

Agenda

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West Area Planning Committee

Date: **Tuesday 21 January 2020**

Time: **6.00 pm**

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

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

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

Chair	Councillor Colin Cook	Jericho and Osney;
Vice-Chair	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

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

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- downloaded from our website
- viewed using the computers in the Customer Services, St Aldate's, or
- subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

Pages

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 search box.

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

1 Apologies for absence and substitutions

2 Declarations of interest

3 19/02032/FUL: Sir Geoffrey Arthur Building, Long Ford Close, Oxford, OX1 4NJ

11 - 56

Site address: Sir Geoffrey Arthur Building, Long Ford Close, Oxford, OX1 4NJ

Proposal: Demolition of existing accommodation building and music room block to ground floor level and erection of replacement buildings to create 77 student bedrooms, 8 studio rooms and ancillary provision for Pembroke College on the Geoffrey Arthur Site in form of a Graduate building and a separate studio block, including adjustments to the public realm and pedestrian / vehicular access from Baltic Wharf.

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
 - confirmation from the Secretary of State that the application will not be 'called in', following the referral of the application in accordance with The Town and Country Planning (Consultation)

(England) Direction 2009; and

- completion of a 21 day statutory consultation period requested by the Environment Agency due to the application being recommended for approval contrary to their objections.

2. agree to delegate authority to the Head of Planning Services to:

- consider and deal with any new material planning considerations that may be raised through public consultation up to 6 February 2020 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
- finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the 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 the 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 Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

4 19/02841/VAR: 15-17 Elsfield Hall, Elsfield Way, OX2 8EP

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Site address: 15-17 Elsfield Hall, Elsfield Way, OX2 8EP

Proposal: Removal of condition 25 (Solely for this use and no other purpose) of planning permission 18/03384/FUL (Demolition and relocation of the existing Cadet Hut (D2 Use Class) and the redevelopment of the Site to include erection of a 3 storey apartment block providing 26no. residential flats (C3 Use Class) comprising 9no. 1-bed and 17no. 2-bed apartments with associated access, parking and landscape arrangements.)

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 the completion of a deed of variation to the previous legal agreement relating to Planning Applications 18/03384/FUL and

18/03385/FUL to ensure that this permission is made subject to the same terms of this previous agreement and grant planning permission.

2. Agree to delegate authority to the 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 Head of Planning Services considers reasonably necessary.
- Complete necessary changes to vary the original legal agreement relating to Planning Applications 18/03384/FUL and 18/03385/FUL to ensure that this planning permission is subject to the same terms as this agreement and to add a clause into the legal agreement to negate the need for further deeds of variation should any future Section 73 applications be submitted relating to this site or the site at Cumberlege Close.

5 Minutes

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Recommendation: to approve the minutes of the meeting held on 10 December 2019 as a true and accurate record.

6 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.

18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ	Called in
19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	Committee decision
18/03133/FUL: Linton Lodge Hotel, 11-13 Linton Road, Oxford, OX2 6UJ	Committee decision
19/01662/FUL: 75 Botley Road, Oxford, OX2 0EZ	Called in
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ (Bartlemas Nursery)	Committee decision
19/02141/FUL: 42 Park Town, Oxford, OX2 6SJ	Called in
19/02142/LBC: 42 Park Town, Oxford, OX2 6SJ	
19/02306/FUL: Castle Hill House, 9 New Road, Oxford, OX1 1LT	Committee decision
19/02307/LBC : Castle Hill House, 9 New Road, Oxford, OX1 1LT	
19/02531/FUL: St Pauls House , Walton	Committee

Street, Oxford, OX2 6ER	decision
19/02578/OUT: Land Forming The Site Of Former Cold Arbour Filling Station, 281 Abingdon Road, Oxford, OX1 4US	Committee decision
19/02536/FUL: Land To The Rear Of 45 Wytham Street, Oxford, OX1 4TR	Called in
19/02601/FUL: Frewin Quad, New Inn Hall Street, Oxford, OX1 2DH	
19/02815/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	Called in
19/02816/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	
19/02817/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	
19/02926/FUL: Land Adjacent The Old School, Gloucester Green, Oxford, OX1 2BU	Committee level decision
19/02749/FUL: 46 and 47 St Clement's Street, Oxford, OX4 1AG	Called in
19/03013/FUL: 8 Hollybush Row, Oxford, OX1 1JH	
19/03149/FUL: Site Of Oxford University Science Area, South Parks Road, Oxford	
19/03106/FUL: Lucy Faithfull House, 8 Speedwell Street, Oxford, OX1 1PX	
19/02723/FUL: 20 Blenheim Drive, Oxford, OX2 8DG	
19/03258/FUL Telecommunications Site Adjacent Redbridge Park And Ride, Abingdon Road, Oxford	Committee decision
19/03188/CT3: 32 Union Street, Oxford, OX4 1JP	Committee decision
19/02366/OUT: 472-474 Banbury Road, Oxford, OX2 7RG	

7 Dates of future meetings

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

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

21st January 2020

Application number:	19/02032/FUL		
Decision due by	30th October 2019		
Extension of time	28 th January 2020		
Proposal	Demolition of existing accommodation building and music room block to ground floor level and erection of replacement buildings to create 77 student bedrooms, 8 studio rooms and ancillary provision for Pembroke College on the Geoffrey Arthur Site in form of a Graduate building and a separate studio block, including adjustments to the public realm and pedestrian / vehicular access from Baltic Wharf.		
Site address	Sir Geoffrey Arthur Building , Long Ford Close, Oxford, OX1 4NJ – see Appendix 1 for site plan		
Ward	Hinksey Park		
Case officer	Natalie Dobraszczyk		
Agent:	Ms Franz	Applicant:	Mr Charles Harris
Reason at Committee	The application is before the committee because it is a major planning 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
- confirmation from the Secretary of State that the application will not be 'called in', following the referral of the application in accordance with The Town and Country Planning (Consultation) (England) Direction 2009; and
- completion of a 21 day statutory consultation period requested by the Environment Agency due to the application being recommended for approval contrary to their objections.

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

- consider and deal with any new material planning considerations that may be raised through public consultation up to 6th February 2020 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- 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 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 demolition of the existing Damon Wells Building and music room block to ground floor level and the erection of replacement buildings to create 77 student bedrooms, 8 studio rooms and ancillary facilities for Pembroke College on the Sir Geoffrey Arthur site.
- 2.2. The proposal is considered to comply with the development plan as a whole with the exception of Core Strategy Policy CS11 and emerging Local Plan Policy RE3. The application has subsequently been advertised as a departure from the local development plan. In light of this Officers have undertaken a balancing exercise considering the specific set of constraints and characteristics of this development. Officers conclude that considering the scope of the existing building footprint, the limited encroachment of the building footprint into Flood Zone 3b, the lack of alternative sites for development, and the benefits arising in terms of making the most efficient use of land and contributing towards Oxford's housing need, the proposed development would be acceptable.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to cover:
 - Transfer of ownership of land from the applicant to Oxford City Council to facilitate the delivery of step free access to the Grandpont Bridge;
 - £80,000 towards the delivery of step access to the Grandpont Bridge;

- Agreement that the public realm remains open and retains the important sight and travel lines between Grandpont footbridge and the pedestrian footpath connection to Baltic Wharf.

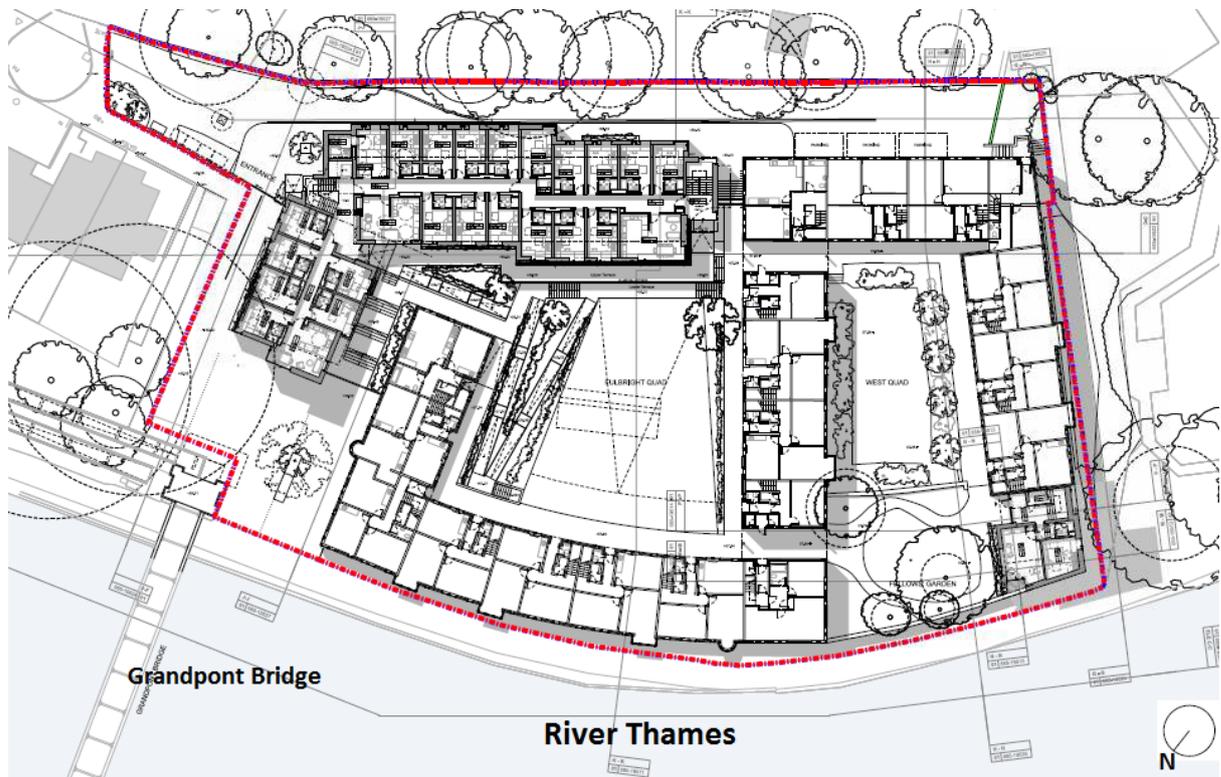
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for a CIL contribution of £271,509.77.

