

# Agenda

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## West Area Planning Committee

Date: **Tuesday 10 September 2019**

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Time: **6.00 pm**

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Place: **The Old Library - Oxford Town Hall**

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For any further information please contact the Committee  
Services Officer:

**Catherine Phythian, Committee and Member Services Officer**

Telephone: 01865 252402

Email: [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk)

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If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

# West Area Planning Committee

## Membership

<b>Chair</b>	Councillor Colin Cook	Jericho and Osney;
<b>Vice-Chair</b>	Councillor Michael Gotch	Summertown;
	Councillor Tiago Corais	Littlemore;
	Councillor Alex Donnelly	Hinksey Park;
	Councillor Paul Harris	St. Margaret's;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Louise Upton	North;
	Councillor Dick Wolff	St. Mary's;

The quorum for this meeting is five members. Substitutes are permitted. Substitutes for the Chair and Vice-chair do not take on these roles.

### Copies of this agenda

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# AGENDA

## Pages

### 1 Apologies for absence and substitutions

#### Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the  box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

### 2 Declarations of interest

### 3 18/03369/FUL - Site of Gibbs Crescent Oxford OX2 0NX

13 - 58

**Site address:** Site Of Gibbs Crescent Oxford OX2 0NX

**Proposal:** Demolition of existing buildings and redevelopment of site to provide 140 dwellings (3x studios, 68 x 1 bed, 65 x 2 beds, and 4 x 3 beds) with associated works. Additional information and amended plans and description.

#### Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission subject to:
  - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; and
2. **agree to delegate authority** to the Acting Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
  - finalise the recommended legal agreement under section

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

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

#### **4 18/03370/FUL - Simon House 1 Paradise Street Oxford OX1 1LD**

59 - 98

**Site address:** Simon House, 1 Paradise Street, Oxford OX1 1LD  
**Proposal:** Demolition of existing building and construction of 30 apartments (16 x 1 bed, 14 x 2 bed) and associated works.

#### **Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission subject to:
  - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; and
2. **agree to delegate authority** to the Acting Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
  - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and
  - complete the section 106 legal agreement referred to above and issue the planning permission.

**5      18/02982/FUL: Old Power Station, 17 Russell Street, Oxford, OX2 0AR** 99 - 172

**Site address:**                      Old Power Station, 17 Russell Street, Oxford, OX2 0AR

**Proposal:**                              The conversion, redevelopment and extension of Osney Power Station to a Centre of Executive Education to be run by Said Business School.

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to:
  - a) the required planning conditions set out in section 12 of the report and grant planning permission and subject to:
  - b) the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report;
  - c) and grant planning permission;
2. **agree to delegate authority** to the Acting Head of Planning Services to:
  - a) finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
  - b) finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and
  - c) complete the section 106 legal agreement referred to above and issue the planning permission.

**6      19/01774: Car Park To The Rear Of Littlemead Business Park, Ferry Hinksey Road, Oxford** 173 - 188

**Site address:**                      Car Park to the rear of Littlemead Business Park, Ferry Hinksey Road, Oxford

**Proposal:** Demolition of existing buildings and erection of two storey building to provide office space (Use Class B1a). Provision of car parking, cycle stores, bin stores and amenity space with associated landscaping (Amended).

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission.
2. **agree to delegate authority** to the Acting Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary;
  - and issue the planning permission.

**7 19/01418/FUL: 26 Davenant Road, Oxford, OX2 8BX**

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**Site address:** 26 Davenant Road, Oxford, OX2 8BX

**Proposal:** Demolition of existing dwelling. Erection of 2 x 5-bed dwellings (Use Class C3) with associated garden office. Provision of private amenity space, car parking and bin and cycle storage.

**Reason at Committee:** This application was called in by Councillors Wade, Goddard, Landell Mills and Gant due to concerns with the scale of development, impact on neighbouring amenity, light pollution, impact on trees and design.

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission
2. **agree to delegate authority** to the Acting Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary and grant planning permission.

## 8 18/02031/NMA: 12 Earl Street, Oxford, OX2 0JA

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**Site address:** 12 Earl Street, Oxford, OX2 0JA

**Proposal:** Non-Material Amendment to planning permission 18/02031/FUL to allow the adjustment of the position of the two permitted roof-light windows, the addition of a glazed light well onto the rear roofslope and the replacement of existing uPVC windows on the rear elevation with aluminium framed windows.

**Reason at Committee:** The applicant is a Council employee.

### **Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the non-material amendment application** for the reasons given in the report and confirm that the proposed changes to the approved development (18/02031/FUL) are acceptable as a non-material amendment under Section 96A of the Town and Country Planning Act 1990.

## 9 Minutes

225 -  
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**Recommendation:** to approve the minutes of the meeting held on 6 August 2019 as a true and accurate record.

## 10 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

18/02065/OUTFUL: Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout, Northern By-Pass Road, Wolvercote, Oxford, OX2 8JR	Major application
18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ	Called in
19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	Committee level decision
18/03133/FUL: Linton Lodge Hotel,	Committee level

11-13 Linton Road, Oxford, OX2 6UJ	decision
19/00481/FUL: 367 Iffley Road, Oxford, OX4 4DP	Committee level decision
19/01005/FUL: 61 Godstow Road, Oxford, OX2 8PE	Called in
19/01205/FUL: 327 Woodstock Road, Oxford, OX2 7NX	Committee level decision
19/01389/CT3: The Roundabout, The Plain, Oxford	Council application
19/01456/FUL: The Eagle And Child, St Giles', Oxford, OX1 3LU	Called in
19/01510/LBC: 51 St Giles' Oxford OX1 3LU	Called in
19/01662/FUL: 75 Botley Road, Oxford, OX2 0EZ	Called in
19/01696/FUL: Unit 1 Toys R Us And Car Park, 219 Botley Road, Oxford, OX2 0HA	Committee level decision
19/01704/VAR: Unit 1 Toys R Us And Car Park, 219 Botley Road, Oxford, OX2 0HA	Committee level decision
19/01821/FUL: 159-161 Cowley Road, Oxford, OX4 1UT	Major development
19/02032/FUL: Sir Geoffrey Arthur Building, Long Ford Close, Oxford, OX1 4NJ	Committee level application
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ (Bartlemas Nursery)	Committee level decision
19/02093/FUL: 33 Union Street, Oxford, OX4 1JP	Called in

## 11 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on:

### 2019

24 September  
8 October  
12 November  
10 December

### 2020

21 January  
11 February  
10 March  
7 April



## **Councillors declaring interests**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

## **Code of practice for dealing with planning applications at area planning committees and planning review committee**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

### **At the meeting**

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

### **Preparation of Planning Policy documents – Public Meetings**

4. At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### **Public requests to speak**

5. Members of the public wishing to speak must notify the Democratic Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

### **Written statements from the public**

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

**Exhibiting model and displays at the meeting**

7. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

**Recording meetings**

8. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. The Council asks those recording the meeting:
  - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
  - To avoid recording members of the public present unless they are addressing the meeting.

**Meeting Etiquette**

10. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
11. Members should not:
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**Code updated to reflect Constitution changes agreed at Council in April 2017.  
Unchanged in last Constitution update agreed at Council November 2018.**

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## West Area Planning Committee

10<sup>th</sup> September 2019

<b>Application number:</b>	18/03369/FUL		
<b>Decision due by</b>	25th March 2019		
<b>Extension of time</b>	31st October 2019		
<b>Proposal</b>	Demolition of existing buildings and redevelopment of site to provide 140 dwellings (3x studios, 68 x 1 bed, 65 x 2 beds, and 4 x 3 beds) with associated works. Additional information and amended plans and description.		
<b>Site address</b>	Site Of, Gibbs Crescent, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	Sarah De La Coze		
<b>Agent:</b>	JPPC - Chartered Town Planners	<b>Applicant:</b>	A2Dominion Homes Limited
<b>Reason at Committee</b>	The application is a major application.		

## 1. RECOMMENDATION

1.1. **West Area Planning Committee** is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

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

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

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in

this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and

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

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the redevelopment of Gibbs Crescent. The application seeks planning permission for the redevelopment of the site to include 140 dwellings (3x studios, 68 x 1 bed, 65 x 2 beds, and 4 x 3 beds) with associated landscaping and parking.
- 2.2. The existing building comprises a crescent shaped residential development with 38 car parking spaces. The development initially comprised 86 dwellings, following an explosion on the site in 2017 a number of the dwellings were demolished and a number of neighbouring properties were left uninhabitable. The site now comprises 74 dwellings.
- 2.3. The application has been subject to a number of amendments mostly in response to comments received by Historic England, officers and neighbours regarding the design of the building and its impact on the historic environment.
- 2.4. The application was subject to pre application discussions and was reviewed by the Oxford Design Review Panel.
- 2.5. Officers consider that the development would be acceptable with regard to principle, design, impact on the historic environment, highways and impact on neighbouring amenity.
- 2.6. The proposal seeks to provide 50% affordable housing on-site. In addition a further 15 affordable dwellings are to be provided on site as part of the Simon House development (planning reference 18/03370/FUL). The planning application for the Simon House development is to be considered as part of the agenda for this committee meeting.
- 2.7. The harm to the historic environment has been carefully considered and great weight has been given to conserving the designated heritage assets referred to in the report. The benefits of the scheme are considered to outweigh the less than substantial harm caused and the development therefore complies with the requirements of Paragraph 196 of the NPPF.
- 2.8. The proposal would provide good quality residential accommodation in a highly sustainable location. Officers consider that the development is acceptable in all other aspects and recommend that the committee resolve to approve the application subject to a legal agreement which is covered in the section below.

### **3. LEGAL AGREEMENT**

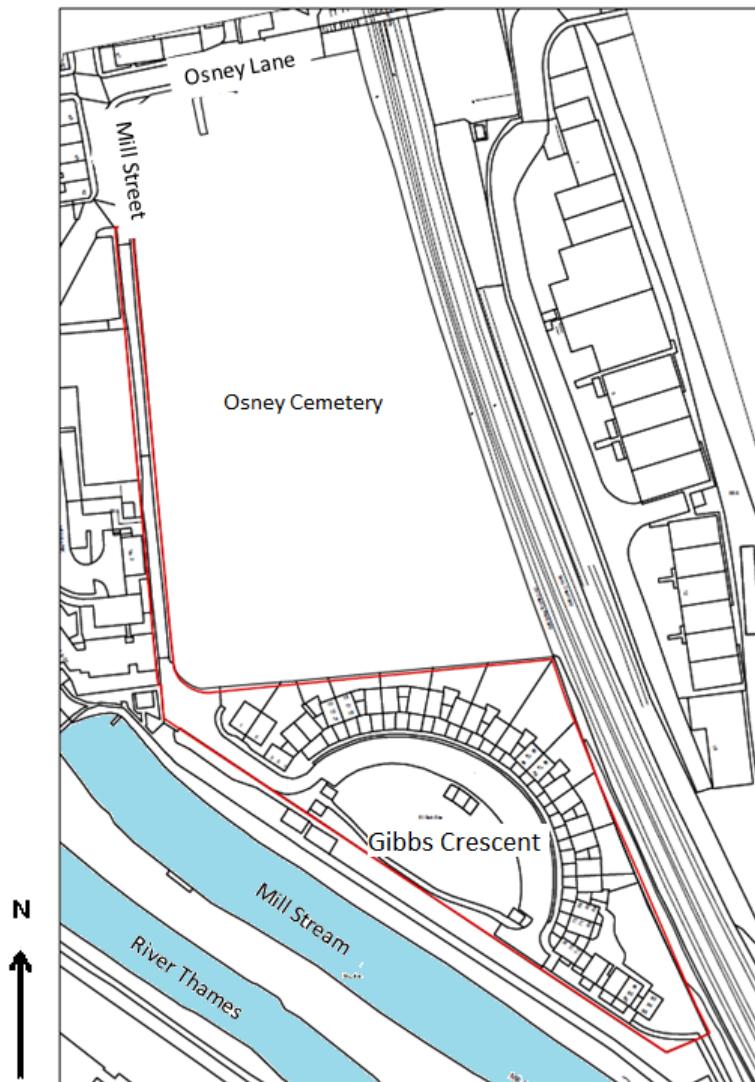
- 3.1. This application is subject to a legal agreement to cover the provision of the on-site affordable housing required by this development together with the off-site affordable housing which is proposed to be located on this site which arises from the Simon House development as well as provide a travel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

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

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

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

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



## 6. PROPOSAL

- 6.1. The application proposes the demolition of the existing building and the erection of a building up to six storeys in height to accommodate 140 units comprising 3x studios, 68 x 1 bed, 65 x 2 beds, and 4 x 3 bed dwellings with associated landscaping and parking.
- 6.2. The proposed building would be six storeys at its highest point with an approximate height of 19.9m, it is proposed to be laid out in a broadly semi-circular pattern. The development proposes to be car free with the exception of 7 disabled bays, 2 car-club bays and a delivery, servicing and management bay with the parking spread across the site. Cycle parking is proposed to be located within the building as well as around the perimeter of the site with the majority of it being located to the east of the building adjacent to the railway line. Balconies and gardens would form part of the private amenity space for future occupiers.
- 6.3. The application proposes to remove a large number of the existing trees from within the site to accommodate the development. In addition the public right



of way located to the south of the site is proposed to be straightened to accommodate the development.

- 6.4. The application would provide a 50% affordable housing contribution to be provided on site. In addition, the 50% affordable housing requirement (15 dwellings) from Simon House (application 18/03370/FUL) would be provided on this site. Assessing the combined tenure mix at Simon House and Gibbs Crescent, the proposals would provide 85 affordable units in total. 70 for the Gibbs Crescent scheme and an additional 15 units as an off-site contribution for Simon House. Of the 85 affordable housing units, 68 units would be social rented and 17 would be shared ownership. The remaining 55 dwellings would be open market housing.

## 7. RELEVANT PLANNING HISTORY

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

72/26386/A_H - C.E.G.B Coal storage yard Mill Street - Outline application for the erection of a terrace of 12 houses. Refused. 12th September 1972.
72/26673/A_H - C.E.G.B Coal storage yard Mill Street - Outline application for the erection of 50 no. 4-person houses each with garage and private garden. Refused. 27th October 1972.
75/00499/A_H - C.E.G.B Coal storage yard Mill Street - Outline application to erect 4 no. dwelling units. Permitted. 2nd July 1975.
77/00427/AH_H - C.E.G.B Coal storage yard Mill Street - Outline application for erection of student accommodation to form 84 student rooms and 2 flats. Permitted. 20th July 1977.
78/00955/AH_H - C.E.G.B Coal storage yard Mill Street - Outline application for erection of 2-storey blocks to provide accommodation for 138 single persons and wardens dwellings and 12 parking spaces. Refused. 22nd November 1978.
80/00755/NFH - Former Coal Yard Mill Street - Erection of two/three storey accommodation to provide 78 bedsitters, 8 one-bedroom flats and 2 houses with associated parking and landscaping. Permitted. 13th January 1981.
81/00239/NFH - Former Coal Yard Mill Street - Erection of two/three storey accommodation to provide 74 self-contained bed-sitting units, 10 one-bedroom flats and 2 houses, with associated parking and landscaping. Permitted. 10th September 1981.

## 8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

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

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

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 11<sup>th</sup> January 2019 and an advertisement was published in The Oxford Times newspaper on 10th January 2019.

- 9.2. Following amended plans and additional information being submitted the application was re-advertised by site notice on 12th July 2019 and an advertisement was published in the Oxford Times newspaper on the 12th July 2019.

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

#### Oxfordshire County Council (Highways)

- 9.3. No objection subject to conditions

#### Key issues:

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

#### *Access Road*

- 9.11. Following previous comments relating to the access road, several conversations have taken place with the applicant regarding the mitigation that can be provided. Due to the protected trees within the footpath, there is little that can be achieved that would be beneficial to the scheme, so it has been agreed that this will stay as it is. However, the applicant will design and construct a new street lighting scheme which would make this route feel more attractive for pedestrians and cyclists at night. Street furniture would also be removed for the same reason.
- 9.12. The surface of the access road would also be amended, this would help the road feel more pedestrianised and help to lower vehicular speeds. It would

also be beneficial to provide advisory 5mph speed limit signs which would further help keep speeds lower. However, as this is not public highway this would not be enforced by the highway authority.

#### *Car & Cycle Parking*

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

#### *Public Rights of Way*

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

#### Oxfordshire County Council (Drainage)

- 9.18. No objection subject to conditions

#### Key issues

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

#### Detailed comments

- 9.21. FRA states intrusive ground investigation, in detail, is still to be undertaken. The proposal, as per point 7.5 assumes infiltration is possible. A Surface Water Management Strategy cannot be based on unknowns and assumptions.
- 9.22. Buffer Zones between water courses, Osney Mill Marina and River Thames need to be provided.

- 9.23. EA mapping demonstrates surface water flooding within the site and along Gibbs Crescent. Justification of safe ingress/egress needs to be demonstrated.
- 9.24. Pre/post development Surface Water flow paths need to be marked up on the topo plans and provided for assessment.
- 9.25. Evidence of a Treatment and Management train needs to be demonstrated.
- 9.26. It is expected that storage should be dispersed around the site with any run-off limited to Greenfield run-off rates for all relevant return periods including Climate Change allowance.
- 9.27. The use of; Green/Blue roofs, bio-retention, swales, soakaways and permeable is noted and welcomed. Consideration should also be given to use of rain gardens and down pipe disconnection to this type of SuDS feature.
- 9.28. Green space around site should be fully maximised for SuDS usage.
- 9.29. Sacrificial storage areas on site for temporary shallow ponding in exceedance events should be considered and demonstrated on plan.
- 9.30. If phasing of the development is proposed management of surface water during this stage of development needs to be demonstrated.
- 9.31. The Management and Maintenance document should be produced as a stand-alone document.

#### Thames Water Utilities Limited

##### *Waste Comments*

- 9.32. Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission.
- 9.33. The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

##### *Water Comments*

- 9.34. Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an

attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.

#### Thames Valley Police

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

#### Historic England

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

#### Network Rail

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

#### Canal & River Trust

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

#### Environment Agency

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

9.42. Natural England

- 9.43. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.
- 9.44. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Oxford Civic Society

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

9.48. Oxford Preservation Trust

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

**Public representations**

- 9.50. 59 local people commented on this application from addresses in The Warren, Mill Street, Gibbs Crescent, Osney Mill Marina, Princes Avenue, Wharton

Road, Hodson Close, Arthur Street, Barrett Street, Ditchley Park, Abbey Walk, Millbank, Abingdon Road, Beech Road, Fraser Road and users of the Marina

9.51. The comments can be read in full on the website as part of the application, in summary, the main points of objection were:

- Security of the marina will be compromised
- Residents are being forced out of the development
- Building design will be out of keeping with the area
- Height of the development is not in keeping
- Redevelopment is good for the area
- A number of residents are happy to relocate as the conditions are not favourable
- The existing flats are dated and damp
- The loss of trees is unacceptable
- Increased level of service vehicles accessing the site
- Would have an adverse impact on the biodiversity of the area
- Traffic calming should be incorporated in to the scheme
- Alternative developments should be explored
- Development is overbearing
- Proposal is an overdevelopment of the site
- The access road is not adequate for construction traffic
- Proposal would result in increased traffic with regard to deliveries etc
- Will overlook the marina
- Loss of privacy for neighbouring properties
- Development would provide much need affordable housing
- Will there be sufficient amenity space for the occupiers
- Will increase noise and light pollution
- Does not preserve or enhance the Conservation Area
- No benefit to the community
- Development too bulky
- Very few family dwellings proposed
- How will the car free nature be enforced
- Height of the development should be reduced
- Local community have not been engaged adequately
- Flooding is a concern



- Would change the character of the area
- Hedge between the site and the marina would be reduced to an unacceptable level
- Inaccurate information in the supporting information
- Whilst car free, development would still increase traffic in the area
- Impact on other pedestrian routes in and out the site and around the city
- Improvements to other public routes should be provided
- Will not impact on greenfield land which is positive
- Road is not wide enough to accommodate development
- Development does not meet building standards
- Existing building should be refurbished
- Six storeys are not in keeping
- Materials should be in keeping
- The combined developments of this site and the power station would be overwhelming for the area
- Increase pollution
- Does not meet fire safety standards
- Application will increase footfall on pedestrian links
- Simon House should have its own on site affordable housing
- Crime prevention officer should be more forceful in this comments
- Height will have an adverse impact on views in and out the city

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

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

## xi. Other Matters

### i. Principle of development

- 10.2. The application site comprises residential accommodation in a sustainable location within the city. The application seeks permission to replace the building with a residential development of a larger scale.
- 10.3. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Paragraph 117 states that planning policies and decisions should promote an effective use of land.
- 10.4. Policy CS2 of the Core strategy states that development will be focused on previously developed land. The supporting text then goes on to say “Providing new housing on previously developed land within the existing built-up area enables people to live closer to shops, services, and places of work. It can help to reduce the need to travel, as well as helping to sustain existing local businesses and facilities.”
- 10.5. Policy CP6 of the adopted Local Plan states that Development proposals must make best use of site capacity, in a manner compatible with both the site itself and the surrounding area.
- 10.6. Policy RE2 of the Emerging Local Plan supports the efficient use of land. It requires the density to be appropriate for the site. The scale of development, including building heights and massing should conform to other policies in the plan, opportunities for developing at the maximum appropriate density must be fully explored and built form and site layout must be appropriate for the capacity of the site.
- 10.7. A number of the objections relate to the relocation of the occupiers of Gibbs Crescent. The city’s housing team is working with A2Dominion to ensure that the occupiers are relocated in appropriate accommodation across the city. In addition there is the option for some of the tenants to return once the development has been completed. Currently there is no requirement for Gibbs Crescent to remain as affordable housing as there was no planning condition or legal obligation restricting the use of the site or the type of occupiers. The development would allow for the affordable housing to be retained on site in perpetuity which would be a public benefit.
- 10.8. The principle of redeveloping the site for housing is therefore acceptable subject to compliance with the other policies in the development plan which will be explored in further detail.

### ii. Affordable housing and mix of housing

- 10.9. Policy CS24 of the Core Strategy relates to affordable housing and states that on sites of 10 or more houses planning permission will only be granted for residential developments that provide generally a minimum of 50% of the proposed dwellings as affordable housing on all qualifying sites.

- 10.10. Policy HP3 of the Sites and Housing Plan further supports this requirement and details that of the 50%, 80% of that should be provided as social rented with the remaining 20% being formed of affordable rented or as other types of intermediate housing.
- 10.11. The application has been submitted alongside Simon House (application 18/03370/FUL). Simon House does not seek to provide any on site affordable housing. Instead it seeks to provide its 50% (15 units) of affordable housing on Gibbs Crescent.
- 10.12. Policy CS24 allows for off-site affordable housing to be provided where the City Council and the developer both consider it preferable. The City Council's housing team has been in consultation with A2Dominion to ensure that the affordable housing target is met and complies with the council's housing strategy. The housing team have been consulted on the application and are in support of the provision of all of the affordable housing on the Gibbs Crescent site. The principle of providing off-site affordable housing would therefore comply with the requirements of Policy CS24.
- 10.13. 140 units in total are to be provided on Gibbs Crescent. In total the development would provide 85 affordable dwellings. 70 for the Gibbs Crescent scheme and an additional 15 dwellings as an off-site contribution for Simon House. Of the 85 affordable housing dwellings, 68 dwellings would be social rented and 17 would be shared ownership which would comply with the 80-20 mix. The remaining 55 units would be open market housing. This combination would comply with Policy HP3 of the Sites and Housing Plan.
- 10.14. In addition to the requirement for affordable housing, Policy CS23 of the Core Strategy refers to the mix of housing. The mix of housing required on larger sites is set out in the Balance of Dwellings SPD. Gibbs Crescent is located in an Amber area which shows that the "pressure is considerable, so the council needs to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new developments." The proposal therefore does not comply with the recommended mix of dwellings in the SPD.
- 10.15. Policy H4 of the emerging plan details the required mix of affordable dwellings outside the city centre. The policy requires a greater provision of larger affordable dwellings to be provided which is not proposed in the development with only 4 x 3 bedroom dwellings being proposed. The policy states that development below this threshold should demonstrate how the proposal has regard to local housing demand.
- 10.16. The Council's Housing Strategy (2018-21) identifies the greatest need for social housing as being small units for single people, couples and small families. There are currently approximately over 2000 households on the Council's housing register and the greatest need is for 1 and 2 bed flats with 910 and 630 households respectively; there are 500 households with a 3 bed need. The proportions of 1 and 2 bed flats which are proposed are therefore higher than the policy requirement because of this strategic assessment of housing needs.

- 10.17. In addition, pressure to keep up the number of 1 bed flats also arises for two other reasons when the two applications are considered together. Firstly, Gibbs Crescent currently makes a significant contribution to the existing one bed stock city wide and its redevelopment would see the loss of a high number of single dwellings. The redevelopment of the site would require a number of occupiers who live in a smaller dwelling to be relocated in to further smaller dwellings across the city, of which there is already a high demand. The reduction in the number of smaller dwellings as a result of redevelopment would therefore impact on the numbers rehoused annually from the housing register. Secondly, relocating existing households from Gibbs Crescent for the redevelopment would, in the short term, take up much of the capacity from existing stock, again reducing the overall numbers. The increased number of smaller dwellings proposed would be in line with the local housing need as well as respond specifically to the impact on housing numbers due to redeveloping the site.
- 10.18. In addition to the above, the inclusion of a greater number of two bed flats would still allow accommodation for up to four people and would allow for some household growth. This growth would allow for a mix of people occupying the site, and would allow for the overall principle of supporting mixed and flexible accommodation to be achieved.
- 10.19. Gibbs Crescent also allows for a larger provision of outside space. This larger outside space afforded to Gibbs Crescent is considered to be more flexible and allows for a wider range of outside activities to occur such as outdoor play. The inclusion of the larger dwellings on Gibbs Crescent means that these which are more likely to include children or larger families are afforded better levels of outside amenity and space to socialise.
- 10.20. The proposal is therefore not compliant with Policy CS23 of the Core Strategy but would be in line with the needs of the Council's Housing Strategy as well as the general thrust of the Emerging Plan. Given this, the proposed mix of housing is considered acceptable when considering the site specifics of the applications and sites.

### **iii. Design and impact on the historic environment**

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

assessment of the proposals in relation to these requirements is dealt with in the assessment below.

### ***Design and impact on the Conservation Area***

- 10.23. The proposal has been subject to design review carried out by the Oxford Design Review Panel as well as officers and other statutory consultees. As a result of these discussions amended plans have been provided for the scheme and these plans are subject to the final consideration.
- 10.24. The site is located within Osney Conservation Area and therefore great weight is given to its conservation in line with Paragraph 193 of the NPPF. Policy HE7 of the Oxford Local Plan and Policy DH3 of the Emerging Local Plan refers to Conservation Areas and states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the Conservation Areas or their setting.
- 10.25. Within a Conservation Area, Officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and section 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 196 of the NPPF then goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.26. Osney Town was designated as a Conservation Area on 16 July 1976 in recognition of its special townscape quality, its relationship with the Thames and its archaeological interest. The boundaries were drawn to include the main island extending south-eastwards to include the mill complex of the former abbey and Osney Cemetery bordering the railway line.
- 10.27. Gibbs Crescent can be associated with the river, lock and tow path which is identified as a character area within the Conservation Area Appraisal. The character area identifies the river as having “an important setting to the Conservation Area. The Thames separates Osney from the rest of Oxford and creates an air of tranquillity despite its proximity to the main road. The roar of the water passing through the sluices under Osney Bridge can drown out the noise of traffic with the trees and other vegetation along the banks and walls of the stream acting as a buffer between the two elements.” It then goes on to say “The towpath forms part of the Thames Path, passing over Osney Lock, weaving its way through Oxford and beyond. In Osney, it is an important element of local amenity providing a rural escape from the nearby city. Trees, meadows, wildlife and boats enhance the long views of the river and help mask Osney Mead Industrial Estate to the south of the island”.
- 10.28. The development has been designed to broadly follow the existing layout of buildings on the site by proposing a crescent shaped development. The applicant has purposefully sought to include a pitched roof in order to add

variety to the design and to the way the building is viewed in longer views. The use of the pitched roof is also considered to reflect the domestic character of dwellings in the wider context of the site.

- 10.29. The development would be set across two buildings, a smaller building on the western corner which would comprise four storeys and the larger building which would comprise the rest of the development with accommodation set over five and six storeys. The development has been designed to make the most of the setting of the marina with balconies being incorporated in to the southern elevation.
- 10.30. The building seeks to provide an interesting and varied fenestration to the rear and a more uniformed appearance to the main crescent. A lot of the character of the building would be established in the brick work with varying brick courses being proposed to help break up the massing and give visual interest to the building. The materials and overall look takes reference from the neighbouring mill buildings. Zinc would be used on the roof to accommodate the low pitch roofscape. The perimeter of the site would include a number of outbuildings for cycle parking and bin storage these are proposed to be timber clad and would feature green roofs. Conditions would be added requiring detailing of the balconies and brickwork to be provided to ensure that the details of the building are appropriate and respond positively to the site.
- 10.31. A number of the objections refer to the height and scale of development. Historic England were consulted on the development and with regard to the scale they commented *"The redevelopment proposals are for a denser, taller development than the current crescent but its scale and form would not be entirely out of keeping with the more industrial feel that characterises the southern end of the conservation area. Whilst the development would appear in some townscape views, most notably from St George's Tower, its varied massing helps to break down its bulk, whilst its undulating roofline and the choice of red multi-stock brick as a primary material mean it would blend well with surrounding development in this view."*
- 10.32. In the immediate setting the development when viewed against the neighbouring scale of development such as that of Millbank (to the west) and the residential character of Mill Street, the development proposed would be much greater and would be greater than that of the existing scale of development on site currently. Notwithstanding this, as acknowledged by Historic England this end of the Conservation Area has a more industrial feel due to the old Mill buildings and their associated uses as well as the industrial estate being located across the Mill Stream and River Thames. The proximity to the railway line further adds to the more industrial feel in this location. The greatest impact of the development would be on the immediate setting and in short, close up views due to its isolated location down the access road and the screening that is provided from the landscaping located within the cemetery. The longer views of the site allows for the development to be viewed alongside neighbouring sites such as the Power Station and the Student Castle development which is currently under construction on the other side of the railway line, all of which benefit from similar scales and heights.

Notwithstanding this, the applicant has amended the roof form from the original application to include a more varied roof form so to address the perceived massing of the development and the way the building is experienced in longer views.

- 10.33. With regard to policy HE9 of the Oxford Local Plan the proposed building would have an approximate height of 19.9m but would sit below the 79.3 m datum level. The application in terms of height would therefore comply with Policy HE9.
- 10.34. Given the location, scale and height of the building, whilst the building would sit below the datum level of 79.3m the proposal would still create the potential for visual impact within Oxford's key strategic views which is covered by Policy HE9 of the Oxford Local Plan which covers high buildings within the city. As part of the application a view cone assessment was undertaken which includes verified views of the development from the view cone areas as well as other locations within the city.
- 10.35. Due to the location of the site the development would sit in the two view cone areas, Boars Hill and Raleigh Park. The impact on views is explored in more detail below.

#### Long Views

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

#### Medium Views

- 10.39. In medium views Carfax, St Georges Tower and The Mound are the most relevant. From Carfax the building would be visible. The building would be

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

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

#### Short and Close Range Views

- 10.41. In short range views the development would be more prominent. The view study looks at the development from a range of positions.
- 10.42. From the railway and from trains passing the site, the development would be highly visible. There is a good level of screening on the boundary but this is proposed to be removed and re-landscaped and therefore the visibility of the development would increase due to the reduction in landscaping in this position. The development would sit opposite the Student Castle development and when viewed from the train the sites would very much be viewed together resulting in a large massing of development on this edge of city location. Whilst there would be this combination of built form, it would very much be viewed as development which would be expected in a city approach.
- 10.43. There would also be riverside views from Osney Lock and Mill Street. The development would be highly visible from these locations and it is in this location that the development would have the biggest visual impact. As part of the original design Historic England raised concerns regarding the detailing and the design of the south east element of the building, and whilst they did not have concerns with the size of the building in this position they were of the opinion the design resulted in a bulky and overly dominant building which would compare poorly to the rest of the building.
- 10.44. In order to address these concerns amendments were made to the design of the building to improve this element and to mitigate the impact of the development as much as possible. The amended design has seen an improvement to these close range views.
- 10.45. A large number of trees are proposed to be removed to enable the site to be developed to this capacity and therefore new planting is required to soften the appearance of the building. Whilst fast growing landscaping has been incorporated in order to mitigate the harm of the development, it will still take time to establish and therefore the harm to these close range views will be apparent for some time until the landscaping is established. It is therefore



considered that there would be a moderate level of less than substantial harm to the significance of the Conservation Area from these views which would lessen to lower levels of less than substantial harm over time as the landscape matures.

- 10.46. Views of the site from Mill Street would be less prominent due to the trees and landscaping that surrounds the cemetery. Historic England raises no objection to the amended scheme and the proposals that would mitigate the harm to the Conservation Area.
- 10.47. It is therefore considered that the development would not result in harm to the Conservation Area from long views but would result in harm to the Conservation Area when viewed in short and close up views. Taking into account the comments received from Historic England, the harm to the Conservation Area is considered to be less than substantial harm. Great weight is given to the conservation of the Conservation Area. The harm has been mitigated through amendments to the design and the inclusion of landscaping. In line with paragraph 196 of the NPPF where a proposal would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal. The public benefits of the scheme are explored further in the report.

### ***Landscaping***

- 10.48. A number of objections have been received relating to the removal of the trees and the landscaping.
- 10.49. The proposals include the removal of the majority of the existing trees within the site and the reduction in height of the hedge that sits between the site and the marina.
- 10.50. Significantly most of the existing trees to be removed are located to the front (south west side) of the existing buildings which are prominent in public views from the Thames Path and also from the marina, and all of those at the rear of site which are visible from across the railway line to the east.
- 10.51. Collectively, the removal of all of these trees would significantly reduce mature tree canopy in the area, which currently acts to soften and screen the Gibbs Crescent buildings in various public views and helps contribute to the tranquil and 'green' setting of the adjacent river and its marina.
- 10.52. The trees that are proposed to be removed include many that are of low quality and value, such as several large confers. But they also include 10 large alder trees which have significant amenity value individually; these alders are categorized as moderate quality and value (and when categorised against the British Standard BS5837:2012) would be B category trees and noted to be "Desirable to Retain" in the submitted Arboricultural Report.
- 10.53. New tree planting is proposed as part of the overall soft landscaping, but it would take many years for these new trees to grow and to mitigate the visual impact of removing the existing trees, so that there would be a residual visual

impact in views from the Thames Path and marina that would be to the detriment of public amenity in the area

- 10.54. The trees on site were planted along with the original development and add positively to this part of the Conservation Area. Given that the trees were located to correspond to the existing design, in order to accommodate a greater level of development these trees are required to be removed in order to accommodate the building.
- 10.55. The loss of the trees would result in less than substantial harm to this part of the Conservation Area. The introduction of new planting would mitigate this harm and whilst the loss of the existing trees would be regrettable the trees are not of such a quality that their removal would be unacceptable and form a basis for refusing planning permission.

### ***Impact on the setting of the neighbouring Listed Buildings***

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

### ***Archaeology***

- 10.58. Policy HE2 of the Oxford Local Plan states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford but in particular the City Centre Archaeological Area, planning applications should incorporate sufficient information to define the character and extent of such deposits as far as reasonably practicable.
- 10.59. This site is of interest because it is located partly within the historic precinct of Osney Abbey and in the vicinity of channels and fishponds associated with the abbey located to the south of the precinct.
- 10.60. The Augustinian Abbey at Osney was founded as a priory in 1129. In 1154 Prior Wigod assumed the status of Abbot. The Abbey grew rapidly in influence and became the wealthiest Oxfordshire monastery, with a substantial banking and finance business. By the 13th century the original buildings had been

greatly enlarged, and as a centre of learning and influence Osney had become 'one of the first ornaments of this place and nation' (antiquarian reference quoted in Sharpe 1985).

- 10.61. Excavations nearby in 1975 and 1983 identified at least two phases of water frontage development and associated buildings, fishponds and the final abbey precinct wall. The results indicated extensive land reclamation to allow the extension of the abbey and suggested that the monastic precinct boundary was moved between the 12th and 14th centuries (Sharpe 1985).
- 10.62. The archaeological evaluation undertaken at this site in 2019 recorded the remains of a potential hearth associated with abbey activity at 1.4m below ground level and further potential structural remains at 1.6m below ground level. These results are consistent with previous observations from the 1970s and 1980s which indicate that the site is covered with 1.4m of made ground associated with 19th and 20th century land-forming.
- 10.63. The foundation design has been amended to secure substantive preservation in situ, involving a pile array impact at 1.9% of the building footprint and the placement of other significant ground impacts (ground beams, pile caps) above recorded archaeological deposits. Proposed attenuation tanks have also now been removed from the scheme.
- 10.64. On balance the application can be assessed as likely to result in a low level of less than substantial harm to the archaeology of the abbey precinct. The benefits of the scheme are considered below.

***Harm to the historic environment and public benefits***

- 10.65. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.66. It is considered that the proposal would not lead to substantial harm to (or total loss of significance of) a designated heritage asset as set out in the NPPF and Planning Policy Guidance. The scheme is therefore considered to have less than substantial harm to the significance of heritage assets. In line with Paragraph 196 of the NPPF any harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.67. The National Planning Policy Guidance sets out what is meant by the term public benefits:
- 10.68. "Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of

benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”

- 10.69. There are aspects of the development that would have a harmful impact on the character and appearance of the Osney Conservation Area as well as on the archaeology of the site. The applicant and architect have worked on the design to mitigate some of the harmful elements of this impact, and it is recognised that there has been significant improvement from the originally submitted scheme. Historic England has been consulted on the application and following the amendments to the scheme raise no objection.
- 10.70. As identified earlier in the report, the development would result in harm to the Conservation Area through its visual intrusion in close views and by the loss of a number of existing trees which importantly contribute to the softer, green character of this part of the Conservation Area. The scheme would also have a harmful impact on the significance of the archaeological remains on the site.
- 10.71. The existing building is not considered to contribute positively to the Conservation Area as stated by Historic England and therefore its loss in itself would not be considered harmful. The harm is associated with the scale of the proposed building and its impact on views in and out the Conservation Area. Through the amendments a number of improvements have been incorporated in to the design in order to mitigate the harm to the Conservation Area through breaking up the roofscape as well as through improvements to the massing and detailed design of the south east block. The overall scale of the building would be viewed in the context of the more commercial association with the mill buildings as well as the Student Castle development which is currently under construction. The overall size and scale of the development would not be considered out of keeping with the area.
- 10.72. The loss of the trees would be significant in terms of the less than substantial harm and would impact on the way this part of the Conservation Area is experienced. The proposed planting would mitigate the harm although it would take some time to mature. The existing trees are not high value trees and are relatively young, these factors are considered when weighing up the harm.
- 10.73. Historic England have confirmed in their most recent comments that they now have no objection to the proposal. Therefore the harm relating to its impact on the Conservation Area is on the lower end of moderate less than substantial harm with mitigation in the form of landscaping and amended design lessening the level of harm. The less than substantial harm identified with regard to archaeology relates to the foundation design, which had been amended to ensure the harm is mitigated.
- 10.74. The principal benefit of the development and one which officers give great weight is the creation of 140 dwellings on a previously developed site which

would offer 50% affordable housing in a sustainable location, which would provide good quality accommodation for future occupiers.

- 10.75. The site is centrally located and is proposed to be car free, this would remove a high number of vehicle movements associated with the existing development. Moderate weight is given to this environmental benefit. The reduction in car usage is supported by both adopted and emerging policy and more generally is supported in the government's aims to minimise pollution and adapting to climate change.
- 10.76. The introduction of market rented accommodation along with the provision of affordable dwellings at Gibbs Crescent would provide a social benefit by allowing for the developments collectively to address Oxford's specific housing need. This is achieved by providing a larger number of smaller dwellings across the two sites (both Gibbs Crescent and Simon House, the two developments would effectively facilitate one another) which would be an improvement in terms of providing upgraded amenity spaces and dwellings that comply with modern space standards and are more energy efficient for future occupiers. Moderate weight is given to this benefit.
- 10.77. The economic benefits are given less weight, with the creation of jobs for the lifetime of the construction of the development which could be achieved with any type of development.
- 10.78. On the basis of the above, having given great weight to the conservation of the designated heritage assets, it is considered that the benefits of the scheme collectively would outweigh the identified less than substantial harm and would comply with the requirements of paragraph 196 of the NPPF. As a result the proposals are considered to comply with the requirements of national and local planning policies in relation to the impact on designated heritage assets as required by Paragraphs 192-197 of the NPPF and Policies HE2, HE3, HE7 and HE9 of the Oxford Local Plan 2001-2016 and Policy DH3 of the emerging Oxford Local Plan 2036.

#### ***Public Art***

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

#### **iv. Residential amenity and impact on neighbouring amenity**

##### ***Residential amenity***

- 10.81. Policy HP12 of the Sites and Housing Plan and H15 of the Emerging Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development details the requirements.
- 10.82. The three studio apartments will benefit from a floor area of between 39m<sup>2</sup> - 43m<sup>2</sup>. The one bedroom dwellings will benefit from a floor area of between 49m<sup>2</sup> – 71m<sup>2</sup>, the two bedroom dwellings will benefit from a floor area of between 69m<sup>2</sup> – 88m<sup>2</sup> and the three bedroom dwellings will benefit from a floor area of between 98m<sup>2</sup> – 104m<sup>2</sup>. The dwellings therefore comply with the internal space standards. In addition the proposal recognises the impact of the railway line and the scheme has been designed to ensure that the majority of the dwellings that are located close to the railway line benefit from a dual aspect especially those that benefit from three bedrooms.
- 10.83. Policy HP13 of the Sites and Housing Plan specifies that planning permission will only be granted where new dwellings have direct and convenient access to an area of private open space. The flats are expected to have access to a private balcony or direct access to a private or shared garden. All the upper floor dwellings will benefit from a balcony with the dwellings on the ground floor benefiting from a garden. In addition they will all have access to the communal garden area to the front of the building. The outside amenity spaces are therefore in line with Policy HP13.

