basement level including associated café, offices, laboratories and roof level greenhouses, plant, PV panels and flues. Creation of new public open space with basement level access. Hard and soft landscaping works, installation of cycle and car parking, alterations to existing access points and service road, creation of new pedestrian and cycle access, installation of electricity substation and ancillary works.

**Site address** Tinbergen Building, South Parks Road, Oxford

**Ward** Holywell Ward

**Case officer** Felicity Byrne

**Agent:** Mr Robert Linnell      **Applicant:** The Chancellor,  
Masters And  
Scholars of the  
University of Oxford

**Reason at Committee** Major Development

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## 1. RECOMMENDATION

1.1. The 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 unilateral undertaking or 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 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 Head of Planning Services considers reasonably necessary; and

- ensure completion of the recommended unilateral undertaking or legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers with the County Council to secure the obligations set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the unilateral undertaking or section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the construction of a replacement research and teaching facility for the life sciences departments of the University of Oxford on the site of the former Tinbergen Building which has recently been demolished owing to serious asbestos contamination. Officers consider that the building would be of high architectural quality that would make a positive contribution to the character and appearance of this part of the science area which falls within the boundary of the Central Conservation Area. Whilst not insubstantial in terms of its height and massing the new building has been designed to take into account the significance of specifically identified, important views both into the city, including the protected view cones and views from acknowledged public high view points within the city. It is considered that the proposed development as a result of its considered, responsive design would not compete with the important elements of or dominate the composition of the present views in such a manner as to cause harm to the significance of those views or to the setting of the heritage assets that contribute to those views.
- 2.2. There is a potential for archaeology on the site which could be safeguarded and secured via condition for archaeological recording. The building would provide net biodiversity gain and blue and green landscape enhancements over the original building. There would be no adverse impact from increased flood risk, and adequate drainage and utilities provided. The building is proposed to be built to a high standard of sustainable design and construction to a standard adopted by the University based upon passivhaus principles and would meet a 40% carbon reduction through a combination of measures. Subject to relevant conditions, the development would not result in an adverse impact in terms of flooding & drainage, land quality, and air pollution.
- 2.3. It provides in excess of the required cycle parking provision, new electric vehicle charging points and would result in a reduction in existing car parking provision for both the application site as well as neighbouring University buildings. Servicing, deliveries and car parking for the new building would be accessed via an existing access off Mansfield Road, which presently serves other existing University Buildings within the block. Further submitted information in response to objections received included improvements to the access visibility splays. The County Highways Authority (HA) has raised no objection to the development in terms of increased risk to pedestrian or cyclist safety or the network. The HA considers the uplift in vehicle numbers using the existing access would not be

unacceptable and in terms of the network these vehicles would already be in the network serving the old Tinbergen. Objectors' concerns have been carefully considered in this case and it is considered that the development would not result in a detrimental impact on the highway or pedestrian & cyclist safety.

2.4. In conclusion the development would result in a high quality scheme that appropriately responds to its setting that would not result in any harm to designated and non-designated heritage assets. Through the imposition of suitably worded conditions the proposal accords with the policies of the Oxford Local Plan 2036, the NPPF and complies with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement (unilateral undertaking) with the County Council to cover:

- Temporary Traffic Regulation Order (TTRO) £3,120 - The cost of administering a Temporary TRO to enable stopping and loading adjacent to the development; and
- Travel Plan Monitoring £2,346 - A travel plan monitoring fee over a 5-year period.
- Amendment to the Traffic Regulation Order (TTRO) (sum to be advised & agreed) - The cost consultation and implementation of any alterations to the parking allocations outside the Mansfield Road access for the development.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for CIL amounting to £662,874.88.

### **5. SITE AND SURROUNDINGS**

The site is located on the corner of South Parks Road and St Cross Road. Until very recently there was an existing building on the site, known as the Tinbergen Building, which covered the majority of the main part of the site. The overall floor area of the building was approximately 24,660m<sup>2</sup>, including basement car parking, which was accessed from St Cross Road. The tallest elements of the building were six storeys high, stepping down at both the building's northern and southern aspects, the north aspect fronting South Parks Road, and that to the south facing The University Club sports ground, to three storeys. Permission was granted for the building's demolition in 2019 under reference 19/01636/FUL justified by substantial asbestos contamination found within the buildings structure. A request had been made to consider the building, designed by Sir Leslie Martin, who also designed amongst many buildings the University's law library which sits to the south of the application site on St Cross Road (grade II\* listed) in 1970, for inclusion in the statutory list of buildings of architectural and historic importance however despite being found to be of considerable local significance the building was considered to have been too altered from its original

design to be of national importance. The building has now been completely removed, following painstaking removal of all asbestos contaminated elements. All that remains are the existing two storey chemistry teaching lab extensions, completed in 2019 to the south and associated chimney flue for Tinbergen built under reference 15/03105/FUL. Figure 1 below shows the Tinbergen building from the north and Figure 2 shows Tinbergen and the new chemistry labs from the south.

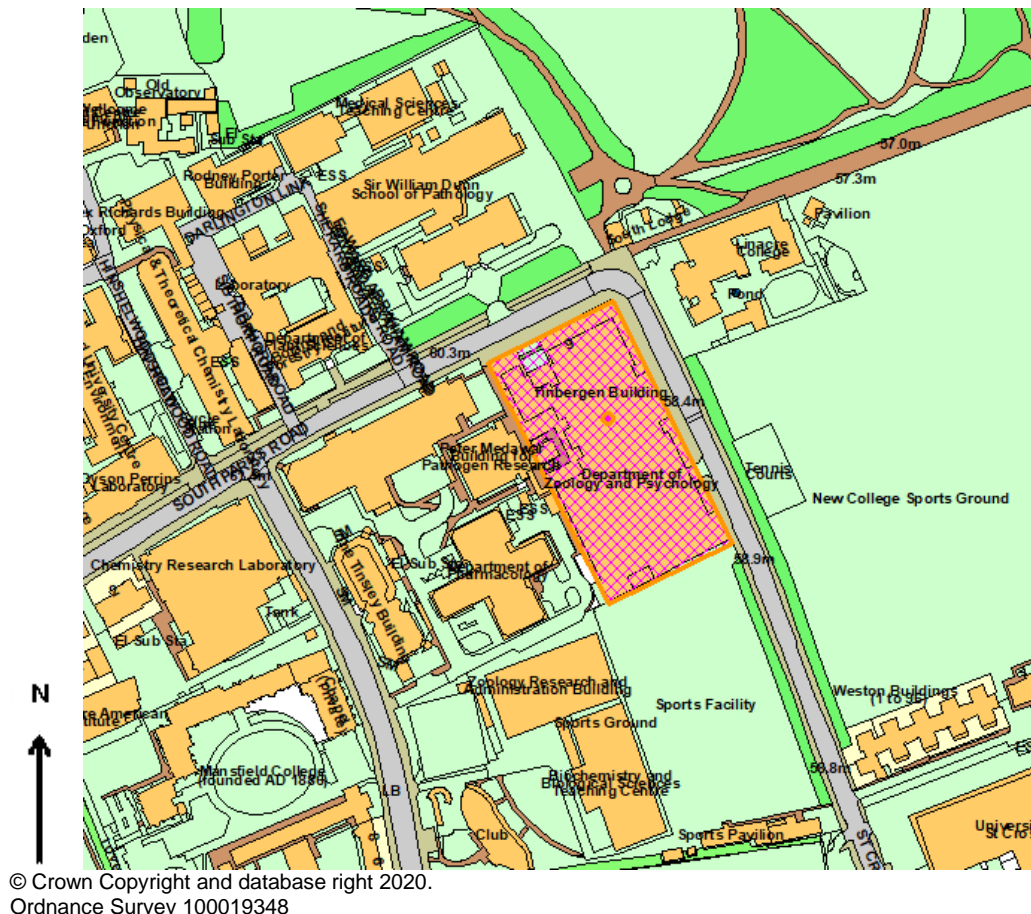


*Figure 1 : Tinbergen (northern elevation) from corner of South Parks and St Cross Road.*



*Figure 2: Chemistry labs extension with Tinbergen behind (south elevation) viewed from University Club Sports field.*

- 5.1. The application site also includes part of the existing area of car and cycle parking area that presently serve the Peter Medwar Building, the BSB, the Tinsley Building and the Pharmacology Buildings that combine to complete the 'Mansfield block' to the west of Tinbergen, all accessed from Mansfield Road. The site also includes an area within the existing car parking area, beside the Sir William Dunn School of Pathology, which sits directly opposite the Tinbergen site on the northern side of South Parks Road.
- 5.2. The site falls within the boundary of the designated Central (City & University) Conservation Area (CCA). To the east is Linacre College and New College Recreation Ground. To the north of Linacre and the group of buildings, including the Dunn School that form pathology is University Parks a grade II registered park and garden whose southernmost entrance, including ironwork gates and a modest, Victorian lodge lies at the corner of St Cross Road and South Parks Road. To the south of the site is the University Club sports field and its club house designed by Robert Maguire and Jeremy Bell which is accessed from Mansfield Road. There are a number of listed buildings nearby including The Radcliffe Science Library (grade II) situated at the junction of South Parks and Parks Roads, Rhodes House (grade II\*) and Nos. 9-10 South Parks Road (grade II) a pair of surviving Edwardian villas on the south side of South Parks Road and Dyson Perrins Building (grade II), on the north side of South Parks Road. Mansfield College on Mansfield Road, to the west of the site, is grade II listed.
- 5.3. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes the construction of a five storey building with basement designed to accommodate research and teaching facilities for life sciences and psychology departments (Class F1 of the Use Classes Order as amended in 2020) together with associated laboratory space, offices and two cafés (one open to the public). The new building would be known as the Life and Mind Building (LaMB), see figure 3 below which shows the proposed block plan. The building would be approximately 24.8m high (max), 103m long (max) and 62m wide (max). A replacement chimney flue would extend a further 4m (approximately) above the roof, together with 8 other smaller extraction flues. The building would incorporate and connect into the retained Chemistry lab extensions. The basement level also is also proposed to be accessed via a stepped, landscaped, sunken circular scoop (amphitheatre) set into a new public open space located at the corner of St Cross and South Parks Road. The scoop can also be accessed via a lift set to the side of the scoop. A raised table to the west of the public open space within St Cross Road is proposed to enable level access across and slow traffic. At roof level it is proposed to include a series of greenhouses for plant sciences, enclosed plant, green terrace roofs, blue roofs and photovoltaics. A series of open plan amenity and breakout spaces have been designed on each floor of the building, facing out onto a central, staircase atrium running up between the two building wings. A public café is proposed on the ground floor at the front, north side of the building and a terraced area at roof level set above the public open space. A further café for building users has been designed to sit on the south side at the top of the building taking advantage of views back across the townscape of Oxford. See figures 4 and 5 showing the proposed north and south elevations.
- 6.2. The present access for servicing, deliveries and car parking to Peter Medawar, Tinsley Building, Biomedical Science Building (BSB) and Pharmacology Building from Mansfield Road would be used to provide access to LaMB for service vehicles. Existing car park spaces in this area are proposed to be reduced with existing cycle parking facilities re-used and upgraded to accommodate the numbers required for the new development. Six car parking spaces (three disabled) for LaMB would be provided in the existing car park sited at the front/ side of the Dunn School building. Three of these spaces are proposed to include electric vehicle (EV) charging points. Additional cycle parking for LaMB is proposed to be located along the southern side of the recently built chemistry labs taking up a strip of land along the northern most edge of the University Club sports field with further cycle parking provision to be sited along the St Cross Road side of the new building and around the edge of the new public open space at the northern edge of the site.
- 6.3. New hard and soft landscaping with specimen trees would be provided within the new public open space and specimen street trees planted alongside the new building on St Cross Road. Planted roof terraces are proposed and green roofs on the cycle storage and new substation building. In addition some tree removals and new trees are proposed along the boundary of the sports field and St Cross Road (some already removed as a result of the earlier application for new temporary construction access 19/03107/FUL refers).