5. SITE AND SURROUNDINGS

- 5.1. The application site is a student campus owned and operated by Pembroke College that is located approximately 1km south of the main college building, The application site lies immediately to the south of the River Thames in the Grandpont area. The existing buildings on site take the form of an S-shaped block, which bounds the river towpath, comprising predominantly student accommodation and a L-shaped block, to the south-east corner of the site, comprising uses ancillary to the student accommodation (e.g. centralised kitchen, laundry etc.).
- 5.2. The S-shaped block is known as the Sir Geoffrey Arthur Building (GAB) and the L-shaped block as the Damon Wells Building (DWB). A third small block is located to the north east of the site which comprises a single storey music room. The existing buildings create two internal quads, Fulbright Quad and the West Quad which is linked to the Fellows Garden in the north west corner of the site.
- 5.3. The site is bounded to the north by the River Thames and towpath which runs east to west. Grandpont Bridge, a non-designated heritage asset, links the development to the residential development and children's play area to the north. To the immediate east of the site there are 4 two storey semi-detached residential properties sited on Baltic Wharf and a number of Victorian terraces on Marlborough Road. To the south of the site, separated by a row of trees that are protected by a tree preservation order (TPO), is the 3 storey residential development Grandpont Place. To the south west is the residential development Riverside Court. To the west is River Park, an area of protected green open space.
- 5.4. Currently, pedestrian access is available between the towpath/Grandpont Bridge and Baltic Wharf via a footpath that runs along the eastern boundary of the site. This access is rather constrained and visibility along this route is restricted due to the sharp bend around the edge of the application site.
- 5.5. The site is framed by substantial vegetation along the towpath which increases towards River Park to the west. There are 2 visually prominent trees, a London Plain and Dawn Redwood, in close proximity to the existing bridge landing in front of the DWB.
- 5.6. The site is not located within a Conservation Area. The northern frontage of the site is located within Flood Zone 2. The existing footprint of the DWB is partially located within Flood Zone 3.

- 5.7. See block plan below (the plan is orientated so that north is the bottom left corner of the page).



6. PROPOSAL

- 6.1. The application proposes the demolition of the existing DWB and music room block to ground floor level and the erection of replacement buildings to create 77 student bedrooms, 8 studio rooms and ancillary provision for Pembroke College on the Sir Geoffrey Arthur site.
- 6.2. The proposed graduate building would be sited predominantly on the existing footprint of the DWB and the proposed separate studio block would be sited partially on the footprint of the existing music room block although both buildings would represent an increase in footprint compared to the existing arrangement.
- 6.3. The proposed graduate building would measure between 11.9 metres – 14.9 metres in height and no greater than 71.14 metres Above Ordnance Datum (AOD) i.e. metres above sea level, between 10.5 metres – 13.6 metres in width and 18 metres – 39 metres in length. The proposed studio block would measure approximately 13.5 metres in height (from the tow path), 8.4 metres in width and 10 metres in depth.
- 6.4. The proposed materials include a light toned brick and metal roofing, details of which would be secured by condition with the submission of samples being approved by officers.
- 6.5. The proposal also includes alterations to the public realm which would include and pedestrian / vehicular access from Baltic Wharf.

6.6. The proposed floor areas are as below:

Floor	Type	Quantity	Area Per Floor (GIA m ²)
Lower Ground	Plant/ Storage/ Common Room		416
Upper Ground	Bedrooms	22	548
	Studios		
	Kitchens	3	
Level 1	Bedrooms	22	548
	Studios		
	Kitchens	3	
Level 2	Bedrooms	22	548
	Studios		
	Kitchens	3	
Level 3	Bedrooms	11	416
	Studios	4	
	Kitchens	1	
Totals	Bedrooms	77	2476
	Kitchens	10	
	Studios	4	

Fig 1: Accommodation schedule proposed graduate building

Floor	Type	Quantity	Area Per Floor (GIA m ²)
Lower Ground	N/A		
Upper Ground	Bedrooms		57
	Studios	1	
	Kitchens		
Level 1	Bedrooms		51
	Studios	1	
	Kitchens		
Level 2	Bedrooms		46.5
	Studios	1	
	Kitchens		
Level 3	Bedrooms		40.8

	Studios	1	
	Kitchens		
Totals		4	195.3

Fig 2: Accommodation schedule proposed studio building

7. RELEVANT PLANNING HISTORY

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

<p>84/00429/NO - Outline application for the erection of buildings to provide 108 study bedrooms and ancillary accommodation for students, Common rooms, administrative facilities and caretakers quarters. Car parking with vehicular access to Whitehouse Road. Approved 30th September 1986.</p> <p>86/00476/NF - Erection of buildings to provide 98 study bedrooms, 3 two-person flats, caretaker's house, common areas and ancillary student facilities. Car parking, with vehicular access from Long ford Close and enclosed landscaping. Approved 30th September 1986.</p> <p>19/02032/FUL - Demolition of existing accommodation building and music room block to ground floor level and erection of replacement buildings to create 83 student bedrooms, 4 studio rooms and ancillary provision for Pembroke College on the Geoffrey Arthur Site in form of a Graduate building and a separate studio block, including adjustments to the public realm and pedestrian / vehicular access from Baltic Wharf. Pending Consideration.</p>
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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	Local Plan 2036
Design	Paragraphs 124 - 132	CP1, CP6, CP8, CP9, CP10, CP11, CP13, CP19, CP20	CS2, CS18	HP9, HP14	DH1, DH2,
Conservation / Heritage	Paragraphs 184, 189 - 202	HE.2, HE.6, HE7, HE.11			SH3, DH4, DH5

Housing	Paragraphs 59 – 76		CS25	HP5, HP6	H8
Natural environment	Paragraphs 148-165, 170 – 183	NE15, NE16	CS10, CS11, CS12		RE1, RE2, RE3, RE4, RE6, RE7, RE8, RE9, G8
Transport	Paragraphs 102-111			HP15, HP16	M1, M2, M3, M5
Miscellaneous	Paragraphs 7 – 12, 47 – 48	CP.13 CP.24 CP.25		MP1	S1

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 6th August 2019, 13th November 2019 and 10th January 2020 and advertisements were published in The Oxford Times newspaper on 12th September 2019, 14th November 2019 and 16th January 2020.
- 9.2. The posted site notices advertised the proposal as a departure from the development plan specifically Core Strategy Policy CS11 (Flooding).

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.3. No objections subject to conditions requiring the submission of a Travel Plan, cycle parking details, a Construction Traffic Management Plan, a Student Accommodation Management Plan, swept path analysis for refuse vehicles and removal of eligibility from parking permits.

Oxfordshire County Council (Drainage)

- 9.4. Objected to the proposals on the basis that the building would be located within Flood Zones 2 and 3 and that the proposed drainage solution would include tanked storage which would be contrary to local and national standards.

Environment Agency

- 9.5. Objected to the principle of the application due to its location within Flood Zone 3b. Also objected on the basis that the finished floor levels would be set below the 1 in 100 plus 35% year flood level.
- 9.6. The Environment Agency have requested that if the application is recommended for approval they be re-consulted. Re-consultation was undertaken on 10th January 2020.

Flood Mitigation Officer

- 9.7. Objected to the principle of the application due to its location within Flood Zone 3b but accepted the flood compensation measures proposed.

Natural England

- 9.8. No objections subject to a condition securing details of a sustainable urban drainage strategy (SuDS).

Thames Water Utilities Limited

- 9.9. No objections subject to a condition requesting wastewater network upgrades.

Thames Valley Police

- 9.10. No objections but suggest a number of design amendments to comply with Secure by Design principles. Suggested a condition requiring the development to comply with secured by design principles.

Design/ Heritage Officer

- 9.11. No objections subject to conditions relating to materials, eaves details, boundary details, paving, landscaping, lighting and signage.

Air Quality

- 9.12. No objections subject to conditions requiring the submission of a Construction Environmental Management Plan and minimum requirements for any gas fired boilers.

Tree Officer

- 9.13. Objected to the removal of 2 trees: T27 (London Plane) and T28 (Dawn Redwood). If recommended for approval requested the inclusion of landscaping conditions.

Land Quality Officer

- 9.14. No objections subject to conditions requiring the submission of phased risk assessments and a piling method statement.

Sustainability Officer

- 9.15. No objections subject to a condition requiring the proposals to be constructed in accordance with the submitted Energy Statement.

Ecology

- 9.16. No objections subject to conditions requiring the submission of a Construction Environmental Management Plan, ecological enhancements and vegetation clearance outside the bird nesting season.

9.17. The following consultees responded with no objections:

- Archaeology.

9.18. The following consultees responded with no comments:

- Canal and River Trust;
- Historic England

Public representations

9.19. 13 local people commented on this application from addresses in Baltic Wharf, Marlborough Road, White House Road and Chilswell Road.