#### ***Impact on neighbouring amenity***

- 10.84. Policy CP1, CP10 of the Oxford Local Plan, policy HP14 of the Sites and Housing Plan and policy H14 of the Emerging Plan refer to safeguarding neighbouring amenity. Policy HP14 states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes.
- 10.85. A number of comments relate to the impact of the development on the residents of Millbank as well as the boat users of the marina. The nearest residential properties are located in the development 'Millbank' which is located to the west of the site. The building is located more than 45m from the nearest point. This separation distance would also include intervening planting. The development would therefore be sufficiently separated so not to have an overbearing impact or unacceptable impact on the outlook. Furthermore the separation distance means that the development would not give rise to overlooking or loss of privacy issues.
- 10.86. The marina is located to the south of the site. All the balconies on the development would face on to the marina. The marina is used for short term moorings and does not benefit from permanent residential moorings. The impact on the outlook for the marina will be significant and will change the way the marina is experienced by its users due to the scale of the building and the proposed reduction in height to the boundary hedge. Notwithstanding this, the moorings are not used for permanent residential moorings and therefore the impact to users of the marina would be short term for the duration of their stay

at the marina. There would be increased overlooking in to the marina due to the height and proximity to the boundary the site shares with the marina. There is already some level of overlooking in to the marina but as the moorings are not permanent residential properties they are afforded less privacy. Therefore whilst there would be an increase in overlooking, it is not considered to be at a level that would result in unacceptable levels of overlooking to the users of the marina given the way that the marina is used and the temporary nature of those that visit the marina.

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

#### **v. Highways**

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

- 10.89. The site is located in a highly sustainable location. The development would have an access road running along the rear of the site to allow access for refuse and emergency vehicles.

- 10.90. The site is within walking distance of Oxford railway station as well as a number of bus stops on Botley Road and Frideswide Square. Within a 800m radius of the application site there is limited availability with only smaller shops being available, notwithstanding this, just beyond this parameter there are a number of supermarket options with Waitrose and Aldi being located on Botley Road as well as a new Sainsbury’s proposed to be located in Frideswide Square (which would be within 800m). There is also a small Marks and Spencers that is already operational inside the railway station that is within 800m of the site. The location is therefore considered acceptable with regard to access to supermarket amenities and would be suitable for car free development in the context of Policy HP16 of the Sites and Housing Plan (2013).

- 10.91. Oxfordshire County Council Highways have been consulted on the application and raise no objection to the development with regard to the parking arrangement and highway safety. A large number of objections have been raised from local residents on highway grounds.

- 10.92. The surrounding roads are located within a controlled parking zone and therefore there is not the opportunity for excess parking to spill on to the surrounding roads. The proposal should therefore not intensify the parking on the surrounding streets. Objections have also been raised regarding lack of sufficient parking and stopping space for deliveries. The scheme proposes the inclusion of 7 disabled bays, 2 car-club bays and 1 delivery, servicing and management bay. To ensure that the development is car free, a management and enforcement plan for the car parking arrangements is recommended to be required by condition.
- 10.93. Objections also relate to the parking congestion on Mill Street and the required upgrade of other access routes such as the right of way that is located to the front of the site as well as the footbridge that goes over the railway line. These areas sit outside the application site area. Notwithstanding this, as they lead up to the development they have been assessed by the County Council Highways department. They raise no objection and are not requesting additional upgrades to these routes as part of this application.
- 10.94. The right of way which is located to the south of the site would be impacted by the development. An application to redirect the footpath which in this case only requires the footpath to be straightened is required. The process of this redirection would form a separate application which is currently being explored. The straightening of the footpath would not greatly impact on the overall route of the footpath and would allow for it to be upgraded as part of that application process.
- 10.95. Policy HP15 of the Sites and Housing Plan relates to cycle parking. The application seeks the inclusion of cycle parking within the development. 347 spaces are proposed and spread across the building cores as well as to the perimeter of the site. The cycle parking would be enclosed and secure. The amount proposed would exceed the number required for a scheme of this size and therefore the County Council are raising no objection to the number or the location of the cycle parking.
- 10.96. Objections have been made with regard to construction traffic and the County Council have required the inclusion of a construction traffic management plan condition in order to manage the build of the development with regard to construction traffic.
- 10.97. Other highways issues have been raised with regard to emergency service access, specifically with regard to the width of the access road and access for fire engines. Access to the site by emergency vehicles have been considered by the highway authority, the County Council have not raised any concerns or objections relating to access to the site for emergency vehicles.
- 10.98. Officers acknowledge that the development would increase the number of people living on the site and therefore there would be an increase in the number of pedestrian movements associated with the development. The site is well served with regard to the footpath and access routes with the footbridge over the railway allowing for pedestrians to access the site from a number of



directions. The footpath to the south of the site allows access to Oxpens and St Ebbes area. The site would reduce the overall vehicle movements associated with the site which would be a benefit to the scheme and should help alleviate traffic in the local area.

#### **vi. Biodiversity**

- 10.99. Policy CS12 of the Oxford Core Strategy requires that development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.
- 10.100. The scheme proposes the loss of a number of mature trees on site which officers acknowledge is regrettable. The loss of the trees will impact on the existing habitat that comes with the existing coverage. Notwithstanding, the development would allow for enhancements to be incorporated in to the scheme.
- 10.101. The surveys undertaken to date have confirmed the presence of Common Pipistrelle and Brown Long-eared Bat roosts within the building complex. Therefore, in accordance with the Ecological Impact Assessment a European Protected Species Mitigation Licence will need to be obtained from Natural England for the loss of both roosts. Mitigation measures will be agreed with Natural England and details provided to the Local Planning Authority.
- 10.102. However, where a licence will be required because of disturbance to European Protected Species, the Planning Authority when dealing with planning applications, are required to have regard to the likelihood of a licence being granted and in so doing the three tests under Regulation 53 of the Conservation of Habitats and Species Regulations 2010. The three tests are: 1) Imperative Reasons of Overriding Public Interest; 2) No satisfactory alternative; 3) Favourable Conservation Status.
- 10.103. In respect of whether there are reasons of overriding public interest, the site relates to the redevelopment of an existing residential site. There would be clear social, economic and environmental benefits that would arise from this development as discussed previously and the development would include a scheme of ecological enhancements. In respect of alternatives, these benefits are derived from developing this site and the development would ensure that an overall net gain in biodiversity would be achieved. The third test relates to ensuring the action authorised is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status. The Council's Biodiversity Officer has considered the proposal and has not raised an objection to the proposed development.
- 10.104. A condition will also be required to ensure that biodiversity enhancement measures are provided with the proposals.
- 10.105. Given this the scheme is acceptable and would comply with Policy CS12 of the Core Strategy.

## **vii. Drainage and Flooding**

- 10.106. The site is located within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. A condition is recommended requiring a surface water drainage scheme to be provided. Subject to the provision of a satisfactory scheme as required by condition it is considered that the development would comply with the requirements of Policies CS12 and CS13 of the Oxford Core Strategy.
- 10.107. Thames Water initially raised concerns relating to the foul water capacity on site. Since those comments were received, the applicants have been in communication with Thames Water and with the additional information submitted Thames Water has confirmed that there will be sufficient foul water capacity to serve the development.

## **viii. Sustainability**

- 10.108. The application was submitted with an energy statement in line with policy HP11 of the Sites and Housing Plan which requires qualifying developments to include at least 20% of their energy needs from on-site renewable or low carbon technologies. Policy CS9 states that Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated.
- 10.109. The application seeks to meet this target through a combination of measures which include using energy efficient lighting, energy efficient mechanical ventilation and the inclusion of high efficiency heating systems. The measures proposed would allow the development to meet the 20% target and would therefore be acceptable and comply with CS9 and HP11. The energy statement will therefore form part of the approved documents.

## **ix. Air Quality**

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

## **x. Noise**

- 10.111. The application site is located in close proximity to the railway line. The application includes a Noise Impact Assessment (NIA) by KR Associates (UK) Ltd dated 20th December 2018. The NIA uses current noise survey data, published site-related environmental information and a software-based noise prediction model to calculate the impact of existing noise sources on the proposed development. These include the railway which runs near to the rear facade of the current site. The NIA recognises that noise levels on the rail-facing and canal-facing facades of the development are very different

and that some dwellings on the rail-facing side would need special acoustic treatment. Overall the NIA concludes that “The development complies in full with national and local planning policy and there are no noise related issues why planning permission can’t be granted for this sustainable development”. However, the NIA report states that “At present the final layout of the site has not been finalised” and, presumably for this reason the author does not attempt any site- or dwelling-specific mitigation measures. Although submitted at a date sometime after the NIA was written, none of the other application documents mention or elaborate on this matter further, with the Planning Statement simply stating that that “future residents of the proposed accommodation will not be adversely affected by existing noise conditions with noise mitigation measures incorporated into the design.”

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

#### **xi. Safety**

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

#### **xii. Other Matters**

- 10.114. A number of the objections submitted in relation to the consultation on this application refer to alleged incorrect or misleading information in the application submission. Officers have determined the application based on the information submitted in association with a site visit and with the consultation responses from the statutory bodies and the information they hold. The application has been determined in accordance with national and local planning policy.
- 10.115. A number of comments both objecting and in support refer to the relocation of the existing residents, the banding system and the way that A2Dominion are dealing with the relocation process. Whilst this is not a planning matter officers would like to confirm that the Council’s housing team are working closely with the existing residents as well as A2Dominion to ensure that the relocation is carried out in a sensitive and efficient manner.
- 10.116. Other objections relate to building regulations and whether the building would comply with the building regulations. The building regulations requirements are outside the planning process and would be subject to their own scrutiny once a building control application is submitted. The compliance of the scheme with the building regulations has therefore not been considered as part of this planning application as it is controlled by other legislation.

- 10.117. Other objections relate to fire engine access and the building regulations and the way these matters are considered in the planning process. As stated previously Oxfordshire County Council Highways raise no objection from a highways point of view with regard to access to the site for emergency vehicles. As part of the building regulations process the fire service will be consulted on the development and will respond accordingly with regard to the detailed design of the development and its compliance with the fire safety aspect of the building regulations. The fire service is not a statutory consultee within Oxford City Council's consultation process as it is covered within the building control process.
- 10.118. As the application site is located in close proximity to the railway line Network Rail were consulted as part of the application. In their response they raised no objection but requested a number of conditions be applied to the planning permission. The conditions suggested fail to meet the statutory requirements detailed in paragraph 55 of the NPPF for conditions and therefore an informative has been included requiring the applicant to liaise directly with Network Rail to ensure the development complies with the requirements as set out by Network Rail.

## **11. CONCLUSION**

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPPF. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

### *Compliance with Development Plan Policies*

- 11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. The proposal is considered to comply with the development plan, where there is conflict in policy specifically with regard to the mix of housing this has been identified and addressed. Where issues have been raised with regard to harm to the historic environment, in line with the NPPF paragraph 196 has been

engaged. Whilst some harm has been identified to the historic environment and whilst great weight has been given to the conservation of the designated heritage assets, taking into account all the material considerations, it is considered that the benefits to the scheme would outweigh the less than substantial harm that has been identified.

### *Material considerations*

- 11.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.6. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8. The proposal seeks to provide improved residential accommodation in a highly sustainable location, the proposal will not have an unacceptable impact on neighbouring amenity or the historic environment and conditions have been included to ensure this remains in the future. The proposal will allow for sufficient car and cycle parking and will provide biodiversity enhancements.
- 11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

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

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

- 2 Subject to conditions 5 and 6 the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

- 3 Samples of the exterior materials to be used shall be made available to view on site to planning officers, and shall have been submitted to and approved in writing by, the Local Planning Authority prior to the above ground construction phase starting and only the approved materials shall be used.

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

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

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

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

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

- 6 Notwithstanding the details provided, details of the balconies and eaves details of the development shall be agreed in writing by the Local Planning Authority prior to above ground construction work commencing. The details of the balconies shall include material, colour and design and the eaves details shall include sections at a scale of no less than 1:10. The development shall be completed in accordance with the approved details.

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

- 7 Below ground construction works shall not begin (excluding archaeological works) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - Discharge Rates
  - Discharge Volumes
  - Maintenance and management of SUDS features
  - Sizing of features - attenuation volume
  - Infiltration in accordance with BRE365

- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing
- Surface Water Flow Routes to be annotated on plan for both Pre and Post Development

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

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

The development shall be carried out in accordance with the approved plan.

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

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

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

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

Reason: To promote sustainable modes of transport

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

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

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

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

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

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

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

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

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

- 14 No development (including demolition) shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted



to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in page 13 (Table 5-4) of the Air Quality Assessment that was submitted with this application (document Ref No: 422.08737.00003), developed by SLR. The development shall then be completed in accordance with the approved plan through the development of the site.

Reason - to ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001- 2016.

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

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

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

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

- 17 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be

completed not later than the first planting season after substantial completion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 27 Prior to the commencement of development, a detailed scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall measurable net gain in biodiversity will be achieved. The scheme shall include details and locations of native landscape planting of known benefit to wildlife, artificial roost features, including bird and bat boxes, and a minimum of four dedicated swift boxes. Results of biodiversity offsetting metric calculations shall be provided, including details of any off-site enhancements if a net gain cannot be achieved within the scheme . The development shall then be completed in accordance with the approved enhancements.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

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

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

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

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

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

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

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

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

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

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

#### INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued

if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

- 2 The applicant must follow the correct procedures for diverting the public right of way and/or diverting the public footpath during construction. This will be through either a 257 TCPA application or a s119 Highways Act application.
- 3 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide working near our assets to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 4 Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

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

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

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

## **13. APPENDICES**

- **Appendix 1 – Site location plan**

#### **14. HUMAN RIGHTS ACT 1998**

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

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

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

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## Appendix 1

### 18/03369/FUL- Gibbs Crescent

Proposed block plan



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## West Area Planning Committee

10<sup>th</sup> September 2019

<b>Application number:</b>	18/03370/FUL		
<b>Decision due by</b>	25th March 2019		
<b>Extension of time</b>	31st October 2019		
<b>Proposal</b>	Demolition of existing building and construction of 30 apartments (16 x 1 bed, 14 x 2 bed) and associated works		
<b>Site address</b>	Simon House, 1 - 5 Paradise Street, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Carfax Ward		
<b>Case officer</b>	Sarah De La Coze		
<b>Agent:</b>	JPPC - Chartered Town Planners	<b>Applicant:</b>	A2Dominion Homes Limited
<b>Reason at Committee</b>	The application is before the committee because it is a major application.		

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## 1. RECOMMENDATION

1.1. **West Area Planning Committee** is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

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

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

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to

dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and

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

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the redevelopment of Simon House. The application seeks planning permission for the redevelopment of the site to include 16 x 1 bed and 14 x 2 bed flats. The existing building comprises a purpose-built hostel providing 52 bed-spaces for rough sleepers, single, homeless people and other vulnerable people in Oxfordshire. The site is located in a central location within the city.
- 2.2. The application has been subject to a number of amendments mostly in response to comments received by Historic England and officers regarding the design of the building and its impact on the historic environment.
- 2.3. The application was subject to pre-application discussions and was reviewed by the Oxford Design Review Panel.
- 2.4. Officers consider that the development would be acceptable with regard to principle, design, impact on the historic environment, highways and impact on neighbouring amenity.
- 2.5. The affordable housing requirement for this site (50% which equates to 15 dwellings) is to be provided off-site on a site in Gibbs Crescent (planning reference 18/03369/FUL). The associated Gibbs Crescent application is also on the agenda for this meeting. Taken together, the two applications would comply with the local plan policy requirement. This application would therefore only be acceptable from an affordable housing point of view if the Gibbs Crescent application is also approved. The affordable housing proposal has been considered by officers and the Council's housing team to be acceptable.
- 2.6. The harm to the historic environment has been carefully considered and great weight has been given to conserving the designated heritage assets referred to in the report. The benefits of the scheme are considered to outweigh the less than substantial harm that would arise from the proposed development. On this basis the development would comply with Paragraph 196 of the NPPF.
- 2.7. The proposal would provide good quality residential accommodation in a highly sustainable location. Officers consider that the development is acceptable in all other aspects and recommend that the committee resolve to approve the application subject to a legal agreement (which is considered in more detail in the following sections of this report).

### **3. LEGAL AGREEMENT**

- 3.1. It is recommended that as part of any planning permission granted for the development a legal agreement is required to secure the provision of off-site affordable housing which is proposed to be located at Gibbs Crescent.

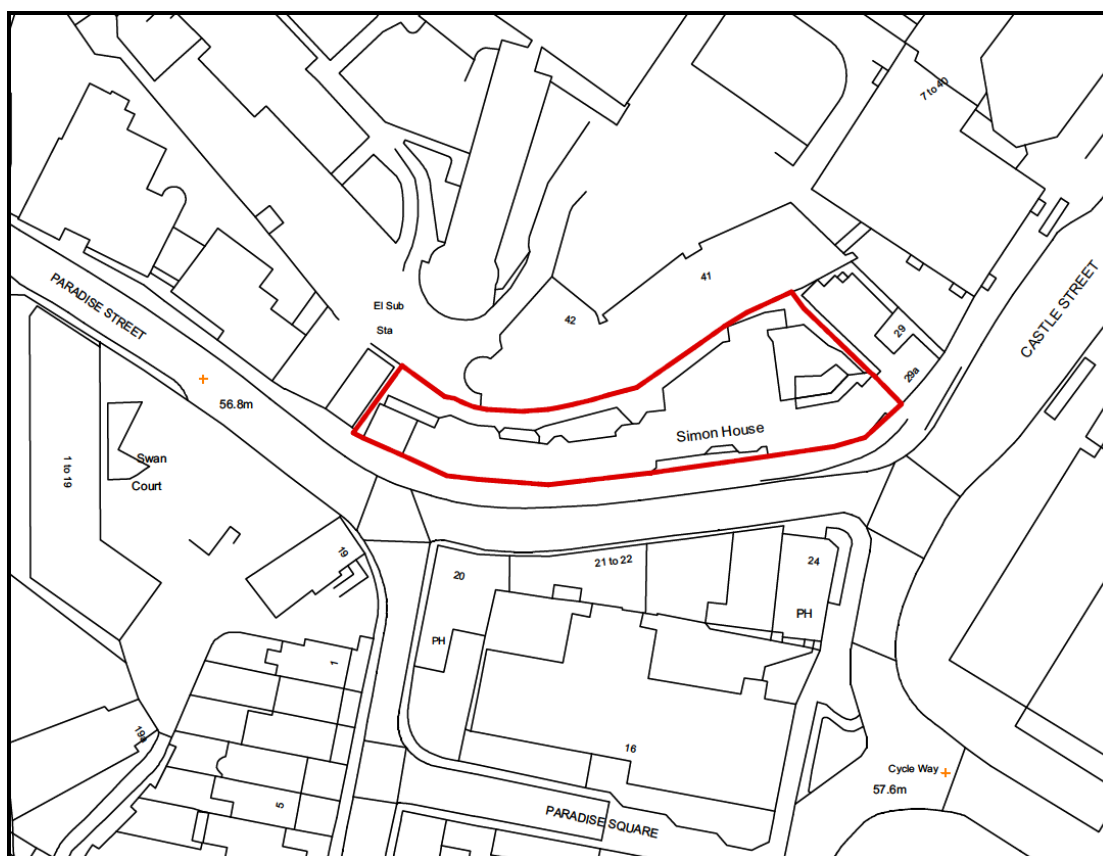
### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is liable for CIL at an amount of £84,499.03.

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

- 5.1. The site is located in a highly visible location in the street scene within the city centre. Simon House is located at the eastern end of Paradise Street and on the northern side of the road (close to the junction of Paradise Street and Castle Street). Simon House is a purpose-built hostel providing accommodation for rough sleepers, single, homeless people and other vulnerable people in Oxfordshire.
- 5.2. The layout of the existing building comprises 52 bedspaces, comprising 47 single rooms, some of which are en-suite and some with shared bathrooms, plus 5 single rooms in the top flat which have a shared bathroom, kitchen and lounge.
- 5.3. Simon House was granted permission in the 1970s and comprises between 3 and 4 storeys including a basement. The building is accessed from Paradise Street. The building was designed to echo the defensive architecture of the neighbouring Castle/Prison site. The property sits hard up against the pavement and benefits from a modest sized garden to the rear which backs on to the former prison wall. The building follows the form of the street, gently curving along Paradise Street up to the junction with Castle Street. At its highest point from the street the existing building measures approximately 11.9m in height.
- 5.4. Paradise Street comprises a mix of residential and commercial properties. Directly opposite the site is a row of terraced buildings known as Greyfriars comprising 21 Paradise Street which is grade II\* listed and The Jolly Farmers Public House which is grade II listed.
- 5.5. To the north of the development site there is the Oxford Castle/Prison complex. The Castle complex underwent regeneration between 2003-2006 and now comprises the remains of the historic castle and prison as well as a number of restaurants, bars, residential properties and a hotel. A number of buildings and structures within the castle and prison complex are listed, namely The Boundary Wall (grade II), C Wing including Round Tower (grade II\* listed), The Governor's Office and Former Laundry (grade II listed), Former Houses of Correction and attached carpenters' shop (grade II listed) and the front range with entrance including a wing and link to wing with former chapel (grade II listed). It is believed that the Castle was built in 1071. The construction of the prison buildings took place over 20 years from 1785 and remained a working prison until 1996.

- 5.6. To the west of the site is an access in to the castle complex with student accommodation being located beyond the access road.
- 5.7. Immediately to the east of the site is 29 and 29A Castle Street, 29A is grade II listed. The building is currently empty. Beyond 29 and 29a is another entrance to the castle complex along with a building comprising a pub at ground floor level (The Swan and Castle) and residential apartments on the upper four storeys.
- 5.8. The site also sits within the Central (City and University) Conservation Area and is in close proximity to a scheduled monument (the Castle Mound).
- 5.9. In the wider context there is the newly developed Westgate shopping centre which is located opposite the site on the other side of the road and the City Centre sits beyond.
- 5.10. See location plan below:



## 6. PROPOSAL

- 6.1. The application proposes the demolition of the existing hostel building and the erection of a 4-5 storey building to accommodate 30 dwellings (16 x 1 bed and 14 x 2 bed) with associated landscaping. The street pavement slopes upwards from east to west by approximately 3m, in a relatively even gradient across the frontage. At the tallest point the proposed building would have a height of approximately 16.9m from street level. The building would be accessed via entrances located on Paradise Street with some of the ground

floor flats benefiting from their own private entrances on to the street. The building would comprise a mixture of balconies, terraces and gardens which would provide the outside amenity space for the occupiers, with the roof terrace and rear garden being an additional communal space. A number of the cycle parking spaces would be located within the building on the ground floor, accessible from the street. The remaining cycle spaces would be located in the rear communal garden area. Refuse storage would also be located on the ground floor within the building. The development is proposed to be car free.

- 6.2. The materials for the building include a buff, multi texture brick for the facades and aluminium windows. The colour and type of brickwork has been chosen to give a visual reference to the aesthetic of the castle quarter as well as some of the newer buildings located in Paradise Street. The roof will be flat and will include a green roof and solar panels. Part of the roof will be used as a communal outside amenity space for the occupiers of the building.
- 6.3. The leasehold for the 30 dwellings is proposed to be retained by A2Dominion and the flats would be let individually on the open market. No affordable housing is proposed to be provided on site, instead off-site affordable housing in the form of 15 dwellings is proposed to be provided on Gibbs Crescent (application 18/03369/FUL) which is recommended for approval (subject to a legal agreement to secure the affordable housing) which is to be considered at this committee meeting. Both sites are in the control of the applicant. The affordable housing would be secured through a S106 agreement.

## **7. RELEVANT PLANNING HISTORY**

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

75/00866/A\_H - Outline application to erect a new hostel for alcoholics for Cyrenian community. Withdrawn. 24th September 1975.

76/00068/A\_H - Erection of a hostel for Oxford Cyrenian Community, to accomodate 60 persons, and a wardens flat (Reserved Matters). Permitted. 26th July 1978.

76/00068/AA\_H - Outline application for the erection of a hostel for the Oxford Cyrenian Community, to accomodate not more than 60 persons. Permitted. 26th March 1976.

80/00789/A - Internally illuminated lettering on front elevation. Permitted. 2nd October 1980.

83/00518/NF - Change of use of ground floor shop to office. Permitted. 12th December 1983.

89/00173/NFH - Extension at 1st floor (above canteen) to form office accommodation. Permitted. 12th April 1989.

94/01652/NFH - Single storey building to house freezer store. Permitted. 9th March 1995.

05/02059/FUL - Refurbishment of existing building including new main entrance doors, insertion of new window, air vent griller and rendering of part of the front elevation around and above the main entrance.. Permitted. 9th December 2005.

06/00630/FUL - Extension to undercroft. Permitted. 24th May 2006.

11/03073/FUL - Replacement of existing roof structure over kitchen and canteen with a new flat roof. Permitted. 26th March 2012.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	West End Area Plan	Emerging Plan
Design	Paragraphs 91, 92, 117, 118, 122, 124, 127, 128, 129, 130, 131	CP1 CP6 CP8 CP9 CP10 HE9 HE10	CS1 CS2 CS18	HP2 HP9 HP12 HP13 HP14		WE11 WE12	H14, H15, H16, RE2, RE7, DH1, DH2, DH7
Conservation/Heritage	Paragraphs 184, 189, 190, 191, 192, 193, 194, 196, 197, 199, 200, 201, 202	HE2 HE3 HE7				WE10	DH3, DH4, DH5
Housing	Paragraphs 61, 62		CS2 CS23 CS24	HP3		WE15 WE16	H1, H2, H4
Natural environment	Paragraph 175,	NE21	CS12 CS11			WE14	RE3, RE4, G2
Transport	Paragraphs 102,103, 105,106, 109, 110	TR1 TR3 TR4 TR5 TR6 TR13	CS13	HP15 HP16	Parking Standards SPD		M1, M2, M3, M4, M5
Environmental	Paragraphs 148, 150, 153, 155, 163, 165	CP11 CP17 CP18 CP22	CS9	HP11	Energy Statement TAN	WE13	RE1, RE6
Miscellaneous	Paragraphs 11, 38, 39,	CP.13 CP14	CS10 CS19	MP1	Telecommunications		S1, S2, H10, RE5, RE8,



	40, 41, 47, 48, 54, 55, 56, 57, 178, 179, 180	CP19 CP20 CP21 CP.24 CP.25			SPD, External Wall Insulation TAN,		RE9
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*The Oxford Local Plan 2036 is currently in draft. Limited weight is currently afforded to the policies within this plan. Where relevant the emerging policies are referred to and any conflict is identified.*

## **9. CONSULTATION RESPONSES**

- 9.1. Site notices were displayed around the application site on the 8<sup>th</sup> January 2019 and an advertisement was published in The Oxford Times newspaper on the 10th January 2019.
- 9.2. Following amended plans and additional information being submitted, the application was re-advertised by site notice on 25th June 2019 and an advertisement was published in the Oxford Times newspaper on the 27th June 2019.

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

#### Oxfordshire County Council (Highways)

- 9.3. No objection subject to conditions

#### *Traffic Generation & Accessibility*

- 9.4. As the proposal seeks to be car-free, the traffic generation of the site is likely to be minimal. The largest impact on the highway network will be during the construction phase which will be mitigated somewhat by the Construction Traffic Management Plan (conditioned) which will restrict construction vehicles from entering the city during peak times.
- 9.5. The site is deemed highly accessible by sustainable modes of transport. The site is within walking distance to the train station and many bus stops and therefore the car-free nature of the site is deemed suitable.

#### *Car Parking*

- 9.6. The development is proposed to be car-free. Due to the sustainable location of the site and the on-street restrictions on all nearby streets, this is deemed acceptable. Visitors can park in any of the public car-parks nearby and residents can use any of the sustainable modes of transport available to them.

#### *Cycle Parking*

- 9.7. The Transport Statement states that cycle parking has been provided in line with the Oxfordshire Cycle Design Standards, however, these are not the standards that are typically used. Nonetheless, in this case, the applicant proposes to provide 76 spaces which is above the level stated in Policy HP15 of Oxford City Council's Sites and Housing Plan and is therefore accepted.

- 9.8. Additionally, the Transport Statement states that Appendix A shows the location of the cycle parking but only shows 56 “double stack” cycle spaces. This is below the accepted level and should be shown on an amended plan. Furthermore, the transport statement mentions that ‘double stack’ cycle parking will be provided. This type of cycle parking, although space saving, can be problematic for those with mobility issues as it involves lifting bikes onto stands. Sheffield stands are therefore preferable and should be spaced 1 metre apart.

#### *Travel Plan*

- 9.9. A travel information pack is required prior to first occupation which should then be distributed to all residents at the point of occupation.

#### *Refuse Collection*

- 9.10. Refuse collection would occur from Paradise Street as existing and is acceptable.

#### Oxfordshire County Council (Lead Flood Authority)

- 9.11. No objection
- 9.12. Fully Detailed Surface Water Drainage Strategy including drawings of all surface water features/structures to be drawn up and supplied.
- 9.13. MicroDrainage Calculations: Greenfield run-off rate appears high. Default Cv values have been used which are not felt to be representative of the site. It is recommended that Cv values of 0.95 for roofed areas and 0.9 for hardstanding be used. Calculations should be re-run and revised file supplied.
- 9.14. Further consideration should be given to maximising the SuDS potential for the green space.
- 9.15. All hardstanding should be permeable.
- 9.16. FRA states that owners will become responsible for maintenance of surface water management features/structures, it is dubious that this will be deliverable long term and should be re-considered or robustly justified as to how it will be enforced.

#### Thames Water Utilities Limited

- 9.17. Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided
- 9.18. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Natural England

- 9.19. Natural England has no comments to make on this application.

Historic England

- 9.20. The applicant has taken on board comments made by both Historic England and the Council's design and conservation team. The massing has now been broken up a little and the Paradise Street façade appears a bit lighter and more ordered. There would be scope to further develop these elevations and make this building better, and we would be delighted if the Council had the patience to do this, but I think that the design has reached a point where the design is less overbearing on its neighbours and the adverse impact on the significance nearby listed buildings is minor. We will leave the judgement as to whether the building takes the opportunity available for improving the character of this area to others.
- 9.21. Historic England has no objection to the application on heritage grounds.
- 9.22. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Oxfordshire Architectural And Historical Society

- 9.23. The key issue for the current planning application is the lack of evidence for what the developer of the site intends to do about the exposed wall of no. 29A when the present Simon House, which abuts it, is demolished. Therefore conditions are suggested to protect 29/29A

Thames Valley Police

- 9.24. No objection subject to conditions but raised a number of concerns with regard to the detailed design and safety of the building.

**Public representations**

1 Letter of representation was received from a resident in Wharton Road which states: Oxford City has a significant lack of housing, in particular affordable and social combined with a severe shortage of land that could potentially be developed. This development would provide additional and much needed accommodation reducing the strain on the private rented sector and social housing without the need for developing any green sites.

**10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:
- i. Principle of development

- ii. Affordable housing and mix of dwellings
- iii. Design and impact on the historic environment
- iv. Amenity and impact on neighbouring amenity
- v. Highways
- vi. Biodiversity
- vii. Sustainability
- viii. Drainage and flooding
- ix. Environmental health

**i. Principle of development**

- 10.2. The application site currently comprises a purpose built hostel providing 52 bed spaces for rough sleepers, single homeless people and other vulnerable people in Oxfordshire. The accommodation is managed by A2Dominion, which is a large affordable housing organisation and registered provider. Simon House is in the process of being decommissioned with the occupants being rehoused to a new purpose built property located on Rymers Lane in Cowley as well other properties across the city depending on their need. This change has come about due to a change in the way this type of accommodation is funded by Oxfordshire County Council. The Rymers Lane development was considered and approved in February 2018 with the knowledge that Simon House was to be decommissioned in the future and the residents relocated. The loss of this specific housing need has therefore already been considered in association with the Council's homelessness strategy and its succession planning. The loss of this accommodation is therefore already in the process of being re-provided on the Rymers Lane site. The redevelopment of Simon House would therefore not result in a loss to this type of accommodation being provided in the city. The application would comply with Policy CS23 of the Core Strategy which requires for a mix of housing to be provided across the city to accommodate a range of accommodation needs.
- 10.3. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Paragraph 117 states that planning policies and decisions should promote an effective use of land.
- 10.4. Policy CS2 of the Core strategy states that development will be focused on previously developed land. The supporting text then goes on to say "Providing new housing on previously developed land within the existing built-up area enables people to live closer to shops, services, and places of work. It can help to reduce the need to travel, as well as helping to sustain existing local businesses and facilities."
- 10.5. Policy CP6 of the adopted Local Plan states that Development proposals must make best use of site capacity, in a manner compatible with both the site itself and the surrounding area.

- 10.6. Policy RE2 of the Emerging Local Plan supports the efficient use of land. It requires the density to be appropriate for the site. The scale of development, including building heights and massing should conform to other policies in the plan, opportunities for developing at the maximum appropriate density must be fully explored and built form and site layout must be appropriate for the capacity of the site.
- 10.7. The site will be vacant as of September 2019 and is located in a highly sustainable location. The specialist housing provided on site will be relocated to other sites within the city and the proposal will see the efficient use of previously developed land. The principle of redeveloping the site for housing is therefore acceptable subject to compliance with the other policies in the development plan which will be explored in further detail.

## **ii. Affordable housing and mix of housing**

- 10.8. Policy CS24 of the Core Strategy relates to affordable housing and states that on sites of 10 or more houses, planning permission will only be granted for residential developments that provide generally a minimum of 50% of the proposed dwellings as affordable housing on all qualifying sites.
- 10.9. Policy HP3 of the Sites and Housing Plan further supports this requirement and details that of the 50% of affordable housing, 80% of that should be provided as social rented with the remaining 20% being formed of affordable rented or as other types of intermediate housing.
- 10.10. The application has been submitted along with an application at Gibbs Crescent (application 18/03369/FUL). Simon House does not seek to provide any on-site affordable housing. Instead it seeks to provide its 50% (15 dwellings) of affordable housing on the Gibbs Crescent development.
- 10.11. Policy CS24 allows for off-site affordable housing to be provided where the City Council and the developer both consider it preferable. The City Council's housing team has been in consultation with A2Dominion to ensure that the affordable housing target is met and complies with the Council's housing strategy. The housing team have been consulted on the application and are in support of the provision of all of the affordable housing on the Gibbs Crescent site. The principle of providing off-site affordable housing would therefore comply with the requirements of Policy CS24.
- 10.12. Taking this into account, in total 140 dwellings are proposed to be provided on Gibbs Crescent. Assessing the combined tenure mix of Simon House and Gibbs Crescent, the proposals would provide 85 affordable dwellings in total. 70 for the Gibbs Crescent scheme and an additional 15 dwellings as an off-site contribution for Simon House. Of the 85 affordable housing dwellings proposed, 68 would be social rented and 17 would be shared ownership which would comply with the required 80%-20% mix set. The remaining 55 dwellings would be open market housing. This combination would comply with Policy HP3 of the Sites and Housing Plan.

- 10.13. In addition to the requirement for affordable housing, Policy CS23 of the Core Strategy refers to the mix of housing. The mix of housing required on larger sites is set out in the balance of dwellings SPD. Simon House is located within the city centre as defined in the SPD which promotes a higher density of smaller dwellings, but which also seeks to retain some 3 bed family dwellings within the mix for new developments. The proposal does not comply with the recommended mix of dwellings in the SPD with only one bed and two bed dwellings being provided on the Simon House site. The proposed mix would therefore be contrary to the policy requirements of Policy CS23.
- 10.14. Policy H4 of the Emerging Local Plan is less prescriptive on the proposed mix of dwellings within the city centre and only requires a specific mix for the affordable housing element. The policy states that “sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.”
- 10.15. Officers are therefore considering the application with regard to both policies (existing and emerging) with limited weight being given to the emerging plan policy.
- 10.16. The Council’s Housing Strategy (2018-21) identifies the greatest need for social housing as being small units for single people, couples and small families. There are currently over approximately 2000 households on the Council’s housing register and the greatest need is for 1 and 2 bed flats with 910 and 630 households respectively; there are 500 households with a 3 bed need. The proportions of 1 and 2 bed flats which are proposed across the sites are therefore higher than the policy requirement because of this strategic assessment of housing needs.
- 10.17. In addition, pressure to keep up the number of 1 bed flats also arises for two other reasons when the two applications are considered together. Firstly, Gibbs Crescent currently makes a significant contribution to the existing one bed stock across the City and its redevelopment would see the loss of a high number of single dwellings. The redevelopment of the site would require a number of occupiers who live in a smaller dwelling to be relocated in to further smaller dwellings across the city of which there is already a high demand. The reduction in the number of smaller dwellings as a result of redevelopment would therefore impact on the numbers rehoused annually from the housing register. Secondly, relocating existing households from Gibbs Crescent for the redevelopment would, in the short term, take up much of the capacity from existing stock, again reducing the overall numbers. The increased number of smaller dwellings proposed would be in line with the local housing need as well as responding specifically to the impact on housing numbers due to the redevelopment of the site.
- 10.18. In addition to the above, the inclusion of a greater number of two bed flats would still allow accommodation for up to four people and would allow for some household growth. This growth would allow for a mix of people occupying the site, and would allow for the overall principle of mixed and flexible accommodation to be achieved.

- 10.19. There is also the physical layout of Simon House and Gibbs Crescent which lends itself to the mix that is proposed in both schemes.
- 10.20. Simon House is a constrained site with only sufficient space for individual balconies and a small communal garden and roof garden within the development. Given this, the communal areas are more limited in terms of size and can only be used in a more limited way. The site has no access to larger areas of space which would be preferable for sites that are likely to have higher densities of children present (given a potentially greater need for outdoor space for families). Gibbs Crescent allows for a larger provision of outside space. This larger outside space afforded to Gibbs Crescent is considered to be more flexible and allows for a wider range of outdoor activities to occur such as outdoor play etc. The inclusion of the larger 3 bed dwellings on Gibbs Crescent means that those units which are more likely to accommodate children or larger families are afforded better levels of outside amenity and space to socialise.
- 10.21. The proposal is therefore not compliant with Policy CS23 of the Core Strategy but would be in line with the needs of the Council's Housing Strategy as well as the general approach and evidence of the Emerging Plan. Given this, the proposed mix of housing is considered acceptable when considering the site specifics of the applications and sites.

### **iii. Design and Impact on the Historic Environment**

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

### ***Design and Impact on the Conservation Area***

- 10.25. The proposal has been subject to a design review carried out by the Oxford Design Review Panel as well as consideration by officers, Historic England and other statutory consultees. As a result of these discussions amended plans have been provided for the scheme and these plans form the application that is considered in this report.

- 10.26. The site is located within the Central Conservation Area and therefore great weight is given to its conservation in line with Paragraph 193 of the NPPF. Policy HE7 of the Oxford Local Plan and Policy DH3 of the Emerging Local Plan refers to Conservation Areas and states that planning permission will only be granted for development that preserves or enhances the special character and appearance of Conservation Areas or their setting.
- 10.27. Within a Conservation Area, Officers are required to take account of the duty set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and section 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 196 of the NPPF then goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.28. The size and shape of the site leaves few options to the possible form of development and therefore the proposal seeks to follow a similar form to that of the existing building and to follow the existing contours of the street and site.
- 10.29. Paradise Street is characterised by a range of buildings, with the southern side comprising a number of listed buildings which are important survivors of the mediaeval town. This group of listed buildings, each with architectural and historic interest in their own right, together form an important and valuable piece of streetscape of a scale and articulation with distinctive elements of architectural language and detail that are important to preserve. The scale of these properties is more modest and the buildings are of a more domestic scale than the proposed development
- 10.30. To the immediate east of the street are 29 and 29A Castle Street with large C20 commercial buildings being located beyond. The applicant has re-visited the design of the most north-eastern element/bay of the proposed new building which has resulted in a building element that responds more closely to the overall size of the historic buildings and to the scale and pattern of openings in the street facades of both 29 and 29a, ensuring a legible transition between the small, domestic scale of the listed buildings through to the much larger scale of the proposed development.
- 10.31. On the northern side, the road benefits from more dense development with Simon House and the student accommodation block to the west dominating this side of the street.
- 10.32. The site is located in what is seen as a transition point between the historic quarter that comprises the castle complex and the more commercial part of the city which comprises the Westgate development and the city centre. Due to this there are a range of different scaled buildings located in close proximity to each other as well as the development site.



- 10.33. The site is located in a highly visible location due to its position in the street. Views of the site are available from the immediate street surrounding the site as well as views from the Castle through gaps between the buildings. In addition the site can be viewed from inside the Westgate due to the position of one of the entrances/exits to/from the shopping centre.
- 10.34. In medium to long distance views the site is also visible with views possible from St Georges Tower and Carfax. Given the central location and the views available, the proposal creates the potential for visual impact within Oxford's key strategic views, an aspect which is covered by Policy HE9 of the Oxford Local Plan which deals with high buildings in the city. As part of the application a view cone assessment was carried out which includes verified views of the development. The study identifies Boars Hill, Raleigh Park, Carfax Tower, St Georges Tower and The Mound to be the most relevant places for assessment of the impact of the development. The development would sit below the Carfax Tower datum.
- 10.35. The study looks at the various longer views from Boars Hill and Raleigh Park. The important long distance viewpoints identified in the Oxford View Cones Study from where the proposed development may be seen are primarily those in the western hills and specifically to the south-west of the city in Raleigh Park. The building roofline is visible from Raleigh Park although it is not viewed as an incongruous addition as it can be seen against the existing built forms.
- 10.36. The amended design offers a greater articulation of the building's street façade, breaking up the south/southwest facing façade into a series of vertical elements with darker, more recessive elements separating the apparent solidity of the façade into smaller, narrower elements that are more representative in scale to traditional, domestic buildings rather than the single, institutional building which currently occupies the site. The roofline profile is also broken up with a central, roof garden portion which will also break up the solidity of the built form in longer views.
- 10.37. The supporting documents suggest that the proposed development would sit within the existing building mass of the cityscape and would not present a new or additional intrusion that would distract from the significant historic skyline. It concludes that the development would not therefore impact on this particular element of the significance of the various heritage assets that combine to make up the important city skyline.
- 10.38. The building has a much greater impact on the closer/short range views.
- 10.39. The building is not highly visible from Carfax but is much more prominent in views from St Georges Tower and The Mound. From this important view point the proposed development would sit beyond the existing prison buildings, framing the edge of the historic Castle bailey. The amended design and the further consideration of the design of the roofscape, in particular the inclusion of a rooftop garden and solar panels would need to be detailed in such a manner as to minimise the impact of glare and prominence. A condition is recommended to be included requiring further details of the garden, pergola

and position of the roof panels to ensure they do not result in a harmful, visual distraction.