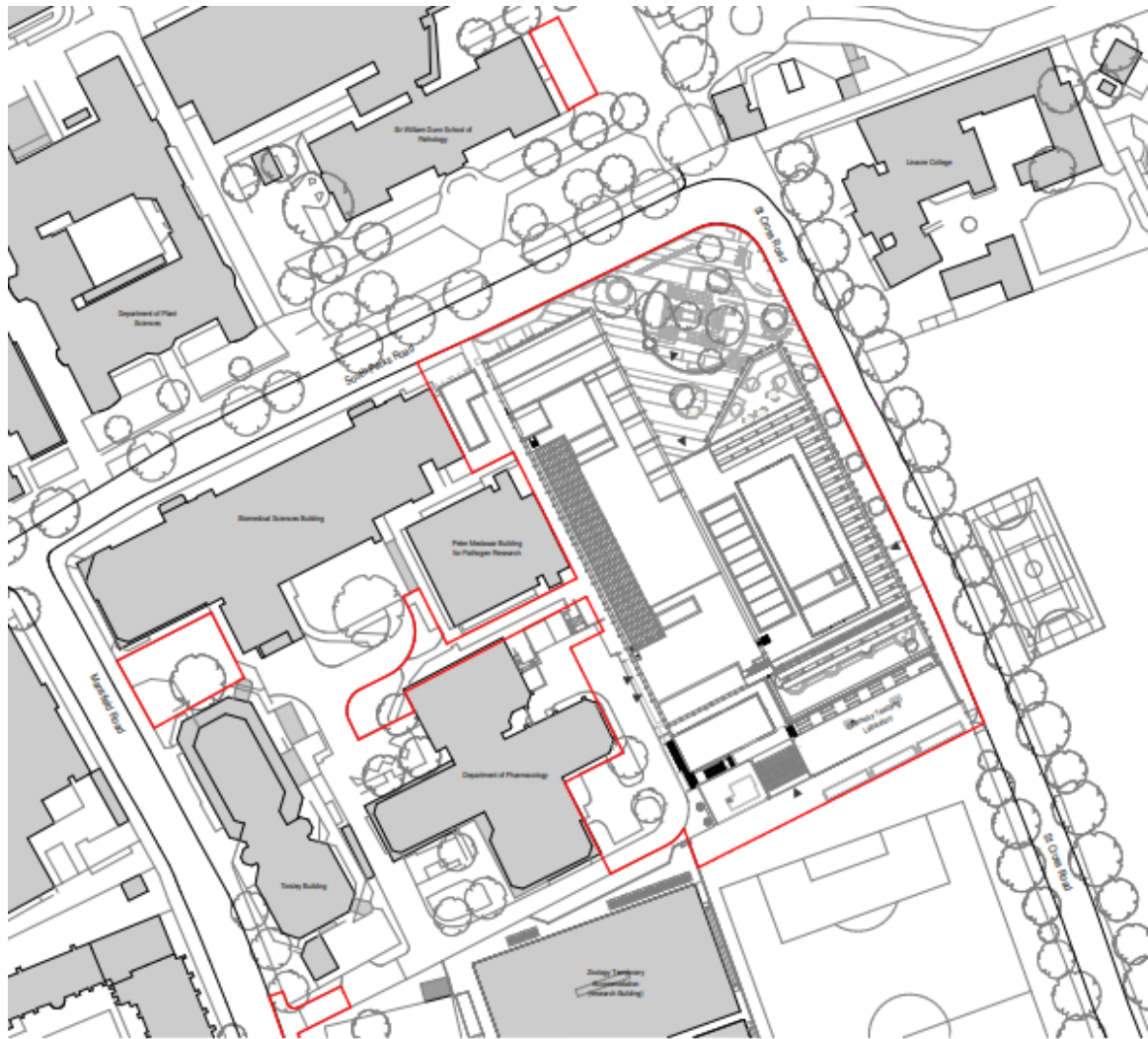


Figure 3: Proposed Block plan



*Figure 4: Proposed north elevation from St Cross and South Parks Road*



*Figure 5: Proposed south elevation from University Club sports field*

## **7. RELEVANT PLANNING HISTORY**

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

15/03105/FUL - Erection of 2 storey extension together with rear extensions at levels D, E and F, new entrance, lay-bys and nitrogen tank. Approved 20th January 2016.

15/03105/CND - Details submitted in compliance with conditions 4 (Landscaping), 5 (Landscaping hard surface tree roots), 8 (Arboricultural method statement) 10 (Cycle parking) and 18 (Archaeology) of planning permission 15/03105/FUL. Approved 16th May 2016.

17/02204/FUL - Installation of 2No. Liquid Nitrogen tanks. Approved 24th November 2017.

17/02406/DEM - Application to determine whether prior approval is required for the method of demolition. Withdrawn 20th September 2017.

15/03105/NMA - Non-material amendment to planning permission 15/03105/FUL to allow the relocation of the plant room and proposed flues. Approved 1st December 2017.

18/03010/FUL - Formation of temporary construction vehicle access onto South Parks Road for a period of 2 years to facilitate remedial works at the Tinbergen building. Approved 7th January 2019.

19/00394/DEM - Application to determine whether prior approval is required for



the method of demolition of a 12m x 12m low level bay. Permitted Development, permission not required, 15th March 2019.

19/01636/FUL - Demolition of the original Tinbergen Building and associated structures (including basement and bridge access to Peter Medawar Building (PMB)). Temporary weatherproofing, stabilisation and ancillary works. Temporary works to include relocation of an electricity sub-station, the existing Chemistry Teaching Laboratories (CTL) flues and plant and 25 cycle stands; temporary access to the CTL including access ramp, pathway and lighting; provision of a ramped access to PMB and works to PMB pedestrian access. Permanent relocation of front entrance to the PMB and internal alterations. Provision of a goods lift access and internal works to the CTL. Approved 6th September 2019 and implemented.

19/01636/NMA - Non-Material amendment to planning permission 19/01636/FUL to allow the demolition of the existing building and construction of future buildings. Approved 2nd December 2019.

19/03107/FUL - Formation of temporary construction access. PER 24th January 2020.

19/01636/NMA2 - Non-material amendment to planning permission 19/01636/FUL to allow an alteration to the door of the Peter Medawar Building and alterations to the temporary pathway from South Parks Road to Peter Medawar Building. Approved 31st July 2020.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1 - High quality design and placemaking DH7 - External servicing features and stores		
Conservation/Heritage	184-202	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains		
Natural environment	91-101	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface G2 - Protection of biodiversity geo-diversity G7 - Protection of existing		

		Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure		
<b>Transport</b>	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD	
<b>Environmental</b>	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN Air Quality TAN	
<b>Miscellaneous</b>	7-12	S1, S2		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 16th October 2020 and an advertisement was published in The Oxford Times newspaper on 15th October 2020. A second round of public consultation and new site notices displayed on 9<sup>th</sup> December 2020.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. First round consultation: No objection. I conclude that the proposed development would not cause significant impact on the operation of the adjacent highway network which has not been adequately mitigated. The comments are summarised and included in the paragraphs below.

9.3. Cycle paths are in existence on both sides of South Parks Road and St Cross Road as both on-carriageway and off-carriageway. Cycle parking will increase from 270 to 771. The Adopted Parking Standards SPD sets out that cycle parking should be provided at a ratio of one space per 2 students and plus one space per five staff. The estimated demand (two-way flow) is over 960 students excluding staff). The level of cycle parking proposed is therefore over the standard. While this level of cycle parking is welcome an increase in secure covered provision should be explored which is attractive enough to discourage car usage.

9.4. Parking is restricted along the adjacent road network by yellow lines. The current level of parking associated with the site in isolation is not given. This is however, indicated in Table 4.5 of the TA where parking associated with the entire Mansfield Block is given. This shows that the Mansfield Block accommodates up

to 29 spaces. Given the sustainable location of the site, the proposed reduction in car parking spaces is welcomed.