9.20. In summary, the main points of objection (13 residents) were:

- Concerns about the impact of the development on traffic/ vehicle access during construction and when occupied.
- The need to protect local people and the environment for construction dust and noise.
- Concerns about the impact of construction traffic on residential occupiers and the nearby St. Ebbe's CE Primary School and how access for construction vehicles will be managed.
- It was queried as to how the development would be built and how construction materials would be transported to the site e.g. by road or by river.
- Concerns that the proposals would have a detrimental impact on the privacy of occupiers of no. 4 Baltic Wharf.
- The proposal could result in a loss of light to the residential dwelling at no. 4 Baltic Wharf due to its height and position. More generally some concern was raised about the impact of the buildings on neighbouring dwellings in terms of loss of light.
- Concerns that the graduate building would be closer to neighbouring properties than the existing and could result in overlooking issues.
- Objections to the design of the proposed buildings which were considered to be out of keeping with the existing building in terms of its shape and materials.
- Suggestions that the buildings would be too high and would make the tow path and footpath to Baltic Wharf feel cramped and overshadowed.
- Concerns that the proposal would result in a large population increase in a high density area as well as increase traffic across Grandpont Bridge.
- Requests that the College remove the existing boundary wall next to Baltic Wharf to improve visibility for pedestrians and cyclists.
- Concerns that there would be an increase in noise disturbance for neighbouring residential occupiers, especially at night.

- The view was given that substitute saplings would not be an adequate replacement for the existing mature trees and that trees of a semi-mature nature should be encouraged as well as the protection of the existing specimens.
- It was requested that the proposal improve the surrounding area as there are currently reports of crime and anti-social behaviour. It was suggested that there could be more cameras, lighting and that access under Grandpont Bridge be restricted.
- The improvements to the public realm, especially the opening up of the footpath to Baltic Wharf was welcomed.
- Requests that Grandpont Bridge, and the existing ramp access, be made safer during icy conditions and that the bridge be renovated.
- Suggestion that the College contribute towards cycling infrastructure improvements within the city.
- Request that the towpath and Grandpont Bridge remain open at all times for pedestrians and cyclists.
- It was mentioned that the increased number of students onto the site would have a negative impact on local facilities e.g. drainage and GP practices.
- General issues such as drug use, health issues of residents in the local area and the presence of elderly people were mentioned in correspondence although these were not explicitly linked to the proposed development.
- It was mentioned that the advertising of the planning details was not clear and suggested that planning drawings were put at the site to help interested parties understand the impact of the development.
- There was interest in the carbon footprint of demolishing the existing buildings and rebuilding.
- The proposed development of student accommodation which would free up housing in the city was welcomed although the segregation of students from other residents was regretted.

Officer response

- 9.21. Officers note comments from Thames Valley Police and the request for a condition requiring that the development gain Secured by Design accreditation. The design of the proposed development has been considered by officers including specialists in heritage and urban design and following comments from Thames Valley Police design amendments have been made/ confirmation of compliance has been given. Additionally, there are numerous policies contained within the adopted development framework that relate to the quality of the public realm and its safety. As such, officers do not consider it to be reasonable to require that the development achieve Secured by Design accreditation and consequently, this condition has not been included.

- 9.22. Officers acknowledge a number of comments which request improvements to Grandpont Bridge. The bridge is currently under the ownership of Oxford City Council and Oxfordshire County Council. Officers have worked with the applicant to agree financial contributions be made to secure improvements to the bridge access and egress in addition to the public realm improvements proposed as part of the application submission.
- 9.23. It was suggested that the application should have been advertised more clearly with plans at the site. Site notices were displayed in and around the site by Officers and the details were advertised in the local newspaper. Full copies of the plans were made available online in line with the Council's established process.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design, landscape and visual impact;
- iii. Impact on non-designated heritage assets;
- iv. Impact on neighbouring amenity;
- v. Flooding and drainage;
- vi. Trees;
- vii. Transport and highways;
- viii. Sustainability and energy;
- ix. Biodiversity;
- x. Other matters.

i. Principle of development

- 10.2. The National Planning Policy Framework (NPPF) and Core Strategy Policy CS2 encourage the effective use of land by re-using land that has been previously developed. Policy CP6 of the Oxford Local Plan requires that development proposals make maximum and appropriate use of land and the best use of a site's capacity in a manner both compatible with the site itself as well as the surrounding area. The application site is an existing student accommodation site which is owned and operated by Pembroke College. As such it is defined as previously developed land and the redevelopment of the site and intensification of development within the confines of the site's boundary would be considered in policy terms to make an efficient use of this type of land.
- 10.3. The preamble to Core Strategy Policy CS25 identifies that within Oxford City a large number of students live in private accommodation in the private rental market outside of purpose built accommodation, which in turn places a large pressure on the availability of houses. As such, it is important to have regard to the provision of purpose built student accommodation which has the effect

of releasing private accommodation. Planning Practice Guidance (updated 22nd July 2019) advises Local Authorities how to assess housing need and states that in the case of student housing, “encouraging more dedicated student accommodation may take pressure off the private rented sector and increases the overall housing stock.” The PPG also encourages Authorities to engage with universities to ensure they understand their student accommodation requirement (Paragraph: 004 Reference ID: 67-004-20190722).

- 10.4. The severe housing need in Oxford and the pressure to make the most efficient use of land is also of significance, as presently the two universities have a considerable impact on private rented accommodation, which is in short supply.
- 10.5. In November 2018, the Government introduced the Housing Delivery Test which looks at housing data based on Local Authority housing returns from 2015/16 onwards and calculates what the provision of student accommodation does to release dwellinghouses (Use Class C3) back onto the open market. In this instance, this indicates that for every 2.5 student beds provided, 1 C3 dwelling is released. Therefore using this methodology, this indicates that with a net gain of 83 student beds that 33 C3 houses would be released. This would thus have a material impact on the delivery of housing in Oxford.
- 10.6. Policy HP5 of the Sites and Housing Plan identifies locations where planning permission may be granted for student accommodation and states that planning permission will only be granted for student accommodation on or adjacent to an existing university academic site or located adjacent to a main thoroughfare. The emerging Oxford Local Plan 2036 is a material consideration but policies within the plan can only be given limited weight at this stage as although the emerging plan has been through the examination stage the Inspector’s report has not been received. Policy H8 is relevant and states that planning permission will only be granted for student accommodation on or adjacent to university or college campus sites (amongst other locational criteria) and subject to a number of exceptions. For the purposes of both the existing and emerging policies relating to the location of student accommodation the application site would be acceptable in principle.
- 10.7. In light of the above and having regard to the existing and emerging planning policy framework, officers would concur with the applicant that the redevelopment of this existing campus site and the provision of additional student accommodation would comprise an efficient and sustainable use of the land and would contribute considerably to addressing the balance of student accommodation in releasing open market housing and reducing the numbers of students in private rented accommodation. Therefore, the principle of the provision of student accommodation at the Sir Geoffrey Arthur site would accord with CS25 of the Core Strategy, Policy HP5 of the Sites and Housing Plan and emerging policies H8, H9 and SP18 of the Oxford Local Plan 2036.

Affordable Housing

- 10.8. Sites and Housing Plan Policy HP6 states that new student accommodation of 20 or more bedrooms will be required to make a financial contribution towards delivering affordable housing elsewhere in Oxford. The proposed development would therefore be a qualifying site for affordable housing. The policy lists five criteria where exceptions to this requirement can be made.
- 10.9. In this instance, the proposal accords with the exceptions criteria as the proposal comprises a redevelopment and/or intensification of a site where the main existing use is student accommodation. Therefore, there is no requirement for the applicant to make a financial contribution towards off-site affordable housing. The proposed development therefore complies with Policy HP6 of the Sites and Housing Plan and emerging Policy H2 of the Oxford Local Plan 2036.

ii. Impact on Heritage Assets

- 10.10. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraph 189). In making any such assessment great weight should be given to the asset's conservation which includes the setting of Conservation Areas. When assessing the impact of a proposal on a non-designated heritage asset the NPPF requires the Local Planning Authority to undertake a balancing judgement having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).
- 10.11. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants 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 Oxford Local Plan, together with Policy CS18 of the Core Strategy require that development proposals incorporate high standards of design and respect local character. The aims of these policies have been carried through into emerging policies DH1, DH2 and DH5 of the Oxford Local Plan 2036.
- 10.12. The application site lies adjacent to the southern edge of the Central Conservation Area which was extended in 1974 to include Folly Bridge – the southern river crossing and the area immediately adjacent to the application buildings. In terms of character, the elements within the Conservation Area that are immediately adjacent to the site are the 19th Century and 20th Century terraces that now occupy the land immediately to the south of Folly Bridge.
- 10.13. The former gas supply bridge (Grandpont Bridge) immediately adjacent to the site is included on the Oxford Heritage Asset Register. The bridge gives cycle and pedestrian access from the north bank to south bank of the river directly opposite the site. The bridge also forms part of national cycle network Route 5. The bridge is a remnant of the former land use immediately to the west of the site where gas was produced from 1930 until its decline following the 1960's North Sea gas production. The site itself housed ancillary activities and

structures related to these i.e. a timber yard, boiler house and compressors.