- 10.40. The upper parts of the proposed building would be seen against the taller building mass of Westgate and the residential flats and County Council offices which lie to the north and would appear embedded in the existing buildings that sit within the Castle bailey, immediately to the north-west of the site.
- 10.41. When viewing the site from Paradise Street the amended design and the apparent reduction in the building mass through the design process, together with the intended increased articulation of the building mass has helped to mitigate some of the harm that would result to the setting of adjacent listed buildings from the proposal. However it is considered that there would still be some level of harm to both the setting of the listed buildings on the south side of the street and to the character and appearance of this part of the Central Conservation Area as a result of the overall size of the proposed building.
- 10.42. The amended design when viewed looking west from the western edge of the Westgate has significantly reduced the previously harmful impact that the development would have on its immediate surroundings. The breaking down of the overall building mass, the introduction of soft landscape on part of the roof of the building and the increased sense that the development would appear as a terrace of individual buildings receding down Paradise Street would help to preserve the setting of surviving elements of small-scale domestic residential building that define the historic Paradise quarter of the town.
- 10.43. The view down Castle Street from the north has been improved through the amendments to the scheme to separate the larger elements of the proposed building from the surviving medieval buildings at 29 and 29a Castle Street. There now appears to be a more comfortable transition from the distinctly small scale, overtly domestic in appearance listed buildings and the unashamedly large building mass of the proposed building. From other viewpoints the more considered transition is evident, however the foreshortening of the view looking down the hill will mean that the flank wall of the larger part of the proposed building would appear as a close backdrop to the distinctive roof forms of the listed buildings. Whilst in one way this might be said to provide a neutral backdrop, the sheer scale of this proposed element will inevitably dominate the view thus harming the setting of the listed buildings.
- 10.44. The varied material treatment of the building facades at the western end of the proposed development would have the effect of reducing the apparent scale and mass of the new building from the view from St Ebbes.
- 10.45. The articulation of the building façade, breaking it down into narrower elements by the use of different material treatments that allow the emphasis of some elements over others would allow the façade to be more animated, less flat and uniform. This would help to give a stronger association to an earlier, 19<sup>th</sup> Century occupation of the site and to reinforce the sense of “outside the

bailey". The identification of the individual buildings at street level would be improved through the introduction of more identifiable doors.

- 10.46. The rear, northern, courtyard façade has been developed with the introduction of more green landscaping elements in order to soften the hard built form which dominates the very limited open space.
- 10.47. Officers are therefore satisfied that the general form, massing and layout has been appropriately considered and that the scale of the development is acceptable for this location and would not have an unacceptable impact on the Oxford view cones. Furthermore this scale of development would be read against buildings of a similar scale specifically the residential flats to the north and east, and would be in keeping with the general pattern of development in this part of the city.
- 10.48. The detailed design of the building has evolved over the timeframe of the application. Given the constraints of the site it was considered important that the massing of the building was carefully considered in order to minimise the impact of the development in shorter views and on the streetscene. In order to address concerns raised by officers and Historic England the scheme was amended to ensure that the detailed design allowed for a visually successful scheme.
- 10.49. Nevertheless the proposed development would change the character of this part of Paradise Street and the Conservation Area, importantly giving the street the sense that it would be narrowed and tightened over the existing arrangement and probably that which existed in the 19<sup>th</sup> Century and first half of the 20<sup>th</sup> Century.
- 10.50. Officers are therefore of the opinion that in close up views and when viewed against the more domestic scale of the southern side of the road, the development would result in less than substantial harm to the Conservation Area. Great weight is given to the conservation of the Conservation Area. The harm identified is considered to be on the lower end of less than substantial, the mitigation to the harm has been achieved by amending the design so that the building relates more successfully to its setting. In line with paragraph 196 of the NPPF where a proposal would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal. The public benefits of the scheme are explored further in the report.

### ***Impact on the setting of the neighbouring Listed Buildings***

- 10.51. The development would be located in close proximity to a number of Listed Buildings in the near vicinity.
- 10.52. Policy HE3 of the Oxford Local Plan refers to Listed Buildings and their setting and states that planning permission will only be granted for development which is appropriate in terms of its scale and location and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any Listed Building. Policy HE1 of the Oxford

Local Plan refers to nationally important monuments and states that Planning permission will not be granted for any development that would have an unacceptable effect on a nationally important monument (whether or not it is scheduled) or its setting.

- 10.53. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 10.54. 29 and 29A are located to the east of the building. It has been established through a survey that the existing Simon House has no physical dependence on 29a or indeed vice-versa. It is proposed to take precautionary measures prior, during and post demolition of the existing Simon House to ensure (as far as is possible to do so) the structural stability of 29a and by association 29 Castle Street. With regard to their visual relationship the proposal now seeks to form a better relationship with 29 and 29A Castle Street by way of considering key reference points such as the eaves, ridge and window heads on the listed buildings and to include these in the design of the façade of the adjacent portion of the proposed development. This would allow for a more comfortable transition from the small, domestic scale of the listed buildings through to the much larger scale of the proposed development.
- 10.55. The design of the proposed development has also been considered with regard to the important survivors of the medieval town that sit on the opposite side of Paradise Street.
- 10.56. Paradise Street, here, tightens and narrows and the proposed development will have a distinct impact on the setting of the significant buildings on the southern side. The design has developed so that there is an apparent reduction in the perceived scale of the building elements at the western end of the site such that they intend to better relate to the small scale of the Jolly Farmers public house as well as to student housing development immediately to the west of the site. The central portion of the proposed development is unashamedly tall in comparison to its opposing neighbours, however no.21 opposite presents a plain, apparently subservient façade to Paradise Street with its principal façade facing in to the courtyard space that sits between it and the associated building to the east. In addition no.21 is distinctly taller than the public house next door. The open courtyard between the two buildings sits behind a relatively tall boundary wall, separating it from Paradise Street. A highly decorative early 18<sup>th</sup> Century doorcase is set into this enclosing wall and this provides reference to the architectural origins of the listed building and offers a portent of the delights that are to be found within the interior of the building itself. Given the aspect of the listed building and the nature of its Paradise Street façade it may be considered reasonable to accept the increase in height of this central portion of the proposed development as being appropriate and to view it in the context of the Castle bailey rather than the later medieval and post medieval buildings of the historic town that sit clearly outside this earlier fortification.

- 10.57. Despite its proximity the redevelopment of Simon House would have a limited impact on the Castle itself, mound and the listed buildings within the complex as the two are separated by modern hotel accommodation and residential apartments.
- 10.58. The prison wall to the north is also listed. Whilst the building has previously taken the walls' dominance as the predominant design reference, through the development of the design, this has changed and has now resulted in a better relationship between the proposed building and the historic wall. The wall would continue to have the same relationship with the proposed building as it does with the existing and therefore the development would not result in harm to the setting of the Prison wall.
- 10.59. Officers are therefore of the opinion that in close up views and when viewed against the more domestic scale of the southern side of the road as well as the neighbouring listed building, the development would result in less than substantial harm to the setting of the listed buildings. Great weight is given to the conservation of the setting of these listed buildings. The harm identified is considered to be on the lower end of less than substantial. The harm has been mitigated through the redesign of the façade. The design now relates more successfully to reference points in the adjacent listed building resulting in a better visual relationship. In addition changes to the façade allows for the building to sit more comfortably within the street and therefore the setting of the buildings opposite. The public benefits of the scheme are explored further in the report.
- 10.60. In line with paragraph 197 of the NPPF, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Officers have checked the mapping system and there are no properties on the Oxford Heritage Asset Register list in the near vicinity which are affected by the development.

### ***Archaeology***

- 10.61. Policy HE2 of the Oxford Local Plan states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford but in particular the City Centre Archaeological Area, planning applications should incorporate sufficient information to define the character and extent of such deposits as far as reasonably practicable.
- 10.62. The application is of archaeological interest because it involves the redevelopment on a site previously developed in the 1970s with basement and pile foundations, located on the bailey ditch of Oxford Castle. The castle was established in 1071 and made use of a branch of the river Thames to create a water filled defence. The water-filled castle ditch ran around the majority of the castle and is shown on Loggan's map of 1675. The ditch is known from investigations elsewhere to be 15m wide and 6m deep in places and is potentially rich in dumped refuse that has been preserved by waterlogging (i.e. leather, wood, pollen, plants and insects). There have been several previous investigations of the castle and ditch including those of Marshall (1951),

Hassall (1972) and Poore et al (2009). Previously numerous shoes and shoe parts have been recovered from the ditch indicating that one or more cobblers worked along Paradise Street from the late 15th century until the 1540s.

- 10.63. The site is also located 5m north east of the first site of the Church of St Budoc which the foundation of which may predate the Domesday Survey of 1086. The church was documented as a ruin in 1229 and was later relocated when a barbican was added to the castle defences later in the 13th century. A re-engraving of a 1610 manuscript map of Christ Church shows that the castle ditch had been partially infilled and developed by this time. The upper levels of the infilled bailey ditch (so far as they are undisturbed by the construction of Simon House) have the potential to preserve the remains of post-medieval tenement activity.
- 10.64. The current Simon House basement which covers only part of the site is approximately 3.10m deep; therefore there is significant potential for waterlogged ditch deposits to survive below and around the current basement. The borehole data showed that the castle ditch survives beneath the current site, in places to a depth between 6.80-6.00m (OABH 2-4). The ditch deepens slightly to the north, but its sides were not identified in the survey due to the site constraints. This suggests that perhaps half of the ditch's width may survive beneath Simon House to the south of the site.
- 10.65. In this instance further archaeological evaluation is not possible because of the physical site constraints. The archaeological work in association with the development would result in less than substantial harm to the archaeological of the site. Great weight is given to its conservation. The harm identified is considered to be on the lower end of less than substantial. Whilst the development would bring with it some level of harm to the archaeological remains on site, an acceptable level of mitigation would be the excavation of a deep section to the bottom of the bailey ditch. This has never previously been undertaken and would enable the full characterisation of the surviving ditch deposits to inform future management. Water monitoring would also help assess the impact of piled foundations on the moisture content of the ditch to inform future management. These mitigation measures can be secured through via conditions. The public benefits of the scheme are explored further in the report.

### ***Landscaping***

- 10.66. The site is highly constrained and therefore traditional landscaping is limited. The application therefore seeks to provide landscaping as part of the building design where possible.
- 10.67. To the rear of the site a network of planting boxes and cable supported climbers would be installed onto the walls and within the reveals. This would allow for the rear elevation and outside amenity space to be enhanced for future occupiers. In addition the climbers would also be incorporated on to the side elevations allowing for the planting to be visible in glimpses from the street scene and public realm, which is an enhancement to this part of the Conservation Area.

- 10.68. At ground floor level there would be a small level of landscaping and the inclusion of three trees in the communal garden area. The roof area would also include planting on the pergolas to improve the quality of outside amenity.
- 10.69. The existing site benefits from minimal landscaping and therefore the incorporation of a scheme which is designed around the building would be a benefit to the scheme both in terms of improving the quality of the space for future occupiers as well as improving the visual appearance of the scheme through the addition of green landscaping in this part of the Conservation Area. Conditions are recommended to ensure that the landscaping is installed and completed in accordance with Policy CP11 of the Oxford Local Plan 2001-2016.

***Harm to the historic environment and public benefits***

- 10.70. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the significance of the asset..
- 10.71. It is considered that the proposal would not lead to substantial harm to (or total loss of significance of) a designated heritage asset as set out in the NPPF and Planning Policy Guidance. The scheme is therefore considered to result in an impact of less than substantial harm on the significance of a number of heritage assets. In line with paragraph 196 of the NPPF any harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.72. The National Planning Policy Guidance sets out what is meant by the term public benefits:
- 10.73. "Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit."
- 10.74. There are aspects of the development that would have a harmful impact on the character and appearance of the Central Conservation Area as well as on the setting of adjacent listed buildings and the archaeology of the site. The applicant and architect have worked on the design to mitigate some of the harmful elements of this impact, and it is recognised that there has been significant improvement from the originally submitted scheme. Historic England has been consulted on the application and following the amendments to the scheme raise no objection.

- 10.75. As identified earlier in the report, the development will result in harm to the setting of the listed buildings in the near vicinity due to the proximity and visual relationship between the buildings due to the scale of the proposed building. There will be harm to the significance of the Central Conservation Area through the impact of the development on short views and the way that the passer-by will experience the street, both the character and appearance of the spaces between buildings. The development will also have a harmful impact on the significance of the archaeological remains on the site.
- 10.76. Through the design amendments submitted, a number of improvements have been incorporated in to the design that will mitigate the harm that the development will have on the setting of the adjacent and neighbouring listed buildings. This mitigation would be achieved by breaking up the apparent massing of development thus reducing the apparent scale of the building so that it is able to relate more comfortably with the listed buildings. Historic England have confirmed in their most recent comments that “the adverse impact on the significance nearby listed buildings is minor”. It is therefore considered that the residual harm to the setting and thereby significance of the listed buildings (heritage assets) would be less than substantial and would be measured at a low level of less than substantial harm.
- 10.77. The existing building is not considered to contribute positively to the Conservation Area and therefore its loss in itself could not be considered harmful to the significance of this heritage asset. The harm is associated with the scale of the proposed building in comparison to its important neighbours and its impact on views in and out the Conservation Area. The amended design has mitigated the harm by ensuring that it responds sensitively to the buildings in the immediate setting. Given the scale of development within both the immediate setting (the Castle complex and Greyfriars) and the wider setting (the Westgate and City Centre) the scale of the development would not be of such a scale that the building would be generally out of keeping, with a wide range of buildings being present, serving different purposes all within a small area. Whilst the design has improved substantially through the process, there are still elements which could be improved but which may start to impact on other issues such as the provision of amenity space etc. The design of the scheme has therefore mitigated some harm and is at a place where it may be considered acceptable and would not be so harmful that it would warrant a refusal. Therefore the harm relating to its impact on the Central Conservation Area is on the lower end of less than substantial.
- 10.78. The harm identified with regard to archaeology relates to the construction phase. The parts of the scheme that involve the introduction of piles for the first time can be assessed as a low level of harm. The parts of the scheme involving the introduction of a second array of piles can be assessed as a higher level of harm (because of the cumulative impact) though again less than substantial in terms of the whole asset. In order to lessen the harm, mitigation can be incorporated in to the scheme and secured through planning conditions. The mitigation would be the excavation of a deep section to the bottom the bailey ditch. This has never previously been undertaken and would enable the full characterisation of the surviving ditch deposits to inform future management which would be a benefit.



- 10.79. The principal benefit of the development and one which officers give great weight is the creation of 30 dwellings on a previously developed site in a sustainable location, which would provide good quality accommodation for future occupiers. The scheme would also allow for 15 affordable dwellings to be provided on Gibbs Crescent.
- 10.80. The site is centrally located which would allow for a car free development within the City Centre. Moderate weight is given to this environmental benefit. The reduction in car usage within the City Centre is supported by both adopted and emerging policy and more generally is supported in the government's aims to minimise pollution and adapting to climate change. The redevelopment of the site would therefore allow for market rented accommodation to be provided in a position close to a number of transport options as well as local services. In addition energy efficiency measures would be incorporated in to the build which would also be an environmental benefit to the scheme.
- 10.81. The introduction of market rented accommodation along with the provision of affordable dwellings at Gibbs Crescent would provide a social benefit by allowing for the developments collectively to address Oxford's specific housing need. This is achieved by providing a larger number of smaller dwellings across the two sites which would be an improvement in terms of providing upgraded amenity spaces and dwellings that comply with modern space standards and are more energy efficient for future occupiers.
- 10.82. In addition, the design of the building has been explored and challenged throughout the lifespan of the application. The applicant has taken on board comments made by officers and Historic England to improve the overall design of the development and mitigate the harm to the historic environment and Historic England now raise no objection to the scheme.
- 10.83. The economic benefits are given less weight, with the creation of jobs for the lifetime of the construction of the development which could be achieved with any type of development.
- 10.84. Given this and having given great weight to the conservation of the designated heritage assets, it is considered that the benefits of the scheme collectively would outweigh the identified less than substantial harm and would comply with the requirements of paragraph 196 of the NPPF.

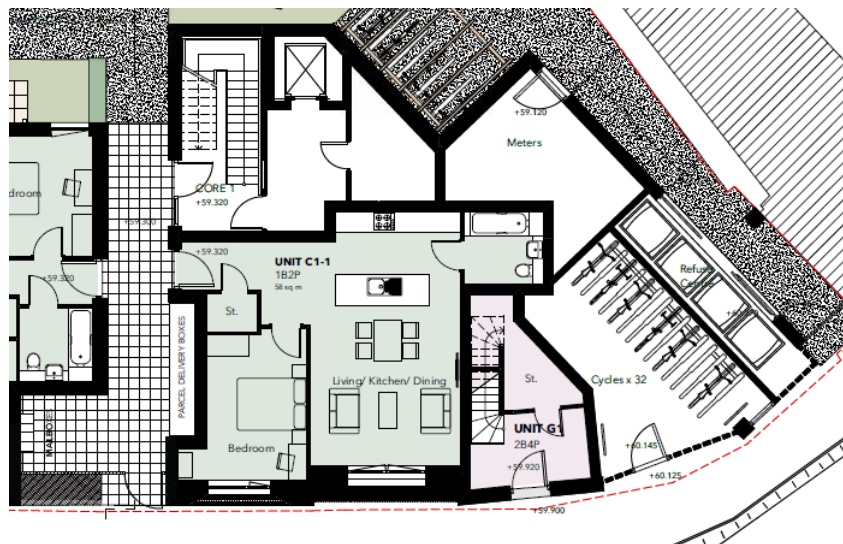
#### ***Public Art***

- 10.85. Policy CP14 of the Oxford Local Plan requires major development to provide public art. The inclusion of public art in developments allows for the development to contribute positively to the public realm as well as the development itself. The proposal does not include any public art and therefore a condition will be included requiring for it to be provided on the site, with the details to be agreed prior to its installation.

#### **iv. Residential amenity and impact on neighbouring amenity**

### ***Residential amenity***

- 10.86. Policy HP12 of the Sites and Housing Plan and H15 of the emerging Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development details the requirements.
- 10.87. The flats are proposed to be arranged over one or two floors and are split to accommodate two people within the one bed units and 3 or 4 people within the 2 bed units. The one bed units benefit from a floor of area between 50m<sup>2</sup> and 66m<sup>2</sup>. The two bed units benefit from a floor area between 64m<sup>2</sup> and 89m<sup>2</sup>. The flats would comply with the internal space standards. In addition the proposal recognises the impact of the former prison wall and seeks to provide dual aspect flats in a number of cases, where this is not possible those that have a single aspect are located where possible so they benefit from a southerly aspect allowing for good levels of light to enter the properties.
- 10.88. Policy HP13 of the Sites and Housing Plan specifies that planning permission will only be granted where new dwellings have direct and convenient access to an area of private outdoor space. 1 and 2 bedroom flats are expected to have access to a private balcony or direct access to a private or shared garden. All the dwellings are proposed to be provided with private amenity space apart from unit C1-1 which is a 1 bed flat and is located on the ground floor of Core 1. This unit is not surrounded by direct access to the rear due to cycle parking and the stairwell as shown in the floor plan below.



- 10.89. During the pre-application process it was discussed that a balcony could be provided to the front of the building. Officers had concerns with locating a private balcony at street level, given that the flat is located in a highly visible position facing on to a main road. The development benefits from outside communal space at ground floor level as well as a roof terrace which this flat along with the other flats will have access to. The lack of outside space for the one unit is therefore acceptable in this instance and would be an improvement over the existing provision. With regard to the other flats the

outside space is made up of a combination of balconies and outside gardens. The ground floor flats have gardens to the rear of the balcony with the upper floors benefiting from street facing balconies. The garden areas will be somewhat restricted with regard to outlook and light due to the high prison wall, but as they also have access to the communal areas the space is considered acceptable. Given this, the private spaces are in line with the recommended guidance set out in Policy HP13.

### ***Impact on neighbouring amenity***

- 10.90. The development is located in close proximity to a number of residential properties. Policy CP1 and CP10 of the Oxford Local Plan, Policy HP14 of the Sites and Housing Plan and Policy H14 of the Emerging Plan refer to safeguarding neighbouring amenity. Policy HP14 states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes.
- 10.91. Immediately to the north of the site is the castle complex and a block of residential flats which abuts the former prison wall. The former prison wall mostly acts as a screen between the two developments. Simon House is set back from the wall with the rear of the development mostly accommodating the external stairwell and access routes. The first four floors would be screened by the boundary wall. The roof of the fourth floor would be used as an external communal terrace. There are a number of windows located on the castle flats that would face on to the development site, although the flats main aspect is to the front (looking towards the castle). The fifth floor of Simon House would sit alongside the castle development site. The openings located in the fifth floor would mostly serve a corridor and therefore there would not be direct overlooking. Whilst the roof terrace would bring with it more activity in this high level location, it would be set back from the boundary wall and would be set down from the neighbouring windows and would benefit from the boundary wall to restrict views. The development is therefore not considered to give rise to unacceptable levels of overlooking or loss of privacy between the flats to the north and the development site mainly due to the existing arrangement with the former prison wall.
- 10.92. In addition due to the layout and the position of the former prison wall the development is not considered to be overbearing or unacceptably impact on the outlook or light available to the neighbouring flats in line with Policy HP14.
- 10.93. With regard to increased noise and nuisance, the site is located in close proximity to the Castle complex which benefits from a number of pubs and restaurants which have the associated noise impact of those uses. Given this, the increased level of residential accommodation is not considered to unacceptably increase the level of noise and nuisance in this City Centre location.
- 10.94. To the east of the site is 29 and 29A Castle Street, there is a further block of residential flats located above the Wetherspoon Pub. 29 and 29A is a commercial property that is in close proximity to the existing Simon House

property. Given the existing arrangement the proposed development would not have a materially different relationship to the building and the amenity of any commercial occupiers. Beyond 29 and 29A is a further residential block of flats located above the existing Wetherspoon's Pub. A number of the existing flats above the pub face on to the development site and benefit from balconies. The development proposes a number of terrace areas on this elevation facing on to the residential development. The separation distances between these spaces would be approximately 10m at the nearest point. Whilst there would be an element of mutual overlooking, given that the properties are located within a city centre location where there is already a relatively high level of overlooking between properties, the development is not considered to give rise to unacceptable levels of overlooking or loss of privacy. The building is considered to be sufficiently separated so not to be overbearing or to adversely impact outlook.

10.95. To the south of the property are a number of residential properties on Paradise Street. With regard to 21 Paradise Street, there is already a close relationship between the buildings with a number of existing windows facing on to each other and in to the courtyard of no.21. Whilst the development would result in a much higher building with more windows and openings the general relationship between the buildings would stay the same. There would be an increase in overlooking due to the increased number of windows proposed but given that the properties on Paradise Street face on to the main road and on to a number of windows in Simon House already, the development is not considered to give rise to unacceptable levels of overlooking. Furthermore in 2018 planning permission was granted for the change of use of the building (no.21) from B1/D1 use to short term lets. The building is split in to two parts, the cloisters and the lodgings. With regard to light available to the windows, the property in either the existing use as a B1/D1 use or the permitted short term lets do not benefit from the same level of amenity protection as residential dwellings due to the nature of the occupiers and the way in which the building is used. Notwithstanding this, weight is still given in order to preserve the amenity of occupiers of the building. Given the commercial nature of the building the 45/25 guidance is not engaged with regard to light available to the openings. Notwithstanding this, an assessment of the floor plan has been carried out. A number of the road facing windows benefit from a dual aspect room or benefit from more than one window allowing from increased daylight in to the building. The combination of this together with the use of the site as a commercial property is therefore considered, and the development of Simon House is not considered to result in unacceptable levels of amenity for the property.

10.96. Paradise Street also benefits from two public houses, The Castle and The Jolly Farmers which will be in close proximity to the development site. Another property that will be located opposite the development site is 19 Paradise Street which is in a B1 use. All these properties are commercial properties and therefore are afforded less protection with regard to amenity standards. The relationship between the properties are therefore considered acceptable.

- 10.97. Whilst the development of Simon House due to the increased height would bring with it a greater impact on the amenity of those in Paradise Street, given the site specifics, it is not considered that the impact would be so harmful as to justify refusal on this ground. Furthermore the site is located within a city centre location where this type of relationships between building and properties are common. The development is therefore not considered to have an unacceptable impact on the amenity of the properties in Paradise Street.
- 10.98. To the west of the site is a substation and then a block of student accommodation flats. The flats face on to Paradise Street and only benefits from a small window on the side elevation. Given the layout of the student accommodation flats and the separation distance between the developments, the proposal is not considered to have an unacceptable impact on the occupiers of the student accommodation flats.

#### **v. Highways**

- 10.99. The development proposes to be car free. Policy HP16 of the Sites and Housing plan sets out the criteria for car free developments. The policy states that planning permission will be granted for car-free or low-parking houses and flats in locations that have excellent access to public transport, are in a controlled parking zone, and are within 800 metres of a local supermarket or equivalent facilities.
- 10.100. The site is located in a highly sustainable location within the city centre and is walking distance to number of bus stops as well as the train station. In addition the site is located in close proximity to a number of shops most notably the Westgate shopping centre which includes a supermarket. The surrounding roads benefit from controlled parking zones and therefore the development is not considered to give rise to parking pressures on the surrounding highway. Oxfordshire County Council Highways have been consulted on the application and raise no objection to a car free development in this location.
- 10.101. Given the central location of the development and constrained nature of the site a number of conditions will be included specifically a construction management plan to ensure that the construction of the development does not have an adverse impact on the highway network. Given this a car free development is considered acceptable in this location and would comply with Policy HP16 of the Sites and Housing plan.
- 10.102. Policy HP15 of the Sites and Housing Plan relates to cycle parking. 60 cycle parking spaces are provided as part of the development. These spaces are proposed to be located within the building or in a covered location in the rear communal garden. Oxfordshire County Council initially had concerns with the way the cycle parking was to be provided as they have a preference for Sheffield stands. Due to the constraints of the site, the applicant is providing double stacked cycle parking within the building and Sheffield stands in the garden as there would not be the space to solely provide Sheffield stands within the development. This arrangement would offer the residents a choice between the two types of cycle stands. Highways raise no objection to this

approach and further details of the cycle parking will be requested as a planning condition.

#### **vi. Biodiversity**

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

10.104. The application was submitted with an Ecological Impact Assessment and officers are satisfied that the potential presence of protected habitats and species has been given due regard. The surveys have confirmed the likely absence of roosting bats within the site therefore a condition will be included to ensure the proposal provides ecological enhancements which will be secured through a condition. Officers are therefore satisfied that the development would not impact adversely on site biodiversity and the development would comply with the provisions of policy CS12 of the Core Strategy.

#### **vii. Sustainability**

10.105. Policy CS9 of the Core Strategy requires that all developments should seek to minimise their carbon emissions. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated.

10.106. Policy HP11 of the Sites and Housing Plan requires that developments of 10 or more dwellings are accompanied by an Energy Statement in order to demonstrate that 20% of all energy needs are obtained from renewable or low carbon resources. An Energy statement is provided alongside this application as required, which incorporates a series of recommendations in order to meet the required target of 20%.

10.107. The application seeks to meet this target through a combination of measures which include the using energy efficient lighting, low emissions gas boilers and the inclusion of solar panels on the roof of the development. The measures proposed would allow the development to meet the 20% target and would therefore be acceptable and comply with CS9 and HP11. The energy statement will therefore form part of the approved documents.

#### **viii. Drainage and Flooding**

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

## **ix. Environmental Health**

### ***Air Quality***

- 10.109. An air quality assessment was submitted as part of the application. The air quality has been considered for the construction and operation phase. The submitted details include mitigation measures to be incorporated as part of the demolition and construction period which can be conditioned as part of the application. The proposed development shows that the air quality levels in the air are predicted to be within relevant health-based air quality objectives. The proposal will therefore be acceptable with regard to policy CP23 of the Local Plan

### ***Noise***

- 10.110. CP21 of the Local Plan refers to noise. The site is located within a central city centre location and is already used for residential accommodation. The site is not considered to be close to a noise sensitive development. The proposal is therefore not considered to subject future occupiers to unacceptable levels of noise above and beyond what would be expected in a city centre location.

## **11. CONCLUSION**

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPPF. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

### ***Compliance with Development Plan Policies***

- 11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. The proposal is considered to comply with the development plan, where there is conflict in policy specifically with regard to the mix of housing this has been

identified and addressed. Where issues have been raised with regard to harm to the historic environment, in line with the NPPF paragraph 196 has been engaged. Whilst some harm has been identified to the historic environment, and whilst great weight has been given to the conservation of the designated heritage assets, taking in to account all the material considerations. It is considered that the benefits of the scheme would outweigh the less than substantial harm that has been identified.

#### *Material considerations*

- 11.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.6. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8. The proposal seeks to provide improved residential accommodation in a highly sustainable location, the proposal will not have an unacceptable impact on neighbouring amenity or the historic environment and conditions have been included to ensure this remains in the future. The proposal will allow for sufficient car and cycle parking and will provide biodiversity enhancements.
- 11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

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

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

- 2 Subject to conditions 5,8 and 22. The development permitted shall be constructed in complete accordance with the specifications in the application



and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

- 3 Samples of the exterior materials to be used shall be made available to view on site to planning officers, and shall have been submitted to and approved in writing by, the Local Planning Authority prior to the above ground construction phase starting and only the approved materials shall be used.

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

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

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

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

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

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

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

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

The development shall be carried out in accordance with the approved plan.

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

- 8 Notwithstanding the details provided, details of the balconies, windows and doors shall be agreed in writing by the local planning authority prior to above ground construction work commencing. The details shall include material, colour and design. The development shall be completed in accordance with the approved details.

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

- 9 Prior to first occupation a Travel Information Pack for all residents shall be submitted to and approved in writing by the Local Planning Authority. The approved pack shall be distributed to all residents at the point of their occupation.

Reason: To promote the use of sustainable transport in accordance with policy TR2 of the Oxford Local Plan.

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

approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

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

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

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

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

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

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

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

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

- 13 No development (including demolition) shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in page 11 of the Air Quality Assessment that was submitted with this application (document ref. number: 422.08737.00004). The

development shall then be completed in accordance with the approved plan throughout the development of the site.

Reason - to ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001- 2016.

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

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

- 15 Prior to the commencement of any above ground development, a detailed scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall measurable net gain in biodiversity will be achieved. The scheme shall include details and locations of native landscape planting of known benefit to wildlife, artificial roost features, including bird and bat boxes, and a minimum of three dedicated swift boxes. The development shall then be completed in accordance with the approved enhancements.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

- 16 No below ground works shall take place until a written scheme of investigation (WSI) for archaeological recording of surface archaeology and a full section of the castle bailey ditch and related programme of public outreach 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 medieval and post-medieval remains in accordance with Local Plan Policy HE2.

- 17 No demolition shall take place until a detailed method statement for staged demolition works, encompassing a methodology for:
- a. the protection of the adjacent listed building at 29a Castle Street,
  - b. provision for demolition to slab level to facilitate archaeological excavation and
  - c. subsequently the sensitive removal of existing basement slab and walls in a manner designed to protect adjacent in-situ archaeology, has been approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority."

Reason: To ensure that demolition works avoid unnecessary disturbance to in-situ archaeological remains and facilitate an appropriate programme of archaeological recording in accordance with Local Plan Policy HE2.

- 18 No below ground works (excepting archaeological works) shall take place until a detailed design for foundations; other ground-works; intrusive landscaping; and a method statement for their construction in areas of archaeological potential; have been submitted to and approved in writing by the Local Planning Authority.
- All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority."

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

- 19 No site construction works shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of ground water monitoring and reporting over a five year period in accordance with a method statement which has been submitted to and approved in writing by the local planning authority. All works shall be carried out and completed in accordance with the approved programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To establish the impact of new piled foundations on the hydrology of the site in order to inform future management of the wider asset and in mitigation of the development impact in accordance with Local Plan Policy HE2

- 20 Prior to the commencement of construction works above ground level a detailed landscape plan showing the details of all soft and hard landscaping including that of the roof garden (including pergola) shall be submitted to and approved in writing by the Local Planning Authority . The approved landscaping scheme shall be completed in accordance with the approved roof garden details and the ground level specification on drawing no.0734.1.3 Rev

as hereby approved no later than the first planting season following first occupation of the development.

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

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

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

- 22 Notwithstanding the plans provided, detailed plans and specification of the solar panels and their positioning on the building shall be provided to and approved in writing by, the Local Planning Authority prior to their installation and only the approved details shall be incorporated.

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

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

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

#### INFORMATIVES :-

1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

### **14. HUMAN RIGHTS ACT 1998**

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

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

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

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# Appendix 1

## 18/03370/FUL - Simon House

Proposed block plan



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## WEST AREA PLANNING COMMITTEE

10 September 2019

<b>Application number:</b>	18/02982/FUL		
<b>Decision due by</b>	18 February 2019		
<b>Extension of time</b>	Not applicable as a Planning Performance Agreement is in place		
<b>Proposal</b>	The conversion, redevelopment and extension of Osney Power Station to a Centre of Executive Education to be run by Said Business School.		
<b>Site address</b>	The Old Power Station, 17 Russell Street, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	Julia Drzewicka		
<b>Agent:</b>	Mr Peter Brampton	<b>Applicant:</b>	The Chancellor, Masters And Scholars Of The University Of Oxford
<b>Reason at Committee</b>	The application is before the committee because it is a major application. Deferred by the West Area Planning Committee from 9 July 2019 Committee.		

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### 1. RECOMMENDATION

- 1.1. West Area Planning Committee is recommended to:
- 1.2. **approve the application** for the reasons given in the report and subject to
  - 1.2.1. the required planning conditions set out in section 12 of this report and grant planning permission and subject to:
  - 1.2.2. the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report;
  - 1.2.3. and grant planning permission;
- 1.3. **agree to delegate authority** to the Acting Head of Planning Services to:
  - 1.3.1. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of

Planning Services considers reasonably necessary; and

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

## **2. EXECUTIVE SUMMARY**

- 2.1. The application was considered at the 9 July West Area Planning Committee. At that Committee, Members were addressed by members of the public and the Applicant. The Committee asked questions of the officers and public speakers about the details of the application. The Committee discussion focussed on matters relating to the impact of the development on the neighbouring properties and the rationale for the size of the development and questioned whether it could be viable at a reduced size.
- 2.2. The Committee agreed to defer the application to enable further details to be provided by the applicant relating to the viability of the proposal and evidence to support the assertion by the applicant that any reduction in the scale of the development would make it unviable.
- 2.3. Following the 9 July West Area Planning Committee the applicant has taken the opportunity to make further amendments to the proposed scheme in order to address issues raised during the committee meeting. This has resulted in revised plans being submitted setting the new third gabled veil-clad extension back by a further 1.2m away from the Arthur Street properties and the submission of further information demonstrating the need for the proposed development and the quantum of facilities proposed. The number of bedrooms has not been reduced from the originally submitted proposal.
- 2.4. The viability discussed in this report refers to an “educational viability” i.e. how the course and residential accommodation can work together to be successful. The existing facility at Egrove Park does not meet the Said Business School’s need to provide a high quality Centre as a result of the limitations it imposes due to its size, the quality of and exclusivity of facilities and consequently its international recognition. The statement submitted by the applicant states that the excess accommodation capacity at Egrove Park is rented into the B&B market. However, this is because of the limited client demand to stay specifically at Egrove Park, rather than insufficient demand for the courses offered by the School.
- 2.5. The applicant has provided a further statement to demonstrate the need and to justify the quantum of facilities proposed. Executive education comprises two markets. One is the custom executive education and the other is open

executive education; both would be provided in the proposed Executive Education Centre. The nature of the proposed Executive Education Centre is driven by the type of participants and the educational impact that the offered courses have; the nature of this proposed use is considered below.

- 2.6. The Said Business School has run executive education programmes for over twenty years. The School and its leaders have extensive experience and understanding of the market through personal experiences and knowledge of its competitors of this high level market, which has informed the brief for the redevelopment of the former Osney Power Station. The overall size of the facility including teaching space, teaching room size, number of rooms of different sizes, size and required function of breakout space, and residential accommodation has been modelled on the anticipated scenarios for programme demand, typical course sizes and the pedagogical requirements of the programmes. The statement states that following a balanced portfolio of programmes running in parallel the long term modelling shows that custom and open programmes running in parallel would result in a total demand of 122 participants.
- 2.7. The size of the development has been modelled based on the educational needs of a world class educational programme. The space proposed would allow a degree of flexibility in terms of the size of the groups to be accommodated. Furthermore, the ancillary accommodation provided would enable the participants to collaborate both formally and informally to socialise, integrate and discuss in a similar manner to the interaction that inspires world class ideas across the University at present. Importantly, the proposed development with its extensions would enable a non-designated heritage asset (locally significant heritage asset) to continue to have a functional use whilst preserving its local significance including important elements of its design and fabric that were an important part of the building's earlier uses.
- 2.8. This report considers an application to convert and extend the existing Osney Power Station into a Global Leadership Centre for Executive Education (sui generis use). The Centre would be run by the Said Business School. The proposed development involves the retention, refurbishment, alteration, conversion of the existing building and extensions in order to provide 121 ensuite bedrooms. Six of the ensuite bedrooms are proposed to be accessible. The proposals would also create four teaching rooms, breakout areas, kitchen, restaurant, bar facilities, a terrace overlooking the River Thames, gym, internal courtyard garden, two accessible off-street car-parking spaces (both for use by Blue Badge Holders), cycle spaces and landscaping.
- 2.9. Amended plans were received on 12 April 2019 to overcome the Officers' concerns in terms of the impact on the neighbouring properties, design and heritage impact, sustainability, flood risk, archaeology, cycle and car parking. Those amended plans and additional information were the subject of additional public consultation. Further amendments were received on the 23 May 2019. These amendments included the retention of windows dating from 1904 on the western elevation of the building and further technical information in terms of noise, sunlight/daylight and further justification in terms of number of rooms. Further information regarding archaeology and foundation design

was submitted on the 31 May 2019. Following the 9 July West Area Planning Committee, the applicant submitted further amendments, which included moving the new third gabled veil-clad extension by a further 1.2m from Arthur Street.

- 2.10. An extensive and positive period of pre-application discussions preceded the submission of the application. Furthermore, the scheme has been presented to the Oxford Design Review Panel on two occasions (a workshop session in March 2018 and a detailed full review session in June 2018). The design of the alterations and additions to the building have been carefully considered and developed to take account of the concerns that have been raised and identified throughout the design process and the concerns in terms of the impact of the proposal on neighbouring properties. The design response is intelligent, responding carefully to the significant form and detailing of the surviving building elements and to the important elements within the building that identify its former functions both original and more recent. The presented design has evolved to thoughtfully mitigate the impact of the changes that result from the proposed use of the building and to preserve the important contribution that the building makes to the story of Oxford.
- 2.11. The proposed alterations and additions to the existing Power Station building would not result in any harm to the Osney Town Conservation Area, Central Conservation Area and important views of the city. A low level of less than substantial harm would result in terms of archaeology, however this harm would be mitigated by the foundation's design and would be outweighed by public benefits. The scheme would have an impact on the neighbouring properties, this is caused mostly by the underdeveloped part of the building and the scale of the proposed additions. It is considered that this impact, given the current massing and scale of the existing Power Station, its relation to the surrounding smaller residential units, design and materials of the proposed development, compliance of 45-degree guidance, new landscaping, distance between the new third gabled veil-clad extension and neighbouring windows, would not be so harmful as to warrant a refusal. The scheme is robustly justified and would ensure the survival of a building that is considered to make an important contribution to the history of the city.
- 2.12. Officers consider that the proposal would accord with the policies of the development plan and other material considerations and on balance recommend that planning permission should be granted. The scheme would also accord with the aims and objectives of the National Planning Policy Framework for the reasons set out within the report and would constitute sustainable development. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay.

### **3. LEGAL AGREEMENT**

- 3.1. This application is subject to a legal agreement to cover an affordable housing contribution and a variation of the traffic order as requested by the Oxfordshire County Council.

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

- 4.1. The proposal is liable for CIL. The total amount required is £296,476.50.

## **5. SITE AND SURROUNDINGS**

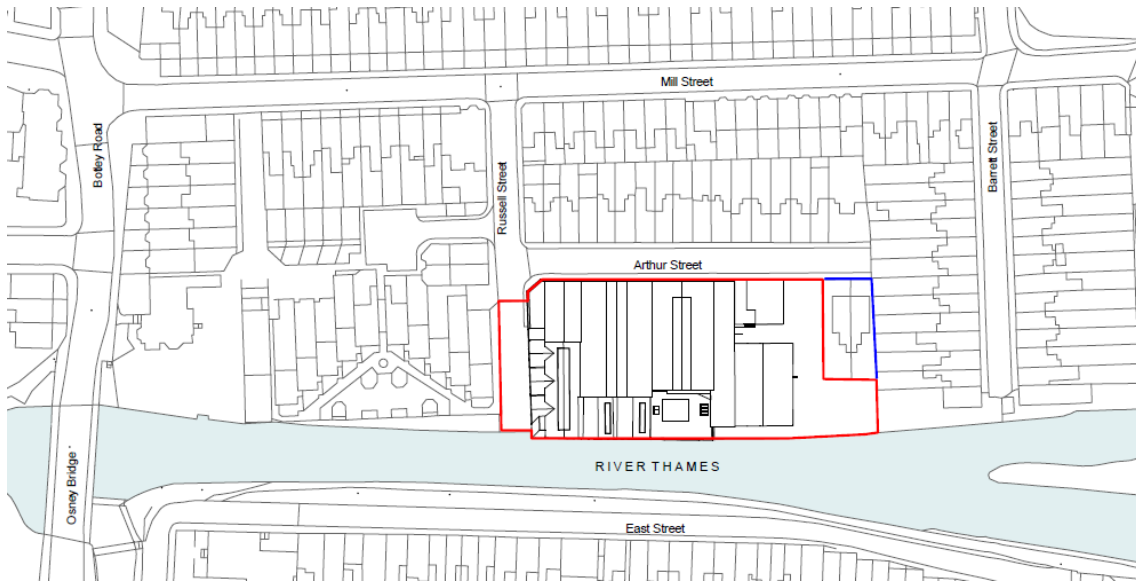
- 5.1. The site consists of the large former power station and associated parking area. The existing building is a large industrial building with red brick and metal gables. The power station was built at Cannon Wharf in 1892 for the Oxford Electric Company Ltd. The significance of the building derives from its historical background, its origin as a power station built in 1892, on land occupied at the time by a Builder's Yard and terraces of housing, following the creation of an Electric Lighting Order by Parliament in 1890 and the subsequent founding of the Oxford Electric Company in 1891. The earliest part of the building that dates from this period can still be seen in the multiple gabled elements of the building with highly decorative brickwork that forms the current western façade of the building and that sits directly against the river's edge. The large, metal clad building elements that sit above the original façade and whose eastern enclosing walls overshadow the domestic 19<sup>th</sup> Century terraces of Arthur Street (housing built to accommodate the factory workers as well as those employed on the railways) were part of the early 20<sup>th</sup> Century modernisation of the power station which include the steam turbines and modern boilers. Changes at this time also included the alterations to the Russell Street building element, the increased building volume and the loss of some of the highly decorative brick detailing that still survives on the western façade. The building's distinctive architectural elements and individual and differing forms offer evidence of an architectural significance much linked to the changing nature of the equipment required to fulfil both industrial and research building functions. The building underwent further changes in the 1960's, which offered a short extension of its operating period until its final closure in 1969. After this closure, the building was taken over by the University's Engineering Department. The site benefits from a planning permission granted in 1969 (ref.69/22039/A\_H) for Engineering and Science research and teaching and general storage space for University purposes from use as a disused Power Station. The University's Engineering Department carried out various research/experiments on site. In this latest use, the building has contributed to significant research projects with internationally recognised outcomes. From 1974 Oxford Power Station became the location where hydroponics and gas turbine experiments were carried out by the University Department of Engineering Science until 2008. The existing building is largely unused except a small part of the building is used as storage for Pitt Rivers museum. The site remains in use as a University of Oxford site.
- 5.2. The site is located to the south of Botley Road. The site lies approximately 400m from the railway station and approximately 500m from the main Said Business School. The site lies within the predominately residential area of New Osney on the corner of Russell Street and Arthur Street and is bounded by the River Thames itself to the west. To the south of the site is a pair of semi-detached residential properties (Nos 18 and 19 Arthur Street) owned by the University and residential properties accessed from Barrett Street. Arthur Street features two-storey terraced houses which front the Power Station. Three storey terraced properties nos. 1-14 Russell Street are located to the north of the site and their front elevation faces the river, therefore only the side

elevation of No. 14 Russell Street faces the Power Station. No. 15 and No. 16 Russell Street are two-storey semi-detached properties and these face the junction of Arthur Street and Russell Street. The site is not situated within a conservation area, although it is adjacent to the Osney Town Conservation Area to the west. The building is considered a unique asset within the city and is recognised for its former industrial function. The building is not included in the national statutory list but has been identified as of local significance and is therefore included on the Oxford Heritage Asset Register (OHAR), which comprises a list of buildings of local significance which fall into the category of undesignated heritage assets, as defined in the National Planning Policy Framework. The building illustrates the development of West Oxford as an industrial suburb with a large industrial building set amongst the narrow streets of housing that continued to be built up to the end of the 19th Century. The clear evidence of the former industrial function of the site and buildings are shown in its form, scale and appearance.