- 9.5. Deliveries and servicing of the extant Tinbergen building are via St Cross Road into a basement parking area. Redevelopment of the site would see a change in service and delivery access arrangements to be taken via Mansfield Road via a service road that currently serves the Pharmacology Building and Peter Medawar Building. This arrangement has been supported by a vehicle tracking analysis to demonstrate that the larger vehicles likely to visit the site can be accommodated.
- 9.6. A review of the accident data for the area has been carried out and has highlighted a number of incidents that have occurred within the last 5 years. In light of this data it is considered that the proposed development is unlikely to increase the number of recorded accidents in this area. I have re-checked the accident data since the TA was written and have also looked at the wider highway network, which has shown a few other incidents have occurred, however these were also down to driver error too. I do not consider the development traffic would have any significant impact upon the risk of accidents and new highway infrastructure would be subject to the approval of detailed design and road safety audit.
- 9.7. The raised crossing provided across the carriageway is noted to be 1.5m wide. I would like to see its width extended to 2m minimum. Ideally it should be the full width of the adjacent footway facility, but I appreciate this may push the ramp into the channel of the carriageway. This will need a full s278 agreement, so no details are approved here. Trees are also noted to be planted within the footway. Although not ideal, the HA finds that as long as there is a clear 2m width either along the frontage or behind the tree line the arrangement shall be acceptable. Trees that the applicant intends to have planted within 5m of the boundary of the adopted highway need to be placed in tree pits. Any trees that the applicant intends to plant within the boundary of the adopted highway will attract a commuted sum payable to Oxfordshire County Council
- 9.8. There also appears to be structural overhangs over the highway which are not ideal and would need oversailing licences. As noted at pre-application consultations that the bulk of street furniture being placed in the highway shall attract large commuted sums if the HA is expected to adopt and maintain them. This shall be dealt with upon receipt of the s278 application.
- 9.9. A Construction Traffic Management Plan (CTMP) has been submitted to support this application. However, currently this plan does not cover all of the details required by the County Council in order for it to be agreed. Therefore, the County Council requests that an updated CTMP is submitted to, and agreed by, the Local Planning Authority in consultation with the Highway Authority prior to the commencement of construction works. This is required in order to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times and impending Zero Emission Zone.
- 9.10. The site location provides sustainable travel options, and these should be promoted through the implementation of a Full Travel Plan. The submitted travel

plan does not contain the level of detail required for it to meet OCC criteria for a Full Travel Plan. An updated version is required in line with County guidance documents and specific detailed comments.

- 9.11. Second round consultation following additional transport information submitted and in response to an independent Transport Consultant report submitted by neighbouring objectors: No objection. The comments are included in the paragraphs below.
- 9.12. Following David Tucker Associates' (DTA) independent review of the access implications of the proposed Tinbergen Building development, this report sets out the LHA Officer's views and response to those raised by DTA. It further clarifies the basis of the LHA's previous response. All previous comments and obligations continue to apply other than where addressed below.
- 9.13. David Tucker Associates in their report raised issues with regard to safety of access to the Tinbergen Building via Mansfield Road. In their review, DTA reports that the proposed development does not comply with the prevailing NPPF. In the appraisal of whether the proposed access arrangements are acceptable for this development the following approach was taken.
- 9.14. The Tinbergen Building previously had its service and delivery access from St Cross Road while the Peter Medawar Building and the Pharmacology Building are currently serviced via an existing access off Mansfield Road. The application now proposes to jointly use the existing Mansfield Road for its service and deliveries.
- 9.15. While acknowledging limitations at the access such as the substandard intervisibility with pedestrians as raised by the Road Safety Audit, it is noteworthy to mention that these are common to developments in areas deeply rooted in visible heritage. It is also noted that with the poor visibility, no personal injury accident has been recorded in the last five years. Notwithstanding that, the development outlined measures that would significantly improve the existing arrangement, giving priority to pedestrians across the access mouth.
- 9.16. The application has further modified the access junction as illustrated in Drawing No: 269-RAMB-ZZ-GF-DR-C-00 Rev P01. Notable on this arrangement is the shifting of the steel fence line to improve intervisibility between pedestrians and egressing vehicles and emphasised priority for pedestrian movements. This is considered acceptable with benefits to the existing access.
- 9.17. By virtue of this being an existing access, albeit with considerable safety uplifts, we then need to establish whether the development shall result in increased usage of the Mansfield Road access amounts to an actionable nuisance or represents a 'radical' change in the character of the road network.
- 9.18. The TA estimates that up to about 17 two way movements shall be generated at the Mansfield Road access in the busiest hour (which is outside of the network peak) as a result of this development. Conservatively, this represents a 12% increase in movements and also less than 30 two-way vehicle movements that would trigger a requirement for junction capacity assessment.



- 9.19. It must be remembered that the land use has remained the same and the footprint of the building has not changed meaningfully. The development is not likely to make walking/cycling distances longer or less attractive. To this effect, I do not consider this moderate increase in traffic on Mansfield Road to be significant enough to allude to an adverse change of character of the road.

*Other points of consideration*

- 9.20. Combined Service and Delivery Operations – It is also recognised that there is potential in future for departments to consolidate their maintenance, service and delivery operations. This would further reduce the trips generated by the service and delivery operations which for the sake of a robust assessment, these have been derived for individual departments.
- 9.21. Zero Emission Zone – Oxford City Centre Zero Emission Zone (ZEZ) will be introduced in a number of phases during the Plan period and the site including the routes leading to it shall be covered under the ZEZ. This Plan supports the delivery of the ZEZ to improve air quality in the city centre, which at the same time reduces non-essential vehicular traffic around the city. Nonetheless, the reduced vehicular traffic shall afford increased pedestrian safety within the ZEZ.
- 9.22. Compliance to Policy M3 – In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities. In the context of this site, the development has demonstrated a significant reduction in parking on site. This resulted in a need to redesign the basement that previously accommodated parking as well as a yard for service and deliveries.
- 9.23. Taking the above into account, it is my opinion that recommending refusal on highway safety grounds for the proposed development would not be justifiable at appeal.
- 9.24. In further response to the Objectors letter regarding safety of children, the HA strongly disagrees with the assertion that the service access does not give regard to children. Issues of geometrical design which were also flagged in DTA's report were addressed partly by The Ramboll Response Document dated 24<sup>th</sup> November 2020. Whilst the service access is not intended to particularly cater to children, the proposed access arrangements afford the necessary provision and protection to all users regardless of age. The submission of an improved access arrangement (drawing ref: 269-RAMB-ZZ-GF-DR-C-000514 Rev P01) demonstrates superior pedestrian visibility splays, quadruple to the required standards and which are acceptable. Owing to the low speed environment both of Mansfield Road and the service access, it is thought that improvements at the access would only serve to benefit all road users irrespective of age and ability.
- 9.25. The letter further states that the road is usually double parked, effectively rendering it a single lane. While the parking is not likely to be exacerbated by the LaMB redevelopment, the HA suggest that in order to improve inter-visibility between vehicles at the turn, a parking space on either side of the access along

the eastern side of Mansfield Road should be removed. The developer will be required to cover the costs of consultation and implementation of any alterations to the parking allocations outside the development. This could be secured by the imposition of a related condition.

- 9.26. It is still considered that the increase in number of vehicular movements (which would be confined to the northern section of Mansfield Road) as a result of the redevelopment of Lamb are modest and would not change the character or contribute to the detriment of highway safety. Also, the LaMB building benefits from permitted rights and as has been established in the TA, the redevelopment is not likely to generate additional trips on the network than were previously there prior to demolition of the Tinbergen building. The accident record in the vicinity of the access are unrelated to turning movements associated with this access.
- 9.27. Again, taking the above into account, the HA considers refusal on highway safety grounds for the proposed development would not be appropriate or sustainable. Therefore the LHA is supportive of this application as submitted.

Oxfordshire County Council (Lead Local Flood Authority)

- 9.28. First round consultation: Objection raised because the proposed strategy is not in accordance with OCC Local Standards for provision of a sustainable surface water drainage strategy. The applicant has proposed attenuation for SuDS for the proposed development, however the discharge should be to Greenfield run-off rates via a flow control device. The proposed discharge rate of 43.8 l/s is not acceptable. Detailed comments are summarised below:
- 9.29. The Life and Mind Building Lamb Drainage Strategy report (Ramboll, July 2020 mentions that infiltration is not feasible for the site due to the soil conditions, Infiltration for SuDS should be considered. Soakage tests are needed to confirm soil permeability. Should infiltration be found unfeasible, attenuation should be considered for the 1 in 100 year + 40% climate change storm event, to be discharged to Greenfield run-off rates via a flow control device to the River Cherwell. Permeable paving should be considered for hardstanding areas on site for infiltration and/or for attenuation within the sub-base. A drawing should be produced to demonstrate exceedance flow directions.
- 9.30. It is proposed that the roof areas will be attenuated within the blue roof build-ups. The surface water from the amphitheatre which is at lower ground floor level will be pumped at a flow rate of 5l/s and connected to the main surface water drainage on site. The main surface water drainage will be attenuated in below ground cellular tanks, designed to the 1 in 100 year + 40% climate change.
- 9.31. Second round consultation following additional flood risk & drainage information (Technical Note (Ramboll, 26/11/2020)) submitted to address the above issues: objection maintained and summarised below:
- 9.32. The Technical Note (Ramboll, 26/11/2020) response, partially clarifies the limitations for available space for the attenuation tank and discharge rates to Greenfield run-off. However, the full potential of available space on site should be used. Additional space is believed to be available for the attenuation tank to be

extended to further lower the proposed discharge rates, unless there is reason that this space cannot be used. Flow Exceedance Plan accepted. Evidence of the agreement of the discharge rate is still required.

- 9.33. A further Technical Note has been submitted in response which robustly justifies why this area cannot be included in this case and the County has been re-consulted a third time. Their comments are awaited at the time of writing the report and will be verbally reported to Committee.

Historic England

- 9.34. No comments to make.

Thames Water Utilities Limited

- 9.35. No objection with regards to capacity or connection for foul water sewage or surface water which would not be discharged to the public network. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

- 9.36. With regards Water comments TW has commented initially that they identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. However, subsequently, following further discussion with the Applicant has provided a further letter from Thames Water that states they confirm that there will be sufficient capacity in our clean water network. TW has subsequently confirmed through second consultation on the basis of information provided, that they do not have any objection with regard to water network infrastructure capacity.

Environment Agency (EA)

- 9.37. The EA does not have any comment to make on this application in respect to planning. However, they advise the applicant that they may require an environmental permit if the laboratories are discharging emissions to the air or waste to the ground.

Natural England

- 9.38. No comments to make.