Demolition

- 10.14. The Geoffrey Arthur Building (GAB) and the Damon Wells Building (DWB) were designed by Maguire and Murray Architects and were built in 1988 following a competition in 1986. The design concept featured “Cotswold Vernacular” and centred around two quadrangles with student accommodation being provided within the GAB and the supporting facilities being housed within the DWB. The architectural features of the two buildings include their defensive edges and raised accommodation positioned on a plinth to accommodate residual ground conditions from demolished structures and former uses, as well as the distinctive pattern of window openings and use of turrets.
- 10.15. The application proposes the demolition of the existing DWB and the existing music room. While none of the buildings on the application site are designated heritage assets the original Maguire and Murray scheme is of local significance and the interrelationship between the DWB and GAB is an important design feature which was integral to the original design concept.
- 10.16. Notwithstanding this, officers agree with the applicant that the DWB is currently underused and fails to fulfil its original function in terms of providing necessary shared facilities for the campus. It is considered that the demolition and redevelopment of the DWB would result in a more efficient use of land and that a replacement building, demonstrating sensitive and high quality design, would be successful in responding to the existing architectural context. As such, officers consider the principle of the demolition of the DWB and the music room to be acceptable and compliant with Policy CP6 of the Oxford Local Plan. An assessment of the proposed design and impact on heritage assets is set out in the relevant sections below.

iii. Design, Landscape and Visual Impact

- 10.17. The NPPF makes clear that the purpose of planning is to help achieve sustainable development (Section 2), and that design (Section 12) and effects on the natural environment (Section 15) are important components of this.
- 10.18. Section 11 of the NPPF notes in paragraph 122 that in respect of development density the considerations should include whether a place is well designed and “the desirability of maintaining an area’s prevailing character and setting...or of promoting regeneration and change”.
- 10.19. Paragraph 127 of the NPPF states that decisions should ensure that developments will a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) is sympathetic in local character and history, including the surrounding built environment and landscape setting; d) establishes or maintains a strong sense of place to create attractive,

welcoming and distinctive places and e) optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public open space).

- 10.20. Oxford Local Plan Policy CP1 states 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.
- 10.21. Policy CP8 of the Local Plan requires all new and extended buildings to “relate to their setting to strengthen, enhance and protect local character”.
- 10.22. Policy CP11 of the Local Plan states that landscape design should relate to the function and character of the spaces and surrounding buildings.
- 10.23. Policy NE15 of the Local Plan has regard to loss of trees and hedgerows and 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.
- 10.24. Policy HE9 of the Local Plan states that planning permission will not be granted for any development within a 1200m radius of Carfax which exceeds 18.2 metres. The proposals would not exceed this height.
- 10.25. Policy HE10 of the Local Plan has regard to view cones and states that “The City Council will seek to retain significant views both within Oxford and from outside and protect the green backcloth from any adverse impact. 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.”

Site Layout

- 10.26. The application proposes to replace the DWB with a new graduate building that would be sited predominantly on the same footprint and the existing structure. Likewise, the proposed studio block would be sited on predominantly the same footprint as the existing music room. Officers consider that the proposals would respect the remaining building group and are convinced that the proposals have been informed by a clear understanding of the architectural approach to the design of the original buildings.
- 10.27. Furthermore, it is considered that the proposals would contribute towards strengthening the identity of the existing buildings. This is exemplified in particular in the redevelopment of the music room where the original architectural intent was to provide a ‘full stop’ to the snaking development or to provide a preview of the main building ranges. The proposal would develop this concept by continuing the idiom with an “isolated tower” to house the 4 studios.

10.28. Despite retaining predominantly the same footprint as the existing DWB the proposal seeks to create a more positive, engaging entrance to the buildings from the towpath through improvements to the public realm and increasing the active frontage of the building. This is discussed in more detail in the sections below.

Public Realm

10.29. One of the fundamental issues with the existing site arrangement is the underperformance of the public realm. This is particularly evident between the DWB, Baltic Wharf and Grandpont Bridge. Officers consider that the proposed buildings would engage more positively with the surrounding public realm and would address many of the existing problems.

10.30. The proposals would provide additional public space by removing the existing boundary wall of the site, effectively improving the access route between Grandpont bridge/ the tow path and Baltic Wharf for pedestrians and cyclists. This would also contribute towards reducing the potential for anti-social behaviour and improving the quality of the public realm.

10.31. Additionally, it is proposed that vehicular access to the site from the east is rationalised through the realignment of the boundary wall. The opening up of this space would increase the permeability of the site and improve its integration with the surrounding community.

10.32. Conditions are suggested to secure additional details of landscaping treatments and materials as well as external lighting and signage. Additionally, clauses will be drafted into the s106 legal agreement to ensure that the public realm remains open and accessible and that important sight and travel lines remain unrestricted.

Scale and Massing

10.33. The surroundings comprise a mix of architecture, modest houses and relatively extensive blocks of flats as well as large, shared/communal buildings. The existing college buildings follow the domestic vernacular in a Cotswold idiom, the architects making a strong reference to the 18th Century and 19th Century architecture of principal college building ranges. The existing DWB fails to sit comfortably in that idiom.

10.34. The proposed graduate building would demonstrate two building heights, with minimally sloped roofs and punctuations via parapets and solid parts of the façade. The southern wing is proposed to be four storeys over the plinth and the eastern wing with three storeys over the plinth. The proposed studio block would be four storeys sitting on the existing plinth.

10.35. The proposed graduate building would create a distinctive variation in architectural massing but is considered to respect the existing building ranges in terms of overall scale and massing and would offer elements that would

engage with particular spaces and views beyond the site i.e. across the Grandpont Bridge from St Ebbes, along the river bank from the west and from the east end of Baltic Wharf. Likewise, the architectural approach would help to frame views into the first quad in a similar way to the traditional college form but in a contemporary manner taking reference from significant examples in current contemporary architecture.

10.36. The proposed massing of the studio block would represent an increase when compared to the existing music block however it would, in a similar way to the graduate building, help to frame the existing quads and define key views especially along the tow path. The proposed building heights are therefore considered to be appropriate within the surrounding context.

Impact on Views

10.37. The Oxford Local Plan recognises the importance of views of Oxford from surrounding viewpoints, both from outside its boundaries but also in shorter views from prominent places within Oxford. The View Cones Policy (HE10) protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City. There are also a number of public view points within the city centre that provide views across and out of it, for example Carfax Tower, St Georges Tower and St Marys Church.

10.38. In support of the application, and following pre-application discussions with officers, the applicant has submitted an Landscape Visual Assessment including an assessment of the following views:

- Raleigh Park;
- Boars Hill;
- Hinksey Height;
- Port Meadow;
- Doris Field Memorial Park;
- South Park;

Additionally views were assessed from the following publically accessible vantage points:

- Castle Mound, Oxford Castle;
- St. George's Tower;
- Westgate Terrace (2 locations);
- St. Mary's Tower;
- Carfax Tower.

- 10.39. Due to the location of existing buildings and the topographical features of the landscape the existing and proposed buildings were not visible from any of the assessed view cones. Likewise, the proposals would not be visible in views from Castle Mound, St. George's Tower or St. Mary's Tower.
- 10.40. The proposed buildings would be visible in views from Carfax Tower and the Westgate Terrace, however, the existing buildings are also visible in these views and officers conclude that due to the similar location, scale and massing of the proposals there would not be a significant impact on these views when compared to the existing situation.

Building Layouts

- 10.41. The proposed graduate building would have bicycle and plant storage on the lower ground floor along with a student common room. Above, the traditional college arrangement of rooms off staircases is proposed with shared kitchen/living spaces.
- 10.42. The proposed studio block includes four studio rooms arranged with bedrooms towards the riverpark to the south west and living areas towards the City Centre to the north east. A central staircase would provide access to each studio.

Appearance/ Materials

- 10.43. The proposed buildings have been informed by the distinctive repeating pattern of openings and a range of window types visible on the existing GAB. Consequently, the proposed graduate building focuses on creating a composition of a limited number of window types that form a facade pattern that is distinct from the existing GAB but complimentary to the architectural language of the existing building. Officers consider that this approach has been successful and that the proposed graduate block would be distinctive yet share commonalities with the remaining GAB.
- 10.44. Likewise, the architectural expression of the proposed graduate building would be consistent with the proposed music block ensuring that the two new elements bookend the campus, creating a unifying design across the site.
- 10.45. The surrounding context of the site is a collage of different bricks of varied tones format and date. Therefore, the application proposes to use brick as a primary façade material. Officers consider that the use of a light toned brick with metal roofing material and window frames would be acceptable subject to additional details and samples being secured by condition.

Design and Heritage Conclusions

- 10.46. Officers are satisfied that the proposed removal of the existing buildings would not harm the setting of the Central Conservation Area or the Grandpont Bridge (which is a recognised non-designated heritage asset).

- 10.47. The proposed development would introduce two new architectural elements that would top and tail the existing building ranges and provide new student accommodation. In doing so, the new buildings would allow the development a stronger presence/visibility from key viewpoints making a positive contribution to the setting of the adjacent Conservation Area and Grandpont Bridge.
- 10.48. The application demonstrates measured architectural language that would successfully express the building function in a distinctive but pared back way. Likewise, the proposals would reinforce and introduce new elements to the site of a human scale which would enable the building group to integrate more comfortably with its more domestic scale surroundings and which, in turn, would enhance the setting of the identified heritage assets.
- 10.49. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with section 72 of the Act. Consequently it is concluded that there would be no harm to the significance of either heritage asset.
- 10.50. As such, officers consider the application to comply with NPPF paragraphs 124, 127 – 131, 184, 187, 189, 190 and 192-200, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Oxford Local Plan policies CP1, CP6, CP8, CP10, CP11, HE6, HE7 and HE10, Core Strategy Policies CS18, Sites and Housing Plan Policy HP9 and Oxford Local Plan 2036 emerging Policies DH1, DH3 and DH5.

iv. Impact on neighbouring amenity

- 10.51. The Oxford Local Plan Policy seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. As a result Policy CP10 (Siting of development to Meet Functional Needs) requires development to be sited in a manner which ensures that the amenities of the occupiers of properties surrounding any proposed development are safeguarded. This has been carried through into emerging Local Plan Policy H14 (Privacy, Daylight and Sunlight) and Policy RE7 (Managing the Impact of Development).
- 10.52. The nearest residential properties are immediately to the east of the site along Baltic Wharf, to the south of the site at Grandpont Place and to the south west at Riverside Court. There are a number of residential properties across the river to the north of the application site at Friars Wharf but due to the separation distance of approximately 61 metres it is considered there will be no significant impact on occupiers of these properties.