- 5.3. The site is located within the Transport Central Area, City Centre Archaeological Area and mostly within Flood Zone 2 with a small raised area in the south of the site falling in Flood Zone 1. The River Thames forms the western boundary and the building sits hard against the river's edge. The site is surrounded by small scale domestic early 20<sup>th</sup> Century terraces characteristic of the surrounding Osney Town Conservation Area. On the other side of the river is East Street, which falls within the Osney Town Conservation Area. The properties along East Street are located approximately 25m away from the western boundary of the application site. The properties along Arthur Street are located approximately 9m away from the existing retained East elevation. Properties along Russell Street are located approximately 9m from the existing North elevation. The rear elevation of No. 25 Barrett Street is located approximately 18m away from the south elevation of the proposed development. The two cottages 18 & 19 Arthur Street, which are within the ownership of the applicant, are immediately adjacent to the application site.

- 5.4. A site location plan is shown below:





- 5.5. A block plan below shows approximate distances between the application site and surrounding properties (please note that larger version of this plan is provided in Appendix 2)



## 6. PROPOSAL

- 6.1. The application proposes the conversion, redevelopment and extension of Osney Power Station to create a Centre of Executive Education, which would be run by the Said Business School. The Said Business School currently runs these courses in Egrove Park in Kennington. There are currently 63 bedrooms available in Egrove Park. The planning statement submitted with this application states that the facilities at Egrove Park are extremely dated and the capacity of the building is insufficient. Furthermore, Egrove Park is located far from the main Said Business School and outside the city. The statement provided with the application states that the existing 63 bedrooms are not sufficient to meet the demand for accommodation and as a consequence, the

School is putting the participants in hotels within the City, which is putting pressure on the Oxford hotel market and short-let accommodation.

- 6.2. The application site is located within walking distance of the main Said Business School Campus, city centre and railway station and therefore it makes this site very sustainable. The programmes run by the Business School would be for around 30 to 40 course participants and each course would run for a week. The Business School expects to run four programmes in a typical week. The size and massing of the proposed building including the accommodation and teaching spaces have been informed by a detailed modelling of the applicant's likely demand over the coming years. The Business School considers that its optimum arrangement is to run up to four consecutive courses or groups in the building as this enables the most effective use of resource. The development is proposing 121 bedrooms, which reflects the number of participants per course per week. The teaching spaces have been based on the number of participants expected to attend the course. The sizes of the teaching rooms are flexible to allow for smaller or larger groups to be accommodated but with a maximum capacity of 50 people.
- 6.3. The proposed development would reduce the pressure on the Oxford hotel market and short-let accommodation, would provide a better link between the main Business School building and the wider University of Oxford and Oxford city itself and would bring a locally significant building back into use. The existing Power Station building is a large building with large internal volumes indicative of its former industrial function and clearly evident in its form, scale and appearance. The amended CIL form submitted with the application states that the Gross Internal Floorspace of the existing building is 7,530sqm and the Gross Internal Floorspace proposed is 8,825sqm. The proposed development would be bigger in scale compared to the surrounding properties however the existing scale of the building on the site is already of a far greater scale than the surrounding properties. A lot of negotiation has taken place to reduce the scale of the proposal. The Applicant provided a statement justifying the need for the space proposed.
- 6.4. The latest additions to the existing building such as the extension on the corner of Russell Street and Arthur Street and extensions along the boundary with No. 18 Arthur Street are proposed to be demolished. The application proposes to retain the majority of the existing building and also proposes the erection of additional extensions. The proposal comprises the creation of 115 standard en-suite bedrooms and 6 accessible en-suite bedrooms. The building is designed to have two principal spaces, which would form the hub of activity within the building. The first space, which would be encountered on entering the building, would be the 'Agora', which is proposed to be a multi-functional space including the reception and lobby as well as a breakout area offering access to other parts of the building. The second space has been designed as an 'internal courtyard' which would be surrounded by bedrooms, teaching rooms and a library. This space would create a great breakout area and create a link between the outdoor and indoor spaces. The existing open space at the western end of Russell Street onto which the principal entrance to the building would face is proposed to be landscaped to provide an improved and more inviting space that leads down to the River Thames. This new landscaped

space would be accessible for the public, local residents, course participants and employees.

- 6.5. There are currently 25 car parking spaces on site. The development proposes to reduce the off-street car parking spaces from 25 to only 2 disabled car parking spaces, which is considered to be acceptable given the location of the site. An operational space for services is proposed, which would be used for the servicing of the building. In the interest of highway safety and for the efficient operation of the road network a condition is recommended to be imposed to ensure that a delivery and servicing management plan including a maximum waiting time for this space is to be submitted for consideration and approval by the Local Planning Authority.
- 6.6. Along Arthur Street 8 cycle stands providing storage for 16 bikes are being proposed along with some planting and landscaping to create public cycle storage. There is a further 14sqm cycle store proposed within the building. The submitted Addendum Design and Access Statement shows that the internal cycle store could fit 17 bikes. Therefore, there would be a total cycle storage provision for 33 bikes. A condition is recommended to be imposed to ensure that final details of the internal and external cycle storage shall be submitted to and approved in writing by the Local Planning Authority.
- 6.7. The ground floor plan shows the main entrance to the building from Russell Street, 'Agora'- multi-functional area, circulation area, breakout rooms, media room, kitchen, dining rooms, classroom, bar, gym and therapy rooms, plant rooms and a terrace looking out to the river. The first floor plan shows a courtyard, breakout areas, classrooms, breakout rooms, library and en-suite bedrooms. The second floor plan shows bedrooms and small rooms for storage. The third floor plan shows bedrooms, a breakout space and small rooms for storage. The fourth floor plan shows bedrooms, double height breakout space and storage spaces. The fifth floor plan shows plant space for the air handling units (AHU) and the chillers. The roof plan shows the location of the photovoltaic panels on the southern roofslope of the pitched roofs, louvre panels which connect to the supply and extract ducts of the AHU's located on the roof surface. The roof plan also shows green roofs and rooflights.
- 6.8. The proposed development would enable the Said Business School to provide facilities within close proximity and relationship to the main Said Business School Campus and would allow the applicant to provide on-site accommodation. The creation of on-site accommodation frees up the accommodation in the City's hotels that would otherwise be used by the Business School and it would enable the re-use of an essentially redundant/underused building of some historic and architectural significance.
- 6.9. The proposed materials are red multi brick for new extensions and engineering brick for the riverside extension. The proposed exposed metalwork would be finished in a slate grey colour and this includes windows, external doors and internal/external balustrades. Blackened steel and glazed walling is proposed for the integrated revolving door for the entrance. A slate roof is proposed for the low-rise riverside element and Russell Street buildings along with cast iron

rainwater goods, a metal standing seam roof (which would be finished in dark grey to the 'industrial sheds'). A perforated pleated pre-weathered zinc or anodised aluminium (in light grey) is proposed for the proposed 'veil'; the internal façade of the 'veil' would be a metal standing seam cladding. The glass for the internal veiled façade would be clear for the bedrooms and translucent for the bathrooms. The windows would be Crittall-style.

- 6.10. The landscape plan shows five landscape zones. Extensive landscaping of the application site is proposed including the creation of new public space along Arthur Street, which would improve the outlook from properties along Arthur Street. A new public space along Russell Street is proposed which would create a much more pleasant public access to the riverbank and much enhanced entrance to the building, internal courtyard, riverside terrace and green roofs.

## 7. RELEVANT PLANNING HISTORY

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

69/22039/A\_H - Change of use to private research and teaching facilities for the Department of Engineering and Science and general storage space for University purposes from disused Power Station (The Old Power Station, 17 Russell Street and 18 and 19 Arthur Street). Approved

72/26001/A\_H - Alterations and extensions to disused power station to form university science park. Approved

76/00922/AA\_H - Erection of proprietary prefabricated building to accommodate simple technological unit for the Department of Engineering (reserved matters). Approved

76/00922/A\_H - Outline application for erection of prefabricated temporary building for use as technological development unit. Temporary permission

97/01018/NF - Re-cladding and re-roofing work to Pitt Rivers Museum store.. Approved

02/01015/FUL - Erection of covered bicycle stands and associated hoops. Provision of pass gates in existing 2.2 metre high vehicular gate. Approved

16/02040/FUL - Erection of a double portacabin for use as a welfare facility for a temporary period of 3 years. Approved

## 8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

Topic	National Planning	Local Plan	Core Strategy	Emerging Local Plan	Other planning
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	Policy Framework				documents
<b>Design</b>	8, 11, 124-132	CP1, CP6, CP8, CP9 CP10	CS2, CS18	RE1, RE2, DH1	
<b>Conservation/ Heritage</b>	124,127-131, 184, 189-202	HE2, HE3, HE6, HE7, HE9, HE10, HE11		DH3	
<b>Commercial</b>	1, 2		CS24, CS27, CS29	SP49, E2	
<b>Natural environment</b>	133-142, 148-165, 170-183		CS9, CS11, CS12	RE3, RE4, RE6, RE7, RE9, G2, G3, G7	
<b>Social and community</b>	91-93	CP13, CP14, CP19, CP20	CS19, CS21	G5	HP14 Sites and Housing Plan
<b>Transport</b>	102-111	TR1, TR2, TR3, TR4, TR11, TR12, TR13, TR14	CS13, CS17	M1, M3, M5	Parking Standards SPD
<b>Environmental</b>	10	CP11, CP17, CP18, CP21, CP22, CP23 NE14, NE15, NE21	CS10		Energy Statement TAN
<b>Miscellaneous</b>	7-12, 47,48				

*\*Only limited weight can be given to policies in the emerging Oxford Local Plan 2036 as the plan is currently at Proposed Submission Draft stage.*

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 26 November 2018 and an advertisement was published in The Oxford Times newspaper on 22 November 2018. Following the submission of additional information that was requested by officers, additional site notices were displayed on 18 April 2019 and an advertisement was published in The Oxford Times newspaper on 18 April 2019. Following the 9 July West Area Planning Committee, further consultation has been undertaken on the amended plans and information submitted. Site notices were displayed around the application site on 8 August 2019 and an advertisement was published in The Oxford Times newspaper on 8 August 2019. The consultation expired on the 22 August 2019.

### Statutory consultees

#### Oxfordshire County Council -Transport Development Control

- 9.2. Comment 1 May 2019- The County Council did not object to the proposal subject to conditions securing the details of cycle parking, car parking, travel and construction management plan. Comment 6 June 2019- the previously submitted comments still suffice.

#### Oxfordshire County Council- Lead Local Flood Authority

- 9.3. Comment 1 May 2019- objection- it has not been demonstrated that flood risk will not be increased elsewhere post development (needs to be confirmed by the Environment Agency); it has not been demonstrated there will be safe access and egress to the site (needs to be reviewed by Emergency Planning Officer). Whilst in principle we would have no issues regarding the proposal of green roofs and above ground storage, we would have concerns with how the scheme will develop to ensure that the surface water can be managed appropriately on the site due to it being located within flood zones 2 & 3 and the FRA has not demonstrated how this will be achieved for the whole site. I note that comments made by the LLFA previously stated that the proposals are not in line with our requirements. Proposals will need to come forward in line with the above guidance. We have previously suggested a condition to deal with surface water drainage and suggest this condition is revised to ensure compliance with the Oxfordshire Local Standards. Comment 19 June 2019- objection – inadequate information and justification provided to enable a full technical assessment- The revised FRA dated 29 May 2019 by Clive Onions Consulting Civil Engineer is at Concept Stage. This should be worked up to Outline Design supported by relevant plans, long/cross sectional drawings, written statements of intent. The drainage proposals are not in line with local and national standards. Email dated 19 June 2019 has been received- The officer states that he does not object to the proposal subject to the condition provided in comment dated 1 May 2019.

#### Environment Agency

- 9.4. Comment 24 May 2019- Further to our letter dated 2 May 2019, the final issue concerning the lobby doors has now been resolved by a change of design to incorporate louvres to allow water entry into the area, whether open or left closed. We are now in a position to withdraw our objection to the proposed development providing the conditions are applied to any planning permission granted.

#### Natural England

- 9.5. No comments.

#### Historic England

- 9.6. Comment 1 May 2019- The revised proposals have subtly altered the window proportions and details on the north elevation and additional modelling has been introduced to the west elevation of the proposed new north wing. While these are relatively minor changes in our view they would significantly improve

the appearance of this part of the building and address our concerns regarding the design. The way in which the new southern wing has been brought forward more increases the sense of articulation on the west side of the building. We have no objection to replacing post 1948 windows and of the 1930s section of the west elevation, as these are standard pattern Crittal windows of limited significance. Comment 31 May 2019- If the original windows are retained as in drawing 1781-JMP-XX-DR-A-4104 the concerns about this application in my previous letter would be addressed and we would raise no objections on heritage grounds to granting planning permission.

#### Thames Valley Police

- 9.7. To ensure that the opportunity to design out crime is not missed and the proposals are constructed as indicated, a condition shall be placed upon any approval for this application.

#### Thames Water

- 9.8. Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above application. Thames Water recommends an informative be attached to the planning permission.

#### Canal and River Trust

- 9.9. The Canal and River Trust stated that consultation with the Trust is not required for this application.

#### **Public representations**

- 9.10. 21 local people commented on this application from addresses in Abbey Walk, Arthur Street, Barrett Street, Bridge Street, East Street, Millbank, Mill Street and West Street. Oxford Civic Society, Oxford Preservation Trust, Oxfordshire Architectural & Historical Society, local councillor and Cyclox also commented on the proposal.
- 9.11. In summary, the main points of the comments were:
- In support of application. Business school has made an exemplary effort to respect neighbourhood concerns; good design; positive impact on the area
  - No quality reference to the scale and limitations of the route to/from the building via Mill Street; Russell Street and Arthur Street
  - Suggestion that a resource centre and public exhibition area be incorporated in the design
  - Loss of light and privacy for neighbouring properties – ridge height too massive
  - Development is too large- large increase in the footprint- the development should be scaled back

- Concerns that the proposed roof terrace will be overlooking residential properties
- Noise levels to increase when people are stood on the terrace affecting the noise environment in a quiet residential street
- Support to the re-use of the site and building – care has been taken to ensure that the proposed design still allows the building to read as a former power station
- Concern over the use, the increase in scale, mass and height of the development
- Proposal does not conform with the Assessment of the Oxford View Cones (2015)
- No attempt to use the methodology clearly set out in the Assessment of the Oxford View Cones
- Harmful impact upon views in and out of the city
- Proposal is too large and too dominant
- The materials proposed will make it stand out (metal sheeting); light coming through will shine out adding to light pollution
- Conservation Area – no reference made in the planning statement
- Proposal does not add any benefit or positive impact to the area (conservation area and Oxford skyline)
- Proposal fails to comply with policy CP10 of the Oxford Local Plan
- Loss of daylight and outlook to residential properties, overshadowing
- Proposed five storey extension to the southern end of the power station will cause considerable harm to daylight levels and outlook from the ground and first floor habitable rooms. This extension should be removed from the scheme
- Impact on parking restrictions in the area. Double yellow lines and resident's permit holders operate in the area. Massive shortfall of proposed parking for the development
- Key benefit is bringing a redundant building back into use, this should not be at the expense of residential amenity, the character of Arthur Street and securing safe and suitable access
- The scale of the property is already dominant and of a considerable size. Any increase in the scale would be excessive spoiling the character of the area, as well as overbearing to the residential streets surrounding the building
- Large opening doors in the design – resulting in a much higher risk of light pollution; rise of noise disturbance; overlooking to residential street
- Proposal of tree planting will do little to reduce the impact of overlooking
- Proposed plant and machinery on ground floor will run continuously and will be particularly noticeable at night and at weekends (when resident's windows will be open)
- Plans show no provision for smoking shelters – if to be provided, need to be away from residential houses
- Refuse area needs to be away from residential houses – therefore ensuring that bins are emptied/stored away and managed so that they are returned and not left in the street
- Site is within flooding area – consideration needs to be given and an assessment to mitigate flooding



- Concerns of the potential early mornings/late nights of the kitchen and dining room is being used
- Concerns over drainage capacity in Arthur Street and Russell Street – there is only one drain in Arthur Street on either side of the road
- The size of the proposal is driven by the number of bedrooms and the associated learning infrastructure around the 130 accommodated students – does the University need so many bedrooms?
- Concerns the accommodation could be used by Air BnB
- Concerns with waste/sewage drainage system
- Concerns with state of the surrounding roads
- Concerns regarding the disruption during the construction
- Concerns with noise, lighting
- Noise and use conditions
- Convert the building to residential use – alternative occupiers
- Problems with accessing the documents online

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Archaeology
- iv. Neighbouring amenity
- v. Landscaping and trees
- vi. Biodiversity
- vii. Energy and Sustainability
- viii. Contamination
- ix. Flooding and drainage
- x. Transport
- xi. Noise
- xii. Air Quality
- xiii. Waste
- xiv. Safety
- xv. Affordable housing

### **i. Principle of development**

10.2. The site consists of an old power station which is owned and occupied the by University of Oxford. The site includes a large redundant and underused building. Only part of the building is being used as a temporary store for some of the University's museum artefacts and this is going to cease in 2019, regardless of the outcome of this application. The site benefits from planning

permission to use the site for academic purposes (University Department of Engineering Science) and storage use (University museums) and therefore the development does not propose to create a new academic space but is proposing to re-use and extend an existing academic site.

- 10.3. The proposed development would constitute a sui generis use given the nature of the proposed development. The main use of the building would be educational use and it would be associated with the University of Oxford's Said Business School. The residential facilities provided in the building would be an ancillary use and would be strictly associated with the proposed teaching use as they are part of residential courses. The proposed rooms would be let on a short term basis for a week at a time. Given the proportion of teaching spaces to residential type use, the proposed use would not fall wholly into education use either. Therefore, as stated above the proposal would constitute a sui generis use as it would not fall wholly into educational or residential use. There is no planning policy to retain the existing use of the building for research purposes. There is also no general policy that deals with a use such as this and therefore the proposal would not be contrary to any policy in terms of the principle of development.
- 10.4. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. Policy CS2 of the Core Strategy states that development will be focused on previously developed land. The site would constitute previously developed land as defined by the NPPF. The proposal to develop and bring this building back into a viable use would accord with the aims of the NPPF and the Oxford Core Strategy with respect to developing previously developed sites. The proposal would make the best and most efficient use of this large redundant building in the city.
- 10.5. The preamble to Policy CS16 (access to education) of the Oxford Core Strategy (paragraph 5.3.5) states that Oxford Brookes University and the University of Oxford both have plans to improve facilities for the provision of higher education within the city. Policy CS16 of the Core Strategy states that planning permission will only be granted for new education facilities in locations accessible by walking, cycling and public transport. Provision for community as well as educational use will be sought. The site is located in a very sustainable location and therefore it complies with the policy in this regard. The applicant has stated in their submission that due to the nature of the proposed development, there will be limited public access to the building as the educational uses will need to take priority. However, it also states that the Business School will try to make this building accessible to the wider community during the periods where there is not heavy demand for the courses. Given the nature of the proposed use, the location of the site, close proximity to the main Said Business School campus and the great public transport in the locality it is considered that the proposal complies in terms of the requirement of Policy CS16.
- 10.6. Policy CS24 (affordable housing) of the Core Strategy states that planning permission will only be granted for commercial development that provides affordable housing to meet additional demand created. The affordable housing

contribution is discussed in Section XV of this report. The affordable housing contribution would be secured by a Section 106 legal agreement and therefore the proposal complies in this regard.

- 10.7. Policy CS27 (sustainable economy) of the Core Strategy states that the City Council will support Oxford's key employment sectors and clusters, whilst maintaining the necessary infrastructure and local services to ensure a sustainable economy. Policy CS28 (employment sites) of the Core Strategy states that planning permission will only be granted for the modernisation and regeneration of any employment site if it can be demonstrated that new development secures or creates employment important to Oxford's local workforce, allows for higher-density development that seeks to make the best and most efficient use of land and does not cause unacceptable environmental intrusion or nuisance. The preamble to Policy CS29 (universities) of the Core Strategy states that the higher education and health sectors, and the wider activities generated by them, contribute significantly to the growth and competitiveness of Oxford's economy. Policy CS29 of the Core Strategy states that planning permission will be granted for new academic floorspace on existing University of Oxford sites, increasing density where proposals respect the character and setting of Oxford's historic core. This is an existing University of Oxford site and the proposed use would be within close proximity to the main Said Business School campus. The University of Oxford is one of the key employers in the city. The existing facilities are located outside of the city, therefore the proposed development and its use, due to its location within Oxford, its close proximity to the city centre, within the existing infrastructure network will ensure a sustainable economy and will provide new employment opportunities.
- 10.8. Policy CS25 (student accommodation) of the Core Strategy states that planning permission will only be granted for additional academic/administrative accommodation for the University of Oxford and Oxford Brookes University where that University can demonstrate: in the first place that the number of full-time students at that University, who live in Oxford but outside of university-provided accommodation, will, before the particular development is completed, be below the 3000 level and once that figure is reached, thereafter will not exceed that level. All future increases in student numbers at the two Universities as a result of increases in academic/administrative floor-space must be matched by a corresponding increase in purpose built student accommodation. The preamble to Policy CS25 states that to avoid worsening the existing situation, it is crucial that all increases in student numbers (at the two universities) are matched at least by an equivalent increase in student accommodation. All applications for new or redeveloped academic floorspace will be assessed in this light.
- 10.9. At the 9 July West Area Planning Committee, members raised a question in terms of the Oxford University students living outside of University accommodation. The 2017/2018 Annual Monitoring Report published by the City Council for the period up to 31 March 2018 refers to a figure of 3174 students living outside of university provided accommodation in Oxford. The applicant provided a statement stating that at 1st December 2018 there were 2732 students living outside of university accommodation. The latest figure

shows a reduction in number of students living outside of University. The applicant stated that this reduction is because around 360 new accommodation places have come on line since last year (compared to around 70 new places for 2017/2018) and a lower number of post graduate students on taught courses. The City Council will receive a final figure by 6 September from both Universities (Oxford & Brookes) and therefore the final number will be addressed at the West Area Planning Committee on 10 September 2019.

- 10.10. It is acknowledged that the proposed development has elements of being an educational facility with ancillary accommodation. As stated in the report above, the proposal does not strictly fall into just one use and there is no general policy that deals with the proposed use. The existing use of the building is educational use and therefore the principle of having an educational use is considered to be acceptable. The proposal is not for undergraduate or postgraduate students and therefore there would not be a demand for a long term accommodation. Due to the nature of the proposed use and the fact that the proposal comprises on-site accommodation, it is considered that the proposal would not increase pressure on Oxford's general housing market or purpose-built student accommodation as the proposal would provide short-term accommodation for the length of the course for the participants of the course. The proposal would reduce the pressure on local hotel and short stay accommodation and would not increase any pressure on the wider housing market. The proposed bedrooms would be directly linked to the proposed educational centre and therefore the "typical" student accommodation is not being proposed and therefore the restriction as set out in Policy CS25 of the Core Strategy should not be applied here.
- 10.11. Policy E2 of the Draft Emerging Local Plan 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. The preamble to Policy SP49 of the Draft Emerging Local Plan 2016-2036 states that the site is suitable for student accommodation and housing, including employer-linked housing, or for intensification of its current academic use. Policy SP49 states that planning permission will be granted for student accommodation and/or residential dwellings, including employer-linked housing on the Old Power Station site. Development of the site may include replacement of the existing use of the site. Planning permission will not be granted for any other uses. The careful design must ensure that development proposals contribute towards the character of the Conservation Area and reflect the heritage significance of the building and its setting. A planning application must be accompanied by a site-specific flood risk assessment and development should incorporate any mitigation measures.
- 10.12. These policies are at the Proposed Submission Draft stage and very limited weight can be given to them. Oxford City Council proposed minor post-publication changes to the Oxford Local Plan 2036. The proposed change states that the policy should include 'academic institutional' as part of permitted uses. The proposed use would provide academic use and the proposed accommodation would be linked to that use, it is considered that the

proposed development would be acceptable. The proposed use would re-use and extend a redundant/underused building, which has some historic and architectural significance. The location of the site and its close proximity to the main Said Business School, railway station and the city centre would create employment opportunities within the city and would reduce the need to travel to the existing facility beyond the City's boundary. The Flood Risk Assessment has been submitted and mitigation measures have been proposed.

10.13. The NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way. It goes on to state the local planning authority should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

10.14. Based on above assessment, officers consider that the proposal is acceptable in principle.

## **ii. Design**

### *Policies and material considerations*

10.15. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. It suggests that opportunities should be taken through the design of new developments to improve the character and quality of an area and the way it functions. Policy CS18 of the Core Strategy and Policies CP1 and CP8 of the Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development and creates an appropriate visual relationship with the form of the existing building and its surroundings. The site impacts on the setting of the Osney Town Conservation Area, which means that Policy HE7 of the Oxford Local Plan needs to be considered. Policy HE7 requires that planning permission should only be granted for development that preserves or enhances the special character and appearance of conservation areas or their setting.

10.16. Policy HE3 of the Oxford Local Plan requires that planning permission should only be granted for development for works involving an alteration or extension to a listed building that is sympathetic to and respects its history, character and setting and the development needs to be appropriate in terms of its scale and location and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building.

10.17. Policy HE9 of the Oxford Local Plan states that planning permission will not be granted for any development within a 1,2000 metre radius of Carfax which exceeds 18.2m (60ft) in height or ordnance datum (height above sea level) 79.3, (260ft) (whichever is the lower) except for minor elements of no great bulk. A lesser height may be considered more appropriate for buildings that

have to fit into the existing townscape. If existing buildings (at, or in excess of, these limits) are redeveloped, the City Council will consider carefully whether rebuilding to their previous height is acceptable in terms of how it would affect the appearance of the existing townscape and skyline. Policy HE10 states that the City Council will seek to retain significant views both within Oxford and from outside, to protect the green backdrop from any adverse impact. It goes on to state that planning permission will not be granted for buildings or structures proposed within or close to the areas that are of special importance for the preservation of views of Oxford (the view cones) or buildings that are of a height which would detract from these views.

- 10.18. Historic England has published guidance on 'The Setting of Heritage Assets' (Oct 2011) which, provides a methodology for understanding the setting of an asset and how it contributes to the heritage significance of that asset and explains how to assess the impact of development proposals. Historic England explains that the setting of a heritage asset is the surrounding in which it is experienced. Furthermore, the setting is not fixed and may change as the surrounding context changes. The Landscape Institute has also published guidance in 'Landscape and Visual Impact Assessment' (2013) to help identify the significance and effect of change resulting from development. Finally, the Council published their own 'View Cones Assessment' in 2015, a document that was drawn up in partnership with Oxford Preservation Trust and Historic England which also references the Landscape Institute 2013 guidance and sets out its own guidance on how to assess development in views both from within and outside of Oxford.
- 10.19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Policy HE7 of the Oxford Local Plan seeks to preserve or enhance the special character and appearance of conservation areas and their settings. The wording of this policy does not include the balancing exercise identified in paragraph 194 of the NPPF. The NPPF post-dates this Local Plan Policy and as such, where the policies differ from one another, greater weight should be given to the NPPF on this matter. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application.
- 10.20. The Design and Access Statement and Planning Statement set out clearly that the application has been developed following pre-application discussions with

officers and the Oxford Design Review Panel. The design of the scheme has been informed throughout its development by an understanding of the historic environment of the area, views from and out of the city and the historic and architectural significance of the building itself.

#### *Assessment*

- 10.21. The assessment below will focus on the significance of the designated heritage assets such as Osney Town Conservation Area and the Central Conservation Area, views and significance of the undesignated heritage asset which is the Power Station Building and the impact that the proposed development would have on them.

#### *Impact on the Osney Town Conservation Area*

- 10.22. The Osney Town Conservation Area is tightly packed with 19th Century terraced housing. The properties were built in response to the growing demand for housing as the city grew following the growth of canals and railways. The river is very important in that there is a sense that the principal part of the Conservation Area is an island formed by the course of the river and its tributaries. There is a sense of isolation resulting from being surrounded by water. The existing power station building is a large, obviously industrial element in contrast to the surrounding 19th Century terraced housing that characterises the Conservation Area.
- 10.23. The proposed additional intervention through alteration of and addition to the existing building would not fundamentally change that relationship. The additional building mass would bring the built form closer to some elements of the terraced housing increasing the sense of a large building that dominates the housing but the principal relationship would not be fundamentally altered. The new architecture respects the nature, historic function and beautifully crafted building façades of the surviving building and in this way it offers an appropriate and reasoned response to the existing building and to the contribution that it, in turn, makes to the special character and appearance of the Conservation Area through its functional and visual dominance of its immediate and indeed wider surroundings.
- 10.24. Therefore, it could be concluded that because there would be no fundamental change in the relationship between buildings on the application site and the buildings and streets that make the most important contribution to the special character and appearance of the Conservation Area, as identified in the appraisal of that heritage asset there would be no discernible harm to the character or appearance of the Osney Town Conservation Area and that therefore the development would meet the duty to preserve or enhance the character or appearance of the Conservation Area as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore as a result of there being no discernible harm to the significance of the heritage asset the proposed development would meet the requirements of policies relating to heritage assets that are set out in Section 16 of the NPPF in particular paragraphs 190, 192-193 of that document and would comply with the intentions of the identified policies of the Oxford Local Plan 2001-2016

including Policies HE3, HP7 and HP9 and Policies DH1 and DH3 of the emerging Local Plan 2036.

*Impact on the Osney Power Station building*

- 10.25. The history of the existing building has already been described above in Section 5 of this report. Therefore in this section, the report will focus on the impact of the development on the significance of the Power Station.
- 10.26. The Power Station has an historic significance derived from its original and its successive uses/functions which are in particular being evidenced in the building's physical form. The building also has an architectural significance which specifically derives from its physical form being a clear, visible demonstration of the building's functions and offering visual evidence of the evolution of that function from its earliest representation in the surviving Victorian building that can be seen on the western side of the site and which is perhaps the most iconic representation of this building. There are also more recent significant features in the building including the large, shed-like structures that are evident in long distance views both from inside and outside of the City.
- 10.27. The architecture of the existing building derives from a number of physical features including the nature, pattern and material of the surviving windows. An assessment of the Ridge and Partners Condition Survey of the surviving windows in the building concludes that only the windows on the west façade of the building date from pre 1948 and are contemporaneous with the earliest Power Station building. It can be reasonably concluded that although it would be possible to repair many of the windows in the building, the windows on the west façade and particularly those windows in the earlier part of the building, the northern end are those that make a substantial contribution to the architectural and historic significance of the building and are therefore important to repair rather than replace. It is accepted that there would be a need to install the secondary glazing to enable compliance with heat loss and energy use. The detail of repair would need to be covered by condition, identifying the windows and seeking submission of the repair details prior to that element of work taking place.
- 10.28. The changes and extensions that are proposed to be made would retain those elements of the Power Station buildings that define its significance. The significance of the building is composed of the architectural significance (the forms that express the building's functions), historic significance (the different building elements that express the evolution of the building function) and archaeological significance (the external and internal elements of building and structures that together provide an understanding of the evolution of the building's function and explain the importance of this particular Power Station to the development of the city).
- 10.29. Therefore, it can be concluded that the proposal would preserve those important features of the building and the proposed changes enable those features to be read clearly and would not result in harm to the non-designated heritage asset's significance and as a result of there being no discernible harm



to the significance of the non-designated heritage asset the proposed development would meet the requirements of policies relating to heritage assets that are set out in Section 16 of the NPPF in particular paragraph 197 of that document. The proposals would also comply with the requirements of the identified policies of the Oxford Local Plan 2001-2016 HE3, HP7 and HP9 and the equivalent policies of the emerging Local Plan 2036.

*Impact on significance in particular the setting of the Central Conservation Area*

- 10.30. The site falls within the setting of the Central Conservation Area and is visible from within the Conservation Area including the St George's Tower and the Castle mound. The site would also impact on views into the Conservation Area including the identified view cones on the western side of the city in particular the views from Raleigh Park, an open meadow on the south-western edge of Oxford. It is through this impact on the setting that the proposed development would have an impact on the significance of the Central Conservation Area.
- 10.31. The Central Conservation Area is particularly identified in long views from outside the city by its 'dreaming spires', the spires and towers of significant buildings that in combination make an important contribution to the special character and appearance of the Conservation Area. The Oxford View Cones Study 2015 states *"The 'dreaming spires' of Oxford are an internationally recognised symbol of the city and its renowned University. The image of the ancient city in its green setting draws visitors from around the world. The opportunity to walk into and through Oxford's countryside setting and look back on the city's domes, towers and spires from the green valley or hillsides is valued by its residents as a rich inheritance that should be carefully protected for future generations"*. The view cones that are discussed in the Study were originally identified and described in 1962 as part of the study of High Buildings and in response to concern on the part of the city architect that the features that were so highly regarded were being harmed through the introduction of tall buildings that would intervene in important views.
- 10.32. The upper parts of the existing building, its later, larger elements are presently clearly visible in both views into and out of the city and Conservation Areas. In views out of the city, the large, gabled, metal-clad elements of the building together with smaller, brick ranges can be seen. The building is also seen from St George's Tower and the Castle mound or Motte, both of which are important, publicly accessible viewing places whose views make a contribution to the significance of the Central Conservation Area in that they were built as prominent features in order to provide viewing places over the surrounding landscape.
- 10.33. The proposed development would result in a slightly increased building mass that would pick up on and follow the existing building forms and therefore not result in any significant additional distraction to views of the city skyline, the towers and spires that identify the city and consequently the Central Conservation Area in the identified view cone views from the western side of the city. The proposal would therefore not result in harm to this particular,

distinctive feature that makes an important contribution to the significance of the Central Conservation Area.

- 10.34. In views out of the city, from St George's Tower and the Castle mound, the building mass would be increased and therefore the visible presence of the building would be slightly greater than at present however the proposed design, by following the simple, industrial form of elements of the existing building would mitigate any visual harm, with the overall result that there would be no harm to the views out of the Conservation Area to the western hills which provide the sense of the city's surroundings/setting. It must, therefore, be considered entirely reasonable to conclude that the proposed development would not result in harm to the heritage asset's significance and that approval of the proposal would, therefore, meet the duty for decision makers set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore as a result of there being no discernible harm to the significance of the heritage assets the proposed development would meet the requirements of policies relating to heritage assets that are set out in Section 16 of the NPPF in particular Paragraphs 190, 192-193 of that documents and would comply with the intentions of the identified policies of the Oxford Local Plan 2001-2016 HE3, HP7 and HP9 and the equivalent policies of the emerging Local Plan 2036.

*Height and massing, lighting, views and impact on Osney and Central Conservation Areas*

- 10.35. The application site is located approximately 950m away from the Carfax Tower and so policy HE9 applies. There are ten view cones in Oxford including Port Meadow, Elsfield, Crescent Road, Rose Hill, Boars Hill, Raleigh Park, South Park, Oxford Brookes University's Morrell Hall site a Cuckoo Lane, Jack Straws Lane north and the A34 interchange at Hinksey Hill. The Port Meadow, Boars Hill and Raleigh Park view cones are the most relevant to this proposal.
- 10.36. The highest point of the existing building is approximately 22m in height and the submitted drawing shows that the ordnance datum is 78.902. The height of the existing building exceeds the 18.2m height as specified in Policy HE9 of the Oxford Local Plan although it does not exceed the ordnance datum (height above the sea level) of 79.3m as specified in policy HE9. Furthermore, the proposed extensions would not extend higher than the existing highest part of the building. As the development would be below the ordnance datum of 79.3m it is considered that the proposal is acceptable in terms of the requirements of Policy HE9 in this respect.
- 10.37. In terms of the response to the site and its context, the development proposes a strong, clear and unambiguous design principle to retain the evidence of the building's industrial past with additional building elements being simple, unadorned industrial architecture with the corresponding language. The proposed internal rearrangement takes account of some of the significant structures within the building that evidence the sequential function/use of the building and the important contribution that it has made to local power generation and international research projects. The proposal incorporates the

accommodation elements in a respectful manner to the existing, surrounding residential buildings. The proposed development uses an architectural language that derives from and sits comfortably with the industrial character and appearance of the existing buildings on the site.

- 10.38. The proposed building's design responds to the simple architecture of the large single elements that evidence the building's past function but it also ensures that new elements are beautifully and carefully crafted in response to the obvious craftsmanship of the earliest Victorian elements of surviving buildings. The proposed building proposes a clear and unambiguous increase in building mass. The extensions proposed would not extend higher than the existing building. The additional building elements have been designed to appear as simple forms repeating or taking reference from the strong, elemental nature of the existing building. The proposed extensions have been designed to be subservient to the existing large built form. The proposed development features an outer 'veil' façade. This clever introduction of an outer 'veil' to the building's larger elements in order to mitigate the impact of monotonous repetition that so often appears where buildings are required to house 'residential' accommodation (i.e. bedrooms) would create an interesting visual element of the development.
- 10.39. The proposed development makes the best use of external space to enhance and offer back to the public realm, the streetscape of Arthur Street and the creation of an external, semi-public space on Russell Street that permits access to the River Thames, providing interesting landscaping. The proposed development is of a high quality design and architecture. Furthermore the site is located within a close proximity to the principal Said Business Campus, which makes the site very sustainable. Extensions are justified in order to provide a working amount of accommodation whilst retaining the particular character of the existing building deriving from its original and successive historic uses. The proposed development would re-use and redevelop this redundant/underused building of some historic and architectural significance. It is considered that the proposed development would improve the visual appearance of the area, which would be beneficial to members of the public, Conservation Areas and overall character of the city.
- 10.40. The submitted Landscape and Visual Appraisal (LVA) and View Cone Study shows the worst- case scenarios with light omitting from all windows. The existing building has not been lit for many years, and therefore there would be a notable change in visibility of the building at night. The perforated 'veil' would minimise light spill from bedroom windows. The visibility of the site at night would increase from the present condition, however the building would be seen in the context of the existing city area and with the lit scenario that exists across these areas at present.
- 10.41. The proposed design/arrangement is considered to be in keeping with the existing residential surroundings as well as the wider urban context. The statement provided with the application states that as part of the energy saving strategy it is proposed to introduce a networked lighting control system. The control system would incorporate an astronomical time clock and dimming controls to enable specific non- essential feature lighting to be dimmed or

switched off late at night when not needed. Functional lighting would also be dimmed after an agreed curfew time to minimise potential adverse impacts on the surrounding area without negatively affecting pedestrian safety and security after dark. Furthermore a directional lighting principle is proposed to be applied in order to reduce potential light spillage from windows. The development does not propose to directly light the external surface of the building.

- 10.42. Overall, given the identified design principles that are proposed to be adopted it is considered that the proposed development would not have any harmful impact at night on the significant character or appearance of the Osney Town Conservation Area, the Central Conservation Area or on the recognised view cones and long and close views of the site. Therefore, in granting permission with the proposed lighting design the local planning authority as decision maker would be meeting their duty set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would meet both the national (NPPF) and local planning policies.

#### *Materials*

- 10.43. The palette of materials is proposed to be quite restrained, this is to ensure that the alterations and extensions to the existing building would complement and enhance the industrial character of the building and would also be in keeping with the immediate local residential context and the wider context of the Osney Town Conservation Area. The bricks along the Russell Street (north- entrance façade) elevation would be carefully selected to match the Arthur Street (1920s) brick. The main entrance to the building would have industrial looking blackened steel, which would be predominantly glazed. The existing brickwork to the Russell Street façade is proposed to be cleaned and repaired where necessary and all existing windows would be replaced with Crittall-style double glazed windows with slim frames finished in a dark grey powder coating. Two additional doors would replace some of the later window additions. The low roof would be covered in slate with lead flashings. The retained brickwork along the Arthur Street (east façade) elevation would be cleaned and repaired where necessary. All existing windows would be replaced with Crittall-style double glazed windows with slim frames finished in dark powder coating. The window openings are also proposed to be enlarged to improve the thermal performance and to improve the aesthetic of that elevation. The existing shuttered opening would be retained and new double doors would be installed. The proposed two storey extension, close to No's 18 & 19 Arthur Street is proposed to be finished in brickwork, it would also feature windows on the first floor and four service doors on the ground floor. The new industrial 'shed' is being proposed, this element would be further set back from the street and it would be finished in a perforated metal 'veil'. The south elevation would have two storey and single storey brick treatment at the ground and first floor level and large perforated metal 'veil' on the upper floors. This change in materials would create a solid base with lighter metal material above. This is similar to the treatment of the existing building. The existing brickwork along the Riverside (west façade) elevation would be cleaned and repaired where necessary. Originally all windows along that elevation were proposed to be replaced. However after an objection from Historic England

and Oxford City Council amended plans were received to show that the 14 windows on the western elevation, which are from 1904 are proposed to be retained and repaired. New Crittall-style double windows are also being proposed. The new two storey extension would feature a brick elevation and brick pillars. The existing elevation and the new two storey extension would create a solid base for the existing large shed gables and the new gable. The gables would be clad with a perforated metal 'veil'.