**Public representations**

- 9.39. 18 local people, Colleges and interested amenity Groups commented on this application from the following addresses:

- 14 Ardley Road, Ardley;
- 5 persons from Department of Pharmacology;
- New College;
- New College School, 2 Savile Road;

- Mansfield College;
- Harris Manchester College;
- Balliol College;
- 11 Hayward Road;
- Mansfield Road (no number given);
- 33 Millwood End Long Hanborough;
- 10 Lakeside;
- 64 Park Town;
- Oxford Civic Society;
- Oxford Preservation Trust.

9.40. In summary, the main points of comments were:

- Adverse impact from increased traffic on Mansfield road as a result of combined use of existing access to Pharmacology, Tinsley Building and Medawar Building from Mansfield Road. St Cross Rd should be considered for the access to the new building
- Increased danger to pedestrians and cyclists on Mansfield Road as a result of increased traffic. Consideration should be given to Article 3 of the UN Convention on the Rights of the Child.
- Existing access onto Mansfield Road is inadequate (vision splays) and conflict between pedestrians and cyclists along the access within the site.
- Adverse impact on Pharmacology to due to noise and vibration from additional vehicles.
- Increased pollution and drop in air quality as a result of increase traffic on Mansfield Road.
- Concerns regarding security should the existing barrier across the existing Mansfield Road access be removed as a result of the development.
- Concern regarding adverse impact on rare orchids in the meadows.
- Disappointed that the design of the proposed buildings is not more imaginative and that it does not do more to enhance the character of the Conservation Area, or to reflect the eminence of the client institution.
- Question the need for the public open space which has increased the size of the building to accommodate the required floor space.
- The public open space is on a busy road, on the north side of a very tall building where it will be in shade for most of the day leading to a cold and a dark space which is not suitable for its desired purpose.
- The University's aspirations for the building (floorspace and amenity space & public space) has resulted in a very tall building with significant bulk at height, contrary to Policy DH2 and at the expense of Oxford's skyline.
- A large, block-like structure in this location where the total height extends to 89.33m (AOD) 10m (AOD) over the DH2 policy threshold raises concern at the potential extent and significance of harm that will result from the visibility of the development within various public viewpoints into and out



from the city.

- The building would harm views from Doris Field view cone and St Mary's Church and Sheldonian Theatre.
- Concerned with the proposed use of materials at height as part of the development and the impact on views.
- Greenhouses proposed on the roof of the flex block of the building will be visible from long range views at night-time as they are lit up. The use of blinds inside is not a satisfactory, sustainable or reliable solution to mitigate against the visual harm caused.
- Use of Photovoltaic (PV) panels on the roof have the potential for glint and glare issues during the daytime, as would the proposed metal inlays high up on the building's facades.
- Any replacement building for the lost Tinbergen building must be of high architectural quality and must enhance the character and appearance of the Conservation Area.

9.41. In response to a second round of public consultation one letter of comment was received from Mansfield College. It raised no new points.

#### **Officer response**

9.42. Officer's comments and response to any of the points above are dealt with later in the report.

### **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design & Heritage
- Neighbouring amenity
- Transport
- Biodiversity
- Sustainable Design and Construction
- Archaeology
- Air Quality
- Flood Risk and Drainage
- Green Infrastructure
- Land Quality

#### **a. Principle of development**

10.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved

without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.117). Any proposal would be required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan, which include the newly adopted Oxford Local Plan 2036 (OLP) and the Summertown and St Margaret's Neighbourhood Plan (SMNP).

- 10.3. Policy S1 of the OLP states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, working with applicants so that sustainable development can be approved that secures economic, social and environmental improvements. Planning applications that accord with Oxford's Local Plan (and, where relevant, with neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Development should make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford in accordance with RE2 of the OLP.
- 10.4. Policy S2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.
- 10.5. Policy E2 states that planning permission will be granted to support the growth of the University of Oxford through the redevelopment and intensification of academic and administrative floorspace on existing University of Oxford and college sites. Planning permission will only be granted for new or additional academic or administrative floorspace for educational institutions if it can be demonstrated that Policy H9 is met. Policy H9 links the delivery of new/redeveloped and refurbished university academic facilities to the delivery of university provided residential accommodation. For University of Oxford it must be demonstrated that:
  - a) the new accommodation would not generate or facilitate any increase in student numbers; or
  - b) the number of their full-time taught course students living in Oxford in non-university- provided accommodation does not exceed 2,500 at the time of the application. This threshold will be reduced to 1,500 at 01 April 2022.
- 10.6. The new building would become the new home for two University departments: Experimental Psychology and a new Department of Biology which combines Zoology and Plant Sciences. Experimental Psychology and Zoology were already on site in the old Tinbergen Building (albeit now in temporary accommodation elsewhere in the City). Plant Sciences is relocated from elsewhere on South Parks Road. The building offers a unique opportunity to provide a collaborative space where the three departments can share research, knowledge and education that covers the full breadth of life on earth. The development would increase the quality of the teaching and research that already

exists and would not expand the current student population. The new building would be known as the Life and Mind Building (LaMB).

10.7. The proposed new LaMB includes teaching spaces, laboratories, greenhouses, office space, a shared, publicly accessible café, a herbarium, a replacement chimney flue and connection in to the existing, retained Tinbergen chemistry extensions, including new green landscaped terraces, green and blue roofs and public open space. The re-development of this site offers the opportunity to make a positive contribution to the evolving character and appearance of the Science Area in particular and consequently to the wider Central Conservation Area in which the site lies. An assessment of whether the proposal achieves these aims is made in the relevant sections of this report.

10.8. The NPPF and Policy S1 are clear that sustainable development should be approved without delay unless material considerations dictate otherwise. RE2 sets out that development should make best and most efficient use of land. Officers understand the need for the two Universities, Colleges, institutions or educational establishments to adapt and expand in order to better meet their needs and continue into the future and, in this case, the amalgamation of the various departments into this one building would not generate an increase in student numbers. Therefore policies E2 and H9 are met. It is considered that the principle of development is acceptable on the basis that the development would make best and most efficient use of a site that has historically been used for that purpose and would enable it to continue to do so in a better way, subject to other material considerations set out below.

#### **b. Design & Heritage: listed buildings and conservation area**

10.9. Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area including its setting. Case law (South Lakeland-1992) makes it clear that to preserve in this context means to do no harm. Case law has made clear that the duty to pay special attention to or to have special regard is to afford considerable weight to that duty and that this duty should be the first consideration for any decision maker. In considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). In considering any degree of harm whether substantial or less than substantial the duty to preserve the significance of the heritage asset (NPPF definition includes listed buildings, conservation areas and historic parks and gardens) must be afforded considerable weight (Barnwell-2014). Having assessed any degree of harm that may be caused to the significance of a heritage asset affording considerable weight to preservation of the asset's significance, the decision maker is then required to weigh this harm against any public benefits that may arise as a result of the development, in the balancing exercise, including securing its optimum viable use (paras 193-196).

- 10.10. In considering the importance of good design, the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being (para 127).
- 10.11. Policies DH1, DH3 and DH4 of the OLP are consistent with the NPPF because they include the balancing exercise identified in paragraphs 195-196 of the NPPF. DH1 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting.
- 10.12. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance. Development that would or may affect the significance of heritage asset either directly or by being within its setting must be accompanied by a Heritage Assessment. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II\* listed buildings, Grade I and II\* registered parks and gardens, should be wholly exceptional. Where development will lead to substantial harm to or total loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if it meets the tests set out in the policy. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal.
- 10.13. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities and for major developments details of implementation and monitoring should be provided.
- 10.14. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including



heights and massing), built form and layout, and should explore opportunities for maximising density.

10.15. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary.

#### *Heritage significance*

10.16. The following designated heritage assets include or are close to the site:

- The Central Conservation Area (CCA) – an extension of the boundary of the Central Conservation Area to include, amongst other areas the application site was approved at Cabinet on the 29th May 2019.

The significance of the Science Area which is the part of the CCA in which the site lies is derived from the function of the buildings which are for science teaching and research and although there is no architectural homogeneity in the sense of style the buildings' architecture is very much a reflection of their function and the period in time in which they were designed and built. It is a collection of large, eclectic, individual buildings. The earliest buildings were developed within the boundary of the University Parks and the buildings then continued to be built gradually taking over the southern edge of the Park whose boundary moved northward and now runs along the northern edge of the Science Area. In the latter part of the C20 the Science Area extended southward replacing the Edwardian villas that previously occupied the south side of South Parks Road with a series of large buildings of which the Tinbergen Building, designed by Sir Leslie Martin and built in 1970 was possibly the first.

- University Parks – a grade II registered park and garden -The significance of the Parks derives from its planned layout with walks and shrub & herbaceous borders, playing fields most specifically a cricket pitch and pavilion, grade II listed together with its specimen tree planting. An important, green open space laid out in the middle of the C19 to provide recreational walks and an arboretum. Mesopotamia Walk which extends east and south from the main park along the River Cherwell was also laid out at the time of the Parks.
- St Cross Building – grade II\* - designed for the Law Faculty as a library and teaching building in 1970 by Sir Leslie Martin. The significance of the building derives from its architecture, a series of layered horizontal elements as well as its interior design with a central well or atrium.
- Rhodes House – grade II\* listed to the west of the site at the corner of South Parks and Parks Road the building was designed by Sir Herbert Baker. The significance of the building derives primarily from its architecture.

- 9 Mansfield Road and 1 and 2 South Parks Road all villas that survive as part of the original development of this part of the city. The significance of these buildings is both architectural and historical as surviving elements of the C19 villas that once occupied all of this area. Designed by eminent Victorian architects such as Sir William Wilkinson and TG Jackson.
- The University Science Library sat at the corner of Parks and South Parks Road the building is grade II listed and derives its significance from its architecture.
- Dyson Perrins Laboratory grade II listed a former Chemistry Laboratory built in the 1920's to the designs of Paul Waterhouse. The building derives its significance from its architecture as well as from its design as Oxford's first, purpose built chemical laboratory.
- Mansfield College – grade II\* listed. The College was designed by Sir Basil Champneys and built in the late C19. The building derives its significance from its architecture.