Baltic Wharf

- 10.53. Nos. 1 – 4 Baltic Wharf form a small terraced block to the east of the application site. Due to the siting of these properties which are orientated north-south parallel to the proposed new accommodation block it is considered that only no. 4 is likely to be significantly impacted by the proposals.
- 10.54. On the north facing elevation the property currently has one ground floor window and doors which open to the rear garden serving the living room. At the upper floor levels there are two bedroom windows and a dormer which includes a bedroom window. The west elevation which faces the proposed development has a conservatory which adjoins the living room/ kitchen, an obscure glazed window at first floor level and a secondary bedroom window within the roof structure.
- 10.55. While the proposed replacement graduate building would be sited predominantly on the same footprint as the existing building it would be approximately 2.3 metres closer to no. 4 than the existing built form. The existing DWB measures approximately 12.2 metres in height whereas the proposed graduate building would measure between 11.9-14.6 metres in height moving north to south. As such the lowest element of the proposed graduate building would be sited immediately adjacent to the rear garden of no. 4.
- 10.56. Turning first to the impact of the proposals on daylight and sunlight Officers have conducted the 45 degree test set out in Policy HP14 of the Sites and Housing Plan and found that the proposal would not exceed the 45 degree line and therefore the impact of the proposed development on the light reaching the habitable rooms of the development is considered to be acceptable.
- 10.57. The proposal would result in some additional overshadowing of the garden of no. 4 however, the submitted modelling demonstrates that the percentage reduction in solar irradiance would be approximately 6%, and the reduction in sunlight hours would be 3%. Officers consider that, on balance, this reduction would not be harmful enough to justify the refusal of the application.
- 10.58. The proposed development would be sited approximately 9.9 metres from the side elevation of no. 4, effectively bringing the development 2.3 metres closer than the current arrangement. Officers consider that while the proposal would be slightly larger and closer to no. 4 it would not result in harmful overbearing impacts, especially considering the existing arrangement.
- 10.59. In terms of overlooking impacts the existing DWB features several windows and large sheltered terrace that overlooks no.4. Due to the open nature of the terrace, a majority of the adjacent building and garden is currently overlooked to some degree. The proposed development would include 12 bedroom windows that would face east towards no.4 and therefore would retain a degree of overlooking of this property. However, in response to requests from officers the applicant has provided an indicative bedroom layout drawing showing that the placement of study desks would be in front of the windows of each room. Consequently, the degree of overlooking from these windows

would be limited as a result of the 0.3 metre recess, 0.15 metre window and cill and 0.6 metre desk width.

- 10.60. Officers have discussed with the applicant the possibility of removing or relocating windows from this elevation to try to reduce the potential for overlooking however, this would have a detrimental impact on the architectural design of the building and the functionality of the bedroom layouts. As highlighted in the design section of this report, a key aim of the proposal is to improve the public realm and reduce opportunities for anti-social behaviour by developing more active frontages and increasing the amount of overlooking of the public space between the DWB and no. 4 Baltic Wharf. Removing windows on this elevation would undermine the capacity of the proposal to achieve this.
- 10.61. Officers consider that there would be some harm to neighbouring amenity from overlooking as a result of the proposed development however, the separation distance is considered to be acceptable and the proposed uses (student residential and residential) are compatible uses. Also, the site is located within the City Centre and as such the proximity between buildings is expected to be closer than perhaps would be acceptable outside of this urban area.

On balance, officers conclude that the proposal would comply with Sites and Housing policy HP14 (Privacy and Daylight) and would not result in overlooking or overshadowing which would significantly compromise neighbouring occupiers. While there would be limited harm to the neighbouring occupiers at no. 4 the proposals would not result in significant additional harm when compared to the existing arrangement. For these reasons officers do not consider that there would be sufficient reason to justify the refusal of the application.

Grandpont Place

- 10.62. Nos. 26-43 Grandpont Place are located within a 3 storey residential block immediately to the south of the application site. The ground level increases moving from the application site to Grandpont Place and there are a number of substantial TPO trees which run along the boundary of the site, The proposed graduate building would be sited a minimum of 13 metres from the rear of Grandpont Place.
- 10.63. Due to the separation distance, the mature vegetation along the shared boundary and the siting of the application building on lower ground officers consider that the proposals would not give rise to any significant harmful overlooking or overbearing issues, or loss of light.

Riverside Court

- 10.64. The residential development at Riverside Court is approximately 42 metres from the proposed graduate building and 51 metres from the proposed studio block. Due to the extent of this separation officers consider that the proposals

would not give rise to any significant harmful overlooking or overbearing issues, or loss of light.

Noise Impacts

10.65. Officers note that objections have been raised about the potential noise impacts for neighbouring residential occupiers. The application site is an existing student campus and the proposed buildings would fundamentally include student bedrooms, a use which would be compatible with the surrounding residential uses. Therefore, while the proposal would increase the number of students on this site officers consider that there would not be significant harm arising from noise disturbance that would warrant the refusal of the application.

v. Flooding and Drainage

10.66. The NPPF states that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in at risk areas where informed by a site specific flood risk assessment following the Sequential Test. If required an Exception Test may also be necessary to make the development safe without increasing flood risk elsewhere (paragraph 157).

10.67. Additionally, Core Strategy Policy CS11 (Flooding) requires that qualifying developments are accompanied by a full Flood Risk Assessment (FRA), which includes information to show how the proposed development will not increase flood risk. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding. This has been carried through into emerging Local Plan 2036 Policy RE3.

10.68. The application site is located within Flood Zones 1, 2, 3a and 3b (functional floodplain). Table 2 of National Planning Policy Guidance, Flood Risk Vulnerability Classification, classifies student accommodation as a ‘more vulnerable’ use.

10.69. Table 3: Flood Risk Vulnerability and Flood Zone ‘Compatibility’ of the National Planning Policy Guidance is recreated below with the relevant section highlighted for reference:

Flood Zone	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				
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Key:

- ✓ Development is appropriate
- X Development should not be permitted.

* "In Flood Zone 3b (functional floodplain) essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses, should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

10.70. As set out in the above table the proposed use is usually acceptable in Zones 1 and 2, is acceptable within Zone 3a subject to an exception test and is not usually acceptable within Zone 3b. Therefore, the proposal would be contrary to the NPPF, Core Strategy policy CS11 and emerging Local Plan 2036 policy RE3. The application has been advertised as a departure from the provisions of the development plan. The Environment Agency has subsequently raised an in principle objection to the proposals.

10.71. Notwithstanding this, it is important in this instance to consider the existing land use, the existing building footprint and the arrangement of existing buildings on the application site. The NPPF follows a sequential risk-based approach in determining the suitability of land for development in flood risk areas, with the intention of steering all new development to the lowest flood risk areas. Consequently, officers have interrogated the rationale for the proposed building location and the possibility of locating the building outside of Flood Zone 3.

10.72. Turning first to the location of the proposed buildings within the application site officers have examined the justification provided by the applicant. Pembroke College is currently able to provide sufficient accommodation to house all of its undergraduate community but has limited capacity to support new graduate students arriving in Oxford or new academic members of staff. Currently the College houses only around 25% of its annual intake of graduate students. In order to provide additional accommodation the College has the potential to develop within two locations: the main College site within the City Centre and the application site.

10.73. The main College site is constrained by its historic nature and the listed buildings present within the grounds. The site has also already been expanded, most recently with the completion of the Rokos Quad in 2009, and the intensification of the built form on site means that further development is likely to result in harm to the existing arrangement and heritage assets.

10.74. In contrast the GAB site is currently under-utilised as set out in the relevant sections of the report above. The DWB and music room are no longer used for their original purpose and the proposal to make more efficient use of this

brownfield land is considered to be acceptable. Therefore, officers accept that development within the application site is the most appropriate way for the College to increase their offer of graduate accommodation.

- 10.75. While the principle of developing within the application site is accepted officers have carefully considered whether the proposed graduate building could be located elsewhere within the site so as to deliver the benefits set out above and to be policy compliant.
- 10.76. The existing GAB is not listed but has architectural merit. It is arranged around two quads which form the centre of the development. The existing rooms face onto these two quads. During extensive pre-application discussions between the applicant and the Local Planning Authority an options appraisal was conducted to identify potential locations for new buildings. It was apparent that the architectural arrangement of the buildings was a significant constraint and options which failed to respect this arrangement, for example building within the existing quads, negatively influenced the setting and views, and provided limited benefits concerning accessibility.
- 10.77. Following the submission of the application and subsequent discussions with the EA and the Oxford City Council Flood Mitigation Officer, officers requested that the footprint of the proposed graduate building be reduced to pull the building away from the river and reduce the encroachment into Flood Zone 3b. The applicant maintains that reducing the footprint further would result in a significant reduction in the number of proposed student bedrooms unless the overall height of the building was increased. Officers would not support increasing the building height from that proposed because of the likely harm to neighbouring residential occupiers and to views.
- 10.78. The resultant proposal is for a graduate building where the impact on the existing 1 in 20 annual probability floodplain would be much reduced and would be limited to very minor isolated areas along the east and south of the proposed building. The applicant maintains that within these areas the maximum flood depths experienced in this event would be approximately 20mm.
- 10.79. The Exception Test has been carried out in accordance with the NPPF to demonstrate the significant benefits of the proposed development. Paragraph 60 of the NPPF states:
- “For the Exception Test to be passed it should be demonstrated that: the development would provide wider sustainability benefits to the community that outweigh flood risk;*
- and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*
- 10.80. The first part of the test is met as the proposal would beneficially increase the density of development within an existing campus, in an urban, city centre location, would contribute towards meeting Oxford’s unmet housing need and

would significantly improve the existing public realm and access to Grandpont Bridge.