- 10.44. The proposed materials are red multi brick for new extensions and engineering brick for the riverside extension. The proposed exposed metalwork would be finished in a slate grey colour and this includes windows, external doors and internal/external balustrades. Blackened steel and glazed walling is proposed for the integrated revolving door for the entrance. A slate roof is proposed for the low-rise riverside element and Russell Street buildings along with cast iron rainwater goods, a metal standing seam roof (which would be finished in dark grey to the 'industrial sheds'). A perforated pleated pre-weathered zinc or anodised aluminium (in light grey) is proposed for the proposed 'veil'; the internal façade of the 'veil' would be a metal standing seam cladding. The glass for the internal veiled façade would be clear for the bedrooms and translucent for the bathrooms. The windows would be Crittall-style.
- 10.45. The proposed materials are considered to be acceptable. Conditions with regards to materials and further elevational treatment details are recommended to be imposed to ensure the high quality and appropriate visual appearance of the development.

### *Conclusion*

- 10.46. Overall, as stated in this report, the proposed alterations and additions to the existing non-designated heritage asset, which is the Power Station building, would not result in harm to the designated heritage assets such as Osney Town Conservation Area and Central Conservation Area and views from outside and inside the city. The development has been robustly justified and would ensure the survival of a building that is considered to make an important contribution to the history of the city. The proposed development would not be harmful to the Conservation Areas and the significance of the Power Station. The development would meet the duty to preserve or enhance the character or appearance of the conservation areas as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would meet the requirements of policies relating to heritage assets that are set out in Section 16 of the NPPF in particular Paragraphs 190-193 of that documents and would comply with the intentions of the identified policies of the Oxford Local Plan 2001-2016 and the equivalent policies of the emerging Local Plan 2036.
- 10.47. The proposal would however result in a low level of less than substantial harm to archaeology and this low level of harm is discussed in section iii of this report.

### **iii. Archaeology**

#### *Policy and material considerations*

10.48. Policy HE2 of the Oxford Local Plan states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford but in particular the City centre Archaeological Area, planning applications should incorporate sufficient information to define the character and extent of such deposits as far as reasonably practicable, including, where appropriate: a) the results of an evaluation by fieldworks; and b) an assessment of the effect of the proposals on the deposits or their setting. If the existence and significance of deposits is confirmed, planning permission will only be granted where the proposal includes: c) provision to preserve the archaeological remains in situ, so far as reasonably practicable, by sensitive layout and design (particularly foundations, drainage and hard landscaping); and d) provision for the investigation and recording of any archaeological remains that cannot be preserved, including the publication of results, in accordance with a detailed scheme approved before the start of the development.

#### *Assessment*

10.49. The application site forms part of the precinct of Osney Abbey and can be assessed as part of an asset of national significance. The Osney Abbey has been destroyed. The institution began life as an Augustinian priory in 1129 and rapidly increased in importance based on a successful finance and banking business becoming the wealthiest Abbey in the country. The 17th Century antiquarian writer Sir William Dugdale described it as 'one of the first ornaments of this place nation'.

10.50. The assessment is based on the information in the Oxford Historic Environment Record, the results of the submitted archaeological desk based assessment (Oxford Archaeology 2018) and field evaluation report (Oxford Archaeology 2019) and the revised foundation design (Mann Williams Structural Engineers MRP DJ 05/31/19 Existing and proposed foundation Plan at 56.250 Drawing No 7932).

10.51. The archaeological evaluation, although constrained, identified medieval remains in all four trenches. Water channels, reclamation deposits, mortar floors, stone lined drains, pits, robbed-out walls and channel edge structures were recorded along with demolition spreads and later layers above. In terms of time depth and activity on the site appears to stretch from the earliest 12th century origins of the Abbey through to demolition. The finds suggest a sequence of utilitarian structures located on reclaimed marsh/channel edge next to the Thames, with evidence for domestic activity or dumping, waterlogging with well-preserved charred plant remains and the preservation of leather. Finds include glazed floor tile, peg tile and glass from a vessel. Some evidence for late medieval horn working was also recovered. The available evidence suggests that late medieval levels are present approximately 650-700mm below the current ground level. Therefore careful consideration has been given to the foundation design.

10.52. The applicant has submitted a proposed foundation designs that raises the ground beam and pile cap impacts above the archaeological levels and

reduces the harmful impacts to the pile array only (involving mostly dispersed 600mm piles).

- 10.53. When assessing the level of harm to the below ground remains the following issues have been considered 1) the level of truncation from previous foundations and services 2) the character of the remains encountered by the small evaluation sample which did not reveal particularly substantial or well preserved structures or deposits 3) the size and character of the heritage asset under consideration (i.e. the extensive Abbey Precinct), its complex history of development for commercial and residential use and the extent of the remaining open space within it.
- 10.54. Great weight has been given to the conservation of this asset in carrying out the balancing exercise and it is considered that the proposed development would result in a low level of less than substantial harm to the archaeology of the Abbey Precinct. In accordance with Paragraph 196 of the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The development would not cause substantial harm to designated heritage assets. As identified earlier in this section, the development would result in a low level of less than substantial harm. This localised harm to an extensive asset can be weighed against the merits and public benefits of the scheme. The Policy HE2 states that if the existence and significance of deposits is confirmed, planning permission will only be granted where the proposal includes provision to preserve the archaeological remains in situ, so far as reasonably practicable, by sensitive layout and design and provision for the investigation and recording of any archaeological remain that cannot be preserved.
- 10.55. Officers have assessed the development in accordance with National Planning Practice Guidance (section: Conserving and enhancing the historic environment) which states that public benefits could be anything that delivers economic, social or environmental progress as described in NPPF paragraph 8. They should be of a nature or scale to be of benefit to the public at large and should not be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 10.56. The public benefit of the development is the high-quality piece of architecture, which is adding a layer to the ongoing evolution of the site and the city. By contribution to a high quality built environment, the development's design is given great weight as a public benefit. The other public benefit would be securing a long term use for the historic power station structure. These benefits are considered to outweigh the low level of less than substantial harm and the proposal would therefore comply with NPPF Paragraph 196. The harm has been mitigated by the foundation design.
- 10.57. Overall, bearing in mind the results of the archaeological evaluation, character of the proposed foundations and public benefits that would result from the proposal, the proposal would outweigh the low level of less than substantial harm and officers recommend that, in line with the advice in the NPPF, any

consent granted for this application should be subject to conditions to secure sensitive demolition and an appropriate foundation construction methodology in order to achieve the substantive preservation of archaeological remains in-situ and also targeted archaeological excavation where the denser part of the pile array (combined with previous impacts) will not enable meaningful preservation in situ. The application subject to conditions is considered to be acceptable in terms of Paragraph 196 of the NPPF and policy HE2 of the Oxford Local Plan 2001-2016 and the equivalent policy of the emerging Local Plan 2036.

- 10.58. The archaeological investigation should consist of an intermittent watching brief during demolition works followed by open area excavation targeted on the zone of denser pile clusters and lift pit at the southern end of the site with a watching brief maintained during significant groundworks that may impact on archaeological levels. The archaeological investigation should include a public archaeology component (handling session, information signs, public leaflet etc.) and be undertaken by a professionally qualified archaeologist working to a brief issued by Oxford City Council.

#### **iv. Impact on neighbouring amenity**

##### *Policy and material considerations*

- 10.59. Policy CP10 of the Oxford Local Plan states that planning permission will only be granted where proposed developments are sited to ensure that buildings are orientated to provide a satisfactory light, outlook, and privacy; and the use or amenity of other properties is adequately safeguarded. Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for any development that has an overbearing effect on existing homes. The policy also states that in respect of access to sunlight and daylight, the 45-degree guidelines will be used, alongside other material factors. The 45-degree guideline is illustrated in Appendix 7 of the Sites and Housing Plan. The Appendix 7 of the Sites and Housing Plan states that in normal circumstances, no development should intrude over a line drawn at an angle of 45-degree in the horizontal plane from the midpoint of the nearest window of a habitable room and rising at an angle of 25-degree in the vertical plane from the cill. If a main window to a habitable room in the side elevation of a dwelling is affected, development will not normally be allowed to intrude over a line drawn at an angle of 45-degree in the vertical plane from the cill. The preamble to Policy HP14 states that potential for unacceptable overlooking will depend on the proximity of windows to neighbours' habitable rooms and gardens, and the angles of views of views between windows.

##### *Assessment*

- 10.60. To address concerns with the originally submitted proposal in terms of the impact on neighbouring residential amenity, amended plans were submitted to set the new third gabled veil-clad extension back from Arthur Street, reduce the size of windows on the new two storey brick extension along Arthur Street, remove the roof terrace and provide some planting on the rear elevation of the riverside extension. Following the July Committee Meeting, further



amendments were submitted. The proposed new third gabled veil-clad extension has been set further away from the properties along Arthur Street to ensure that the proposal complies with the 45- degree line guidance. The proposed development would have an impact on the neighbouring properties as the development would lead to an increase in built form. The proposed 'veil' would reduce the sense of overlooking as well as direct overlooking to the neighbouring properties and gardens. As the building would have a high ridge, the impact in terms of loss of daylight would be more notable than if the building had a lower ridge height.

- 10.61. The following paragraphs describe the relation between the proposed development and surrounding residential buildings. The assessment of the impact on the neighbouring properties is being dealt with under subsections: Impact in terms of privacy and overlooking on Russell Street properties; Impact in terms of privacy and overlooking on Arthur Street and Barrett Street properties; Impact in terms of privacy and overlooking on East Street properties; Impact in terms of sunlight/daylight and overbearing effect on Arthur Street properties; Impact in terms of sunlight/daylight and overbearing effect on East Street and Russell Street properties; Impact in terms of outlook.

*Arthur Street and Russell Street properties*

- 10.62. Properties 1-19 Arthur Street directly facing the application site. Those properties along with 15 & 16 Russell Street open out directly onto the street. The side elevation of No. 14 Russell Street faces directly the application site. The distance between the northern most Victorian elevation of the former Power Station and the side elevation of No. 14 Russell Street is approximately 10m. The distance between the boundary line of the application site and No's 1-17 Arthur Street is approximately 9m. Most of properties along Arthur Street and Russell Street are already affected by the existing building. In addition to the impact that the existing building has on the neighbouring properties, the boundary treatment of properties 18 and 19 Arthur Street features a high level boundary wall, which is already affecting their amenity.

*Barrett Street properties*

- 10.63. 25 Barrett Street shares its entire boundary with the application site. No. 23 Barrett Street only partially shares the boundary with the Power Station site. The rear elevation of No. 25 Barrett Street is located approximately 16.6m away from the application site boundary. The bottom of the rear gardens of properties along Mill Street are located approximately 30m from the application site. Careful consideration has been given to the impact of the development on the amenity of neighbouring properties.

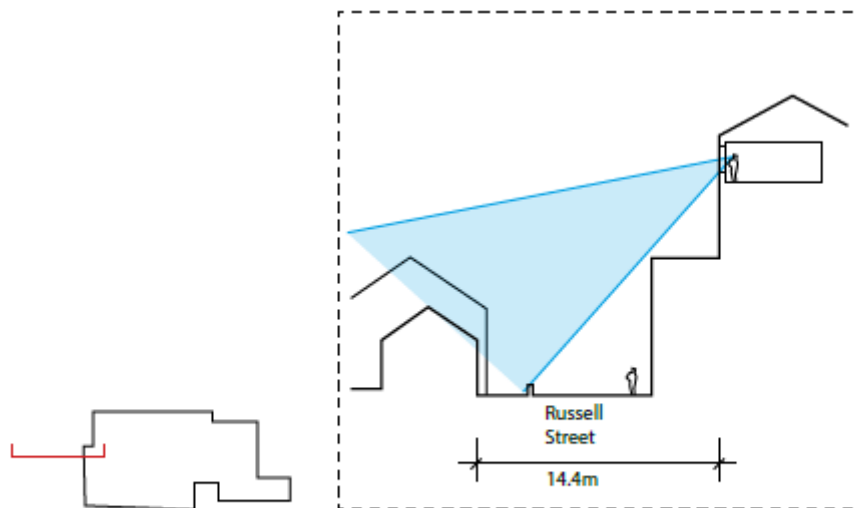
*East Street properties*

- 10.64. Properties along East Street would be affected by the increase in height of the building and officers have therefore included those properties in the assessment. East Street is located directly on the other side of the River Thames and features numerous of trees planted along the street. The trees

along East Street would soften the appearance of the building and partially screen it.

*Distances between the proposed development and neighbouring properties*

10.65. The Design and Access Statement included diagrams showing the proximity between the proposed development and neighbouring properties. The diagrams show what impact of the proposed development would have on neighbouring properties in terms of overlooking and privacy. Given the extent of the development, Officers have included the diagrams in this report. As shown below the proposed extension on the northern elevation would be located approximately 14m away from No. 14 Russell Street. The proposed rear elevation of the riverside extension would be located approximately 14m away from the rear of 18 and 19 Arthur Street. The proposed two storey brick extension along Arthur Street would be located approximately 13m away from the front of the properties on Arthur Street. The proposed new riverside extension would be located approximately 25m away from the properties along East Street.



Overlooking diagram from north elevation

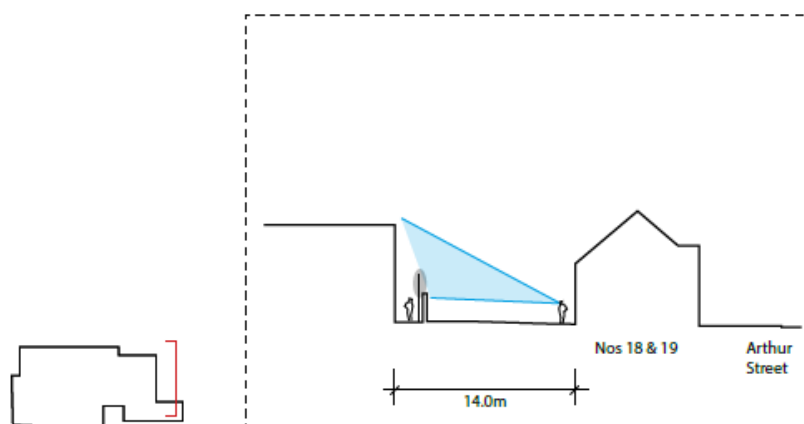
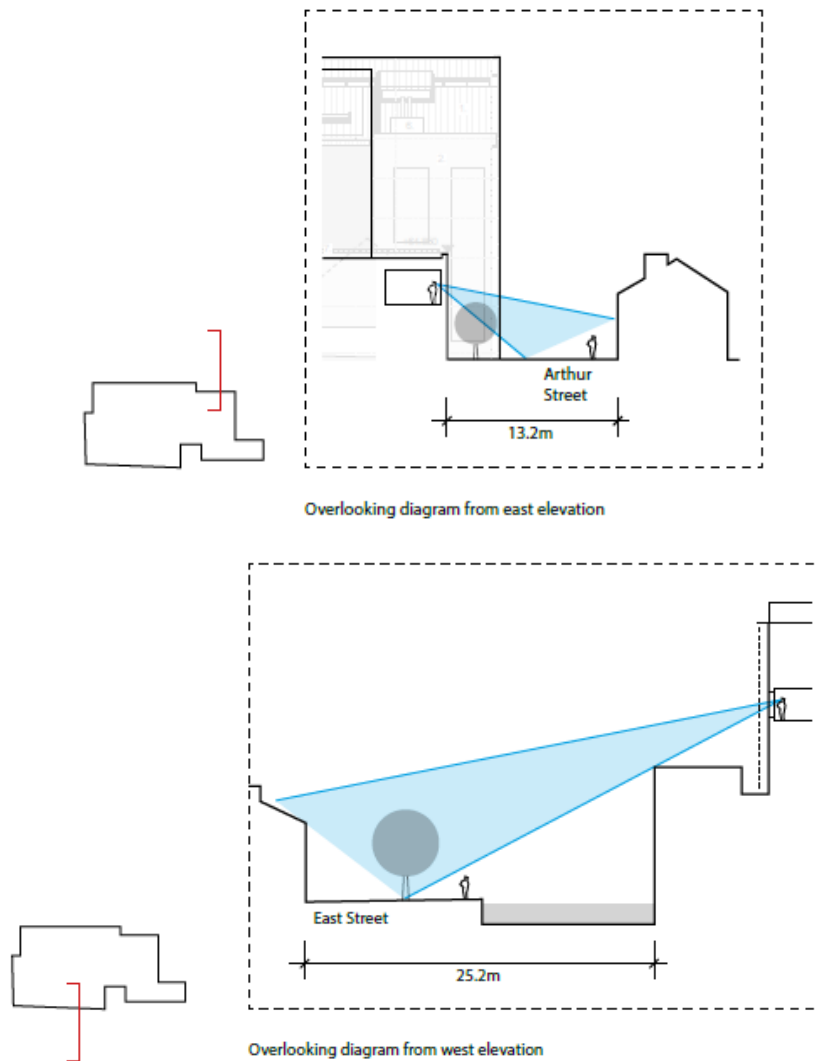


Diagram showing Relationship with the Back of Nos 18 & 19 Arthur Street



*Impact in terms of privacy and overlooking on Russell Street properties*

- 10.66. Part of the existing north elevation, which is located on the corner of Russell Street and Arthur Street is proposed to be demolished. This would create a better entrance to the building. The new extension to the north elevation is proposed to be mostly above the existing two storey brick Victorian element. The proposed development includes the main entrance and a number of windows facing the neighbouring properties on Russell Street. Those windows on the ground and first floor would serve kitchen, store, bin storage, office, staff room and staff changing room. The windows on the upper floors would serve bedrooms. Due to the scale and size of the properties along Russell Street, the proposed upper windows of the new north (entrance) elevation, which would be serving bedrooms, would have a view over the gardens to the north and the roofs of the properties on Russell Street and therefore not directly overlook the habitable rooms of properties. Due to the distance between the proposed windows and the properties along Russell Street and angle of the proposed windows, it is considered that the proposed development would not result in an unacceptable level of overlooking into those gardens and properties.

10.67. The proposed boundary treatment along the boundary between the application site and properties on Russell Street would consist of a row of birch trees and a boundary wall, which would reduce overlooking into the Russell Street properties and would create a natural green boundary between the application site and neighbouring estate, which is considered to be an improvement. Due to the distance between the sites, layout of the proposed building, proposed boundary treatment, size and scale of the neighbouring properties and the proposed development and angles of views between windows, it is considered that the proposed development would not result in an unacceptable level of overlooking or loss of privacy for Russell Street residents.

*Impact in terms of privacy and overlooking on Arthur Street and Barrett Street properties*

10.68. The proposed two storey brick extension along Arthur Street reflects the scale and height of a typical residential property. The new third gabled veil-clad extension located behind the brick extension would be set back from the neighbouring properties along Arthur Street by approximately 19m and would be finished in a light grey perforated metal 'veil', which would create a lighter appearance due to its material. The proposed south-west extension would wrap around the boundary with Nos 18 & 19 Arthur Street and it would be two storey along Arthur Street, single storey element in the middle and two storey along the River Thames.

10.69. The amended proposal includes windows on the existing part of the building and within the proposed two storey extension along Arthur Street. The size of the windows in the new brick extension has been reduced. The proposed windows on the existing building would serve mostly communal spaces. The proposed extension would feature bedrooms on the first floor. This same relationship can be seen between No. 19 and No. 17 Arthur Street, which are sited directly opposite each other. The proposed first floor bedroom windows are typical of a residential terrace and therefore it is considered that the proposed windows are entirely compatible with the Arthur Street properties in terms of the established character of mutual overlooking.

10.70. There are no windows in the elevation facing Arthur Street behind the 'veil' in the new third gabled veil-clad extension. The proposed rear elevation of the riverside extension does not feature any windows facing the properties along Arthur Street. There are windows in the proposed third gabled veil-clad extension looking out towards No. 18 and 19 Arthur Street and gardens along Barrett Street. The proposed 'veil' on the south elevation would reduce the sense of neighbouring properties being overlooked. The 'veil' would diffuse views to the neighbouring properties from bedrooms.

10.71. The existing boundary treatment around No's 18 and 19 Arthur Street consists of high level boundary wall, which is already affecting their amenity. It is considered that the proposed development would impact the those properties however due to the existing boundary treatment, distance between the proposed development and the neighbouring properties, lack on rear windows facing No's 18 and 19 and proposed vegetation along the boundary it is considered that the proposed development would not cause a detrimental loss

of privacy or unacceptable level of overlooking to the neighbouring properties as to warrant a refusal.

10.72. The originally submitted plans included roof terrace above the new riverside extension. However, it was considered that the roof terrace would cause unacceptable noise levels for existing neighbours and would create some overlooking onto properties and gardens Nos. 18 and 19 Arthur Street and gardens of properties along Barrett Street. Therefore amended plans were requested and the roof terrace has been omitted from the proposal to overcome the concerns in terms of noise and overlooking onto the properties along Barrett Street, Arthur Street and East Street.

10.73. Overall, due to the distance between properties along Arthur Street and Barrett Street and the application site, the typical relationship between properties within the urban setting, proposed trees along Arthur Street, smaller windows facing Arthur Street, design and materials of the building, angles of views, removal of roof terrace, proposed 'veil', it is considered that the proposed development would not cause a detrimental loss of privacy or unacceptable level of overlooking to the neighbouring properties as to warrant a refusal.

*Impact in terms of privacy and overlooking on East Street properties*

10.74. Due to the distance between the application site and properties along East Street, it is considered that the proposed windows on the ground and first floor levels and riverside ground floor terrace, would not result in an unacceptable level of overlooking or loss of privacy. The proposed windows on the upper floors would not directly overlook into the windows of properties along East Street. The amended plans submitted removed the roof terrace along the River Thames and therefore reduced the impact on privacy.

10.75. Overall, due to the significant distance between the application site and East Street and design of the proposed building, lack of roof terrace, it is considered that the proposed development would not result in an unacceptable level of overlooking or loss of privacy. A condition is recommended to be imposed to ensure that no terrace shall be formed on the roof to safeguard the amenities of the neighbouring properties. The application complies with policy HP14 of the Sites and Housing plan and relevant policy in the emerging Draft Local Plan.

*Impact in terms of sunlight/daylight and overbearing effect on Arthur Street properties*

10.76. The development would lead to an increase in built form closer to No. 18 and 19 Arthur Street, No's 10-17 Arthur Street and along the River Thames and Russell Street. The proposed development would therefore have impact on the surrounding properties. However, the amended plans were received to reduce that impact. The application site is located to the west of the properties along Arthur Street and therefore the proposed development would affect the afternoon and evening sunlight/daylight.

10.77. Due to the siting of the application site and its relation to the properties along Arthur Street (No's 1-17) it is considered that it would not be appropriate to apply the 45-degree horizontal guidance as the application site is located directly opposite No's 1-17 Arthur Street and its affected windows. For developments affecting side windows of adjacent properties the guidance is that a proposal should not intrude over a line drawn at an angle of 45-degree in the vertical plane from the cill. It is considered that the proposed development, directly facing Nos 1-17 Arthur Street, should be assessed in this way, as if the affected windows were in the side elevation of the dwelling in question. Therefore the assessment has been made whether the proposal would intrude over a line drawn at an angle of 45-degree in the vertical plane from the cill. The amended plans show that the new third veil-clad extension would be set back from the properties along Arthur Street by approximately 19m and would be moved towards the River Thames by approximately 1.9m (compared with the original submission). The 45-degree line has been applied to the properties along Arthur Street. The 45-degree line is not breached by the proposed two storey brick extension. The proposed brick extension being two storey would be entirely compatible with the Arthur Street properties and therefore would be considered to be acceptable. The 45-degree line is not breached by the proposed new third gabled veil-clad extension. The new third gabled veil-clad extension would be located approximately 19m away from the properties along Arthur Street.

10.78. It is considered that the proposed development would have an impact on the properties along Arthur Street and for some properties this impact would be very noticeable, this is inevitable in this urban context and due to the fact that large parts of the site are undeveloped. However, taking into consideration that the 45-degree line is not breach by the proposed development, the distance between the proposed third gabled veil-clad extension and neighbouring properties, the existing urban setting of the site, the materials of the proposed development, sun orientation, the scale and massing of the existing building, distance between the habitable rooms and new landscape it is considered that, on balance, the impact on light is considered acceptable and the proposal would not have an unacceptable impact on the amount of light afforded to neighbouring properties and the increased scale and massing would not impact materially in a harmful way as to warrant the refusal and therefore on balance the proposal complies with the Policy HP14..

10.79. The 45-degree line has been applied to No. 18 and No. 19 Arthur Street. The line has been drawn at an angle of 45-degrees in the vertical plane from the cill of neighbouring properties and the 45-degree line is not breached by the proposed two storey brick extension and therefore taking into consideration the 45-degree line guidance, sun orientation, proposed design and materials and distances between the application site and neighbouring habitable windows it is considered that the proposed development complies with the guidance set out in the Policy HP14.

*Impact in terms of sunlight/daylight and overbearing effect on East Street and Russell Street properties*

10.80. The 45-degree line has been applied to the properties along East Street and to the first floor side window of No. 14 Russell Street. The line has been drawn at an angle of 45-degrees in the vertical plane from the cill of neighbouring properties. The 45-degree line is not breached by the proposed development. Taking into consideration the 45-degree line guidance, sun orientation, proposed design and materials and distances between the application site and neighbouring habitable windows it is considered that the proposed development complies with the guidance set out in the Policy HP14.

#### *Daylight and Sunlight Assessment*

10.81. A Daylight and Sunlight Assessment has been carried out and submitted with the application. The Building Research Establishment (BRE) Guidelines provide three methodologies for daylight assessment: The Vertical Sky Component (VSC), No Sky Line (NSL) and The Average Daylight Factor (ADF) and one methodology for sunlight assessment: Annual Probable Sunlight Hours (APSH). Vertical Sky Component (VSC) is a measure of the direct skylight reaching a point from an overcast sky. No Sky Line (NSL) is a measure of the distribution of daylight within a room. The Average Daylight Factor (ADF) is a measure of the overall amount of diffuse daylight within a room. The Annual Probable Sunlight Hours (APSH) is a measure of sunlight that a given window may expect over a year period.

10.82. The assessment has been undertaken against 52 residential properties including properties along Barrett Street, East Street, Arthur Street and Russell Street. Of the 227 windows and 162 rooms assessed, 148 (91.4%) rooms would meet the VSC and NSL criteria within these 52 properties. In relation to sunlight 65 of the 66 (98.5%) rooms would meet the APSH criteria. The statement states that upon the completion of the proposed scheme 43 of the 52 properties would meet the BRE criteria for daylight (VSC and NSL) and adhere to the BRE criteria for sunlight (APSH). It is considered that given the context of the site and its urban setting and the close proximity of the neighbouring residential properties the overall daylight compliance of 91.4% and sunlight as 98.5% is a good level of compliance.

10.83. The proposal would mostly have an impact in terms of sunlight/daylight on nine properties. The 9 properties, which would not achieve BRE compliance, are 19 East Street, 11 Arthur Street, 12 Arthur Street, 13 Arthur Street, 14 Arthur Street, 15 Arthur Street, 18 Arthur Street, 19 Arthur Street and 14 Russell Street. The table below shows which properties and rooms would not achieve BRE compliance.

<b>Affected properties</b>	<b>Affected floors</b>	<b>Affected rooms</b>
19 East Street	Ground floor	Dining room/kitchen
11 Arthur Street	Ground and first floors	Living room and bedroom
12 Arthur Street	Ground and first floors	Living room and bedroom
13 Arthur Street	Ground and first floors	Living room and bedrooms

14 Arthur Street	Ground and first floors	Living room and bedroom
15 Arthur Street	Ground floor	Living room
18 Arthur Street	Ground floor	Room has not been identified on the plan
19 Arthur Street	Ground floor	Living room and conservatory
14 Russell Street	Ground floor	Dining room

10.84. The information provided with the application states that the BRE guidance sets out that “in special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high-rise buildings”.

10.85. The biggest change experienced as a result of the proposed development would be for the properties to the southern end of Arthur Street. This is because the existing site has not been developed, and this part of the application site is vacant and underdeveloped. No. 19 East Street would experience the impact as well, this is due to the distance between this property and the application site and the undeveloped part of the site. No. 14 Russell Street would experience a reduction in winter sunlight. However, the retained annual APSH is 43% which is above the BRE’s standard, and therefore this impact is considered to be acceptable. In terms of sunlight, with the exception of one room at 14 Russell Street, all rooms with apertures within the neighbouring properties would be fully compliant to the criteria identified within the BRE Guidelines and therefore on balance the amount of sunlight is considered to be acceptable.

10.86. As stated in the report, a large part of the application site is underdeveloped and therefore any development on this site would have an impact on the daylight/sunlight conditions for neighbouring properties. The sunlight/daylight assessment states that in the majority of instances where transgressions occur, the transgressions should only deviate marginally from BRE guidance. The report concluded that when understanding the urban context of the site and the very close proximity of the neighbouring residential receptors, it is noted that the overall daylight compliance of 91.4% and sunlight of 98.5% is considered to be very good for a site in this urban setting.

#### *Impact in terms of outlook*

10.87. The proposed development will impact the outlook afforded to the neighbouring properties. However, it is considered that the high architectural quality of the proposal and high quality landscape would improve the outlook afforded to the neighbouring properties and would be in keeping with the existing industrial building.

10.88. There would be service access along the side boundary with No. 18 and the building, which would be approximately 2 metres wide and the two storey riverside extension, which would be set away from the boundary with No. 18 Arthur Street by approximately 2 metres. There were concerns about the impact of the proposal on No’s 18 and 19 Arthur Street in terms of the outlook



and overbearing impact. Improvements have been made to the outlook from the rear windows and gardens of Nos. 18 and 19 Arthur Street. The proposal now includes a trellis with climbing plants, which would quickly provide a green wall to improve the outlook to those properties and reduce the visual massing of the extensions.

### *Conclusion*

10.89. Overall, the proposal would have an impact on amenity for neighbouring properties. Amended plans have been received to reduce that impact. The site is an underdeveloped brownfield site and it is considered that the proposal is making the most efficient use of land. The new two storey extension and upper floors of the proposed third gabled veil-clad extension have been set back from Arthur Street. It is proposed that the upper floors would be clad in a light grey 'veil', which would be visually much lighter than brick. Some weight has been given to the fact that there is already a large building affecting the neighbouring properties and that the proposed massing is appropriate in terms of design. The proposal complies with the 45-degree line guidance. While making the assessment the officers took into consideration the technical information submitted within the sunlight/daylight assessment, 45 degree guidance, sun orientation, distances between the proposed development and neighbouring habitable rooms, existing underdeveloped part of the site, existing massing, existing impact and proposed design, materials and landscape. Based on these factors, it is considered that the proposed development would provide reasonable privacy and daylight for the occupants of existing homes and the proposed development would not have an overbearing effect on existing homes and the additional impact on the neighbouring properties would not be so harmful as to warrant a refusal and therefore the development complies with policy HP14 of the Sites and Housing Plan and the equivalent policies in the emerging draft Local Plan 2016-2036.

10.90. Comments have been made in terms of rights of light. This is a civil legal matter and not a material planning consideration.

## **v. Landscaping and trees**

### *Policies and material considerations*

10.91. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development which shows a high standard of design, including landscape treatment that respects the character and appearance of the area. The policy also states that development proposals must retain and protect important landscape and ecological features and provide for further landscape treatment where appropriate to the nature of the area or to safeguard the local amenity and retain important open spaces of recreational or amenity value or both. The preamble to Policy CP11 states that hard and soft landscaping makes a major contribution to the attractiveness of a development. The layout and treatment of the surrounding space will determine the way people use and move through the space and how it will contribute to the character of an area. All outdoor spaces should enhance the function and character of the spaces and help integrate the development into its surroundings. Policy CP11 states

that planning permission will only be granted where the landscape design relates to the function and character of the spaces and surrounding buildings; all boundary edges or fences are designed as an integral part of the development and surrounding area; paving and location of street furniture are designed to make walking and cycling easy, improve pedestrian safety, give an uncluttered appearance, and make use of good quality materials to enhance their setting; and the landscape design enhance ecological value, wherever possible. Policy NE15 of the Oxford Local Plan states that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest. Planning permission will be granted subject to soft landscaping, including tree planting, being undertaken whenever appropriate. Landscaping schemes should take account of local landscape character and should include the planting of indigenous species where appropriate.

### *Assessment*

- 10.92. The development proposes 5 landscape zones in and around the building. Zone 1- Russell Street River Frontage is proposed to create public access to the River Thames and create a pleasant outdoor space featuring some benches, trees and plants. Zone 2- Arthur Street is proposed to create a small green space with some trees and shrub planting, this would screen the service door but also this space would provide some outdoor public cycle stands. Zone 3- Internal Courtyard, this space would create a breakout space for users of the building. Zone 4- Riverside Terrace would feature some planting and tables for future users to enjoy this space. Zone 5 – Roof Gardens would feature the meadow roof, which would enhance biodiversity in the area.
- 10.93. Each landscape space would be integrated within the overall landscape proposal to ensure that spaces outside and within the building are working well and complement each space. The palette of materials proposed would be coherent with the overall design of the building and the proposed landscape would be appropriate for the industrial character of the site and fit with the surrounding area. The publicly accessible external spaces would provide high quality public spaces, which the area is lacking at the moment.
- 10.94. The area between the application site and Russell Street properties would be publicly accessible. The boundary treatment along the site and Russell Street properties is proposed to comprise a row of birch trees and perforated metal screen. The screen would incorporate 16,000 perforations (back-lit at night) in reference to the poem written about Osney Power Station in 1893 by Hillaire Belloc and the extract from the poem would be etched into the final panel.
- 10.95. The second publicly accessible space would be along Arthur Street. This space would feature a small area of planting and trees, which would help to screen the elevation with the service doors and public cycle spaces. This space is considered that it would improve the outlook for the properties along Arthur Street.

- 10.96. The proposed courtyard and riverside terrace would not be publicly accessible. The internal courtyard would allow light into the residential, office and communal spaces arranged around the area and would also create a pleasant and tranquil breakout space for participants of courses. The glazed doors around the space could be opened to link the indoor and outdoor spaces.
- 10.97. The riverside terrace would be highly visible from properties along East Street and the riverbank. Few trees are proposed to be planted within pots, this would provide some screening to the residential properties opposite and vice versa and introduce further greenery along the River Thames.
- 10.98. It is very clear that careful consideration has been given to the quality of the pockets of “outdoor space” within the building and public spaces along Russell Street and Arthur Street. Planting is also proposed along the boundary with No’s 18 and 19 Arthur Street. The existing boundary treatment of those properties features a close-boarded fence. The proposed trellis and climbing species would provide an attractive green wall.
- 10.99. Overall, the proposed landscape zones would create great breakout spaces not only for occupiers of the building but also for members of the public and would complement the architectural quality of the building. The proposal should not be detrimental to any existing trees. The new tree planting proposed is welcome; the species selected appears to be appropriate to the landscape strategy and site context and should enhance public visual amenity in the area. Those different zones would allow the connectivity between the outdoor and indoor spaces and would provide a coherent route between the internal and external areas. In the interests of visual amenity landscape conditions are recommended to be imposed to ensure that further landscape details would be submitted to and approved by the local planning authority and the approved landscape plan would be implemented at the completion of building work. The development is considered acceptable in terms of the requirement of Local Plan policies CP1, CP11 and NE15 and emerging Local Plan Policy G7.

## **vi. Biodiversity**

### *Policies and material considerations*

- 10.100. Policy CS12 of the Oxford Core strategy states that opportunities will be taken to ensure the inclusion of features beneficial to biodiversity (or geological conservation) within new developments throughout Oxford. In addition to local policy, the NPPF sets out that plans should promote the conservation, restoration and enhancement of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Consideration is required to be given to European Protected Species and the requirements of the Conservation of Habitats and Species Regulations 2010, which exist to safeguard against activities affecting European Protected Species.

### *Assessment*

- 10.101. The submitted Bat and Ecological Survey Report produced by Turnstone Ecology (August 2018) has sufficiently assessed the presence of protected habitats and species. The survey undertaken has confirmed the presence of bat roosting activity within the building, therefore if the application is minded to be approved, the development must be undertaken in accordance with the recommendations of the ecological assessment report, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features. Natural England was consulted on the original application and had no comments to make on this application.
- 10.102. However, where a licence will be required because of disturbance to European Protected Species, the Planning Authority when dealing with planning applications, are required to have regard to the likelihood of a licence being granted and in so doing the three tests under Regulation 53 of the 2010 Regulations. The three tests are: 1) Imperative Reasons of Overriding Public Interest; 2) No satisfactory alternative; 3) Favourable Conservation Status. In respect of whether there are reasons of overriding public interest, the site is an existing large redundant building. There would be clear social, economic and environmental benefits that would arise from this intensifying development on this site by bringing this redundant building back into a viable use and by making a more efficient use of land, reduce the pressure on hotel market in Oxford, creating employment opportunity, reduce the highway pressure as the proposal would be car-free, by contributing to provide affordable housing within the city and provide a high- quality piece of architecture and the development would include a scheme of ecological enhancements (such as native landscape planting and provision of artificial roost features, including bird and bat boxes). In respect of alternatives, these benefits are derived from developing this site and the development would ensure that an overall net gain in biodiversity would be achieved. The third test relates to ensuring the action authorised is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status. The Council's Biodiversity Officer has considered the proposal and has not raise objection to the proposed development. The ecological enhancements including bat boxes are acceptable.
- 10.103. Overall having regard to the above, the Planning Authority considered that the proposal meets the three tests under Regulation 53 of the Habitats and Species Regulation 2010 and it is considered that a licence is likely to be granted. Conditions are recommended to be imposed so that a scheme of ecological enhancements shall be provided to ensure an overall net gain in biodiversity, along with a lighting strategy to avoid disturbance and harm to light-sensitive wildlife. Subject to these conditions the proposal is considered acceptable in terms of requirement of Policy CS12 of the Oxford Core Strategy, NPPF and emerging Local Plan Policy G2.

**vii. Flooding**

*Policies and material considerations*

- 10.104. Policy CS11 of the Core Strategy states that planning permission will not be granted for any development in the functional flood plain (Flood Zone 3b)

except water-compatible uses and essential infrastructure. The site is not located within Flood Zone 3b. Policy CS11 goes on stating that the suitability of developments proposed in other flood zones will be assessed according to the PPS25 sequential approach and exceptions test. Since the publication of the Core Strategy the PPS25 was withdrawn and National Planning Practice Guidance (NPPG) has been published and therefore the guidance in the NPPG is now being used. Policy CS11 also states that unless it is shown not to be feasible, all developments will be expected to incorporate sustainable drainage systems or techniques to limit run-off from new development, and preferably reduce the existing rate of run-off.

- 10.105. For all developments over 1 hectare and/or development in an area of flood risk from rivers (Flood Zone 2 or above) or other sources developments must carry out a full Flood Risk Assessment (FRA), which includes information to show how the proposed development would not increase flood risk. Necessary mitigation measures must be implemented. Unless it is shown not to be feasible, all developments would be expected to incorporate sustainable drainage systems or techniques to limit run-off from new development, and preferably reduce the existing rate of run-off. Development will not be permitted that will lead to an increased flood risk elsewhere, or where the occupiers will not be safe from flooding.
- 10.106. Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 158 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 of the NPPF states that if it not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

#### *Assessment*

- 10.107. A Flood Risk Assessment (FRA) has been submitted with the application. Since the submission of the application, the Environmental Agency has updated its flood mapping. The latest Environment Agency Flood Mapping shows that the site lies mostly in Flood Zone 2, with a small raised area in the south of the site falling in Flood Zone 1. This is an improvement in terms of establishing the suitability of the proposal in this location, as none of the part of the site lies within Flood Zone 3.
- 10.108. A Sequential and Exception Test has been submitted with the application. The sequential test compares the application site with other available sites to find out which has the lowest flood risk. As the existing facility is located at

Egrove Park, it was considered necessary that the whole of Oxford shall be assessed for any potential sites that the proposal could occupy. A two stage approach has been taken in terms of identifying alternative sites. Stage One being a high level assessment of the potential sites against six criteria such as site area, suitable size, flood zone, greenfield/brownfield land, land use, availability. Stage Two being a more in depth assessment of those sites which has 'passed' Stage One. Stage One of the Sequential Test assessed 482 sites. Six out of 482 sites were found to be of a suitable size, at less risk of flooding than the application site, free from any policy or development restrictions and potentially available. Those sites were then assessed against their location, distance from Oxford train station (as stated in the Planning Statement the course participants would be encouraged to travel sustainably to the site and the train station is located next to the main Said Business School campus). The sites that 'passed' the Stage One test are Osney Mead Industrial Estates (entire site, Area B and Area C), Faculty of Music, Grandpont Car Park, and Land to the rear and north of Church Cottage Church Way.

- 10.109. Paragraph 160 of the NPPF states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, would reduce flood risk overall. Paragraph 161 of the NPPF states that both elements of the exception test should be satisfied for development to be allocated or permitted.
- 10.110. Overall, taking into consideration the policy constraints, access to these sites, their location, constraints in terms of the impact on the Conservation Area and Listed Buildings, uncertain availability of those sites, unsustainable location and distance from the main Said Business Campus, it is considered that the Osney Power Station site is the most suitable for this development and so the Sequential Test has been passed.
- 10.111. The government's 'Flood risk and coastal change' guidance advises how to take account of and address the risks associated with flooding and coastal change in the planning process. It states that the Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. The guidance contains 'Table 3', which includes flood risk vulnerability and flood zone 'compatibility' and it shows when the development is appropriate and the Exception Test should be applied. The

table in the guidance does not show the application of the Sequential Test. The table 3: Flood Vulnerability and Flood Zone 'Compatibility' of the National Planning Policy Guidance is recreated below with the relevant section highlighted for reference:

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More Vulnerable	Less Vulnerable	Water Compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a	Exception Test required	x	Exception Test required	✓	✓
Zone 3b	Exception Test required	x	x	x	✓

✓ Development is appropriate

x Development should not be permitted

10.112. The proposal falls within the more vulnerable classification and within Flood Zone 2 and therefore the development is appropriate and the exception test is not required.