#### *Impact on significance*

10.17. It is considered that the proposed building although large would by virtue of being a large, purpose designed science building fit in with the typical character and appearance of this part of the Central Conservation Area and that it would not have any impact on the character or appearance and consequently on the significance of the Conservation Area. In terms of the registered Park, the new building would be evident in views southward from the Park but would appear no more incongruous than the original Tinbergen nor other buildings in the science area which together combine to form the setting along the southern edge of the registered park and garden.

10.18. In terms of the identified listed buildings it is considered that in no case would either the architectural or historic significance or the setting of the building be harmed by the proposed development.

#### *Harm*

10.19. In conclusion it is considered that there would be no harm to the significance of any of the identified designated heritage assets by the proposed development. Therefore the proposed development would comply with policy DH3 of the Oxford Local Plan 2036 and would preserve and enhance the heritage assets in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### *Design*

10.20. The design of the replacement building for Tinbergen has evolved in response to extensive discussion and collaborative engagement with Officers

through a long pre-application process including one Oxford Design Review (ODRP) workshop and two full ODRP reviews, including:

- the siting of built elements and the design of external spaces at surface level, below surface level, and on top of the building(s);
- the massing of built elements including roof profiles, junctions between built elements and articulation of facades;
- the detailed design of the external envelope of the built elements and the form and landscape of the external spaces in particular the new public open space at the front of the building;
- the impact of the building and its external spaces on the significance of designated heritage assets including on important views into, across and out of the city which contribute to the setting of the Central Conservation Area and to the setting of listed buildings that contribute to those views.

10.21.. This design evolution including the responses and subsequent design mitigation has been clearly set out in the documents that support this application. The ODRP has supported the design approach and the Applicant and its design teams have positively responded to comments received relating to, amongst other things, façade treatments and views, landscaping and sustainability strategy.

10.22. In combining the departments to create the LaMB with all the added complexity of the brief, including the retention of the relatively recently completed extension to Tinbergen for Chemistry with its essential flue, the upgrading of the teaching and research facilities, the inclusion of public access and shared spaces with the potential for exhibitions and increased public engagement, the creation of a new public space and a distinctive entrance point for the new building within the footprint of the original Tinbergen Building, the resultant built element is not small. Set over 5 floors with an additional basement level the LaMb would reach approximately 24.8m tall at its highest point (plant), the chimney flue extending a further 6m approximately to 30.8m tall and the built elements would extend to 103m at their maximum length. In comparison to the height of the Tinbergen building which was varied but had a consistent mass that was approximately 22m high stretching to 25.8m at its highest point.

10.23. The overriding design principle is of two building ranges, similar but distinct, separated by a central staircase atrium stretching up through the building from basement to top floor making connections across the building floors and opening up to enable serendipitous collaboration. The entrance to the building would be from a new open space embraced by the two building elements that would enable separation of everyday, working access and public access to the building and that is proposed to be landscaped in both hard and soft landscape to connect to the surrounding open spaces of University Parks and Mesopotamia, to a series of planted spaces inside and on top of the new building as well as the series of new open spaces to be made as part of the Science Area Masterplan. The western building range has been designed to maintain a built frontage to South Parks Road before cutting back to direct pedestrian arrivals across the open space and to the building entrance. The eastern building range maintains a strong frontage along St Cross Road, as Tinbergen previously did but with a set-

back in the façade to provide a sheltered space for bicycle parking and to offer a more generous footpath, allowing for street tree planting to reinforce the presently fragmented tree planting along St Cross Road and to echo the pattern of the historic lime avenue on South Parks a surviving remnant of the original southern edge of University Parks.

10.24. The western building range has been designed to house laboratories. Teaching labs would be at lower levels and research labs above with a series of asymmetrical ridges articulating the roof profile adjacent to which are proposed Plant Sciences greenhouses. The southern façade displays the distinctive appearance of both building ranges separated by the strong vertical element of the finely incised metal encased Chemistry flue with the large glass windows of the upper café to the left and a planted roof terrace to the right (as viewed from the south). Additional sets of much smaller flues would be set back along the western roofline. The street front of the eastern range at ground floor has been designed as a series of windows in which exhibitions and informative displays can be placed to enable public engagement and provide public access to the research and learning that the University undertakes and demonstrate the wider benefits of its findings. The University's Herbarium collection/archive with access for research is proposed to be located at the western range's ground floor also with an exhibition/ display window. The eastern range is proposed as primarily office and administrative spaces but also has been designed to house some of the research spaces for experimental psychology with a separate, secure and safe access route for more insecure research subjects.

10.25. The design of the façades including the roof that is now presented are the result of a protracted evolution, which have been informed by a Townscape and Visual Landscape Analysis (LVIA). The materials have been chosen for being a balance of robustness, elegance and economy but there are elements of richness in the mix that elevate the quality of the whole. So although fairly simple pre-cast concrete, the deliberate incisions in the façade panels on both building ranges have been designed to create patterns that are inspired by natural wave patterns that are common to life and mind (e.g. brainwave patterns). To most observers they will simply be interesting patterns, but patterns that visibly change as patterns of light falling across the façades change creating movement across the building façades and breaking up the monotony of the large building mass and long facades. The addition of bronze elements in some of the incisions echoed in the window framing and louvres on some façades will serve to punctuate or emphasise elements of the patterns. The ranges of solar panels on the roof of the eastern building range is designed to animate the roof profile and will be particularly evident in views from Mesopotamia Walk to the east of the site again serving to animate the building form and reduce the apparent length of the building.

10.26. In relation to its immediate context and the original, but now demolished, Tinbergen the height of the LaMB at 24m along South Parks Road would be approximately 4.6m higher than the old Tinbergen (approximately 19.4m high) and would be 4m higher than the adjacent Peter Medawar Building at approximately 20m high. The BSB building on South Parks Road frontage is approximately 17m high and its stair cores reach 21m high. On the other side of Mansfield Road the Chemistry Building is approximately 18m high. On the

opposite sides of South Parks Road and St Cross Road the building would be higher than Pathology (approx.14.5m high) and Linacre College (approx.14.8m high). It is considered that whilst LaMB would be higher than existing buildings around it, due to the siting, configuration & articulation of the footprint, roofscape and façades, the relationship and distance to those buildings the building would not be excessively high or dominate within the street scene in this case. As set out above the character of the building is in keeping with the large science buildings of the Science Area.

10.27. A new electricity substation located between LaMB and BSB is also proposed and would face onto South Parks Road, measuring approximately 9.20m wide, 16m long (max) and 4m high. The flat roofed building would align with the front building line of BSB and LaMB. Materials proposed are timber cladding, metal door with timber overcladding and a sedum roof. It is considered that this building would not appear unduly prominent within the street scene or harm the character or significance of the Conservation Area.

10.28. A Health Impact Assessment (HIA) has been submitted with the application and satisfactorily demonstrates, together with other relevant submitted documents, that the site has been positively designed throughout for health and well-being and would create a strong, vibrant and healthy community therein in accordance with RE5 of the OLP.

10.29. Officers consider that the design of the building and the spaces around have been informed by and responded to the context of the immediate and wider surroundings in which it is proposed to sit. The overall quality of the design is considered to be of a sufficiently high standard to meet the requirements of both local plan policies and national planning policies and guidance. The design has been carefully tested in identified important views using the recognised LVIA methodology and whilst the building would be large it is considered that it would not dominate any of those important views or detract from the acknowledged, significant built elements that presently make important contributions to those views. Furthermore, the University Science Area, in which the building would sit is typically characterised by individual, large buildings and therefore this building would not appear out of place. The siting of the building, the division of the overall building volume or mass into three separate but joined elements and the intelligent treatment of the buildings facades, as well as the inclusion of a public open space at the northern edge of the site, all serve to break down the apparent size of the building and mitigate, through that careful and considered design approach the impact of the building on the character and appearance of its immediate and wider context, including the Central Conservation Area. The building has been designed to make the best use of its site. As such the development would comply with policy DH1 of the Oxford Local Plan 2036.

## *Views*

10.30. The application is supported by a robust Townscape and Landscape Visual Impact Assessment (LVIA) study that looked at views from outside the city and from identified high places that have public access and that are within the city listed below. Summer, winter and night time views were assessed. It is noted that night time views are limited from some high view points within the City as

these towers are closed to the public late evening/ night time. As mentioned above the verified views within this assessment also informed the design of the building throughout the pre-app stage. The LVIA assessed:

- The visual impact of the Proposed Development on all 10 view cone locations identified within the Assessment of the View Cones study.
- The townscape impact of the Proposed Development on relevant townscape character areas identified within A Character Assessment of Oxford in its Landscape Setting, 2002: The University Fringe, The Historic City Core and the Cherwell Valley. Within these areas 10 viewpoints were also assessed: Mansfield Road, South Parks Road, St Cross Street, University Parks, Marston Cycle path, Mesopotamia Walk, Tower at University Church of St Mary the Virgin, Carfax Tower, St Michaels Tower, and Sheldonian Theatre.

10.31. It is evident that in some of these views the proposed building would be visible. However it is also considered that by virtue of the careful responsive design of both building massing, roof profiles and façade design the building would not appear unduly dominant in any of the significant views. The taller elements of the building have been carefully designed to minimise their visual intrusion within the identified views and not compete with the iconic towers and spires. For example in views north from St Mary's Tower where the building would extend across the mid ground but would appear broken into individual elements, with some planting on the open roof terrace at the southern end of the eastern building range, all of which would reduce the apparent size and mass of the building. In views from the east, from Mesopotamia Walk, the long extent of the eastern building range's eastern façade would appear broken by the patterning on the building's façade and the broken roof profile and would be mostly seen through a screen of trees therefore more visible in winter than in summer, clearly visible but not intrusive, providing a distinctive edge to both the conservation area and the Science Area.

10.32. The impact of the building within views has been carefully considered in respect of lighting, both externally and internally, and its relationship within its immediate context (to New College Sports field and Mesopotamia) and the rest of the City. Concerns regarding impact, particularly resulting from the proposed rooftop greenhouses have been raised. It is considered that from the information submitted within the proposed lighting strategy and energy/ sustainable design strategies that the development would not overall have a harmful impact from light pollution. In relation specifically to the greenhouses, these would be positioned on the westerly edge of the building and would be mostly shielded in views by the southern end of the proposed building itself and adjacent building including Peter Medwar and BSB. The experiments themselves within the greenhouses may also at times require blinds. As such Officers consider that the greenhouses would not have a significant adverse impact as a result of light. Details of the external lighting specifications could be secured by condition.