10.81. Officers have also considered the emerging Local Plan 2036 policy RE3. The Oxford Local Plan 2036 (Proposed Submission Draft) was submitted for examination on 22nd March 2019. The Local Plan hearings concluded on 19th December 2019. Policy RE3 was questioned by the Inspector as part of their initial set of questions into the plan and minor modifications were made after which the Inspector verbally confirmed there were no further questions on this policy. As such Policy RE3 is still considered to have limited weight at this stage. The proposed modifications to Policy RE3 state that planning permission can be granted in Flood Zone 3b for water-compatible uses, essential infrastructure or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. It goes on to state that the following criteria must be met:

- a) It will not lead to a net increase in the built footprint of the existing building and where possible lead to a decrease; and
- b) It will not lead to a reduction in flood storage (through the use of flood compensation measure) and where possible increase flood storage; and
- c) It will not lead to an increased risk of flooding elsewhere; and
- d) It will not put any future occupants of the development at risk.

10.82. The proposal would fail to comply with criteria a) set out in emerging Policy RE3 however it is noted that although it would lead to a net increase in the built footprint, this would only be 30m².

10.83. In terms of the second part of the Exception Test and criteria b) – d) of emerging Policy RE3 it is noted that to mitigate the impact of the building the applicant proposes the provision of full level-for-level floodplain compensation through the use of voids in the lower ground floor including significant ground remodelling of the steps in the north-east side of the site, to a level of 56.0m AOD. As such, this would provide a new area of Flood Zone 3b, in a more appropriate location (i.e. immediately adjacent to the river channel), and of significantly greater area and depth than would be lost due to the new proposed building footprint (a net gain of 70m² plan area of Flood Zone 3b). The Environment Agency welcomed and accepted this flood plain compensation.

10.84. The Environment Agency have raised a 'technical' objection about the finished floor levels on the lower ground floor of the proposed graduate building which would be 56.20m AOD. The 1 in 100 annual probability flood level + 35% is 56.58m AOD. The Environment Agency guidance also requires an additional 300mm which would be 56.88m AOD.

10.85. Officers recognise that the proposed rooms on the lower ground floor level would be non-habitable i.e. storage, plant rooms and a common room and that the level of this floor has been informed by the desire to align it with the

adjacent ground and provide an accessible entrance. Officers have discussed with the applicant whether it would be possible to increase the finished floor levels and introduce additional DDA compliant ramps but the result of this would be detrimental to the flood zone as it would require taking additional land out of the existing flood plain and would require a ramp of approximately 20m² (13 metres long) which would not realistically be feasible in this location.

- 10.86. Likewise, Officers explored the possibility for the additional 680mm increase in floor level to be accommodated within the existing floor to floor heights; this would have raised the building above the flood level. The proposed floor to floor heights would be 2.72 metres and it was agreed that reducing this would have a detrimental impact on the quality of the internal spaces provided by the proposed graduate building.
- 10.87. Finally, Officers considered whether the increase in finished floor levels could be incorporated by increasing the overall height of the building however, while this would be possible it would result in some additional harm to neighbouring occupiers, the view cones and the architectural composition of the site. Notwithstanding this, the aforementioned issues around accessible access and egress would remain.
- 10.88. In light of the above discussion Officers have undertaken a balancing exercise with consideration given to the specific set of constraints and characteristics of this development. Officers conclude that considering the scope of the existing building footprint, the limited encroachment of the building footprint into Flood Zone 3b, the lack of alternative sites for development, and the benefits arising in terms of making the most efficient use of land and contributing towards Oxford's housing need, the proposed development would be acceptable in this instance. The floodplain compensation measures are found to be acceptable.
- 10.89. The design of the graduate building, specifically the finished floor levels would not meet the Environment Agency guidance, however, considering the negative impact on the accessibility of the building that would arise from increasing these officers consider the proposed arrangement to be acceptable. Conditions have been included to secure additional details including flood resilience and resistance measures to ensure the safety of the proposed development for future occupiers.
- 10.90. The proposed studio block, due to the positioning of the existing boundary treatment along the tow path would be located within Flood Zone 1. The site of the proposed studio building would be at a minimum existing ground level of 57.8m AOD; as such would be at least 1 metre above all modelled flood levels, including the extreme 1 in 1000 annual probability level. This element of the proposal is therefore found to be acceptable and compliant with the NPPF, Core Strategy Policy CS11 and emerging Local Plan 2036 Policy RE3.
- 10.91. The proposed drainage strategy relies on underground tanked storage, with pumped discharge at 2l/s to the River Thames via an existing outfall pipe under one of the existing buildings. Neither Oxford City Council as Local Planning Authority or Oxfordshire County Council as the Lead Local Flood Authority (LLFA) would generally accept tanks, due to the lack of wider SuDS

benefits, and potential for blockage/maintenance requirements. Similarly, we would not generally accept a pumped outfall, due to the risk of failure/maintenance requirements. Consequently the LLFA have objected to the proposals.

- 10.92. Notwithstanding this, officers accept that the wider site is relatively constrained, both with regards to space for SuDS features, and also in terms of levels which have contributed towards the necessity of a pumped outfall. Therefore in this instance, and following discussions with the Council's Flood Mitigation Officer, it is considered that the drainage arrangement would be acceptable subject to a condition requiring a final drainage strategy be submitted detailing sufficient safeguards with regards to maintenance and management in order to prevent the risk of flooding from failure.
- 10.93. The Environment Agency, a statutory consultee, have objected to the proposals and therefore, in accordance with the Town and Country Planning (Consultation)(England) Direction 2009 in the event that the application is approved the application will be referred to the Secretary of State. Confirmation from the Secretary of State that the application will not be 'called in' will be required before any formal decision can be issued.

vi. Trees

- 10.94. All trees are a material consideration in the planning process; whether by the preservation of existing and/or through new tree planting opportunities. To the south of the site are a row of trees that are protected by a tree preservation order (TPO) (96/00004/S) however, officers are satisfied that the development will not adversely impact upon these trees.
- 10.95. The application calls for the removal of 23 trees in total and the retention of 16 trees. Of the trees to be removed 4 are of particular significance and merit; these are trees identified on the submitted plans as T27- London Plane, T28- Dawn Redwood, T36 and 37- Indian bean trees. These trees are on the north west and northeast sides of the site respectively. The Dawn Redwood and the Indian bean trees are prominent in local views along the towpath and from the opposite side of the Thames.
- 10.96. The T36 and 37- Indian bean trees are directly in conflict with the proposed studio block in the northwest corner of the site and therefore the loss of these trees has been accepted by the Council's Tree Officer.
- 10.97. The Tree Officer has objected to the removal of both the London Plane tree and the Dawn redwood, T27 and T28, due to concerns about the loss of public visual amenity assets. However, the removal of these trees is proposed for two main reasons; to facilitate the installation of new step access to Grandpont Bridge and as part of the improvement of the public realm through the rationalisation of space and reduction in anti-social behaviour around the bridge landing. As set out in the sections above, these elements will result in significant improvements to the public realm and for residents visiting or staying on the application site and the wider community. As such, officers consider that the removal of these trees to facilitate the aforementioned

development and improvement works would be acceptable subject to conditions securing a robust landscaping and planting scheme including replacement tree planting within the area between the graduate building and the river. The development is therefore considered to comply with the requirements of Policies NE15, NE16 and CP11 of the Oxford Local Plan 2001-2016.

vii. Transport and Highways

Transport sustainability

- 10.98. The site is considered to be in a highly sustainable location, with good access to public transport and within cycling/walking distance to the city centre and other local amenities. The site is located off of Baltic Wharf with vehicle access via Long Ford Close, Whitehouse Road and Abingdon Road. Despite the increase in student numbers there would be a decrease in car parking spaces, therefore the daily traffic generation would be less.
- 10.99. In terms of sustainable modes, there is a good network of options within the area, the local streets discussed above regarding vehicle movements have footpaths either side and are suitable quiet roads for cyclists. There is also the canal towpath which allows pedestrians/cyclists to access a larger range of facilities within the area. The Thames River Path has recently been improved for cyclists. The pedestrian/cycle bridge across to Friars Wharf (Grandpont Bridge) is currently substandard and is earmarked for improvement in the future, however, there is no capital scheme currently to be considered. Notwithstanding this, a legal agreement is being prepared to secure funds to improve access and egress to the bridge. There is also the nearby former Grandpont Rail Bridge which provides an alternative river crossing.

Construction Traffic

- 10.100. Officers and the Highways Authority have considered the submitted tracking drawings and swept path analysis. To ensure that construction traffic is managed effectively, especially during peak times, a condition requiring the submission of a Construction Traffic Management Plan is recommended.

Car Parking

- 10.101. The site would retain its existing 97 student rooms and increase by a further 85 rooms. Despite the increase in rooms, car parking on the site would be reduced from 10 to 3 spaces which would be reserved as disabled bays. This reduction is considered to be acceptable and would further increase the sustainability of the site.
- 10.102. Any increase in traffic at the start/end of term, is proposed to be managed by a Student Accommodation Management Plan which should set out time slots for students so that traffic is spread out to ensure that the car parking required for student drop off/ pick up at term start/end is sufficient and to

detail, how students will be discouraged from bringing cars into Oxford. This has been recommended as a condition.