10.113. The Environment Agency had originally objected to the proposal as the originally submitted FRA did not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. However this objection has been overcome by submitting an amended FRA. The amended plans and FRA have been submitted and the Environment Agency has withdrawn their objection. The design of the building allows the storage area to be floodable. This is to ensure that the proposal would not result in an increase in flood risk within the site or in its surroundings.

10.114. From the Environment Agency model, the 1 in 100 year (1% an annual exceedance probability (AEP)) + 35% climate change uplift flood level (design flood level) is 57.33m Above Ordnance Datum (AOD). A suitable Flood Risk Assessment has been produced and proposed measures to deal with the flood risk. The flood level is raised to 57.50m AOD which is 200mm above the design flood level. There is no sleeping accommodation proposed on the ground floor. Oxford City Council would also recommend that flood resilience and resistance measures are installed (in line with Environment Agency /DEFRA and MCHLG guidance) in order to further protect the building against future extreme events. Level for flood compensation measures have been proposed in order to prevent increase of flood risk off site, as a result of encroachment on flood plain storage. Free flow of water into floodable areas will be enabled by grills and louvres in the bin stores and lobby respectively. The submitted FRA states that the Environment Agency has agreed to these measures and the Environment Agency have not objected to the submitted details and the proposal. It is also requested that the floodable areas should be constructed with flood resilience/ resistance

measures where appropriate. The EA modelling shows that the site has a very low hazard/danger for some routes to Botley Road, however the railway and low points under Botley Road may prevent access to a fully dry area in times of extreme flood. Therefore, a flood warning and evacuation plan has been provided, the key premise of which is that if extreme events are forecast the building will be evacuated, and the University can accommodate the occupiers in alternative accommodation until such a time that they may return. The report states that the proposals have the agreement of the EA. The EA has not objected to the application, therefore we have no reason to doubt this. Condition is recommended to be imposed to require that the evacuation plan would be implemented in the event of an extreme event.

### *Drainage*

- 10.115. A survey of the existing drainage arrangements was undertaken, and it was established that the majority of the surface water from the existing site discharges to the Thames Water foul sewer in Arthur Street, with the remainder discharging directly to the River Thames.
- 10.116. The proposed drainage strategy removed all surface water from the foul sewer in Arthur Street, and should therefore reduce the chance of sewer flooding in extreme rainfall events. The report suggests the rainfall volume may cause overflow in a 1 in 2y event, therefore the proposal should reduce this significantly. The strategy proposes discharge to both the surface water sewer (existing surface water sewer in Russell Street with a new surface water sewer proposed in Arthur Street, which is proposed to be offered for adoption by Thames Water), and the River Thames. Attenuation of rainfall to limit discharge rates will be achieved using a combination of green/gravel roofs, attenuation in the first floor courtyard garden, and underground attenuation tanks. In line with Oxford City and Oxfordshire County Councils Surface Water Drainage (SuDS) Design Guides, discharge should be attenuated to greenfield rates, unless specifically agreed otherwise. The report states a minimum of 44% reduction of runoff for the whole site in the 1 in 2 year event, and greater for the more extreme events, and that the proposal would result in 54.7 % of all runoff being attenuated down to 5.2l/s for all events up to the 1 in 100 year + 40%% climate change event. The total discharge rate from the site should be limited to greenfield rates (or agreed rates) for the whole site. Therefore the condition is recommended to ensure that this is clearly shown in the final drainage strategy.
- 10.117. SuDS maintenance and management information has been provided in the report. As part of the information to discharge the recommended drainage condition, this should be collated into a separate document, and included within the site operation manual/information in order to ensure that it is undertaken, and the drainage system remains functional and effective.
- 10.118. The proposed drainage strategy involves partial discharge to the River Thames, and partial discharge to the surface water sewer network. Thames Water have raised no objection to the connection, however an Environmental Permit will be required from the EA for discharge into the River Thames and associated infrastructure within 8m of the bank. Therefore the condition is



recommended to ensure confirmation of this is provided, as this must be approved to provide a viable outfall, and as such a functional drainage system.

- 10.119. The surface water sewer to which part of the sewer system would discharge is to be constructed in Arthur Street, to replace a highway sewer, and to be offered for Adoption by Thames Water. The information submitted as part of the condition would need to prove the relevant permissions have been obtained, as without these, there is no viable outfall.
- 10.120. Oxfordshire County Council (in their role as a flood authority) stated in their comment that “whilst in principle we would have no issues regarding the proposal of green roofs and above ground storage, we would have concerns with how the scheme will develop to ensure that the surface water can be managed appropriately on the site due to it being located within flood zones 2 & 3 and the FRA has not demonstrated how this will be achieved for the whole site.” The County also stated “the revised FRA dated 29th May 2019 by Clive Onions Consulting Civil Engineer is at Concept Stage. This should be worked up to Outline Design supported by relevant plans, long/cross sectional drawings, written statements of intent.” Oxfordshire County Council have published the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire” to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements. The County Council have suggested a condition to deal with surface water drainage to ensure compliance with the Oxfordshire Local Standards.
- 10.121. As per Oxfordshire County Council comments, the concept design provided must be supported by full details and calculations, however this may be secured via condition. This should be based on the initial design, but should also take into account comments made by the Lead Local Flood Authority (LLFA) and Oxford City Council. Oxfordshire County Council as LLFA have commented on the proposals, and have no objection subject to further details being obtained via condition. Therefore a drainage condition is recommended to be imposed to ensure that final drainage details would be submitted and approved and that no development shall be undertaken until these conditions have been discharged, as it must be demonstrated that the drainage system is viable.
- 10.122. The construction of the proposed new surface water sewer in Arthur Street would require permissions from Thames Water and the Local Highway Authority. The proof of these agreements should form part of the final drainage strategy, which would be secured by condition as recommended by officers. Overall, it is considered that in principle the existing situation would not be worsen and should in fact improve the situation. The proposal passes the Sequential Test and as per the government’s guidance the Exception Test is not required. Thames Water, the Environment Agency and LLFA have not objected to the proposal. The proposal complies with Policy CS11 of the

Core Strategy and National Planning Policy Framework and emerging Local Plan Policy RE3 subject to the conditions recommended by officers.

**viii. Contamination**

- 10.123. A Phase II Geotechnical and Contamination report produced by Integrale has been submitted. Phase 1 is a preliminary risk assessment incorporating a desk study and site walk over to identify all potential contaminative uses on site and conceptual site model identifying potential contamination risks. This has been completed and it is considered acceptable. Phase 2 which is comprehensive intrusive site investigation and Phase 3 which is options appraisal and remediation strategy have not yet been carried out. Therefore, on the basis that the site has not been investigated in full, planning conditions should therefore be included on any permission granted for the site to ensure that any ground and water contamination are identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of Policy CP22 of the Oxford Local Plan and in line with paragraph 170 of the National Planning Policy Framework. An informative is also recommended to be included to make the applicant aware that the responsibility to properly address contaminated land issues, irrespective of any involvement by the City Council lies with the owner/developer of the site. Subject to conditions the proposal is considered acceptable in terms of the requirements of Policy CP22 of the Oxford Local Plan and equivalent policy in the emerging Draft Oxford Local Plan 2036.

**ix. Noise**

*Policies and material considerations*

- 10.124. Policy CP9 of the Oxford Local Plan states that planning permission will only be granted subject to plant and machinery being integrated into building design and unacceptable levels of light and noise nuisance being avoided. Policy CP19 of the Oxford Local Plan states that planning permission will be refused for development proposals that cause an unacceptable nuisance. Where such nuisance is controllable, appropriate planning conditions will be imposed. Policy CP21 of the Oxford Local Plan states that planning permission will be refused for developments which will cause unacceptable noise. Particular attention will be given to noise levels: a) close to noise-sensitive developments; and b) in public and private amenity space, both indoor and outdoor. The City Council will impose easily enforceable conditions to control the location, design, layout and operation of development proposals to minimise any adverse impact as a result of noise and its transmission.

*Assessment*

- 10.125. The proposed ground floor plant areas would comprise a boiler room, cold water storage, tank room, sprinkler tank & pump room, main equipment room, Low Voltage (LV) switch room and substation. Two further plant rooms would be located at fifth floor roof space level. The plant room on the fifth

floor level towards the north of the building would contain mechanical ventilation plant serving the first floor teaching/breakout areas, ground floor dining room, bar areas, toilets, kitchen and guest bedrooms. The south plant room would comprise two new air cooled chillers and associated chilled water plant. A mechanical ventilation plant serving ground floor teaching areas and guest bedrooms is also proposed.

- 10.126. The Stage 2 Acoustic Report written by RBS dated 14th August 2018 (The Report) submitted with the application contains details of expected noise sources from the proposed development, setting these against measured current background noise levels. The design targets used are in line with the Council's expected noise limits for new development as set out in the current Local Plan. The principle is that noise from new development should not cause an increase in the background noise level at existing residential properties, thereby leading to "noise level creep". The Report found that measured current background noise levels at 2 locations outside residential properties were between 33 and 36 decibels depending on the time of day. Using suitably conservative assumptions about the effects of distance and other noise propagation factors the Report proposed that plant noise emission should be low enough that they would be at least 10 decibels below those current background noise levels when measured at those positions. This is considered to be a reasonable and appropriate approach to adopt. In common with most development proposals the precise details of mechanical plant are not known at planning application stage, but the criteria specified in the Report would ensure that such plant would need to be chosen, designed and insulated to achieve these suitably stringent limits. The proposed condition gives Council officers the ability to check that this is the case at a later date but before the development is brought into operation.
- 10.127. The Stage 3 Acoustic Report written by RBS dated 28 September 2018 (The Updated Report) followed the same approach but with reference to design details for the proposal. These include the Boiler Room on the Arthur Street side.
- 10.128. Further refinement to the acoustic consultant's advice followed changes made to the Stage 4 design and a review by RBS. Details were submitted by way of the letter from RBA Acoustics to Long & Partners dated 17<sup>th</sup> May 2019 (The Letter). The proposed limits and the recommendations made in The Updated Report and The Letter are confirmed by way of the noise conditions attached to any permission granted.
- 10.129. To safeguard the amenities of the occupiers of nearby properties in accordance with Policies CP9, CP19 and CP21 of the Oxford Local Plan 2001-2016 conditions regarding noise control scheme and noise control at specified times are recommended. The noise level along Russell Street and Arthur Street are proposed to be limited to 33 dB (daytime 07.00-23.00) and 30dB (night-time 23.00-07.00) and noise level along the Riverside façade are proposed to be limited to 36dB (daytime 07.00-23.00) to 35dB (night-time 23.00-07.00).

**x. Energy**

### *Policies and material considerations*

- 10.130. The preamble to Policy CS9 of the Core Strategy states that energy conservation and renewable energy are central to the principles of sustainable development, and are a fundamental part of good design. The City Council expects all developments throughout the city to achieve high standards of sustainable construction and design to play their part in adapting to the challenges of climate change locally. Policy CS9 of the Core Strategy states that all development should seek to minimise their carbon emissions. Proposals for developments are expected to demonstrate how sustainable design and construction methods will be incorporated. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for developments on qualifying sites that demonstrate, through submitting a Natural Resource Impact Analysis checklist, how they will: minimise the use of energy by using energy-efficiency solutions and technologies; deliver a proportion of renewable or low-carbon energy on site; incorporate recycled or reclaimed materials; and minimise water consumption by incorporating appropriate design and technologies, in accordance with the Natural Resource Impact Analysis Supplementary Planning Document. The current Oxford policy target is 20% on-site renewable energy. Very limited weight can be given to the drafted Policy RE1 of the emerging Local Plan 2016-2036.

### *Assessment*

- 10.131. The Natural Resource Impact Analysis (NRIA) checklist and Energy Strategy has been submitted with the application. The proposal involves the conversion of an existing Victorian Power Station and the erection of new extensions, which makes it more difficult to comply with the policy as the building is not a wholly new building. The originally submitted Energy Strategy did not comply with the requirement of the policy. An amended Energy Strategy has been submitted. The development achieves the Oxford City Council's 20% reduction in emissions over the base case, including equipment. The Energy Strategy includes passive design, air source heat pumps, photovoltaics and low flow fittings for domestic hot water. It is proposed to provide 233 roof mounted solar PV panels with a total area of approximately 380m<sup>2</sup> to generate on site renewable electricity. The Air Source Heat Pump is used to provide renewable heating and cooling in the server rooms. The retention of original windows on the west elevation and secondary glazing would still allow the proposed development to comply with the 20% on-site renewable energy policy target.
- 10.132. The proposal would comply with the 20% policy target and therefore the proposal is acceptable in terms of the requirement as set out in Policy CS9 of the Core Strategy.

## **xi. Air Quality**

### *Operational Phase*

- 10.133. The introduction of new receptors on an Air Quality Management Area (AQMA): The review of the Air Quality Assessment allows to state that pollutant concentrations at the façade of proposed residential receptors are predicted to be within the relevant health-based air quality objectives. On that basis, future occupants of the proposed development will be exposed to acceptable air quality and the site is deemed suitable for its proposed future use in this respect.
- 10.134. Potential emissions from traffic increase: The review of the site's transport statement allows us to conclude that the proposed development is expected to generate a total of 4 movements as a 24-hour Annual Average Daily Traffic (AADT), comprising 1 Light Duty Vehicle (LDV) movement and 3 Heavy Duty Vehicle (HDV) movements. This is based on the assumption that the vast majority of staff and students will use the Park & Ride and public transport system rather than driving to the application site. This is considered to be a reasonable assumption as the proposal provides only 2 accessible car parking spaces, both for use by Blue Badge Holders and no other car parking area. This is a significant reduction from the existing provision, which currently provides 25 spaces. The proposed development would therefore likely to lead to a reduction in vehicle trips on the highway network compared to the consented use on the site.
- 10.135. Potential Emissions from On-site centralised combustion systems: The review of the most recent energy strategy of the development indicates that Photovoltaic panels and Air Heat pumps would be the technology to be installed on site. As these types of technologies are emission free, and therefore there would be no potential air quality impacts associated.

*Construction Phase (Dust and vehicle emissions during construction works)*

- 10.136. A qualitative assessment of the potential local air quality impacts associated with the construction phase activities has identified that the proposed development is considered to be high risk for dust soiling effects associated with demolition and construction activities and low risk from earthworks and trackout activities. Given that the risk of dust soiling is assessed as high risk, it is recommended that effective dust mitigation measures in accordance with those listed as 'highly recommended' within the IAQM guidance document should be implemented in order to mitigate potential dust effects and the impacts on air quality considered to be negligible.
- 10.137. Overall, air quality would not represent a material constraint to the development proposals, however, with regards to the potential emission from dust during the developments construction phase, it is extremely important to guarantee that the site specific mitigation measures that were identified in the dust assessment (part of the air quality assessment) are put in place, and included on the site's construction environmental management plan, as only those will minimise those impact to the status of 'non significant'. Therefore a condition is recommended to be imposed to secure necessary site specific mitigation of dust from construction to ensure that the overall dust impacts during the construction phase of the proposed development will remain as

'not significant', in accordance with the results of the dust assessment, and with policy CP23 of the Oxford Local Plan.

**xii. Transport**

*Car parking*

- 10.138. Policy CS13 of the Core Strategy states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport. A Transport Assessment and comprehensive Travel Plan must accompany all major development proposals. Policy TR3 of the Oxford Local Plan states that planning permission will only be granted for development that provides an appropriate level of car parking spaces no greater than the maximum car parking standards shown in Appendix 3 of the Oxford Local Plan. Policy TR12 of the Oxford Local Plan states that when determining planning applications, the City Council will seek to reduce the number of private non-residential parking spaces, particularly in the Transport Central Area and Transport District Area, when they are not required for operational reasons.
- 10.139. A Transport Assessment and Travel Plan have been submitted with the application. The site lies within the Transport Central Area. The site currently has parking provision for 25 cars. The proposed development is located within walking distance of the Said Business School. Oxfordshire County Council has commented on the proposal. Parking in the vicinity of the site is regulated by a controlled parking zone, which allows only parking by permit holders and Blue Badge Holders. There are also limited sections that permit short stay parking. The development proposes to reduce the off-street car parking spaces from 25 to 2. Those 2 parking spaces are proposed only for Blue Badge Holders. Therefore the reduction of 23 car parking spaces in the Transport Central Area will comply with the requirement of Policy TR12 of the Oxford Local Plan.
- 10.140. The proposed development is located approximately 500m away from the Said Business School and it is proposed that staff would travel between the two sites on foot given the lack of parking provision and close proximity. Due to the car parking restrictions in the area, the nature of the use and development, it is considered that there is no realistic opportunity for employees and course participants to park on the adjacent roads. The information provided with the application states that every effort will be made to discourage any participant driving to Oxford. In order to ensure that development is appropriately managed and in the interest of promoting sustainable transport conditions are recommended to be imposed to ensure that Travel Plan and Management Plan are submitted and approved by the local planning authority.
- 10.141. The Highway Authority raised concerns in terms of the potential for delivery vans/lorries within the loading and drop off area to block off vehicles already parked in the disability bays and therefore the design should be reviewed accordingly. Therefore a condition is recommended to be imposed to ensure that amended layout would be submitted and approved in writing by the local

planning authority. Paragraph 4.11 of the transport statement suggests that waiting restrictions on Russell Street and Arthur Street should be amended to provide a better pedestrian environment. Details of this amendment need to be made clear and the amendment of waiting restrictions in the area, would be subject to a separate consultation exercise and decision-making process. An operational space for services is proposed, which would be used for the servicing of the building. In the interest of highway safety and for efficient operation of the road network a condition is recommended to be imposed to ensure that a delivery and servicing management plan including a maximum waiting time for this space is to be submitted for consideration and approval by the Local Planning Authority.

- 10.142. Russell Street and Mill Road both have 1.5m wide footways on both sides up to the junction with the A420 Botley Road from where pedestrian access from wider Oxford can be achieved. The Osney Power Station is also well located to be accessed by regular bus services, being within a 400m walk to the bus stops along Botley Road, Oxford Rail Station and in Frideswide Square. The Highway Authority Officer concluded that the vehicular movements from visitors and staff are not likely to be detrimental to the local network. However, vehicle movements associated with deliveries and servicing should be appropriately managed through a delivery and servicing plan and therefore a condition is recommended to be imposed.

#### *Travel Plan*

- 10.143. The Local Highway Authority has stated that this development should be classed as C2 Residential institutions/education from a travel plan perspective. Under C2, it is the number of students that dictates the requirement for the site. In this case, it falls within the threshold of 50-149 students, which means that the site would require a travel plan statement. This should be produced using the template contained in the Oxfordshire County Council guidance 'Transport for New Developments: Transport Assessments and Travel Plans'. Therefore a condition is recommended to be imposed to ensure that this is submitted to and approved in writing before the first occupation of the site.

#### *Construction Traffic Management Plan*

- 10.144. The Highway Authority have stated that given the scale of development it is assumed that to implement the proposed changes at the Power Station significant movement of traffic would be generated. Therefore a condition is recommended to be imposed to ensure that a Construction Traffic Management Plan (CTMP) including the routing of construction vehicles and management of their movement into and out of the site, access arrangement and times of movement of construction vehicles, details of wheel cleaning/wash facilities, contact details, times for construction traffic and delivery vehicles is submitted to be approved in writing prior to commencement of development.

#### *Cycle parking*

- 10.145. Policy TR4 of the Oxford Local Plan states that the City Council will only grant planning permission for development that: a) provides good access and facilities for pedestrians and for cyclists, and b) complies with the minimum cycle parking standards. For new non-residential development, the City Council will seek the provision of showers and changing facilities in accordance with the thresholds and minimum standards.
- 10.146. The existing four public cycle parking spaces, which are currently located on the junction of Russell and Arthur Street are proposed to be removed. Due to the unusual nature of the proposal, the development is difficult to categorise within the scope of Oxford's cycle parking standards as although the proposed development is an educational establishment, it is neither a school nor a non-residential higher and further education establishment and is also includes some accommodation use. Therefore it is reasonable to categorise the proposed development as 'other development', which is to be treated on its individual merits, guided by the general principle of 1 space per 5-people. There are 121 room proposed, maximum 9 staff based in the building and up to 8 programme administrator and programme directors and therefore the maximum number of people in the building at any point would be approximately 138. In accordance with policy TR4 the general guidance would be to provide 1 cycle space per 5-people and therefore based on the maximum number of people in the building a minimum 27 cycle spaces should be provided.
- 10.147. The amended plans have been provided. The development is now proposing 33 cycle spaces, which is considered to be adequate for the development of this nature. The Transport Assessment shows 6 stands along Arthur Street, however the landscape plan (drawing number 1781-JMP-XX-DR-L-3001 Revision P02) shows 8 cycle stands in the Arthur Street public space. The additional statement and drawing submitted confirms that eight new public cycle stands providing storage for 16 bikes are being proposed to be located along Arthur Street. Additional cycle storage is proposed to be located within the building. The location of the internal cycle storage allows direct access from the store into the external access that runs around the edge of the building which, in turns, allows direct access onto Arthur Street. The submitted Addendum Design and Access Statement shows the internal cycle storage showing that semi vertical rack could accommodate 17 bicycles. A condition is recommended to be imposed to ensure that final details of the cycle storage for the site would be submitted to and approved in writing by the Local Planning Authority and to ensure that the cycle spaces would be installed prior to the occupation of the building and retained for that purpose thereafter.
- 10.148. Given the type of attendees and proposed 33 cycle spaces, it is considered that the development complies with policy TR4 of the Oxford Local Plan.

**xiii. Waste**

- 10.149. Policy CS10 of the Core Strategy states that all new developments will be expected to have regard to the waste management hierarchy during design, construction and final occupation. Planning permission will be granted for



appropriately located development that makes provision for the management and treatment of waste and recycling, in accordance with the Oxfordshire Joint Municipal Waste Strategy and local waste management strategies.

- 10.150. A Waste Management Strategy has been submitted with the application. The waste store would be provided for wheelie bins within internal waste storage. The waste storage would be adjacent to the servicing and delivery access. The waste would be collected within the building and taken to the internal centralised bin store, which would contain 4 x 1100 litre containers, a wheelie bin for glass, a container for food waste and a small cardboard store. Three of the 1100 litre containers would be used for dry mixed recycling, and the other container would be used for non-recyclable materials. However, the Waste Management Strategy states that this will be reviewed once the building is in operation. The information provided in the strategy states that collections for dry mixed recycling and landfill waste would be carried out daily Monday-Friday and the glass collection would be carried out twice weekly. The strategy states that “the Said Business School building would serve as the hub for operational deliveries and collections by larger vehicles, with electric vehicles shuttling between the sites. Refuse and recycling vehicles that need to access the Osney Power Station site would arrive by way of Russell Street, and back into the site from Arthur Street, from where they will collect the waste/recycling.” Due to the constraints of the site and residential nature of the surrounding area, the strategy took into consideration the impact on the neighbouring properties into consideration. The hours of collection and external use of the waste/recycling bins would be during normal working hours only and special attention would be given to glass recycling, which can be particularly noisy. A condition is recommended to be imposed to ensure that a Management Plan of the Centre of Executive Education would be submitted to ensure that the site is appropriately managed. It is considered that the proposal complies with condition CS10 of the Core Strategy.

**xiv. Community safety**

- 10.151. Policy CS19 of the Core Strategy states that new developments are expected to promote safe and attractive environments, which reduce the opportunity for crime and the fear of crime. Planning permission will only be granted for development that meets the principles of ‘Secured by Design’, including providing for well-designed public spaces and access routes, which are integrated with their surroundings and respond to the needs of the community; maximising natural surveillance; providing for appropriate lighting of public spaces and access routes.
- 10.152. The Design and Access Statement has provided information regarding security and crime prevention. There are various security measurements proposed such as security system, door access controls, CCTV, external lighting. The secure cycle parking would be provided for staff within the building. The public cycle spaces provided along Arthur Street would be overlooked by CCTV. The Design and Access Statement states that “the building will be designed to follow the practices of Secured by Design. This will be initiated during the next stage of design when detail regarding doors,

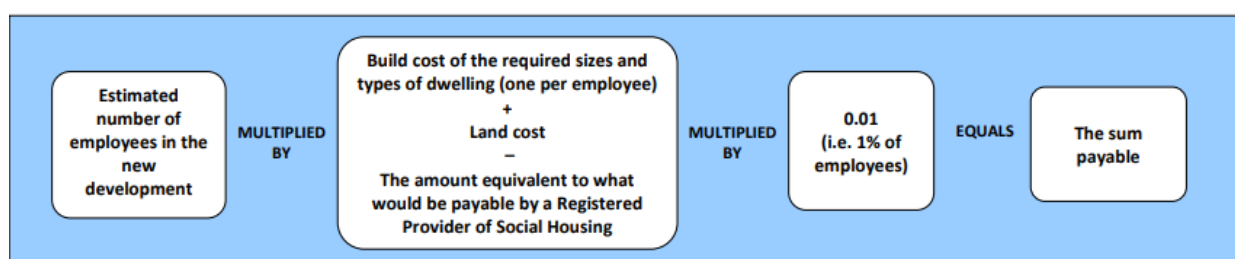
windows, locks and entrance design is defined in detail. A condition is recommended to be imposed to ensure that an application is made for Secured by Design accreditation and that the development would not be occupied or used until confirmation of the accreditation has been received to ensure that all measures have been taken in terms of crime prevention.

#### xv. Planning obligations

10.153. It is considered that the following matters should be secured through a section 106 legal agreement:

##### *Affordable housing contribution*

10.154. Policy CS24 of the Core Strategy states that planning permission will only be granted for commercial development that provides affordable housing to meet additional demand created. For the purposes of Policy CS24 the development is considered to fall within the 'commercial' category when considering affordable housing provision/contribution as set out in the Affordable Housing and Obligations Supplementary Planning Document ((AH&O (SPD))). Policy CS24 and the SPD contain no size threshold at which a contribution will be sought; however, an indicative threshold of 2,000m<sup>2</sup> net additional floorspace, including changes of use, will be used to indicate that a contribution will be expected. The (AH&O) SPD states that the standard method of contribution from commercial development would be financial. The financial contribution would be sought, based on Appendix 4 of the (AH&O) SPD and a formula based on a number of employees for the whole development. The formula to calculate affordable housing contribution from non-residential development is :



10.155. The information provided with the application states that the Said Business School would employ 2x receptionist (24/7), 3x contract catering staff (kitchen), 2x contract catering (front of house), 1x duty manager, 1x technical support. Therefore the total number of staff employed and based in the building would be 9. The number of staff would vary as it would depend on the number/size/nature of programmes running. Most of the administrative staff would be based in the main Said Business Campus and would only visit the building during the course/programme. The statement provided with the application states that each programme running in the building (up to 4 simultaneously) would be supported by a programme administrator and a programme director, so there may be 0-8 additional staff at any point in time dependant on size/shape/number of programmes. However, these people would not be based in the building and would visit the building to support the particular event. There would be a contracted housekeeping and laundry

service giving rise to a likely of total 4-5 members of staff (but as with the other staff the majority would not be based at the application site itself).

- 10.156. Therefore the affordable housing contribution has been based on the number of employees employed and based in the building (9 employees). The affordable housing contribution will be £6,921.

*Amendments of Traffic Regulation Order along Arthur Street*

- 10.157. Oxfordshire County Council has requested that a £2600 contribution should be secured by Section 106 legal agreement. The contribution is required to amend the Traffic Regulation Order along Arthur Street. The Traffic Regulation Order contribution via a Section 106 would be used to change parking and waiting restrictions along Arthur Street.

## **11. CONCLUSION**

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPPF. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

*Compliance with Development Plan Policies*

- 11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material consideration, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.4. The application site is located within close proximity to the Said Business School and therefore makes this site very sustainable. The design, massing and layout has been carefully amended after a long period of pre-application consultation, reviews by the Oxford Design Review Panel and public consultation. No unacceptable impact on highway safety has been identified. No unacceptable impact on flooding has been identified. The proposal would not cause discernible harm to the character or appearance of the Osney Town Conservation Area or Central Conservation Area or non-designated heritage asset which is the Power Station. The proposal would not result in any significant additional distraction to views of the city skyline, the towers and spires. The proposal would result in a low level of less than substantial harm to

archaeology and whilst great weight has been given to this asset's conservation, this harm that would be caused would be mitigated by the foundation design and is considered to be outweighed by the public benefits which would ensue from the proposal. The impact of the proposal on the neighbouring properties has been carefully considered and as set out in the assessment, the proposed development would be acceptable.

- 11.5. The application is consistent in all other respects, subject to conditions, with local and national planning policy.

*Material considerations*

- 11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.7. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.8. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.9. Officers would advise members that having considered the application carefully, including all representations made with respect to the application, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016 as explained above and when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.10. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the recommended conditions set out in section 12 of this report and subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

### **1 Development begun within time limit**

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

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

### **2 Develop in accordance with approved plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

### **3 Samples- Materials**

Prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), samples of the exterior materials shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved materials and details shall be used.

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

### **4 Sample panel- brickwork**

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

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

### **5 Details of replacement windows and doors**

Prior to the installation of new windows details of replacement windows and doors to a scale of 1:5 showing the relationship of window/door to façade shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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

**6 Details of repair of windows on west façade**

Details of the repair of the retained windows (as shown on the plan 1781-JMP-XX-W-DR-A-4104) on the west façade of existing building including methodology for repair as well as materials, details and finish shall be submitted and approved in writing by the Local Planning Authority prior to this work being carried out. The development shall be completed in accordance with the approved details.

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

**7 Details of any external plant, ventilation**

Prior to the commencement of construction works above ground level details of any external plant, ventilation details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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

**8 Details of the veil**

Prior to the commencement of construction works above ground level details of 'veil' including material, design and details of junctions with the "non-veiled" elements of building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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

**9 Details of exterior lighting and signs**

Details of all exterior lighting including details of light spill/pattern and signs shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of such lighting. The development shall be completed in accordance with the approved details.

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

**10 Landscape plan required**

A detailed landscape plan showing the details of soft and hard landscaping, street furniture, lighting, and plants shall be submitted to and approved in

writing by the Local Planning Authority prior to the commencement of construction works above ground level. The development shall be completed in accordance with the approved details.

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

#### **11 Landscape plan carried out by completion**

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

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

#### **12 Lighting**

Prior to occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior written consent from 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 CS12 of the Oxford Core Strategy 2026.

#### **13 Construction Environmental Management Plan**

No development shall take place until a Construction Environmental Management Plan shall have first been submitted to and approved in writing by the Local Planning Authority. The plan shall refer, inter alia, to the following matters:

- site specific dust mitigation measures identified for this development- The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in chapter 10.1 (Construction Dust Phase) and Chapter 10.3 (Construction Phase NRMM Emissions), pages 32-34 of the Air Quality Assessment that was submitted with this application
- signage for construction traffic, pedestrians and other users of the site;
- controls on arrival and departure times for construction vehicles;
- hoardings to the site, including to future adjacent development plots;
- noise limits;
- hours of working;
- vibration;
- control of emissions;

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

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

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001- 2016 and in the interests of the amenities of neighbouring occupiers, in accordance with policies CP1, CP19 and CP21 of the Oxford Local Plan 2001-2016.

#### **14 Protected species**

The development shall be undertaken in accordance with the recommendations provided within the Updated Bat and Ecological Survey Report produced by Turnstone Ecology (August 2018). No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.

Reason: To protect species of conservation concern and to comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and Policy CS12 of the Oxford Core Strategy 2026.

#### **15 Biodiversity Mitigation and enhancement**

Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme shall include details of native landscape planting and provision of artificial roost features, including bird and bat boxes. The development shall be completed in accordance with the approved details.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

#### **16 Secured by Design**

Prior to commencement of the development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.



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

**17 Noise control at specified times**

Noise emitted from operations conducted on the premises shall not exceed the sound pressure levels set out below, as measured 1 metre from the façade of any noise sensitive premises in the locations below and expressed as dBLAeq,T

Measurement Period	Russell/Arthur Street Facades	Riverside facades
Daytime (07.00-23.00)	33	36
Night-time (23.00-07.00)	30	35

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

**18 Noise Control Scheme**

In respect of any proposed mechanical ventilation or associated plant, the applicant shall ensure that the plant to be installed will meet the noise limits specified in condition 17. A noise control scheme, to include this confirmation and appropriate measures to achieve this shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into operation. Measures shall be in accordance with recommendations made in the Stage 3 Acoustic Report by RBS dated 23 September 2018 and letter to long and Partners dated 17 May 2019 or of an equal effect.

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

**19 Archaeological condition**

No development shall take place until a written scheme of investigation (WSI) for archaeologic recording and a programme of public outreach work 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, recording, and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

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

**20 Demolition condition**

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

Reason: To ensure that demolition works avoid unnecessary disturbance to in-situ archaeological remains in accordance with policy HE of Local Plan Policy 2001-2016.

**21 Foundation condition**

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

Reason: To secure a foundation design that minimises the harm to important below ground archaeological remains in accordance with policy HE of Local Plan Policy 2001-2016.

**22 Construction Traffic Management Plan**

Prior to commencement of the development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details. Details should include;

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times and in accordance with Local Plan Policy CP1.

**23 Sustainable design and energy efficiency**

The development shall be carried out in accordance with the submitted Energy Statement and the sustainable design and energy efficiency measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise carbon emissions in accordance with policy CS9 of the Oxford Core Strategy 2026.

**24 Delivery and Servicing Plan**

A delivery and servicing management plan including inter alia a maximum waiting time shall be submitted for consideration and approval in writing by the Planning Authority prior to occupation of the site. This plan must take account of the operation of the site access relative to the adjacent roads. The development shall be completed in accordance with the approved details.

Reason: In the interest of highway safety and for efficient operation of the road network in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

**25 Travel Plan Statement**

Prior to first occupation of the development a Travel Plan Statement shall be submitted to and approved in writing by Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interest of promoting sustainable transport in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

**26 Cycle storage**

Details of the internal and external cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation and the cycle storage retained for that purpose thereafter.

Reason: In the interest of promoting sustainable transport in line with Local Plan Policy TR4.

**27 Surface water drainage**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is completed.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework. To ensure compliance with Oxford Core Strategy Policy CS11.

## **28 Flood risk assessment**

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA): Said Business School at Osney Power Station - Flood Risk Assessment and Drainage Strategy, dated 20 May 2019, Version 7 prepared by Clive Onions, and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 57.5 metres above Ordnance Datum (AOD)
- The 'water entry' method, such that the bin store will incorporate a grill and internal lobby doors will have louvres to allow the free flow of water. The louvres will match those proposed on the bin store and will allow water to enter to meet the 'level for level' compensation required up to 270mm above floor level.

The mitigation measure(s) shall be fully detailed prior to development commencing, and shall be implemented prior to occupation in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reasons: To reduce the risk of flooding to the proposed development and future users and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage in line with Policy CS11 of the Oxford Core Strategy 2026.

## **29 Detailed water entry method drawing**

The development hereby permitted shall not be commenced until detailed design drawings are submitted and approved in writing by the Local Planning Authority to show the adoption of the agreed 'water entry method' as outlined in the flood risk assessment. The approved details shall be implemented.

Reason: To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage in line with Policy CS11 of the Oxford Core Strategy 2026.

## 30 Contamination

Prior to commencement of development, other than that required to undertake site investigation, a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the Local Planning Authority.

1) A Phase 1 preliminary risk assessment incorporating a desk study and site walk over to identify all potential contaminative uses on site and a conceptual site model identifying potential contamination risks has been completed and approved.

2) A Phase 2 comprehensive intrusive site investigation, based on the approved Phase 1 preliminary risk assessment and conceptual site model, to provide a detailed assessment of the risk to all receptors that may be affected, including those off site and to inform the remediation strategy proposals.

3) A Phase 3 options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use and in line with paragraph 170 of the National Planning Policy Framework and in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

## 31 Verification report

No occupation of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is

complete. In line with paragraph 170 of the National Planning Policy Framework and in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

**32 Contamination not previously identified**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and until written approval to the remediation strategy has been obtained from the Local Planning Authority. The approved remediation strategy shall be implemented as approved.

Reason To ensure that any unexpected contamination encountered during the development is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water.

**33 Groundwater**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason Contamination including contaminated sub-surface structure may exist on site. Piling could mobilise contamination present, resulting in pollution to groundwater in the underlying gravels aquifer.

**34 Loading layout**

Notwithstanding the submitted proposed layout (Drawing No. 005 Rev C) a revised plan showing the loading and drop off area shall be submitted to and approved by the Local Planning Authority before first occupation. The approved plan shall be implemented.

Reason: To improve the loading and drop off area to the north of the building in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

**35 Management plan**

Prior to occupation a Management Plan for the Centre of Executive Education shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied and operated in complete accordance with the approved Management Plan of the Centre of Executive Education. The details as approved shall be brought into operation upon first occupation

of the development and remain in place at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In order to ensure that development is appropriately managed and in the interest of promoting sustainable transport in accordance with policy CP1, TR12 of the Oxford Local Plan 2001-2016 and policy HP14 of the Sites and Housing Plan.

**36 No terrace**

No part(s) of the roof of the building(s) permitted shall be used as a balcony or terrace.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS14 of the Adopted Oxford Local Plan 2001-2016.

**37 Use**

The development hereby permitted shall be used as a Centre of Executive Education (sui generis use) and for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation.

**INFORMATIVES:**

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **13. APPENDICES**

- a) **Appendix 1** – Site location plan
- b) **Appendix 2** – Proposed block plan

### **14. HUMAN RIGHTS ACT 1998**

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

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

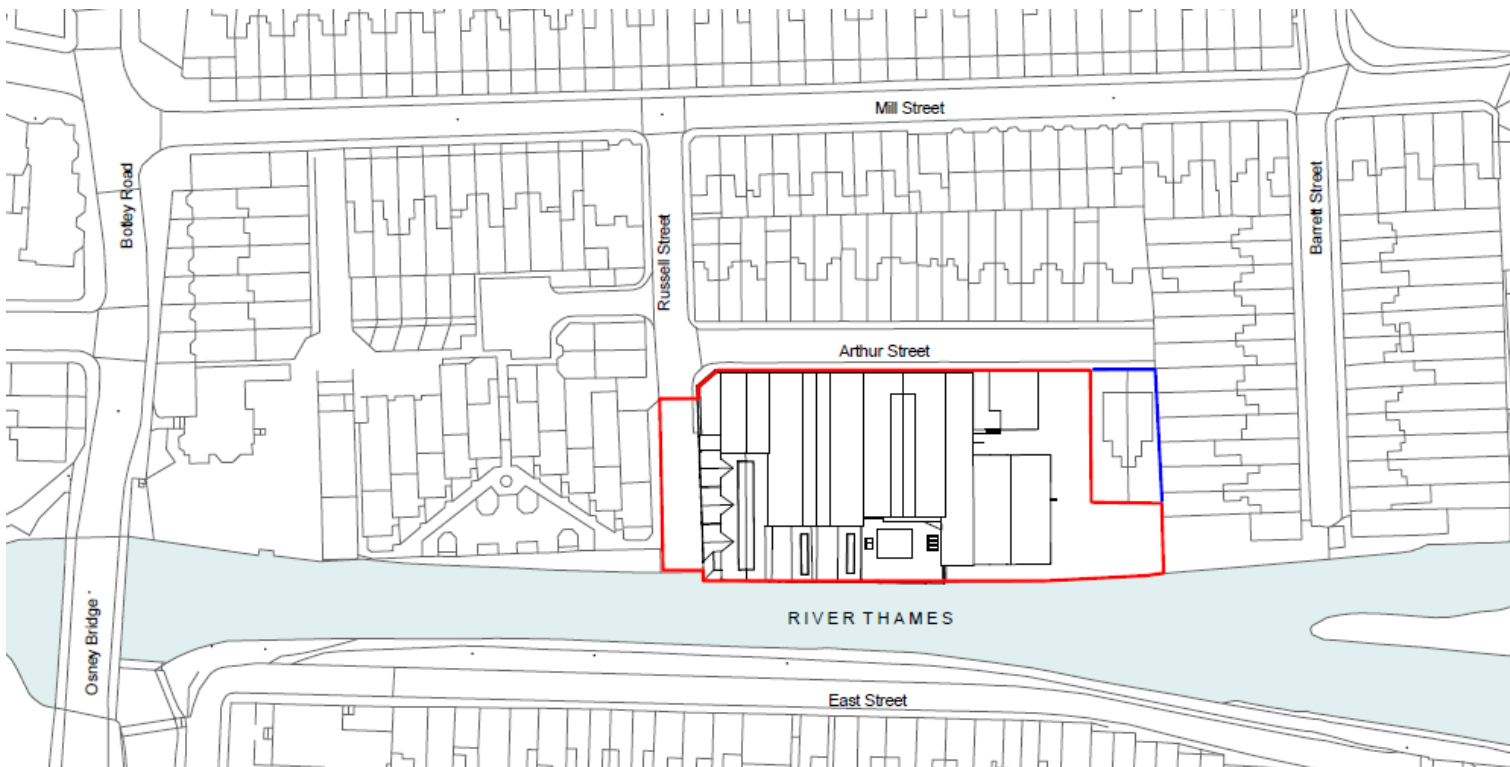
- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission,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



## Appendix 1

### 18/02982/FUL – Old Power Station

#### Site location plan



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Appendix 2

18/02982/FUL – Old Power Station

Proposed block plan



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## WEST AREA PLANNING COMMITTEE

10th September 2019

<b>Application number:</b>	19/01774/FUL	
<b>Decision due by</b>	27 August 2019	
<b>Extension of time</b>	20 September 2019	
<b>Proposal</b>	Demolition of existing buildings and erection of two storey building to provide office space (Use Class B1a). Provision of car parking, cycle stores, bin stores and amenity space with associated landscaping (Amended).	
<b>Site address</b>	Car Park To The Rear Of Littlemead Business Park, Ferry Hinksey Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan	
<b>Ward</b>	Jericho And Osney Ward	
<b>Case officer</b>	Tobias Fett	
<b>Agent:</b>	Mr Alex Cresswell	<b>Applicant:</b>
<b>Reason at Committee</b>	The application is before the committee level decision due to non-residential floorspace	

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

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

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

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application for the redevelopment of an underutilised plot on the Osney Mead industrial estate. The proposals would involve the demolition of a single storey building and the erection of a two storey office

building, 8 car parking spaces (which is a reduction compared to the existing parking provision) and the provision of 60 bicycle spaces.