10.33. Overall officers consider that, taking into account the original Tinbergen building and the design of the new LaMB, the proposal would not have a negative impact on the visual amenity and character of the city or its iconic skyline, and in some cases it would be positive change; the new public space,

facades and roofline would add variety and interest. As such the development would comply with policy DH2 of the Oxford Local Plan 2036.

- 10.34. In summary it is considered that the development accords with DH1, DH2 and DH3 of the Oxford Local Plan 2036 and will preserve and enhance the character of the Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. The development would not harm either the architectural or historic significance or the setting of identified listed buildings in any case.

#### **c. Impact on neighbouring amenity**

- 10.35. Policy RE7 of the OLP seeks to ensure that development does not have an adverse impact on, amongst other things, neighbouring amenity. The new building would mainly impact upon other existing University buildings within the science area, particularly those within the same block: BSB, Peter Medwar, Tinsley Building and Pharmacology. Comments have been received from some of those working in these buildings that the consolidation of servicing and deliveries to these buildings and LaMB via the existing access on Mansfield Road would cause unacceptable noise and disturbance. The University has said that it will look into mitigation measures such as new double glazing within these neighbouring buildings. The University's aspiration to move to use of electric vehicles and combined servicing and deliveries should minimise and mitigate any impact. Furthermore the majority of new servicing/ deliveries would be via smaller vans rather than large HGV's. Other concerns relating specifically to the access and additional traffic movements are considered below under Transport section. In terms of physical relationships the new building would not adversely affect these buildings in terms of overbearing, overshadowing or loss of light.
- 10.36. Linacre College on the opposite side of St Cross Road would benefit from the removal of the old Tinbergen and creation of the new public open space in front of it. The new development would better reveal Linacre College and the mature trees within its property along the street when viewed from South Parks Road. Due to the siting and distance to Linacre College, in excess of 60m, the new building would not have an adverse effect as a result of overbearing, overshadowing or loss of light as a result.
- 10.37. Similarly, due to the siting and distance to Pathology, in excess of 42m, the new building would not have an adverse effect as a result of overbearing, overshadowing or loss of light as a result.
- 10.38. It is considered on balance that there would be no significant adverse impact on these neighbours and as such the proposal accords with RE7 of the OLP.

#### **d. Transport**

##### Transport sustainability

- 10.39. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with



policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Management Plan are required for a development of this type and size.

10.40. Policy M3 sets out the Council's policy for motor vehicle parking. In the case of the redevelopment of an existing or previously cleared site, such as this, there should be no net increase in parking as existing on site and a reduction will be sought where there is good accessibility to a range of facilities. Expansion of existing operations on existing large sites should provide a comprehensive travel plan for the whole site, demonstrating opportunities to enhance and promote more sustainable travel to and from it. Policy M5 and Appendix 7.4 set out minimum cycle parking standards and shower facilities for development.

10.41. A detailed Transport Assessment (TA) was submitted with the Application together with a draft Travel Plan. As part of the Assessment all road users were taken into account and a Stage 1 Road Safety Audit of the Mansfield Road/Service Road junction was also carried out which confirmed the safety of the junction. The site is in a sustainable location within the City Centre with easy access to public transport and within walking/cycling distance to a number of local amenities. The TA demonstrates that the development would not result in an adverse transport impact. Concern has been raised by members of the public (as set out earlier in the report) regarding the use of the Mansfield Road access by an increased number of servicing and delivery vehicles, resulting in increased traffic along Mansfield Road and increased danger to pedestrians and cyclists. An independent Transport Consultants report was submitted by one member of the public. As a result of these comments, the Applicant has submitted further supporting information and a plan showing improved visibility splays for this access. A second round of public consultation was undertaken.

10.42. The County Council as HA raised no objection to either the first or second round of consultation (see comments above). The existing access was considered acceptable in its current form, however the viability splay improvements have been welcomed. In terms of traffic numbers the County does not consider the additional numbers using Mansfield Road as a cause for concern in terms of the use of the existing access and risk to pedestrians or cyclists, nor in terms of the capacity of the junction of Mansfield Road and South Parks Road. This is set out in more detail below.

#### Car parking

10.43. Overall there would be a net decrease in car parking across the site. Replacement car parking for those who are disabled would be provided with in Pathology opposite on South Parks Road. Two of these spaces would have EV points. The rest of the car parking is not actually associated with the new building but that associated with the neighbouring buildings (BDB, Pathology and Tinsley Buildings etc.). Here there would be a decrease in their current parking provision to accommodate the turning head for joint servicing and deliveries to them and LaMB and also the additional cycle parking required for the new building. The

development therefore accords with M3 which seeks a net decrease in car parking on brownfield sites and a minimum level of parking for disabled persons. It also accords with M4 for provision of EV points.

#### Cycle parking

10.44. Policy M5 of the OLP sets out minimum cycle parking requirements for non-residential further education use of 1 space per 2 students (based on anticipated peak number of students on-site at any one time). Plus 1 space per 5 staff. Together with Policy DH7 of the OLP cycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. DH7 also sets out requirements for bin stores and external servicing features.

10.45. In this case, based on the accepted assumption that the peak number of students on site at any one time would be 60% or 242 students, under M5 a minimum of 455 spaces would be required (213 staff and 242 student spaces). The development proposes 497 spaces (revised due to the need to protect orchids (see biodiversity below). The development therefore meets the minimum cycle parking requirement and exceeds this by an additional 42 spaces. There would be no loss of existing 270 cycle parking spaces for the existing buildings in the Mansfield Block. 154 are retained as existing and 116 are incorporated into the new cycle storage proposed. The spaces would be provided as a mix of sheltered and unsheltered open on-street parking and purpose built new secure cycle storage shelters on the site of the old Tinbergen and within re-configured/expanded existing cycle parking found within the existing area around BSB, Tinsley and Pharmacology Buildings. Details of the cycle parking storage and construction, including green roofs, could be secured by condition. As such the development therefore accords with Policies M5 and DH7 of the OLP.

#### Access, Servicing and deliveries

10.46. Delivery and servicing to Tinbergen was from St Cross Road. Given the constraints of the site and overall design brief to improve the CA and accommodate the two new departments the design team and University had to look at other ways to service and deliver to the new Building. Several options were explored, including retaining access from St Cross Road, however, the use of the existing Mansfield Road access to the 'Mansfield Block' servicing area for the buildings adjacent was found to be the only viable solution. Ultimately the University's intention is to combine servicing and deliveries with these buildings using a mix of smaller vans/ vehicles and their intention is for these to be electric in future in order to comply with the planned new Zero Emissions Zone (ZEZ). An estimated uplift of 17 two-way vehicle movements (circa 8 vehicles in total) is anticipated in the busiest hour (a 12% increase). These figures are also worst case scenario as it is expected that combined servicing will reduce numbers. The service yard has been redesigned to enable large vehicles to drive in, turn and drive out in forward gear; enable two vehicles to pass; and omit the need for large vehicles to reverse the full length of the Mansfield Road access.

10.47. Concern has been raised by objectors that the use of this access and increased movements would have adverse impact and higher risk of danger for

pedestrians and cyclists using Mansfield road. In particular to children at New College School and consideration should be given to Article 3 of the UN Convention on the Rights of the Child. Furthermore the additional traffic movements would cause an adverse impact on the junction of South Parks Road. Comments have also been made that the visibility splays are inadequate increasing the risk to road and pedestrian users. Concern is also raised regarding potential removal of the existing security barrier to Mansfield Block service yard. It is understood that this would not be removed as part of the proposal.

10.48. The County HA has reviewed the submitted information with the application, the independent consultant objectors report, further submitted information and a further letter of objection. They still consider that the uplift in movements is not significant and would not result in an increased risk of accidents, harm to highway safety for any user and the infrastructure would be subject to the approval of detailed design. The information presents a worst case scenario for deliveries and there would be a reduction in car movements associated with the reduction in car parking in this location. The improved visibility splays are also acceptable providing quadruple the standards required. Further they suggest removal of two on street parking spaces either side of the access to improve inter-visibility between vehicles at the turn, which can be secured by condition.

10.49. One objector has raised the issue of Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) as not having been had regard to when assessing the application particularly in highway terms. It should be noted firstly that the UNCRC has not been directly incorporated into UK domestic law. Secondly, with regard to article 3, which states that the best interests of the child should be the primary consideration in all actions concerning children, there is the question of whether the determination of this planning application should be considered to be an action within the scope of article 3 and whether it specifically concerns children. It is considered that the fact that children live and go to school in the vicinity of the application site is too remote a connection for article 3 to be engaged. The case which is quoted by the objector in support of her argument regarding article 3 concerns the benefit cap and its effect on particular families which, it is submitted, is a more appropriate application of the article. In any event, the Highways Authority, in coming to a view on the application, considers that the proposed access arrangements afford the necessary provision and protection to all users regardless of age.

#### Construction & traffic

10.50. A draft Construction Environmental Management Plan (CEMP) and a draft Construction Traffic Management Plan (CTMP) have been submitted, which are considered acceptable in principle. Further updated versions are required to deal with issues relating to details of deliveries outside peak hours only and air pollution mitigation measures could be secured by condition. Similarly servicing and deliveries could effectively be controlled and secured by a condition requiring submission of a Servicing and Delivery Plan.

10.51. In conclusion therefore it is considered that on the basis of the comments from and no objection raised by the HA that, subject to conditions, the development accords with Policies M1, M2, M3, M4 and M5 of the OLP.

#### **e. Biodiversity**

10.52. OLP policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. On sites where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be granted where a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and c) offsite compensation can be secured via legal obligation. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity and for major development this should be demonstrated in a biodiversity calculator where sites have become vegetated. Policy G8 requires new development that affects green infrastructure to demonstrate how these have been incorporated within the design, including health and wellbeing and biodiversity enhancement.

10.53. An ecology survey in April 2020 did not identify any habitats within the site considered as being of local, regional or national ecological value and overall the site was considered to be of negligible ecological value. With the exception of the area of wild flowers and rare orchids within the existing car park area close to Peter Medwar and Pharmacology.