Cycle Parking

10.103. The application proposes 145 cycle parking spaces to be located within a dedicated cycle store within the lower ground floor of the proposed graduate building. The details have been reviewed by officers and the Highways Authority and are found to be acceptable.

Refuse Collection

10.104. Officers and the Highways Authority have considered the submitted details relating to refuse collection from the proposed buildings. To ensure that the site can be maintained and serviced effectively a condition requiring further details in a Delivery and Servicing Plan has been included.

viii. Sustainability and Energy

10.105. Core Strategy Policy CS9 (Energy and Natural Resources) states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials. Sites and Housing Plan Policy HP11 states that residential and student accommodation will only be permitted if the development includes an element of on-site renewable or low carbon technologies where practicable. This requirement has been continued in emerging Local Plan 2036 Policy RE1.

10.106. The proposed new buildings would incorporate good building fabric standards, efficient building services and the use of waste-water heat recovery systems. When considered against Part L2A of the Building Regulations the proposal would achieve a 25.5% reduction in carbon emissions.

10.107. Officers consider that the proposal would significantly minimise the carbon emissions resulting from the development and does demonstrate sustainable design and construction methods and energy efficiency through design and materials. As such, Officers conclude that the proposal would comply with the aims of Core Strategy Policy CS9, Sites and Housing Plan HP11 and emerging Local Plan 2036 Policy RE1.

ix. Biodiversity

10.108. An Ecological Appraisal and Bat Survey Report have been submitted in support of the application. No evidence of bat roosting activity was identified within the existing DWB or music room however the wider site and surrounding area was found to have habitats that displayed value for bat species.

10.109. To ensure the proposal will result in no net loss of biodiversity conditions have been included to require the submission of a Construction

Environmental Management Plan (CEMP) (Biodiversity) and a scheme of ecological enhancements, to include landscape planting of known benefit to wildlife and provision of bat and bird boxes. As such the application is found to comply with the requirements of Policy CS12 and emerging Local Plan Policy G2.

x. Planning obligations

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

- Transfer of ownership of land to Oxford City Council to facilitate the delivery of step access to the Grandpont Bridge;
- £80,000 towards the delivery of step access to the Grandpont Bridge;
- Agreement that the public realm remains open and retains the important sight and travel lines between Grandpont footbridge and the pedestrian footpath connection to Baltic Wharf.

10.111. The agreement is currently being drafted and will need to be completed before any planning permission is granted.

xi. Other matters

10.112. Officers consider that it is necessary to secure the submission of a phased risk assessment at the site with regards to potential ground contamination risks. This is because the site has had historical uses that may have given rise to ground contamination. In addition, the development proposals include residential accommodation which is considered to be a sensitive use. This means that there remains the potential for workers and end users of the site to be exposed to potential contaminants which could cause harm.

10.113. The potential impacts of the proposal on air quality have been considered and found to be acceptable subject to the conditions set out in section 12 of this report. Both the current area and future occupants of the proposed development would be exposed to acceptable baseline levels of air quality and the site is deemed suitable for its proposed future use in this respect.

10.114. In terms of archaeology the ground disturbance likely to have been caused by existing and previous 20th century structures at this site and also the substantive re-use of the existing building footprints by the proposed scheme mean that this scheme would be unlikely to have significant archaeological implications.

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.

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 with the exception of Core Strategy Policy CS11 and emerging Local Plan Policy RE3. In light of this Officers have undertaken a balancing exercise considering the specific set of constraints and characteristics of this development. Officers conclude that considering the scope of the existing building footprint, the limited encroachment of the building footprint into Flood Zone 3b, the lack of alternative sites for development, and the benefits arising in terms of making the most efficient use of land and contributing towards Oxford's housing need, the proposed development would be acceptable in this instance.

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 will not have an unacceptable impact on non-designated heritage assets, the neighbouring amenity, public highways and biodiversity. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and that there would be no harm to the significance of heritage assets. Conditions have been included to ensure this remains the case in the future.

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

12. CONDITIONS

1. Development 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. Development in Accordance with Approved Plans

Subject to condition 4 the development hereby 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. Material Samples

Prior to commencement of above ground works on the site samples of the exterior materials and finishes to be used shall be submitted to and approved in writing by the Local Planning Authority.

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 unless otherwise agreed in writing.

Reason: In the interests of the visual appearance of the designated and non-designated heritage assets and in accordance with policies CP1, CP8, HE6 and HE7 of the Adopted Oxford Local Plan 2001-2016 and Core Strategy Policy CS18.

4. Large Scale Details

Notwithstanding the details submitted with the application, prior to commencement of above ground works large scale design details shall be submitted to and approved in writing by the Local Planning Authority. These shall include, as a minimum:

- Large scale joinery details for all new windows, doors and glazing panels
- Large scale sections of roof junctions (eaves, fascias, soffits etc.)

The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local planning Authority.

Reason: For the avoidance of doubt and in the interests of the visual appearance of the non-designated heritage assets and in accordance with policies CP1, CP8 of the Adopted Oxford Local Plan 2001-2016 and Core Strategy Policy CS18.

5. Boundary Treatments

Prior to commencement of above ground works details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Details shall include as a minimum:

- A plan to show the location and extent of the proposed boundary treatments;
- Plans to show the proposed height and dimensions;
- Samples of proposed materials.

The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers in accordance with Policy CP1 (Development Proposals) of the Local Plan and HP14 of the Sites and Housing Plan (2013).

6. External Surface Treatments

Prior to commencement of above ground works details of the external hard landscaping and surface treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the approved development.

The development shall be carried out in strict accordance with of the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of the visual appearance of the non-designated heritage assets and in accordance with policies CP1, CP8 of the Adopted Oxford Local Plan 2001-2016 and Core Strategy Policy CS18.

7. Landscape Plan

A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall include a schedule detailing plant numbers, sizes and nursery stock types.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11, NE15, NE16 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

8. Landscape Proposals: Implementation

The landscaping proposals as approved by the Local Planning Authority pursuant to condition 7 shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

9. Landscape Proposals: Reinstatement

Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

10. Student Occupation

The student accommodation hereby permitted shall only be occupied during term time by students in full time education on courses of an academic year or more. Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The buildings shall be used for no other purpose without the prior written approval of the local planning authority.

Reason: In order to maintain the availability of appropriate student accommodation in accordance with policy CS25 of the Adopted Oxford Core Strategy 2026.

11. Student Tenancy Agreement

The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city has been submitted to and approved by the local planning authority; and the study bedrooms shall only be let on tenancies which include that clause or any alternative approved 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 CS25 of the Adopted Oxford Core

Strategy 2026, Policy HP5 of the Sites and Housing Plan, and Policies CP1 and TR12 of the Oxford Local Plan 2001-2016.

12. Study Room Arrangement

Study bedrooms with east facing windows within the approved graduate building shall have study desks measuring a width of at least 0.6 metres fixed in front of the window opening as shown on the indicative room layouts included in the approved Overlooking/ Overshadowing Report (re: P3, dated 19th November 2019).

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers in accordance with Policy CP1 (Development Proposals) of the Local Plan and HP14 of the Sites and Housing Plan (2013).

13. Travel Plan

Prior to first occupation a Travel Plan Statement and Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in strict accordance with of the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to encourage the use of sustainable modes of transport, in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

14. Construction Traffic Management Plan

Prior to commencement of the approved development a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CTMP should follow Oxfordshire County Council's template if possible. The CTMP must 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,
- 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,
- Details of engagement with local residents
- A dilapidation survey which shows the state of the surrounding public highway

prior to implementation and post-construction. This should include all kerbs/landscaped areas/roads shown in the approved Vehicle Tracking Manoeuvres Plan (ref: 1891-DR-109-P1).

The development shall be carried out in strict accordance with of the approved details unless otherwise agreed in writing by the Local Planning Authority.

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 policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

15. Student Accommodation Management Plan

Prior to occupation of the approved buildings a Student Accommodation Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out control measures for ensuring that the movement of vehicles associated with the transport of student belongings at the start and end of term are appropriately staggered to prevent any adverse impacts on the operation of the highway.

The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the reason of highway safety and the efficient operation of the public highway.

16. Swept Path Analysis – Refuse Vehicles

Before the development permitted is commenced a swept path analysis shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that a refuse vehicle (of at least 9.2m in length) can safely and easily enter and exit the development from both directions from Baltic Wharf.

The development shall be carried out in strict accordance with the approved details and remain unobstructed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

17. Delivery and Servicing Management Plan

Prior to commencement of the development a Delivery and Servicing Management Plan, including contact details for staff responsible for delivery management and details of the servicing and delivery vehicles to be used, shall be submitted to and approved in writing by the Local Planning Authority and provided to the Highway Authority.

Deliveries to the development and the servicing of the development shall be carried

out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

18. Contaminated Land

Prior to the commencement of the development, other than that required to carry out the risk assessment, 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 in writing by the local planning authority. –

- Phase 1 has been completed and 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.

The development hereby approved shall be carried out in accordance with the approved Phase II Geo-environmental Site Assessment dated July 2019, prepared by TRC Companies Limited, unless otherwise agreed 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.

19. Remedial Works

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 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.

20. Piling Methods Statement

Prior to commencement of the proposed development, a piling methods statement and risk assessment addressing the potential for contamination migration, as well as

a surface water monitoring scheme, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in strict accordance with the approved statement, assessment and scheme unless otherwise agreed 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.

21. Watching Brief

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

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

22. Energy

The development hereby approved shall be carried out in accordance with the approved Energy Statement (ref: 2081:R5 rev. A) dated 5th November unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any the development is sustainable and meets energy efficiency requirements in accordance with the requirements of policy CS9 of the Core Strategy.