- 2.2. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations support the grant of planning permission.
- 2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework. The proposal would constitute sustainable development and given conformity with the development plan as a whole, Paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

### **3. LEGAL AGREEMENT**

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

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

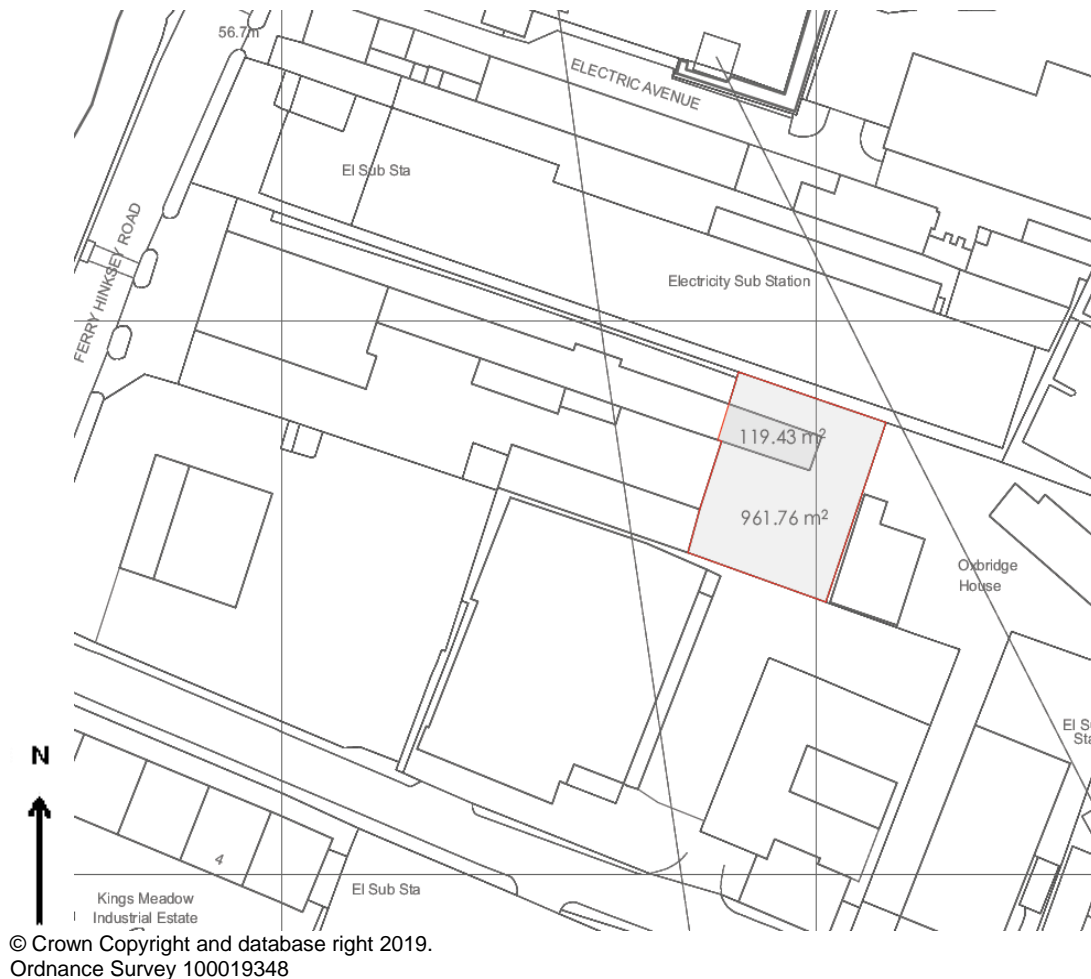
- 4.1. The proposal is liable for CIL of £12,864.23

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

- 5.1. The site is located within the wider Osney Mead industrial estate area. It is located off Ferry Hinksey Road that is known as Littlemead Business Park. The site is located at the end of a block of low scale businesses, where the main visible street fronted business is Europcar vehicle rentals.
- 5.2. The application site comprises the rear section of a single storey commercial building. The surrounding hard standing and car parking is currently used as part of the car rental business to the front of the application site.
- 5.3. The site is bounded by the electricity substation and associated infrastructure to the north; the electricity related infrastructure dominates the context of the site to the north. Oxbridge House (which is a commercial premises) lies to the east, and Europcar to the south and west.
- 5.4. The wider industrial estate has a variety of building forms and styles and a mixed pallet of materials and colours. The immediately adjacent buildings are constructed from a mix of brick and metal cladding and would not be considered to be buildings of a high architectural quality.
- 5.5. There is very vegetation on the application site and the site is unlikely to be a habitat for protected species.
- 5.6. The site is a designated as a protected employment site and within a high risk flood area (floodzone 2 and 3a).
- 5.7. The application is not located within a Conservation Area and would not impact upon the setting of nearby listed buildings. Despite this, the site is

within the Raleigh Park View Cone, but is outside the Council's high building area.

5.8. See location plan below:



## 6. PROPOSAL

- 6.1. The application proposes the demolition of the single storey building on site and the erection of a two storey contemporary office building, with landscaping, 8 car parking spaces and space for storing 60 bicycles.
- 6.2. The proposal is for a two storey office building located to the east of the site. The overall height would be 9.4 metres, which includes built in roof equipment and solar panels.
- 6.3. The building would measure 11.6 metres in depth by 31 metres in width. The upper level would be partly cantilevered, with that area proposed to be used for one of the entrances as well as cycle storage. The upper level would be approximately be 350 sqm and the ground level would be 250 sqm.

## 7. RELEVANT PLANNING HISTORY

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

04/00717/HAZ - Application for hazardous substance consent for storage of liquified petroleum gas (LPG). Permission granted 25th June 2004.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Neighbourhood Plans:
Design	12 [para127]	CP1 Development Proposals CP8 Designing Development to Relate to its Context CP10 Siting Development to Meet Functional Needs CP11 Landscape Design	CS18 Urban design, townscape, character, historic environment,			
Conservation/ Heritage	16	HE10 View Cones of Oxford				
Commercial	6		CS27 Sustainable economy CS28 Employment sites			
Natural environment	15		CS12 Biodiversity			
Transport	9		CS13 transport		Parking Standards SPD	
Environmental	11, 14	CP6 Efficient Use of Land & Density	CS11 Flooding		Energy Statement TAN	
Miscellaneous		CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,	



## **9. CONSULTATION RESPONSES**

- 9.1. Site notices were displayed around the application site on 12th July 2019.

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

#### Oxfordshire County Council (Highways)

- 9.2. No objection has been raised. A condition for a small scale Construction Traffic Management Plan has been requested.

#### Environment Agency

- 9.3. An objection has been received, the Environment Agency consider that the Flood Risk Assessment (FRA) submitted with the application is unsatisfactory. FRA. The EA outlines that this objection can be overcome by the submission of a revised FRA and further clarification that demonstrates the loss of flood plain storage would be within 1% annual probability (1 in 100) flood extent mitigation.

### **Public representations**

- 9.4. No comments have been received.

### **Officer Response**

- 9.5. Officers have taken on board the comments made by all consultees. In relation to the highways comments the conditions recommended form part of the officer recommendation. The objections received from the Environment Agency have been carefully considered and officers have sought their own advice from the Council's flood mitigation officer on how to respond to these comments. Officers have sought further information from the applicant relating to flooding and consider that the issues relating to the flood risk assessment can be adequately resolved by condition. Further consultation with the Environment Agency will take place in advance of the committee meeting which it is anticipated may lead to the withdrawal of their objection.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design & Heritage
- iii. Neighbouring amenity
- iv. Highways
- v. Flooding
- vi. Contamination
- vii. Landscaping

**i. Principle of development**

- 10.2. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (Paragraph 11) and encourages the efficient use of previously developed (brownfield) land (Paragraph 117), as well as the importance of high quality design (Section 12).
- 10.3. Policy CS2 of the Oxford Core Strategy 2011 requires that the majority of development should take place on previously developed land where appropriate. The proposal would demolish a small underutilised building and make better use of a site that is currently used in connection with a car rental business for additional car parking. As such, the principle of development is considered to be acceptable and compliant with the relevant NPPF paragraphs and Core Strategy Policy CS2.
- 10.4. Osney Mead is a key protected employment site as defined in Policy CS28 of the Oxford Core Strategy 2026. The proposals are for a change of use that would result in the loss of light industrial land (Use Class B1(c)); in reality the land was most recently used for office functions and car parking in conjunction with a vehicle hire business and would have had a fairly small number of employees. The proposals would involve a change of use of the land resulting in it becoming used for office space (Use Class B1(a)); as well as an increase in floorspace that is facilitated in part by a larger building and through the loss of car parking on the site. Officers consider that the proposal would not result in the loss of a key protected employment site nor would it detrimentally impact on employment sites in the wider context of Osney Mead. Instead, the proposal would seek to make a better and more efficient use of the site and increase opportunities for office based business ventures and startups.
- 10.5. As such, officers are satisfied that the principle of the proposal is acceptable and is therefore compliant with Policy CS28 of the Oxford City Council Core Strategy 2011 and Policies CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016.
- 10.6. The Local Plan 2036 (Proposed Submission Draft) was submitted for examination on 22 March 2019 and, at the time of writing, Officers can only apply limited weight to the emerging policies. The application site lies within the defined 'Osney Mead' area for the purposes of the emerging Policy SP2 of the Local Plan 2036. Officers have had regard to the policy which promotes a higher density mixed use of the site (including employment, academic, student accommodation and other residential uses). The proposals would not site within the main Osney Mead area but immediately outside of it and officers consider that the proposals are consistent with the emerging policy and would not prejudice the wider redevelopment of the area.

**ii. Design & Heritage**

- 10.7. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it

functions. Policies CP1, CP6, CP8 and HE.6 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy require that development proposals incorporate high standards of design and respect local character.

- 10.8. The design approach has sought to take inspiration from the site constraints and the unusual site surroundings to provide a building that would provide visual interest and contrast with the rather unremarkable built style of the surrounding utility type buildings found on an industrial estate.
- 10.9. The area's character is not primarily shaped by a certain style, vernacular or use of material, but by the uses, and those uses shape the style of building. As the area is an industrial estate there is a vast array of utilitarian structures and brick and metal clad warehouses and low scale office and innovation hubs as well as trade and manufacturing premises.
- 10.10. The proposed materials would include glazing and metal cladding; officers recommend that the details of all external materials to be submitted and approved by the local planning authority.
- 10.11. The proposed building would be a single block and broadly rectangular in form but integrating a number of different elements with a view to breaking up the building's elements and providing visual interest. This would include the use of contrasting colour support structures and metal beams. The upper floor level would be cantilevered over the ground floor to create an undercroft entrance area. The proposals would have the plant integrated into the roof structure. The proposals attempt to integrate aspects of the neighbouring electricity infrastructure into the design with a view to both adding visual interest and responding to the context of the site. Officers commend the imaginative and innovative design approach that has been taken which attempts to provide some visual interest.
- 10.12. The application site is located within a defined view cone as set out in Policy HE10 of the Oxford Local Plan 2001-2016. The site lies outside of the high buildings area in the City Centre (where the greatest impact on the City skyline could result from inappropriate development). In relation to the impact on the view cones, Policy HE10 seeks to protect the City's skyline from a number of defined points both inside and outside of the City Council's administrative area; the skyline being an internationally celebrated aspect of Oxford. The site may be glimpsed from the western views and in particular from Raleigh Park. The proposal is considered to be of an adequate scale, design and size as to fit into the industrial landscape, while not being overbearing or standing out within the long distance or short distance views and would therefore be acceptable as it would comply with Policy HE10 of the Oxford Local Plan 2001-2016.
- 10.13. Overall, the proposal is considered to be of an appropriate scale, form and design, and would be acceptable in visual terms. On this basis, the proposed extension would comply with Policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan 2001-2016, CS18 of the Core Strategy 2011 and MP1 and HP9 of the Sites and Housing Plan 2013.

### **iii. Impact on neighbouring amenity**

- 10.14. Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for development that has an overbearing effect on existing homes and will only be granted for new residential development that provides reasonable privacy and daylight for the occupiers of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.
- 10.15. The subject site is not located within close proximity to any residential properties. The proposed new building is not considered of a size or scale which would give rise to any significant detrimental amenity impacts or nuisances including noise.
- 10.16. It is always necessary for developments to take into account the amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of the amenity of surrounding buildings which would be in similar employment use.
- 10.17. As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with Policies CP10 of the Local Plan, HP14 and MP1 of the Sites and Housing Plan 2013.

### **iv. Transport**

#### Transport sustainability & Access

- 10.18. The application site is located off Ferry Hinksey Road, a road accessed from Botley Road. The site can be reasonably accessed by any bus service along Botley Road and is within walking distance from Oxford Railway Station. There are walking trails past Osney, the nearby waterways as well as past the Outlands Rec ground. The site is in a sustainable location, and prospective users would be able to choose a number of sustainable transport methods to access the site.
- 10.19. The proposal by virtue of the amount of cycling infrastructure (storage, showers and convenient access to high quality cycle lanes nearby) would provide a welcoming place to arrive by bike or foot, and therefore would be in accordance with the Council's adopted planning policies that seek to promote access to employment land by sustainable means including Policies CP1 and CP10 of the Oxford Local Plan 2001-2016 and Policy CS13 of the Core Strategy (2011).

#### Car parking

- 10.20. Policy TR3 of the Oxford Local Plan 2001-2016 requires that planning permission should only be granted where an appropriate level of car parking is provided on site. The policy also refers to adopted parking standards which are retained in the Parking Standards Supplementary Planning Document

(SPD) (2007). The Parking Standards SPD states that Use Class B1 development should provide 1 space per 35 sqm. The proposed change of use would result in a total office floorspace of 566sqm. According to the parking standards this would give rise to a requirement for 16 parking spaces; but this should be taken as a maximum standard. The application proposes 8 car parking spaces. There is a reduction of car parking spaces on the site that would result from the proposed development as the existing area of hard standing around the site could and was used for car parking. Officers have had regard to the location of the proposed development and consider that this would be adequate. The application lies within a Controlled Parking Zone (CPZ) which would preclude on-street commuter parking; numerous local roads (including sections of Ferry Hinksey Road) also have further parking restrictions including double yellow lines. The application site is close to excellent public transport connections and very good cycle parking provision would also be provided on site.

- 10.21. Further to the above, officers have had regard to the emerging policy set out in the Oxford Local Plan 2036. The emerging policy carries limited weight but this needs to be weighed against the fact that the existing policy is quite old (Oxford Local Plan 2001-2016 and the adopted parking standards that date from 2007; both pre-date the NPPF). Policy M3 of the emerging Oxford Local Plan 2036 requires that planning permission will only be granted for development of non-residential development where there would be no increase in parking provision. Officers consider that the proposals would be acceptable in the context of the emerging policy as there would not be an increase in car parking numbers resulting from the proposals (and in fact there would be a decrease overall, especially considering the increased floorspace that would result from the development).

#### Cycle parking

- 10.22. The Parking Standards SPD (2007) states that Use Class B1 should provide 1 space per 90 sqm or 1 space per 5 staff. This would equate to 6 spaces, drawing no. P-03C shows 60 spaces which are significantly higher than recommended.

#### Construction Management

- 10.23. A construction management plan for small scale development has been conditioned. This is to effectively manage any potential traffic disruption the construction process could cause in a key employment site.

#### Conclusion

- 10.24. The proposed development is located within a sustainable location and would provide good cycling infrastructure. The scheme would accords with local planning policies, and is therefore acceptable.

#### **v. Flooding**

10.25. The application site is located partially in floodzone 2 and 3a. These are high risk flood zones for the purposes of national and local planning policies. National planning policy, specifically the NPPF (and National Planning Practice Guidance of NPPG) require that development in areas of higher flood risk needs to be considered in terms of the vulnerability of the proposed use and the defined flood zone. Offices are considered to be a less vulnerable use (for the purposes of the NPPG 'Flood risk vulnerability classification'). The development of this use in flood zone 2 and 3a would be acceptable in the context of national planning policy as summarised in the table below which is extracted from the NPPG flood risk vulnerability classification:

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	✗	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	✗	✗	✗	✓*

Key:

✓ Development is appropriate

✗ Development should not be permitted.

10.26. The footprint has been designed to mostly sit within floodzone 2, and would be cantilevered above a section of the site within floodzone 3a. This would minimise the impact of the proposed development on the highest flood risk areas within the site.

10.27. The Environment Agency (EA) has currently objected to the application, due to further information being required to demonstrate "the loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development can be mitigated for."

10.28. The applicant has provided an addendum to the Flood Risk Assessment (FRA) which further explains the approach to flood storage on site, and proposes to lower the tarmac driveway by 0.1m to create 21.6m<sup>3</sup> compensatory storage to offset the flood plain storage loss of 21.45m<sup>3</sup>.

Revised plans have been received to reflect these minor changes in design and layout.

10.29. The EA has been re-consulted and officers are awaiting a response to the above solution. Despite this, the overall approach is considered acceptable and officers consider that there are not grounds for refusing the application on the basis of flooding impacts regardless of whether or not the EA withdraw their objection. It is anticipated that officers may be able to provide a verbal update of amended comments from the EA in relation to the revised proposals at the committee meeting.

10.30. The proposal is considered to be acceptable as the use is not a vulnerable use, and therefore a lower risk use in a high flood risk area. Further to this the impact of the proposals can be mitigated through the above approach, as well as a better and more sustainable surface treatment than the existing site. As a result the proposed development would meet the requirements of Policies CP1, CP6 of the Local Plan 2001-2016 and CS11 of the Core Strategy.

#### **vi. Contamination**

10.31. The site has had a previous commercial use and is in close proximity to a former vehicle depot and electricity substation. The presence of potential ground contamination cannot be ruled out and as such, an appropriate intrusive site investigation is required to quantify potential contamination risks at the site. Officers consider that the proposed development would be acceptable in the context of the previous uses of the site given that the proposals would be for a modern office development subject to conditions to ensure that suitable ground condition investigations and mitigation are carried out as necessary. On this basis the development is considered to comply with the requirements of Policy CP22 of the Oxford Local Plan 2001-2016.

#### **vii. Landscaping**

10.32. The proposal includes a modest landscaping scheme. The proposal includes a main tarmac approach at the centre of the site. The parking bays would be covered with grass crates and permeable paving for the small paths and cycle storage areas. A small seating area would be at the entrance of the site together with some planting. The proposal would provide a good quality surrounding and provide a vast improvement on the existing lack of landscaping or lack of planting.

10.33. This application would be in accordance with CP1, CP8 and CP11 of the Oxford Local Plan 2001-2016 and CS18 of the Core Strategy and would therefore be acceptable.

### **11. CONCLUSION**

11.1. Having regard 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. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.3. The proposed new office building would be sustainable development, and can be mitigated by the proposed conditions.
- 11.4. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.  
  
Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.
- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.  
  
Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.
- 3 Details 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 and only the approved materials shall be used.  
  
Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.
- 4 Prior to the commencement of the development, other than that required to carry out site investigation work, a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for



the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.

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

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

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

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

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

- 6 A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify;
- The routing of construction vehicles,
  - Access arrangements for construction vehicles,
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

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

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

- 8 The proposed car parking, bin and bicycle storage areas shall be constructed in accordance with the approved plans. These approved plans shall be implemented prior to the use/occupation of the site, and shall be retained for perpetuity, unless agreed otherwise in writing with the Local Planning Authority.

Reason: To encourage the use of sustainable modes of transport, safe waste disposal and recycling.

### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

### **14. HUMAN RIGHTS ACT 1998**

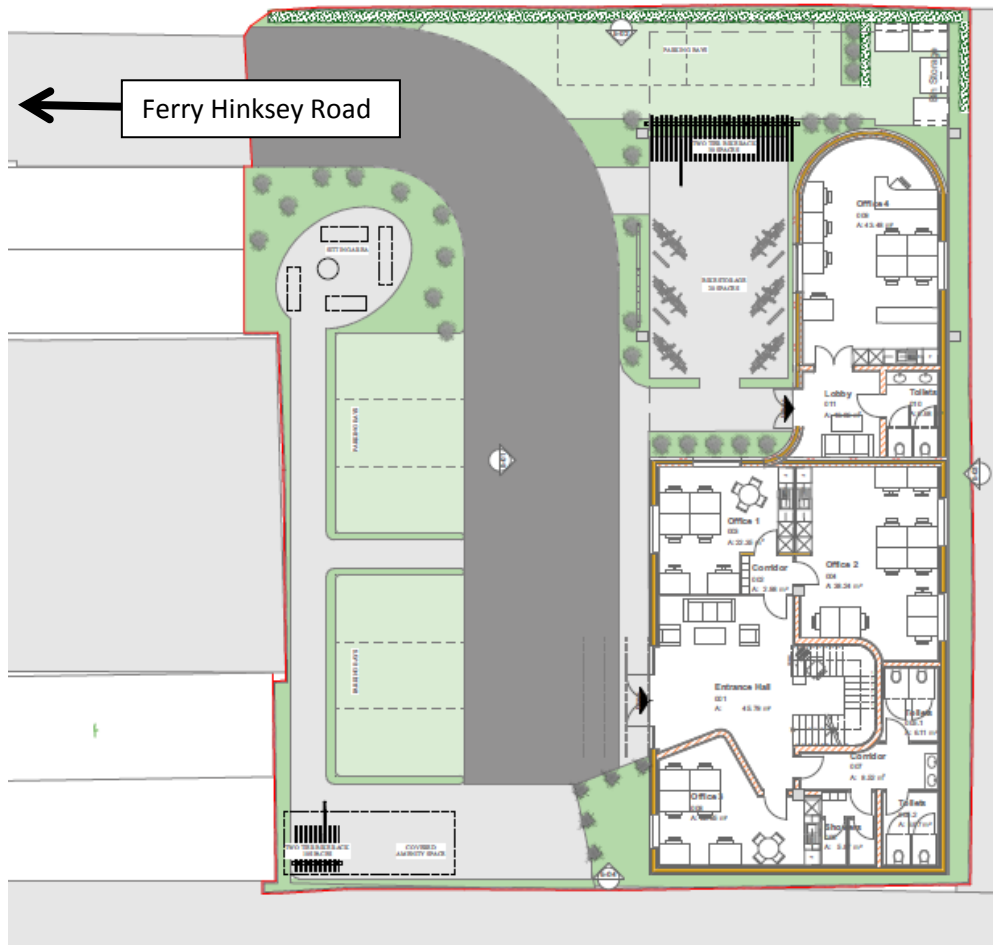
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve the application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

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

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

## Appendix 1 – Site Plan

### 19/01774/FUL – Littlemead Business Park



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## West Area Planning Committee

10 September 2019

<b>Application number:</b>	19/01418/FUL		
<b>Decision due by</b>	25th July 2019		
<b>Extension of time</b>	20 September 2019		
<b>Proposal</b>	Demolition of existing dwelling. Erection of 2 x 5-bed dwellings (Use Class C3) with associated garden office. Provision of private amenity space, car parking and bin and cycle storage.		
<b>Site address</b>	26 Davenant Road, Oxford, Oxfordshire, OX2 8BX – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Wolvercote Ward		
<b>Case officer</b>	Sarah De La Coze		
<b>Agent:</b>	Mr Ryan Kelly	<b>Applicant:</b>	Mr Aaron Todd
<b>Reason at Committee</b>	This application was called in by Councillors Wade, Goddard, Landell Mills and Gant due to concerns with the scale of development, impact on neighbouring amenity, light pollution, impact on trees and design.		

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## 1. RECOMMENDATION

1.1. **West Area Planning Committee** is recommended to:

- 1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission
- 1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary and grant planning permission.

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers the demolition of the existing detached dwelling and the erection of 2x5 bedroom semi-detached dwellings with associated garden offices. Officers have considered the application to be acceptable in terms of

the principle, design, impact on neighbouring amenity and highway safety, with the scheme allowing for the creation of an additional dwelling in a sustainable location.

### **3. LEGAL AGREEMENT**

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

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

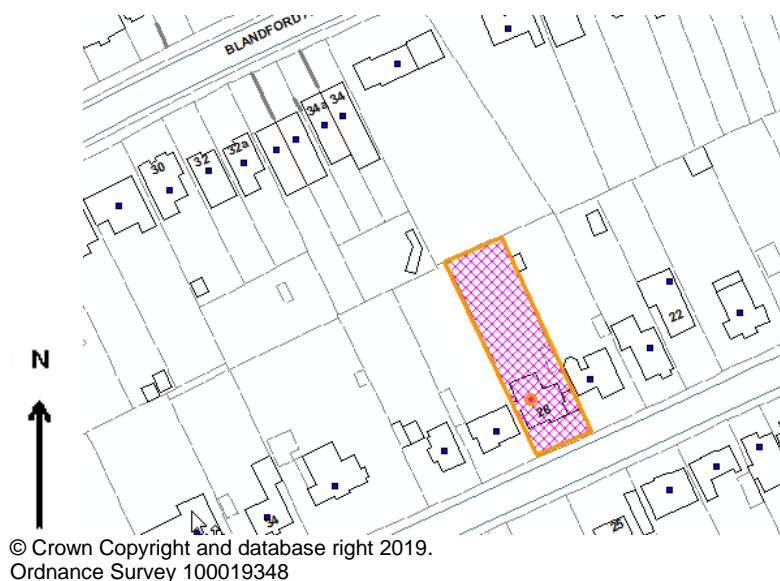
4.1. The proposal is liable for CIL at an amount of £42,103.48.

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

5.1. The site is located on the northern side of Davenant Road in Summertown. The character of the area is residential with the properties being characterised by a mix of detached and semi-detached dwellings. The plots are generally quite generous in size with many properties benefiting from sizeable front and rear gardens. The streetscene is has a strong suburban character and benefits from some mature vegetation in the streetscene.

5.2. The application site comprises an arts and crafts two storey dwelling with parking to the front and a substantial rear garden.

5.3. See site plan below:



### **6. PROPOSAL**

6.1. The application proposes the demolition of the existing dwelling and the erection of a pair of 2x5 bed semi-detached dwellings with associated offices to the rear and with parking to the front.

6.2. The proposed dwellings would have an overall height of 8.8m compared to the existing dwelling's height of 8.2m. The dwellings would feature a part two storey, part single storey element to the rear, box bay windows to the front and

the addition of solar panels to the roof. Garden offices are proposed to the rear gardens of both properties and the scheme proposes two parking spaces per dwelling.

## 7. RELEVANT PLANNING HISTORY

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

79/01069/A\_H - Erection of single storey extension at rear and side and car port at side. Permitted. 27th June 1980.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Emerging Local Plan
Design	122, 124, 127, 128, 130, 131	CP1 CP6 CP8 CP9 CP10 CP11	CS18	HP12 HP13 HP14 HP9		H14, H15, H16, DH1
Housing	67		CS2 CS23	HP10 HP1		H1, G6
Natural environment	163	NE15 NE21	CS11 CS12			RE4
Transport	108,109, 110	TR3 TR4 TR13		HP15 HP16	Parking Standards SPD	M3, M5
Environmental	175		CS10 CS9	HP11	Energy Statement TAN	
Miscellaneous	38,47,48,54	CP.13 CP.19 CP.20 CP.21		MP1	Telecommunications SPD, External Wall Insulation TAN,	S1,

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

## **9. CONSULTATION RESPONSES**

- 9.1. Site notices were displayed around the application site on 13 June 2019. Following amended plans being submitted the application was re-advertised by site notice on 7 July 2019.

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

#### Oxfordshire County Council (Highways)

- 9.2. The applicant seeks to demolish an existing 4-bedroom detached dwelling and erect 2no. 5- bedroom dwellings with the provision of vehicular parking and bin and cycle storage. The site lies in the North Summertown controlled parking zone, close to frequent public transport links into the city.
- 9.3. The proposed 4no. off-street parking bays (2 per dwelling) will necessitate the extension of an existing dropped kerb access and this is acknowledged by the applicant. The parking spaces meet standards set out in the parking standards for new residential developments, but it is noted that the proposals include new shrubs along the outer perimeter of each parking area. These must be kept below a maximum height of 0.6m to ensure that the intended parking bays remain unobstructed on all sides. It is also noted that the creation of these new parking spaces will remove an existing on-street parking bay from Davenant Road. The applicant must forfeit their eligibility to parking permits in order to prevent this development from resulting in additional parking stress in the local area.
- 9.4. Secure and covered cycle storage for 2no. bikes per dwelling is noted along the gated side access to each respective rear garden space. Policy HP15 of the Sites and Housing Plan states that houses with 3 or more bedrooms must provide a minimum of 3no. cycle spaces.
- 9.5. Oxfordshire County Council raises no objection subject to conditions.

### **Public representations**

- 9.6. 11 local people commented on this application from addresses in Davenant Road.
- 9.7. The comments can be read in full as part of the application, in summary, the main points of objection are:
- Overdevelopment of the site
  - Will adversely impact the character and appearance of the area
  - Will increase overlooking between properties
  - Contrary to policy
  - Would be overbearing to neighbours
  - Would not be in keeping
  - Not well designed



- Would overlook the neighbouring properties
- Loss of trees
- Loss of front garden for parking
- Would not comply with cycle standards
- Will increase pressure on traffic and schools, doctors etc
- Would not provide affordable housing
- Would have an overbearing impact
- Loss of privacy
- Would erode the character of the area
- Insufficient outside space
- Would not constitute sustainable development
- Would increase construction traffic and damage from construction traffic

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Residential amenity and impact on neighbouring amenity
- iv. Highways
- v. Biodiversity and trees
- vi. Flooding and drainage
- vii. Sustainability

### **i. Principle of development**

- 10.2. The application seeks planning permission for the demolition of the existing dwelling and the erection of a pair of semi-detached dwellings.
- 10.3. The existing site is made up of an existing dwellinghouse and the surrounding residential garden land. On this basis, whilst part of the application site represents previously developed land (the existing house) the majority of the site is considered to be residential garden land. Policy HP10 of the Sites and Housing plan and G6 of the emerging Local Plan relates to development on residential gardens. The policy states that planning permission will be granted for new dwellings on residential gardens provided that the proposal responds to the character and appearance of the area, the size of the plot is of an appropriate size and any loss to biodiversity will be mitigated.
- 10.4. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is

not of high environmental value. Whilst the NPPF does not identify residential garden land as previously developed land there is considerable scope within the suite of the City Council's local planning policies (particularly Policy CP6 of the Oxford Local Plan (2001-2016), HP10 of the Sites and Housing and the emerging Policy G6 of the Oxford Local Plan 2036.

- 10.5. The existing dwelling is not listed and the site does not fall within a Conservation Area. The demolition of the existing dwelling in itself would therefore not require planning permission.
- 10.6. Officers consider that the proposed development would bring about a more efficient use of land. Clearly there would be a reduction in the amount of garden land on the site but the residual garden land would still be generous having had regard to the size of dwellings proposed on the site. The proposed development would also allow for the acceptable functional requirements of future occupiers including access and parking provision. Having had regard to the character of the area in terms of the plots and established pattern of development the area does already contain smaller infill properties and semi-detached dwellings. On this basis it is considered that the proposed development would be acceptable in principle having had regard to the requirements of Policies CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016 and Policies HP9 and HP10 of the Sites and Housing Plan (2013). The proposed development would also meet the requirements of emerging local plan policies and specifically Policy G6 of the Oxford Local Plan 2036.
- 10.7. The proposal would see an increase of an additional dwelling on the site and this is below the threshold where an affordable housing contribution would be required.

## **ii. Design**

- 10.8. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1, CP6 and CP8 of the adopted Oxford Local Plan require that planning permission will only be granted for development which shows a high standard of design and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings. Paragraph 127 of the NPPF states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 10.9. Davenant Road comprises a range of different dwelling types. A number of objections refer to the loss of the existing dwelling due to its appearance and contribution to the street scene, as well as the incongruous nature of the new development.
- 10.10. The existing dwelling is built in an arts and crafts design and is a positive contribution to the street scene. Notwithstanding this, there are a variety of dwellings in the road which benefit from varying designs. There have also been a number of properties which have been redeveloped to accommodate additional dwellings on their plots.

- 10.11. Officers are of the opinion that the loss of a single dwelling of this type would not have an unacceptable impact on the street scene or the general character and appearance of the area as there are other examples of properties of this type still remaining on the street. Furthermore the dwelling is not listed and would not require planning permission for its demolition. This is an important fallback position that needs to be considered when determining an application for the redevelopment of the site.
- 10.12. The semi-detached dwellings would have a more modern appearance with the inclusion of flat roofed dormers as well as square bay windows. The height of the dwellings would also be raised and would therefore be more prominent than the existing dwelling in the street scene. A number of developments of this nature have taken place in Davenant Road and in the surrounding roads and this is representative of the way that this part of the City has developed in more recent times with a view to providing additional houses on previously generous sites. Whilst some of the contemporary elements that are proposed would be uncharacteristic features when compared to the existing dwelling they would not be uncharacteristic as a whole in the context of the wider site and its environs (expanses of flat roofs can be found in the area and in many cases can be developed without the need for planning permission on the basis of permitted development, for example box dormers). Similar infill developments can be found elsewhere in the area and it is argued that the development is not out of character and would make an acceptable contribution to the streetscene whilst also providing a net increase in residential units.
- 10.13. The dwellings would feature deep spans and would have significant footprints but given their position these elements would not be highly visible from the street scene. Amended plans have been provided showing a reduction in the footprint of the dwelling to address neighbouring concerns. Officers are of the opinion that this reduction would allow the dwellings to sit comfortably within the pattern of development in the road and would allow the scale of development proposed to be acceptable. The dwellings would benefit from side accesses and large rear gardens allowing for good circulation space around the properties. It is considered that the sensible layout of the site and the carefully considered design approach mean that the proposals would not represent an overdevelopment of the site.
- 10.14. The dwellings would feature a gabled frontage which would reflect the gables that can be seen in the wider street scene. The bay windows would help break up the massing and add visual interest to the front elevation. The dormers proposed would be modest in scale and would be located in a logical position in the roof allowing them to be read as subservient additions. The overall height of the dwellings would be higher than the existing dwelling but only marginally and given that there is no prevailing design in the road, the additional height would not be considered incongruous.
- 10.15. Solar panels are proposed to be sited on the roof and would sit above the roofline. Given the position of the panels and the roof design, it is not considered likely that the panels would be overly visible from nearby properties and whilst not ideal due to their prominence, there are examples of

this arrangement of solar panels on other properties in the neighbouring roads. Officers have visited those examples and do not consider that they give rise to a harmful impact in the streetscene.

- 10.16. To the rear of the site garden office buildings are proposed to each dwelling. These would be located against the rear boundary and would have an overall height of 2.6m and would feature a flat roof. The scale of the office buildings would be proportionate for their intended use and would still allow for the garden to provide adequate amenity space. The office buildings would be timber clad which would allow them to be read as secondary buildings within the site. These buildings would not be uncharacteristic for a backland plot and a similar scale and type of building could be erected in the back garden of the existing dwelling on the basis of permitted development. On this basis, officers regard this aspect of the proposals to be acceptable in design terms.
- 10.17. A condition will be added requiring samples of the materials proposed to the external elevation of the dwellings to be agreed, to ensure they form a visually appropriate relationship with the neighbouring properties and the overall appearance of the area.
- 10.18. The application seeks to open up the frontage to provide parking for the properties. Whilst it is unfortunate for the frontage to incorporate this scale of hard landscaping for parking, there are a number of examples of this layout in the vicinity and it would not be considered inappropriate or out of keeping in this location.
- 10.19. On the basis of the above officers conclude that the proposal would be in keeping with the surrounding pattern of development and the design of the dwellings would form a visually appropriate relationship with the site and wider area. The loss of the existing dwelling would not have an unacceptable impact on the character and appearance of the area and the development would not be an overdevelopment of the site. Given this the design is considered acceptable and complies with the Council's planning policies relating to high quality design as required by Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011), Policy HP9 of the Sites and Housing Plan (2013) and Paragraph 127 of the NPPF.

### **iii. Residential amenity and impact on neighbouring amenity**

#### ***Residential amenity***

- 10.20. Policy HP12 of the Sites and Housing Plan and H15 of the emerging Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development. The proposed dwellings comply with the requirements of the space standard and officers are satisfied that they would allow for sufficient internal space for any future occupiers.

10.21. Policy HP13 of the Sites and Housing Plan and Policy H16 of the emerging Local Plan refers to outdoor space. It states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space as well as detailing a number of other requirements. The proposal allows for the dwellings to access a private garden. The size of the garden is considered appropriate for the scale of the dwellings and would be in keeping with those of the neighbouring properties. It is therefore considered that the proposal would provide adequate outside space for any future occupiers in accordance with Policy HP13.

***Impact on residential amenity***

10.22. Policy CP1 and CP10 of the Oxford Local Plan, Policy HP14 of the Sites and Housing Plan and Policy H14 of the Emerging Plan refer to safeguarding neighbouring amenity. Policy HP14 states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes.

10.23. A number of objections refer to the impact of the development on neighbouring amenity, specifically with regard to being overbearing and the impact on the light available to the neighbouring properties.

10.24. To the west of the site lies 28 Davenant Road and to the east 24 Davenant Road. Appendix 7 of the Sites and Housing Plan sets out further information with regard to the 45/25 degree guidance. At ground floor level the development would not contravene the 45 degree guidance with regard to number 28 but would obstruct the line from no.24 Davenant Road. When the 25 degree line is applied the development would comply. At first floor level the development would comply with the 45/25 degree guidance when applied from both neighbouring properties, this would also be the case when applied to the second floor plan.

10.25. No. 24 Davenant Road does not benefit from any habitable room facing the side elevation of the development site. No. 28 benefits from side windows facing on to the development site. When the 45 degree line is applied to this window the development would comply.

10.26. The development would therefore comply with the 45/25 degree guidance and officers are satisfied that the development would not have an unacceptable impact on the light available to the neighbouring windows.

10.27. The development would be set in from the boundaries but would be relatively close to the neighbouring properties. The position of the existing dwelling would impact the views available from the site window at no.28 and therefore the new development is not considered to be more harmful with regard to the impact on the outlook from the side window. Given the position of the dwelling and the rear gables being inset, the view from the neighbouring properties would be changed but the outlook is not considered to be materially adversely impacted by the development and as a result the proposed development would not be considered to be unduly overbearing.

- 10.28. The side windows located on the development are proposed to be obscurely glazed so not to create unacceptable levels of overlooking from the side of the properties. To the rear, the amended plans now propose additional obscure glazing at first floor level to reduce the level of perceived overlooking from the rear windows. The site is located within a built up residential area where there is always the opportunity for mutual overlooking from rear and front windows due to the proximity of the dwellings and the overall layout. The development would provide windows in a standard format at the front and rear which would not be uncommon in a residential area. The dwellings would be separated by a road from the properties to the front, and given that the front of properties benefit from a lower level of amenity due to their public position on the street scene, the development is not considered to give rise to unacceptable levels of overlooking to the properties located opposite. The proposal is therefore not considered to give rise to unacceptable levels of overlooking or loss of privacy.
- 10.29. The properties located in Blandford Avenue to the rear of the site would be located more than 21m away and therefore the development would not give rise to unacceptable levels of overlooking, loss of privacy or be overbearing. The offices to the rear would mostly be screened by the boundary fence and given the modest height of the building would not have an unacceptable impact on neighbouring amenity.
- 10.30. The issue of light pollution has also been raised through the public consultation on this application. The development would involve an additional residential dwelling. The additional light that would be produced from an additional dwelling is not considered to be so harmful to justify a refusal of planning permission. In addition the site is located in a residential area where light from properties such as those proposed would not be considered out of keeping in an urban area.
- 10.31. Officers therefore consider that the development would be acceptable with regard to impact on neighbouring amenity and specifically meets the requirements of Policy CP1 and CP10 of the Oxford Local Plan 2001-2016, Policy HP14 of the Sites and Housing Plan (2013) and Policy H14 of the Emerging Local Plan (2036).

#### **iv. Highways**

- 10.32. The site is located in a sustainable location in close proximity to a number of bus stops. The application site also lies within one mile of the shops in Summertown and one and half miles from Oxford Parkway Railway Station. As a result, this is considered to be a highly sustainable location for development where there is good access to local shops, service and public transport. The application seeks to provide two car parking spaces per dwelling to be located to the front. This would be achieved by extending the dropped kerb to the front.
- 10.33. A number of the objections refer to the use of the frontage for parking and the increase in traffic and traffic associated with the construction of the approved development.

- 10.34. Oxfordshire County Council in their role as Local Highway Authority has been consulted on the application and raise no objection. The scheme would comply with the parking standard and would be located in a sustainable location within a controlled parking zone. In order to ensure that the development would not increase parking pressure on the road the site is recommended to be excluded from the eligibility for resident parking permits through an appropriately worded condition.
- 10.35. The issue of construction traffic has been raised as part of the objections. Davenant Road is located between Woodstock and Banbury Road which are sensitive to traffic increases, particularly at peak times. The imposition of a condition requiring a construction management plan is therefore considered justified to ensure that the development does not have an adverse impact on the wider highway network.
- 10.36. The development would incorporate cycle parking to the rear of the site. The site is large enough to accommodate a covered cycle store for the storage of three bicycles in line with Policy HP15 and therefore a condition is recommended to require details of the cycle store to be provided prior to the dwellings being occupied.

#### **v. Biodiversity and trees**

- 10.37. Policy CS12 of the Oxford Core Strategy requires that development will not be permitted where it results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.
- 10.38. A Bat survey report was submitted with the application. As well as a desk survey a preliminary bat survey as well as a dusk and dawn survey was carried out on the site. No bats were found inside or outside of the main house or the existing outbuilding although there are a number of features potentially suitable for use by roosting bats. As part of the dusk and dawn re-entry surveys a number of bats were seen in the area none of which were observed going to roost.
- 10.39. In light of this 26 Davenant Road was assessed as having moderate potential to host a bat roost. Given this, it is considered that ecological enhancements should be introduced in to the site and therefore a condition will be included requiring the development to achieve a net gain in biodiversity in accordance with Policy CS12 of the Oxford Core Strategy.
- 10.40. The application site contains a number of trees and objections have been raised with regard to securing their future. Additional information was provided detailing the construction plan for the driveway in order to minimise the impact on the tree to the front as well as details relating to the construction for the office buildings to the rear. The information has been considered and along with conditions, it is considered that the development can be carried out without damaging the trees. The application is therefore considered acceptable with regard to the impact on trees in line with policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan

## **vi. Flooding and drainage**

- 10.41. The site is within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. A condition will be including requiring a surface water drainage scheme to be provided. Subject to the provision of a satisfactory scheme as required by condition, it is considered that the development would comply with the requirements of Policies CS11 of the Oxford Core Strategy.