10.54. The existing site was completely covered by building and hardstanding and the development would present an opportunity to provide a number of specific habitat and species enhancements as detailed within the accompanying Biodiversity Enhancement Plan, including:

- Approximately 550m<sup>2</sup> of green roofs – a total of ten flat roof bike stores, a large balcony and one large detached sub-station will be designed to support a wildflower blanket biodiverse green roof capable of supporting a range of wildflower and forna species;
- Scattered trees (early-mature) will be incorporated into the development and a mix of species is proposed;
- A series of ornamental shrub beds are also proposed which will also provide a mix of species, both at ground level and on the roof terraces;
- Concrete invertebrate posts will be incorporated into the proposed shrub beds at ground floor level and on the two roof terraces;
- Three tree mounted Schwegler 2FN general purpose bat boxes (or similar) will be installed on the larger of the trees off South Parks Road; and
- Swift boxes, a peregrine falcon nest box and other nest boxes are proposed around the building.

10.55. It is also recommended that display signs are installed at the entrance of the building, on the roof terraces and surrounding bike stores as a means of

promoting awareness of the site specific enhancements, target species group and how the habitats are being managed.

10.56. In addition, in response to comments from members of the public in relation to loss of a wild flower “meadow” and rare orchids (located within a small grassed area within the existing car park/ servicing area close to Peter Medwar and Pharmacology), some proposed cycle parking has been removed so that this area can be retained.

10.57. The Local Planning Authority in exercising any of their functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017, which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
  - a) to impair their ability –
    - i) to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

10.58. Given the nature of the proposals and likely absence of bats within the zone of influence of the proposed scheme, European Protected Species are unlikely to be harmed as a result of the proposals.

10.59. Officers are satisfied that the potential presence of protected habitats and species has been given due regard. The survey undertaken has confirmed the site is of negligible ecological value and it is anticipated no protected or notable species would be impacted by the proposals. It is considered that the development would result in a net gain in biodiversity, and the enhancements set out in the Biodiversity Enhancement Plan could be secured by condition. As such the development accords with G2 of the OLP.

#### **f. Sustainable Design and Construction**

10.60. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. In respect of carbon emissions the policy requires for major developments at least a 40% reduction carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures.

10.61. An Energy Strategy and Sustainability Strategy have been submitted together with an updated Energy addendum. The design concept has brought together the main strands of sustainable design and construction and followed them through

to the operational use of the building once completed. The building has been design to passivhaus principles and the University itself has a higher carbon reduction target than the City Council.

- 10.62. The building would be of high energy efficiency and sustainable design & operation. Photovoltaics on the roof would provide electricity and ground source heat pumps heating. There is a future possibility to connect into a wider district heating network for the science area, when implemented, and until then LaMB would connect into Boiler House 5 adjacent to improve its efficiency and act as an enabler for the district heating network. The 40% regulated carbon emission reduction is proposed to be achieved through the combination of Part L, passive and energy efficiency measures, heat pumps and PV panels, using SAP10.1 carbon factors achieving 43.7%. Connecting into the district heating network would provide carbon reduction. Over time the building would achieve close to 70% reduction by 2040.
- 10.63. Officers are satisfied that due to the constraints of the site and development proposed, that the development has maximised energy efficiency as practically possible using all proposed measures meeting the 40% requirement and exceeding it over time. As such it is considered that on balance the development accords with the principles of sustainable design and construction in accordance with RE1 of the OLP.

#### **g. Archaeology**

- 10.64. Policy DH4 states development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach in policy DH3 set out above.
- 10.65. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. Proposals that will lead to harm to the significance of non-designated archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.
- 10.66. A Desk Based Assessment (Oxford Archaeology 2015) and Addendum (OA 2020) were submitted with the application. The site is located within an extensive Middle Neolithic-Early Bronze Age ritual and funerary landscape close to a significant large linear feature that is a poorly understood component of this wider asset and has been speculated to be part of a cursus monument (Lambrick 2013). The site is also located within a Roman rural settlement landscape that can be provisionally described as a 'village' and also lies close to the projected extent of the Royalist Civil War defences. The Oxford Archaeology desk based

assessment addendum identifies that the former footprint of the Tinbergen Building has significant potential to preserve multi-period remains outside the area of the existing basement.

10.67. In this case, bearing in mind the character of the proposed works and the in-situ basement slab, it is considered that, in line with the advice in the DH4 and the NPPF that the development should be subject to a condition to secure archaeological recording. As such it would accord with DH4 of the OLP.

#### **h. Air Quality**

10.68. Improving local air quality, mitigating the impact of development on air quality and reducing exposure to poor air quality across Oxford is key to safeguarding public health and the environment. The whole of the city was declared an Air Quality Management Area (AQMA) in September 2010. OLP Policy RE6 ensures that the impact of new development on air quality is mitigated and exposure to poor air quality is minimised or reduced for existing and new occupants and situation.

10.69. An Air Quality Assessment (AQA) was submitted with the application. The current local air quality levels of the area are below the current EU/UK limit values for NO<sub>2</sub> and therefore the proposal would not result in the exposure of new receptors (residents) to areas that exceed the Air Quality legal limits. The proposed development would not give rise to a significant increase in vehicular traffic over that currently existing (or as existed when Tinbergen was operational) and a net decrease in car parking. Of the 6 spaces for LaMB, the Applicant has confirmed that 2 spaces would have electric vehicle (EV) charging points. There would be no emissions as a result of the chosen energy heating plant. There would be a medium risk of dust impacts from the construction phase of the proposed development if left unmitigated. However, mitigation measures are recommended in the AQA report and could be included within the draft submitted Construction Environmental Management Plan (CEMP) and if implemented the residual effect would be negligible.

10.70. It is therefore considered that there would be no negative air quality impacts over current and future receptors as a result of the new development subject to a condition requiring an updated CEMP and implementation and details of the EV charging points. On this basis the development accords with policies RE6 and RE7 of the OLP.

#### **i. Flood Risk and Drainage**

10.71. The site lies within flood Zone 1. Land to the east forming part of the adjacent New College Playing Fields is within the flood zone of the River Cherwell (located to the east). Policy RE3 relates to flood risk management and directs new developments to flood Zone 1 and developments over 1ha in these areas should be accompanied by a Site Specific Flood Risk Assessment (FRA). Policy RE4 requires developments to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Development should not have an adverse impact on groundwater flow.



10.72. A very detailed FRA was submitted with the application and further information was submitted in response to the County's first comments as Lead Local Flood Authority (LLFA). The existing Tinbergen site connects into an existing private sewer that travels east out to the River Cherwell. Due to the constraints of the site, including a large basement and sunken scoop, tight site boundary proximity to other buildings and design of the building itself, there is no opportunity to provide sustainable drainage via infiltration measures as part of the development. Similarly due to the site constraints and a review of the available areas for attenuation, it was determined that greenfield run off rate was also not feasible and a betterment of 45% on the existing development to account for climate change is proposed and is the maximum achievable. Blue roof attenuation and a below ground storage tank are proposed to ensure no flooding for the 1:100 year storm event plus 40% climate change. The use of permeable paving was reviewed with the design team, however the steep gradient across the external entrance area, the specification of natural stone paving requiring a concrete base, the required level thresholds around the building, and the extent of the basement under the courtyard have meant that the use of permeable paving is not feasible. The blue roof would be sufficient in removing a wide range of pollutants from surface water run-off, commented on by the LLFA, and providing the required pollution control to meet the pollution hazard control. Surface water would only be pumped within the scoop and the rest would be drained via gravity.

10.73. Following second round of consultation the LLFA maintained their objection to the development on the basis that they identified an additional area that could be incorporated into the proposed attenuation tank and therefore reduce discharge rates further and closer to Greenfield run-off. The Applicant has responded that it cannot be incorporated as there are existing utilities and proposed tree pits in that area. Further comments are being sought from the County Council at the time of writing the report and will be verbally updated at Committee.

10.74. Notwithstanding any comments received from the County it is considered that in this case given the existing situation, the constraints of the site and measures proposed, the development would improve the existing situation and would achieve the best discharge rates and sustainable drainage possible. This could be secured via conditions requiring implementation in accordance with Drainage Strategy and detailed Sustainable Drainage Design, a SuDs Management and Maintenance plan, no occupation until the SUDs scheme has been implemented; and submission of documentation record of the Suds scheme for the Asset Register. These conditions may be adjusted following County comments.

10.75. Officers agree that the site is heavily constrained and overall the proposed drainage strategy is justified and acceptable in this case. Officers are satisfied that the runoff from site has been reduced as much as feasible and the best discharge rate achieved for this constrained site. There would be no harm to ground water flow. Subject to the conditions listed above, the development accords with Policy RE3 of the OLP

#### **j. Green Infrastructure**

10.76. OLP Policy G7 states that permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or

woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

10.77. There are four existing trees within the application site and these are within the Mansfield block parking area. Two of them, one semi-mature and one young silver birch trees, are proposed to be removed to facilitate the deliveries turning area access between LaMB and the rear of pharmacology. The existing Tinbergen site had no trees or soft landscaping.

10.78. The hard and soft landscaping has been carefully considered throughout the design process so that it would bring benefit to people working there, the general public & streetscene and biodiversity. The landscaping has been taken through into the interior of the LaMB itself with trees and shrubs forming part of the atrium space and linking through and out to the roof terraces. The loss of the two trees is considered justified in this case given the site constraints of Tinbergen and the issues around access for servicing and deliveries (addressed elsewhere in the report). Overall 15 new trees would be planted that would mitigate this loss; 6 within the public open space, 3 along St Cross Road and 5 within upper roof terraces providing a variety of canopies, colours and degree of shading. The bed shrub species have been selected to respond to their various locations within the development but also selected for their biodiversity benefits. The hard landscaping materials have been taken from the University Science Area Landscaping Masterplan, approved in 2019, including buff granite flag stones, grey granite setts and edging units. Accessibility has also been considered from the outset and the sunken scoop can be accessed via a ramp and lift, in addition to graded steps. These steps would also function as seats nestled within the overall landscaping in the scoop.