## **vii. Sustainability**

- 10.42. Policy CS9 of the Core Strategy requires that all developments should seek to minimise their carbon emissions. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated.
- 10.43. The scheme will incorporate solar panels on the roof, electric charging points and will the scheme has been designed to conform to, and where possible exceed current thermal standards set out in Part L1A of the Building Regulations. The proposal is therefore considered to comply with policy CS9.

## **11. CONCLUSION**

- 11.1. On the basis of 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. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### *Compliance with Development Plan Policies*

- 11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.4. The proposal is considered to comply with the development plan as a whole.



### *Material considerations*

- 11.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.6. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.7. The proposal seeks to provide new residential development in a highly sustainable location, the proposal will not have an unacceptable impact on neighbouring amenity, highway safety or the character and appearance of the area. The proposal will allow for sufficient car and cycle parking and will provide biodiversity enhancements.
- 11.8. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

## **12. CONDITIONS**

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

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

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

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

- 3 Samples of the exterior materials to be used shall be made available to view on site, and shall be approved in writing by, the Local Planning Authority before any above ground work on the site begins. Only the approved materials shall be used.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking or enacting that Order), no structure including additions to the dwelling as defined in Classes A and B of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the local planning authority.

Reason: The local planning authority considers that even minor changes in the design or enlargement of the development should be the subject of further consideration in order to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001 - 2016 and policies HP9 of the Sites and Housing Plan.

- 5 Prior to the occupation of the development, a detailed scheme showing the design of a secure, covered cycle store for the storage of at least three pedal cycles shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides adequate cycle parking as required by Policy HP15 of the Sites and Housing Plan 2011-2026 and to promote recycling in accordance with policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

- 6 Notwithstanding the Town and Country Planning (General Permitted Development) Order (2015) (as amended) the upper floor side windows that are shown on the approved plans to be obscure glazed shall remain obscure glazed unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development does not have an adverse impact on the amenity of neighbouring occupiers as required by Policy HP14 of the Sites and Housing Plan (2013).

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

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

- 8 A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify;  
The routing of construction vehicles,  
Access arrangements for construction vehicles,  
Details of times for construction traffic and delivery vehicles, which must be outside network peak  
and school peak hours (to minimise the impact on the surrounding highway network)

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policy CP1,

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

- 9 Prior to below ground work starting on site, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

IV. Where sites have been previously developed, discharge rates should be at greenfield rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

A SuDS maintenance plan shall also be submitted and approved by the LPA. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDs maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11

- 10 No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

Reason: To avoid damage to the roots of retained trees in accordance with policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016 and

CS12 of the Oxford Core Strategy 2011-2026.

- 11 No development, including demolition and enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals, and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) (specifically: the construction of the approved front parking and cross-over design, Dwg 19-129/10 Rev A) or Construction Exclusion Zones (CEZs) of retained trees (including off site lime street tree). Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies CP1,CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

- 12 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes along with a minimum of two dedicated swift boxes.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

INFORMATIVES:

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 2 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. 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.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

- 3 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 suitability 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.APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – Proposed site plan

### **14.HUMAN RIGHTS ACT 1998**

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

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

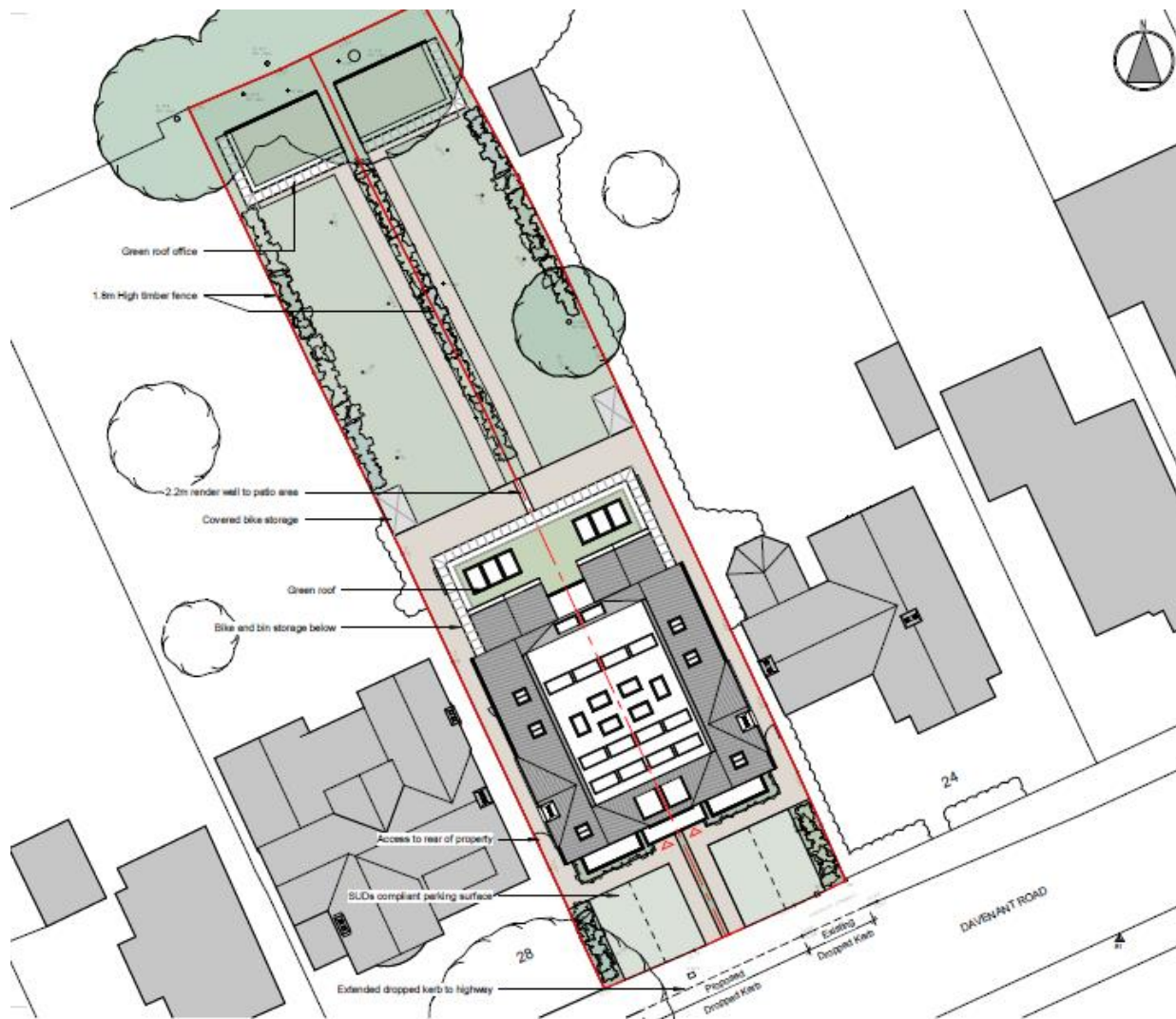
- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission,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

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# Appendix 1

19/01418/FUL - 26 Davenant Road

## Proposed Site Plan



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## West Area Planning Committee

10 September 2019

**Application number:** 18/02031/NMA

**Decision due by** 14 August 2019

**Extension of time** N/A

**Proposal** Non-Material Amendment to planning permission 18/02031/FUL to allow the adjustment of the position of the two permitted roof-light windows, the addition of a glazed light well onto the rear roofslope and the replacement of existing uPVC windows on the rear elevation with aluminium framed windows.

**Site address** 12 Earl Street, Oxford, OX2 0JA, – see **Appendix 1** for site plan

**Ward** Jericho And Osney Ward

**Case officer** Robert Fowler

**Agent:** Mr Gillick **Applicant:** Mr Mitchell

**Reason at Committee** The application is before the committee because the applicant is a Council member of staff. The report has been cleared by the Council's Monitoring Officer.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the non-material amendment application** for the reasons given in the report and confirm that the proposed changes to the approved development (18/02031/FUL) are acceptable as a non-material amendment under Section 96A of the Town and Country Planning Act 1990.

## 2. EXECUTIVE SUMMARY

2.1. This report considers proposed changes to an approved single storey rear extension and two rooflights on the rear roofslope. The original planning approval (18/02031/FUL) was approved by the West Area Planning Committee on 11 September 2018. The application is made on the basis that the proposed changes would constitute a non-material amendment; as a result the proposed amendments are only considered in relation to whether or not they would vary significantly what has already been approved, would be acceptable and are wholly uncontroversial.

- 2.2. Officers consider the changes are very minor in nature, would not alter the proposed development significantly from what was approved, are acceptable in terms of their design and impact on neighbouring amenity and would not alter the volume of the proposed development. It is also considered that the changes could be carried out without the need for planning permission on the basis of permitted development. As a result it is considered that the proposed changes would constitute a non-material amendment and would be acceptable.
- 2.3. It is important to note that the application is not a planning application; it is effectively a technical planning matter and is seeking confirmation that changes to a development would be considered 'non-material' in planning terms. It is considered that the previous conditions that were imposed are sufficient and additional conditions are not required.

### **3. LEGAL AGREEMENT**

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

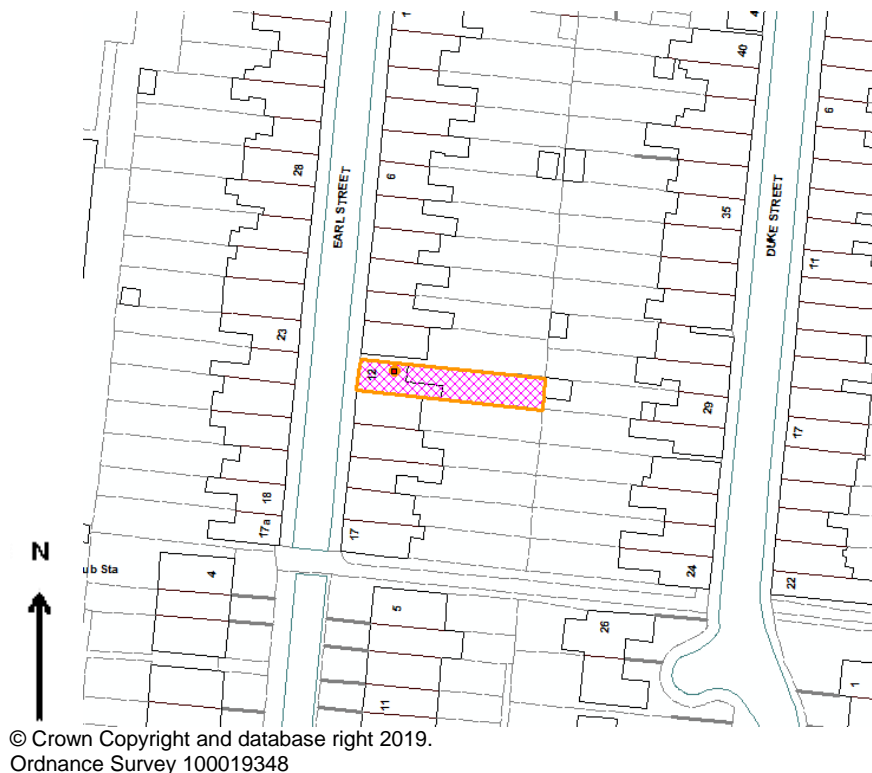
### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is not liable for CIL.

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

- 5.1. The application site is an end of terrace period house on the eastern side of Earl Street off the Botley Road. Despite being close to the retail parks on Botley Road, Earl Street has a strong residential character of mainly brick or painted brick terrace houses. The application site is not in a Conservation Area and is not a listed building (and does not impact on the setting of any listed buildings).
- 5.2. The application property adjoins No. 13 Earl Street (and forms part of the terrace with No.s 13-17 Earl Street). There is an alley separating No. 12 and No. 11 Earl Street. The application property has recently been extended as part of the planning approval (18/02031/FUL) which includes a single storey flat roof extension and two rooflights on the main rear roofslope in conjunction with a loft conversion. An additional rooflight has been installed at the first floor roof level on the rear outrigger.
- 5.3. A more detailed description of the application site and the approved development (18/02031/FUL) is set out in the officer report for the original planning approval that can be found in **Appendix 2**.

5.4. See block plan below:



## 6. PROPOSAL

6.1. The application is for a non-material amendment to the approved development (18/02031/FUL). The proposed changes to the approved plans include the following aspects:

- (i). Adjustment of the position of rooflights on the main rear roofslope; the rooflights on the proposed amended plans would be slightly larger.
- (ii). Addition of a glazed lightwell on the roofslope of the rear first floor outrigger. This aspect of the proposals did not feature in the original planning permission.
- (iii). The replacement of the original UPVC windows on the rear elevation with aluminium framed windows.

6.2. The planning permission (18/02031/FUL) has already been implemented and is substantially completed. The proposed changes to the approved plans reflect what has already been constructed on site.

## 7. RELEVANT PLANNING HISTORY

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

72/25391/A_H - Extension to form bathroom. PDV 8th February 1972.
---

18/02031/FUL - Erection of a single story rear extension and insertion of 2no. rooflights to rear roofslope. PER 18 September 2018.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	127 and 130	CP1, CP8 and CP10	CS18		
Natural environment				CS11	
Social and community				HP14	
Transport					Parking Standards SPD
Environmental					Energy Statement TAN
Miscellaneous		CP13		MP1	Telecommunications SPD, External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. This type of application is not subject to public consultation as it is not a planning application. Officers have not received any comments or representations relating to the proposed changes.

## 10. ASSESSMENT

10.1. There are three aspects to the proposals; these will be dealt with in turn in the officer assessment below and each will be considered in terms of whether or not that change can be considered acceptable as a non-material amendment. It is important to note that the main aspect of the original planning permission, the rear extension, would not be altered by the proposed amendments. There would be no increased volume of development that would arise from the proposed amendments. There are also no changes proposed to the front of the property as a result of the amendments.

**(i) Repositioning of rooflights on the main rear roofslope**

- 10.2. Two rooflights were approved as part of the original planning permission (18/02031/FUL); providing light into new accommodation created in the loft. The change in the position of the rooflights and their slightly increased size is extremely minor and would not have any impact in design terms; contemporary glazed features can be found on nearby roofslopes (including large dormers and other rooflights). The changes to the position and size of the rooflights would also not impact on neighbouring amenity through an increased loss of privacy; similar rooflights were approved as part of the original grant of planning permission (18/02031/FUL). Any view from these rooflights would not provide any new views over neighbouring properties or increase overlooking beyond what is already possible from first floor windows; some mutual overlooking always exists from the rear of terraced properties. It is also important to note that the rooflights would not actually require planning permission as they could be installed as permitted development. As a result, this change is acceptable as a non-material amendment.

**(ii) Addition of a glazed lightwell on the roofslope of the rear first floor outrigger**

- 10.3. The original planning permission did not include a lightwell on the existing first floor outrigger but one is now proposed as part of the amendments being considered. The lightwell effectively is a fairly large rooflight inserted into the shallow roof of the first floor rear outrigger (and would provide additional head height in a first floor bathroom). In design terms this rooflight would not be out of place having had regard to the presence of similar contemporary glazed features found elsewhere on the rear aspect of the terrace. The shallow nature of the roofslope also means that the visual presence of the rooflight is minimised. The proposed insertion of this feature would not increase overlooking into neighbouring properties and any view from the rooflight would not provide any new views over neighbouring properties or increase overlooking beyond what is already possible from first floor windows. Officers note that the original planning permission did not include a rooflight in this location and this effectively therefore forms a new aspect to the proposals but because it could be built without planning permission on the basis of permitted development, is acceptable in terms of its design and its impact on neighbouring amenity it would be considered acceptable as a non-material amendment.

**(iii) The replacement of the original UPVC windows on the rear elevation with aluminium framed windows.**

- 10.4. The approved extension included new patio doors and a window at ground floor level to be constructed with metal frames. At the existing first floor of the property there were relatively chunky UPVC windows. When the planning permission (18/02031/FUL) for the extension and rooflights was implemented the windows at the first floor level were replaced with aluminium framed windows. The windows are a significant improvement in design terms and match the appearance of the new windows at ground floor level. The window openings themselves would not be materially larger or give rise to any

neighbouring impact. The change of these windows would not require planning permission and could have been carried out as permitted development. Offices therefore consider that this proposed change would be acceptable as a non-material amendment.

## **11. CONCLUSION**

- 11.1. It is recommended that the Committee resolve to **approve the non-material amendment application** for the reasons given in the report and confirm that the proposed changes to the approved development (18/02031/FUL) are acceptable as a non-material amendment under Section 96A of the Town and Country Planning Act 1990.

## **12. APPENDICES**

- **Appendix 1** – Elevations (Originally Approved and Proposed Amendments) and Block Plan
- **Appendix 2** – Officer committee report (18/02031/FUL)

## **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.

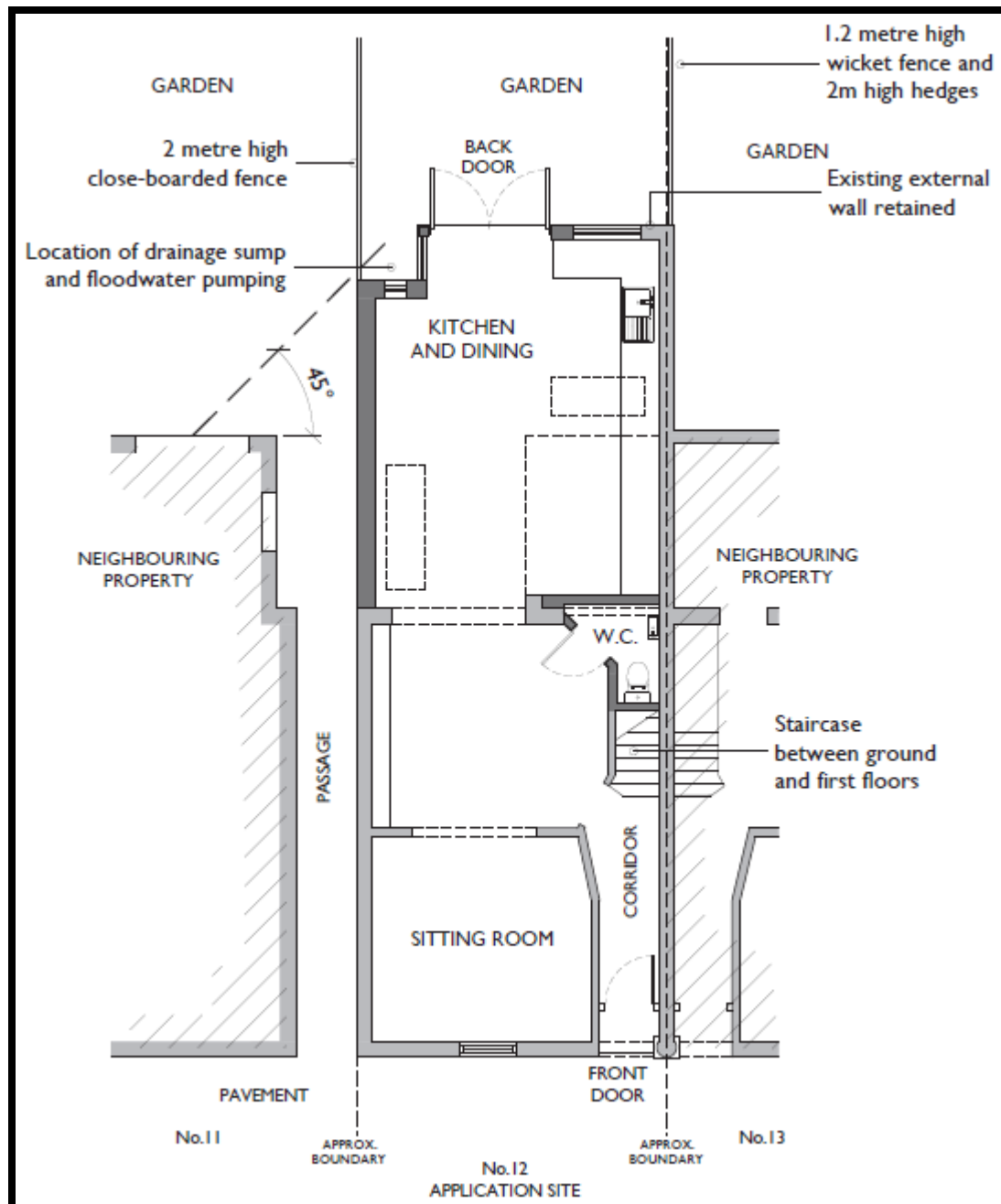
## **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 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.

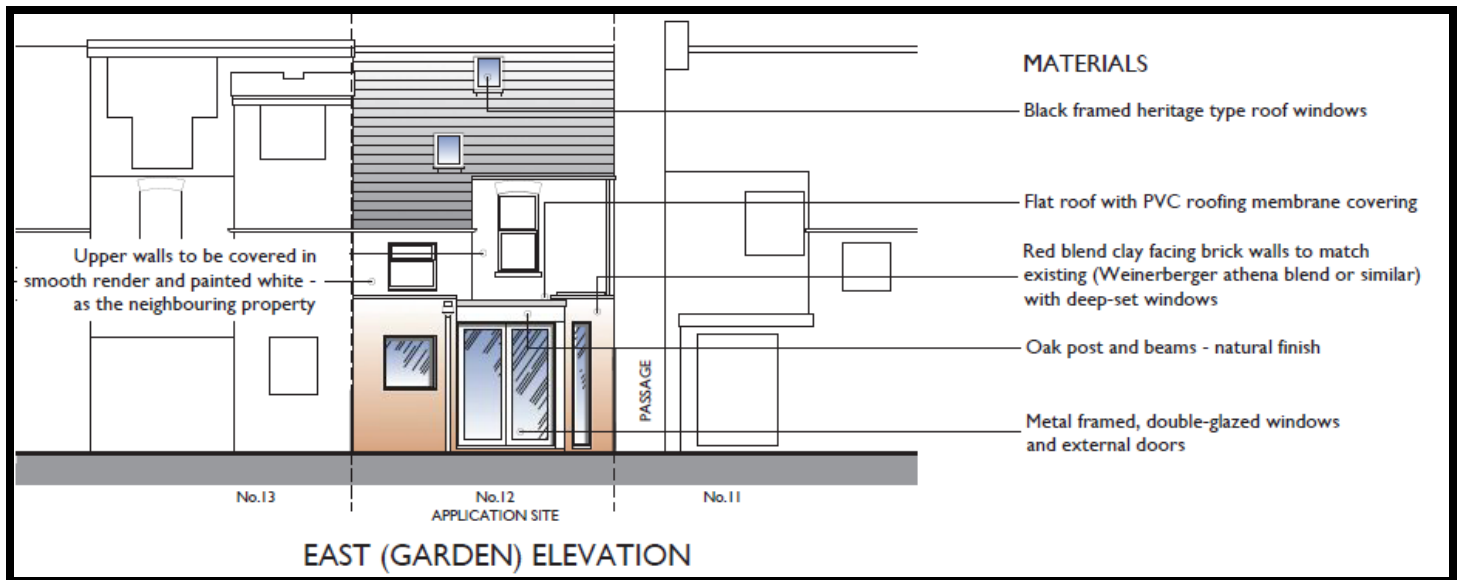
# Appendix 1- Elevations (Originally Approved and Proposed Amendments) and Block Plan

18/02031/NMA – 12 Earl Street

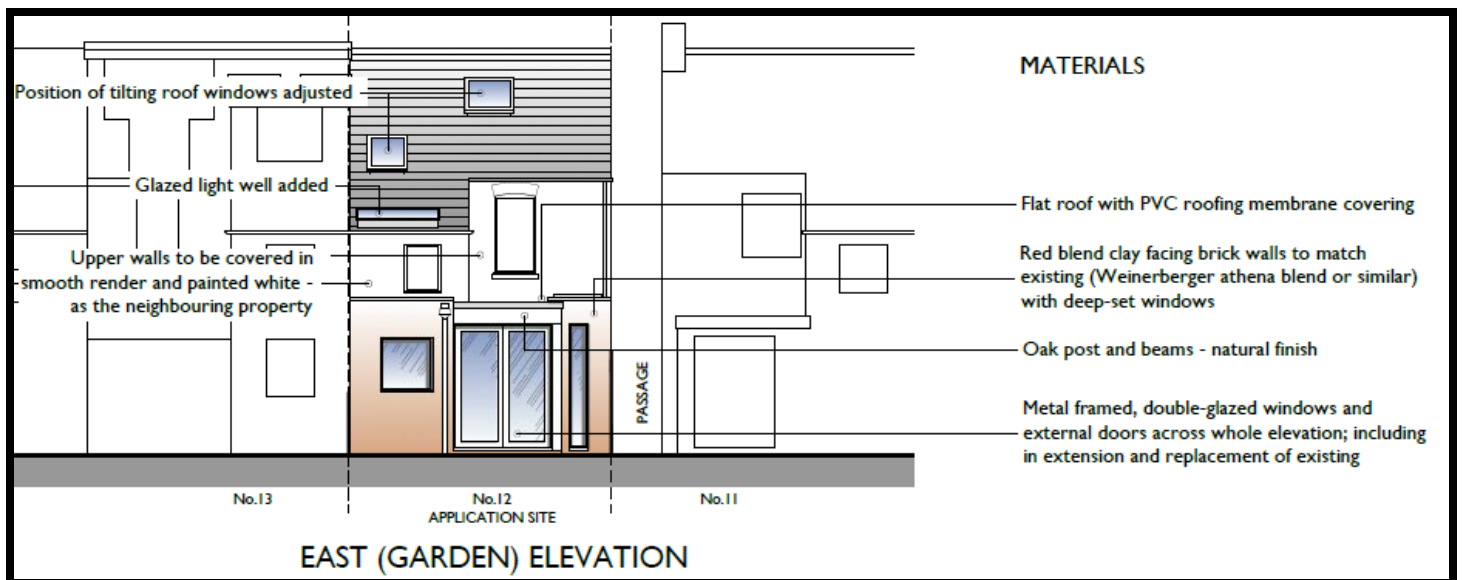
Proposed Site Plan (Unchanged from original approved plans)



## Originally Approved Rear Elevation



## Proposed Amended Rear Elevation





## WEST AREA PLANNING COMMITTEE

11th September 2018

<b>Application number:</b>	18/02031/FUL		
<b>Decision due by</b>	24th September 2018		
<b>Extension of time</b>	Not required		
<b>Proposal</b>	Erection of a single story rear extension and insertion of 2no. rooflights to rear roofslope.		
<b>Site address</b>	12 Earl Street, Oxford, OX2 0JA, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	Robert Fowler		
<b>Agent:</b>	Mr G Gillick	<b>Applicant:</b>	Mr & Mrs Ball & Mitchell
<b>Reason at Committee</b>	The application is before the committee because the applicant is a member of Council staff. The report has been cleared by the Council's Monitoring Officer.		

### 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission

1.1.2. **agree to delegate authority** to the Head of Planning, Sustainable Development and Regulatory 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, Sustainable Development and Regulatory Services considers reasonably necessary

### 2. EXECUTIVE SUMMARY

This report considers a planning application for a single storey rear extension and insertion of two rooflights to the rear elevation roofslope at 12 Earl Street. The single storey extension would be constructed from bricks to match the existing house with a flat roof. The proposed development would be acceptable in terms of its design and impact on neighbouring amenity and would not give rise to an adverse impact on light conditions for neighbouring occupiers. The

proposed development would incorporate measures to mitigate the impact of the development on flooding. The development is therefore acceptable in planning terms and meets the specific requirements of Policies CP1 and CP10 of the Oxford Local Plan 2001-2016, Policy CS11 of the Core Strategy (2011) and Policy HP14 of the Site and Housing Plan (2013).

### **3. LEGAL AGREEMENT**

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

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

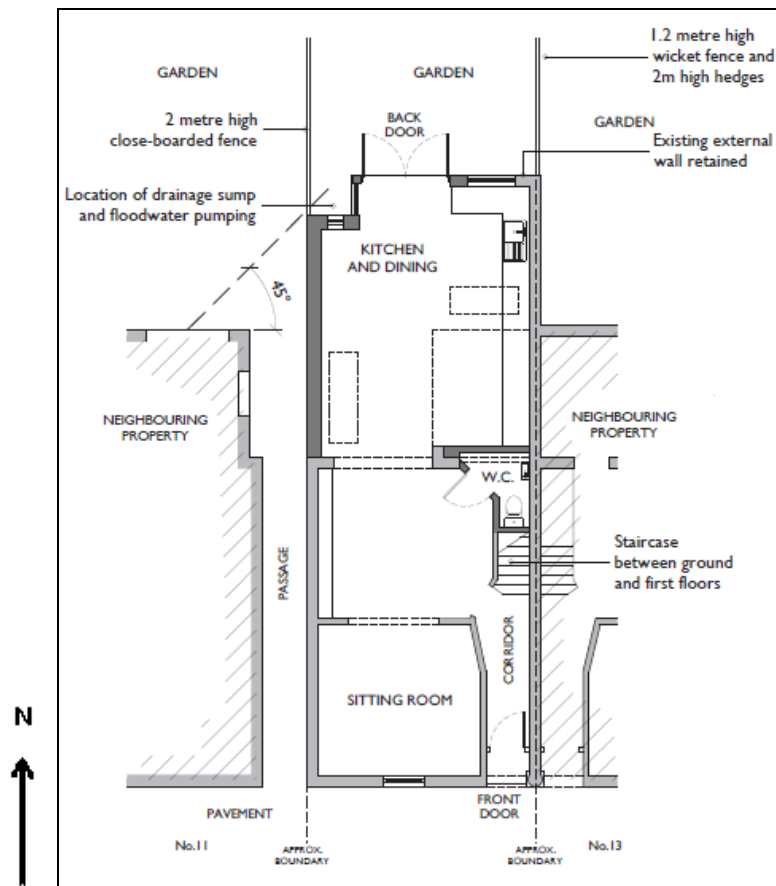
4.1. The proposal is not CIL liable.

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

5.1. The application site is an end of terrace period house on the eastern side of Earl Street off of Botley Road. Despite being close to the retail parks on Botley Road, Earl Street has a strong residential character of mainly brick or painted brick terrace houses. There is uniformity to the appearance of the houses, with many incorporating Victorian sash windows and some simple detailing.

5.2. The application property adjoins No. 13 Earl Street (and forms part of the terrace with No.s 13-17 Earl Street). There is an alley separating No. 12 from No. 11 Earl Street, this alley is owned by No. 11 Earl Street and the occupiers of No. 12 do not have use of this access. The rear aspect of the site contains a small single storey extension that extends beyond the original two storey outrigger. Neighbouring properties have also been extended and altered (with an existing extension at ground floor level present at No. 11 Earl Street and extensive additions at roof level at No. 13 Earl Street). The rear garden of the application property extends approximately 15m and there is an existing outbuilding at the end of the garden. The boundary between No. 12 and No. 13 Earl Street is a low fence. Between No. 12 and No. 11 Earl Street there is an existing 1.7m high timber fence and some mature planting.

5.3. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes a single storey rear extension. The proposed extension would be constructed from brick to match the existing house with a flat roof. The extension would infill the area between the existing outrigger (and extension beyond the outrigger) and the boundary with No. 11 Earl Street. A corner of the extension adjacent to the boundary with No. 11 Earl Street is reduced in length to decrease the impact on neighbouring amenity. The extension would be between approximately 5 and 6m in length and between 2.8 and 3m in height. At the ground floor there are proposed to be windows and patio doors facing into the garden; no windows are proposed on the side elevation of the proposed extension. At the roof level it is proposed to insert two black framed heritage type rooflights; these would serve a proposed home office at the second floor level.
- 6.2. The submitted plans show that a 2m high fence would be installed along the boundary with the application property and No. 11 Earl Street and a 1.2m high wicket fence and 2m high hedge is proposed to be installed between No. 12 and No. 13 Earl Street. Planning permission is not required for this aspect of the proposed development as it would be permitted development as set out in Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

## 7. RELEVANT PLANNING HISTORY

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

72/25391/A_H - Extension to form bathroom. PDV 8th February 1972.
18/02031/FUL - Erection of a single story rear extension and insertion of 2no. rooflights to rear roofslope.. PDE .

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	127 and 130	CP1, CP8 and CP10	CS18		
Natural environment				CS11	
Social and community				HP14	
Transport					Parking Standards SPD
Environmental					Energy Statement TAN
Miscellaneous		CP13		MP1	Telecommunications SPD, External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30th July 2018.

### Statutory and non-statutory consultees

9.2. None received

Public representations

9.3. None received

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Flooding and Surface Water Drainage

**a. Principle of development**

10.2. The proposed development is for an extension to an existing dwellinghouse. The proposed extension would be a subordinate increase to the accommodation provided in the house and would be acceptable in terms of the principle of development.

**b. Design**

10.3. The proposed development would not be visible in the streetscene as all the development proposed would be situated at the rear of the house.

10.4. The proposed use of materials to match the existing house combined with the form of the extension which would infill an existing courtyard next to an existing outrigger mean that the proposed development would form a natural and visually harmonious addition to the house. The use of the flat roof would decrease the visual prominence of the proposed addition and is a feature found elsewhere on neighbouring properties (and the host property which already benefits from a flat roof single storey extension).

10.5. The proposed rooflights would be fairly discrete and would be acceptable additions to the rear roofslope of the property.

10.6. Having had regard to the size, design and materials proposed for the development it is considered that it would be acceptable in design terms. The development therefore complies with Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011) and Paragraphs 127 and 130 of the NPPF.

**c. Impact on neighbouring amenity**

10.7. The proposed extension would be single storey and would therefore not provide an opportunity for overlooking into neighbouring properties or gardens. The proposed rooflights would provide views over the existing garden at 12 Earl Street; whilst there would be oblique views from these rooflights towards neighbouring gardens this would not be uncharacteristic in a terrace of fairly narrow properties.

10.8. The proposed development would not impact on the amenity of No. 13 Earl Street in terms of a loss of light as the existing single storey extension at No. 12 Earl Street is being retained and there is no work proposed to extend any of the development further to the rear along this shared boundary. Because

No. 12 Earl Street lies to the north of No. 13 Earl Street there would be no impact on light for that property anyway.

- 10.9. Officers have carefully considered the impact of the proposed development on No. 11 Earl Street. There is an existing alley between the application property and No. 11 Earl Street; this affords a separation distance between the properties that reduces the impact of the proposed development on No. 11 Earl Street. An existing single storey rear extension at No. 11 Earl Street also means that the rear wall of the proposed development would only extend approximately 3.3m beyond the rear wall of No. 11. A corner of the proposed extension has also been removed along the shared boundary with No. 11 to ensure that the impact of the development on windows at ground floor level of that property aren't adversely effected in terms of a loss of light. Officers have applied the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan and the development would comply with this requirement.
- 10.10. As a result of the above, the development is considered acceptable in terms of its impact on neighbouring amenity and meets the specific requirements set out in Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

#### **d. Flooding and Surface Water Drainage**

- 10.11. The application site lies in an area of defined high flood risk with most of the site being with flood zone 3. The National Planning Policy Framework Paragraph 164 set out the requirements for minor developments (which would include these proposals) and that the specific requirements for the sequential test for flooding and exception tests are not required. However, there are still specific requirements for site-specific flood risk assessments and this has been considered as part of this application.
- 10.12. The application includes measures to mitigate the impact and risk of flooding on the property. The existing outrigger would have the floor levels raised to the rest of the ground floor of the property and the new extension would also be at this higher level. As a result the proposed development is able to incorporate flood voids which would mitigate the increased covered of ground that would result from the development. The proposals also include the use of waterproof materials and raised plug sockets. The use of these mitigation measures alone would not normally make the development acceptable. However, a significant amount of ground could be covered at the rear of the host property without planning permission (as permitted development) and could be done without the need to include any flood mitigation measures. Officers have also had regard to the fact that the existing site where the extension would be located is made up of a hard surface courtyard which would be impermeable and therefore the proposed development would provide some benefit in terms of allowing increased infiltration of water. As a result, on balance the development would be acceptable in terms of its impact on flooding and surface water drainage and meets the requirements of Paragraph 164 of the NPPF and Policy CS11 of the Core Strategy (2011).

## **11. CONCLUSION**

- 11.1. On the basis of the above the development would be considered acceptable in terms of its design, impact on neighbouring amenity and impact on flooding and surface water drainage. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

## **12. CONDITIONS**

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

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

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

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

- 3 The materials used in the external construction of the approved development shall be those set out in the approved plans and specified in the submitted application form.

Reason: To ensure that the development is visually satisfactory as required by Policy CP1 of the Oxford Local Plan 2001-2016.

- 4 Flood mitigation measures including raised electric sockets, the use of waterproof materials and flood void details (as shown in Drawing No. 169-105) shall be carried out in conjunction with the approved development unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that there are adequate flood mitigation measures as required by Policy CS11 of the Core Strategy (2011).

## **13. APPENDICES**

- **Appendix 1 – Site location plan**

## **14. HUMAN RIGHTS ACT 1998**

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

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

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



## Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 6 August 2019



### Committee members:

Councillor Cook (Chair)

Councillor Corais

Councillor Hollingsworth

Councillor Wolff

Councillor Gotch (Vice-Chair)

Councillor Donnelly

Councillor Iley-Williamson

Councillor Taylor (for Councillor Upton)

### Officers:

Robert Fowler, Planning Team Leader

Sally Fleming, Planning Lawyer

Catherine Phythian, Committee Services Officer

Natalie Dobraszczyk, Planning Officer

James Paterson, Planning Officer

### Apologies:

Councillors Harris and Upton sent apologies.

## 19. Declarations of interest

Councillor Cook stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding any of the applications before the Committee and that he was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

### Oxford City Council - Jury's Inn (No.1) Tree Preservation Order 2019

Councillor Gotch stated that although he was a member of the gym at the Jury's Inn he considered that he could still participate in the determination of the application.

### 19/01298/CT3

Councillor Hollingsworth stated that, through his position on the Cabinet, he was a shareholder of the Oxford City Housing Group. Although he did not have a disclosable pecuniary interest, as he had no personal benefit from the outcome of the application, to avoid any public perception of bias he would leave the meeting and not take part in the debate or the determination of the application.

## **20. 19/00436/FUL: Convent of the Incarnation, Fairacres Road, Oxford, OX4 1TB**

The Committee considered an application (19/00436/FUL) for planning permission for the redevelopment of the existing site including erection of new two storey wing; single storey cottage building to create 3 self contained units; single storey fruit store; single storey garage and workshop; 2no. single storey glazed cloisters and changes to fenestration of St Raphael's Building. Demolition of existing buildings along the southern boundary, associated landscaping and site works.

The Planning Officer presented the report. The consultation period for the application expired after the committee report was finalised. Additional comments, with no change from those already reported, were received from Oxfordshire County Council (Drainage and Highways), Natural England and Thames Valley Police (Secured by Design).

New comments were also received from The Oxford Civic Society. These were about the loss of views of Fairacres House and the Chapel; the functional quality of the building designs; and that the Convent should do more to address fears amongst the local community about the loss of green space.

The applicant, Sister Clare-Louise Marriott (the Reverend Mother) and Charles Darby, architect, were present to answer questions from the Committee regarding the application.

In response to a question about the proposed increase in the on-site parking provision by one bay the architect learnt that this was a rationalisation of the current on-site parking arrangements which were ad hoc and not limited to a designated parking area.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application. The Committee was satisfied with the planning officer's assessment that the proposed boundary treatments were acceptable in terms of the impact on the amenity of neighbouring properties.

### **The West Area Planning Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of the report and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## **21. 19/01474/FUL:19 Harley Rd, Oxford, OX2 0HS**

The Committee considered an application (19/01474/FUL) for planning permission for the erection of part single, part two storey rear extension and alteration to 1no window to north side elevation.

This application was called in by Councillors Pressel, Munkonge, Tanner, Rowley and Djafari-Marbini due to concerns about the possible impact of the development proposal on the amenity of neighbouring occupiers.

The Planning Officer presented the report. He informed the Committee that the neighbours to the south of the application site had raised objections relating to a loss of daylight, inaccuracies in the plans and potential damage to the tree on their property. The issue of loss of daylight, privacy and potential damage to the tree were addressed in the officer's report.

In terms of the accuracy of the plans, he confirmed that planning officers had visited the site on the 10 June and visually checked the plans. The measurements were checked on a subsequent site visit by planning officers on 5 August in the presence of the applicant and the neighbour who had raised the objections.

The planning officers were satisfied that the plans were accurate with the exception of the location of the tree in the rear garden of the neighbouring property: this tree enters the ground 85cm from the rear wall not 180cm as the submitted plans suggest. This did not change the officer recommendation or the assessment made in the report.

Alison Findlay, neighbour, spoke against the application.

James Mackenzie, on behalf of the applicant, spoke in favour of the application.

The Committee asked questions of the officers about the details of the application and the objections raised by the neighbours.

The Committee noted that any issues relating to potential damage to the tree were not relevant to the application before them. The Committee was satisfied with the assessment, as set out in the planning officer's report, and considered that the development would have an acceptable impact on the amenity of neighbours.

In reaching its decision, the Committee considered all the information put before it. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

### **The West Area Planning Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission.
2. **delegate authority** to the Acting Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## **22. Oxford City Council - Jury's Inn (No.1) Tree Preservation Order 2019**

The Committee considered whether the Oxford City Council - Jury's Inn (No.1) Tree Preservation Order 2019 should be confirmed with a modification to include additional information in the Specification of Trees under Schedule 1 of the Order; to include the number and species of trees included in G1.

The Planning Officer presented the report.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to confirm the tree preservation order with the modification as set out above.

### **The West Area Planning Committee resolved to:**

confirm the Oxford City Council - Jury's Inn (No.1) Tree Preservation Order 2019 with a modification to include additional information in the description of the trees in G1 at Schedule 1 of the Order; as follows, G1- Description - *'A group of 8 field maples in the area defined within a broken black line on the TPO plan'*.

Councillor Hollingsworth left the meeting before the debate and determination of the next item.

## **23. 19/01298/CT3: 16 Sparsey Place, Oxford, OX2 8NL**

The Committee considered an application (19/01298/CT3) for planning permission for the erection of a two storey side extension, erection of single storey front extension and erection of single storey rear extension (amended plans).

The Planning Officer presented the report.

Lila Haracz, representing the applicant, spoke in support of the application.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

### **The West Area Planning Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission;
2. **delegate authority** to the Acting Head of Planning Services to:
  - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## **24. Minutes**

The Committee resolved to approve the minutes of the meeting held on 9 July 2019 as a true and accurate record.

## **25. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **26. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 7.00 pm**

**Chair .....**

**Date: 10 September 2019**

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