10.79. It is considered that the proposed tree planting and other soft landscaping is of high quality design and would result in a significant net gain in tree canopy cover that would satisfactorily mitigate the two lost trees, and a net gain in general soft landscaping in this part of the science area. It would enable the development to respond to its setting linking to the University Park, University sports club field and the New College recreation grounds and green belt beyond. All the hard landscaping materials and other elements such as bespoke handrails, banisters, lighting bollards, cycle stands and litter bins would relate to the LaMB and would enhance the street scene. Overall it is considered that the development would result in a high quality public and private landscape and enhanced green infrastructure to the benefit of the street scene and the character and appearance of the Conservation Area. Subject to conditions securing details of the hard and soft landscaping and soil volume for the landscape/ tree pits the development accords with G7 and G8 of the OLP.

#### **k. Land Quality**

10.80. Policy RE9 requires a land quality assessment report where proposals would be affected by contamination or where contamination may present a risk to the

surrounding environment. The report should assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and set mitigation measures to allow the development to go ahead safely and without adverse effect.

10.81. A geo-environmental report was submitted with the applications and concludes that no significant contamination risks were identified during the course of the investigation works and subsequent laboratory analysis. In this regard it is concluded within the report that no remediation works are necessary at the site.

10.82. However it is apparent that a large part of the building was inaccessible during the course of the site investigation so there remains the potential for unforeseen contamination risks to exist in other areas of the site following demolition works. It is therefore considered that a watching brief condition is imposed on any permission in order to identify any contamination. An informative should be imposed regarding imported topsoil to ensure it is suitable for its proposed end use. As such the development accords with Policy RE9 of the OLP.

#### **I. Planning obligations**

10.83. The Applicant has confirmed agreement of the contributions and Officers will seek to agree the exact sum relating to the amendment of the Road Traffic Order governing parking spaces with the County and Applicant. A UU will be submitted with the application prior to issuing the decision.

### **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. 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 Framework. The relevant development plan policies are considered to be consistent with the NPPF.

11.3. The redevelopment of the site for teaching, research and academic facilities is acceptable in this location and would not result in increased student numbers. It is considered that this would be a building of high quality architectural and sustainable design and construction. Whilst it would be a building of some massing and height, Officers are satisfied that it responds appropriately to its context and setting, and there would be no significant harm to protected views or those available from high and low level publicly accessible spaces and towers. It

would positively preserve and enhance the character and appearance of that part of the Conservation Area in which it sits and would preserve the setting of any nearby listed buildings and University Park registered park and garden in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 11.4. It is in a sustainable location and adequate cycle parking and reduced car parking would be provided. The use of the existing access on Mansfield Road is acceptable and improvements to the visibility spays acceptable and welcomed. There would be no increased risk to highway safety for all users (including vulnerable users) as a result of the increase in traffic movements. A net gain in biodiversity and improved public amenity would be provided within the new public open space and new public realm tree planting. Subject to conditions the development would be acceptable in terms of air pollution, archaeology, land quality, flood risk & drainage, sustainable design and construction.
- 11.5. 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. Policy S1 of the OLP 2036 repeats this.
- 11.6. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy S1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.7. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.8. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a unilateral undertaking or legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers with the County Council and subject to conditions in section 12 below.

## **12. CONDITIONS**

### *Time limit*

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.

#### *Plans*

2. Subject to other conditions requiring updated or revised documents submitted with the application, 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 S1 of the Oxford Local Plan 2016-2036.

#### *Materials*

3. Prior to the commencement of development excluding demolition and enabling works a schedule of materials together with samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority before the start of work on the site above ground and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.
4. Samples panels of all exterior materials shall be constructed and made available to view on site prior to commencement of the development above ground.

Reason: To ensure high quality development and in the interests of the visual appearance of the City Centre Conservation Area in which it stands in accordance with policies DH1 DH3 of the Oxford Local Plan 2016-2036.

#### *Archaeology*

5. No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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 prehistoric, Roman and Civil War remains and in accordance with the Oxford Local Plan Policy DH4.

6. A watching brief shall be undertaken throughout the course of the

development to identify any contamination. Any potentially significant contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person which shall be submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil 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 RE9 of the Oxford Local Plan 2016 – 2036.

#### *Biodiversity*

7. The development shall be carried out in accordance with the provisions of the Biodiversity Enhancements Plan produced by Lockhart Garratt (September 2020). Any variation from the Plan shall be first submitted to and approved in writing by the Local Planning Authority.

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 G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

#### *Landscape*

8. Further to the submitted Landscape Strategy and landscape plans a detailed planting plan of the proposed tree, shrub and hedge planting for the benefit of biodiversity for the site and the western St Cross Road boundary of University Sports Field; and corresponding planting schedule detailing plant numbers, sizes and nursery stock types; and details of tree pits & soil volumes shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation or first use of the development hereby approved.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

9. The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority. Any planting that fails to be established or dies within the first 3 years shall be replaced with a like for like replacement or suitable alternative which shall first be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

### *Transport & Air Pollution*

10. The development shall not be brought into use until further details of the design and construction of the cycle parking have been submitted to and approved in writing by the Local Planning Authority and the car parking and approved cycle parking has been installed within the site in accordance with the approved 'Sitewide Cycle, Vehicle Parking and Servicing Strategy plan. Thereafter the areas shall be retained solely for the purpose of the parking of cycles and cars.

Reason: To encourage the use of sustainable modes of transport in line with policies M1, M2 and M5 of the Oxford Local Plan 2016-2036.

11. Notwithstanding the submitted Construction Traffic Management Plan (CTMP), no development shall take place until a revised CTMP is submitted to and approved in writing by the Local Planning Authority. The plan shall include updated times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours of 07:30-09:30 or 16:00-18:00. The approved Construction Traffic Management Plan shall be implemented accordingly throughout the demolition and construction period.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with the results of the dust assessment and policies RE1, RE6, M1 and M2 of the Oxford Local Plan 2016-2036.

12. Notwithstanding the submitted Construction Environmental Management Plan (CEMP), no development shall take place until a revised CEMP is submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following matters:-

- the routing of construction and demolition 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 and demolition vehicles (to minimise the impact on the surrounding highway network),
- times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours of 07:30-09:30 or 16:00-18:00;
- hours of working;
- travel initiatives for site related worker vehicles;
- signage for construction traffic, pedestrians and other users of the site;
- piling methods (if employed) and controls on vibration;
- earthworks;
- hoardings and security fencing to the site;
- noise limits;
- control of emissions;
- Dust mitigation measures including the complete list of site specific dust mitigation measures that are identified on Table 6.4 (pages 19-21) of the Air Quality Assessment submitted with the application;
- waste management and disposal, and material re use;
- wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;
- contact details of the Project Manager and / or Site Supervisor;



- layout plan of the site;
- materials storage including any hazardous material storage and removal.
- Engagement with local residents and neighbours

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

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with the results of the dust assessment and policies RE1, RE6, M1 and M2 of the Oxford Local Plan 2016-2036.

13. Prior to occupation a Delivery and Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority stating the size and frequency of service and delivery vehicles accessing the site and show the loading and parking areas that will be used. Delivery and Servicing shall not take place between the peak hours of 07:30-09:30 or 16:00-18:00. The development shall be operated in accordance with the approved Plan on completion of the development and at all times thereafter.

Reason: To mitigate the impact of delivery vehicles on the highway network and pedestrian and cyclist safety at peak times in accordance with policies RE7, M1 and M2 of the Oxford Local Plan 2016 – 2036.

14. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure for the two spaces within the Sir William Dunn school of Pathology shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include appropriate cable provision to prepare for increased demand in future years. The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first in operation and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with policies M4 and RE6 of the new Oxford Local Plan 2016- 2036.

15. Notwithstanding the submitted Draft Travel Plan, a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The building shall be occupied in complete accordance with the approved plan at all times thereafter.

To encourage the use of sustainable modes of transport in line with policies M1, M2 and M5 of the Oxford Local Plan 2016-2036.

16. Prior to occupation further details showing removal of two on-street car parking spaces either side of the proposed access on Mansfield Road shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to first occupation following the an application to vary the Road Traffic Order governing on street parking on Mansfield Road.

Reason: In the interests of further improving the access turn within the highway in accordance with M1 and M2 of the Oxford Local Plan 2016-2036.

### *Drainage*

17. The development shall be constructed in complete accordance with the approved Drainage strategy and detailed Sustainable Drainage Design (SuDS) which shall be completed prior to first occupation of the development unless otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with RE4 of the Oxford Local Plan 2016-2036.

18. No building or use hereby permitted shall be occupied until a sustainable Drainage Management and Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall accord with Section 32 of CIRIA C753 including maintenance schedules for each drainage element. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed Drainage Management and Maintenance Plan, (including contact details of any management company).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

19. Prior to occupation, a record of the approved SuDS details and their construction/ installation shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in both .pdf and .shp file format;
  - Photographs to document each key stage of the drainage system when installed on site;
  - Photographs to document the completed installation of the drainage structures on site.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010.

### *Sustainable Design & Construction*

20. The development shall be undertaken in accordance with the principles and details within the Energy Strategy Revision P02 – 21 July 2020, Technical Note received November 18 2020 and Sustainability Strategy (Revision P03 – 20 July 2020) by Hoare Lea unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with policy RE1 of the Oxford Local Plan 2016-2036.

### *CCTV*

21. Details of the siting, size, design and finished appearance of any proposed external CCTV cameras, shall be submitted to, and approved in writing by, the

Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

Reason: To ensure a sympathetic appearance in accordance with policy DH1 and DH3 of the Adopted Oxford Local Plan 2036.

#### *Lighting*

22. Further to the submitted Lighting Strategy in the Design and Access Statement, details of architectural lighting including details of new lighting fixtures on the exterior of the building and within the public open space, luminance levels and colour temperatures, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the conservation area, and in the interest of protected species in accordance with policies DH3 and G2 of the Adopted Oxford Local Plan 2036.

#### *Informatives*

1. The archaeological recording should comprise of either trial trenching followed by further mitigation as appropriate (up to and including full excavation) or a strip and record excavation of the areas of new ground impacts outside of the existing basement area. The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by the City Council.
2. If topsoil material is imported to the site, the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.
3. All wild birds, their nests and young are protected during the nesting period under the Wildlife and Countryside Act 1981 (as amended). The following should be adhered to:-
  - Removal of any building or vegetation shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitably qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

### **13. HUMAN RIGHTS ACT 1998**

- 13.1. 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.

#### **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 14.1. 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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