23. Lighting

Details of any exterior lighting, (including architectural lighting and roof terrace 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.

24. Construction Environmental Management Plan (Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to, and approved in writing by, the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones” including off-site receptors;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs if required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Policy CS12 of the Oxford Core Strategy 2026.

25. Ecological Enhancements

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 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 five dedicated swift boxes. Planting and features for the benefit of hedgehogs shall also be provided.

The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

26. Construction Environmental Management Plan (Air Quality)

No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan, shall correspond to the ones identified on IAQM guidance for a medium risk site, and can be found on pages 24 to 27 of the Guidance on the assessment of dust from demolition and construction, from IAQM (<http://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>)

The development shall be completed in accordance with the approved details unless otherwise agreed in writing.

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.

27. Boilers (Air Quality)

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

The development shall be completed in accordance with the approved details unless otherwise agreed in writing.

Reason: to ensure that the expected NO2 emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Core Policy 23 of the Oxford Local Plan 2001-2016.

28. Flood Risk Assessment

The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated November 2019, Rev. A, prepared by Peter Brett Associates) including the flood compensation measures it details.

These flood compensation mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent an increase in the risk of flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage. To reduce the risk of flooding to the proposed development and future occupants and in accordance with adopted Policy CS11 in the Oxford Core Strategy 2026.

29. Flood Resilience and Resistance Measures

Prior to commencement of the approved development details of the flood resilience and resistance measures to be included shall be submitted to and approved in writing by the Local Planning Authority.

These flood resilience and resistance measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To manage residual flood risk in accordance with Policy CS11 and the NPPF.

30. Flood Warning and Evacuation Plan

Prior to the commencement of the approved development, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan shall set out the following actions prior to a flood event:

- Confirmation that relevant persons are signed up to the Government's Flood Warning System;
- Measures to ensure the building is not used during a flood event;
- Details of how the building would be evacuated during a flood event.

The Flood Plan shall set out the following actions following a flood event:

- Details relating to the clean-up of the facility to facilitate safe usage.

Prior to occupation of the approved building the approved Flood Warning and Evacuation Plan shall be fully implemented and subsequently adhered to unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety and in accordance with Policy CS11 in the Oxford Core Strategy 2026.

31. Drainage Strategy

Prior to commencement of the approved development a final Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Drainage Strategy shall be based on the following approved documents:

- Flood Risk Assessment (dated November 2019, Rev. A, prepared by Peter Brett Associates);

and the following submitted documents:

- SuDS Maintenance Guide (ref:3406-PEMB-ICS-RP-C-07.002, dated August 2019);
- Proposed Drainage Strategy (ref: DWG 1891 DR 100 P07);
- Drainage Statement (ref: 3406-PEMB-ICS-XX-RP-C-07.001_REV-A_DRAINAGE STATEMENT);
- Drainage Exceedance Plan (ref: 1891-DR-109-P01).

The Drainage Strategy shall include specifically:

- An adequate SuDS scheme which manages surface water above or close to the surface. Details of green infrastructure must be included and where this is not achieved justification must be provided.
- Confirmation that discharge rates will be at greenfield rates unless otherwise agreed with the LPA/LLFA
- Full details, drawings/cross sections of the attenuation tank and concrete slab including details of how floatation is to be prevented.
- Confirmation that the existing outfall pipe has sufficient capacity for the proposed drainage arrangements.
- Assessment of the effect of a flood event on the outflow from the site i.e. modelling the system with an outfall surcharged to the modelled flood levels.

Prior to occupation of the approved building the approved Drainage Strategy shall be fully implemented and subsequently adhered to unless otherwise agreed in writing by the Local Planning Authority.

Reason: To manage surface water flood risk in accordance with Policy CS11 and the NPPF.

32. Thames Water

The approved building shall not be occupied until confirmation has been provided that either:- 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

Informatives

1. 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**

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.

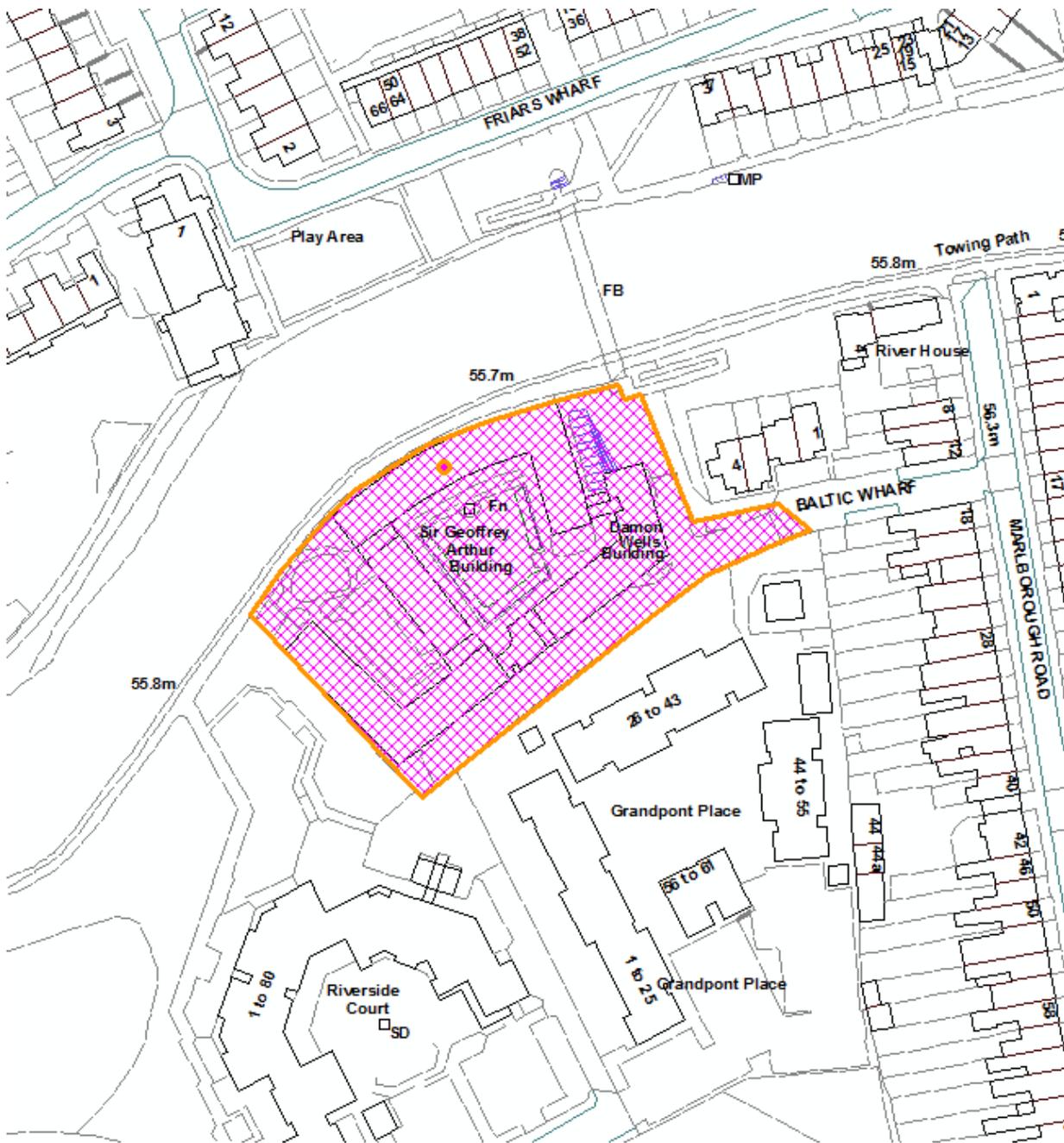
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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 – Location Plan

19/02032/FUL – Sir Geoffrey Arthur Building



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West Area Planning Committee

21st January 2020

Application number:	19/02841/VAR		
Decision due by	30th January 2020		
Extension of time	Not required		
Proposal	Removal of condition 25 (Solely for this use and no other purpose) of planning permission 18/03384/FUL (Demolition and relocation of the existing Cadet Hut (D2 Use Class) and the redevelopment of the Site to include erection of a 3 storey apartment block providing 26no. residential flats (C3 Use Class) comprising 9no. 1-bed and 17no. 2-bed apartments with associated access, parking and landscape arrangements.)		
Site address	15-17 Elsfield Hall , Elsfield Way, Oxford, OX2 8EP – see Appendix 1 for Location Plan		
Ward	Wolvercote Ward		
Case officer	Michael Kemp		
Agent:	Mr Adrian Hunter	Applicant:	Lila Haracz
Reason at Committee	The application has been made by Oxford City Housing Limited.		

1. RECOMMENDATION

1.1. The West Area Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and the completion of a deed of variation to the previous legal agreement relating to Planning Applications 18/03384/FUL and 18/03385/FUL to ensure that this permission is made subject to the same terms of this previous agreement and grant planning permission.

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

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.
- Complete necessary changes to vary the original legal agreement relating to Planning Applications 18/03384/FUL and 18/03385/FUL to ensure that this planning permission is subject to the same terms as this agreement

and to add a clause into the legal agreement to negate the need for further deeds of variation should any future Section 73 applications be submitted relating to this site or the site at Cumberlege Close.

2. EXECUTIVE SUMMARY

- 2.1. This application seeks the removal of condition 25 of planning permission 18/03384/FUL. Condition 25 relates to a requirement to re-provide floorspace within the application site for use by the Oxford Cadets who currently occupy a building on the site which would be removed. The removal of the existing cadet hut building, a small single storey structure is required in order to facilitate the development of 26 flats approved under planning application 18/03384/FUL. Condition 25 of the planning permission requires that the building in the north east corner of the site at Elsfield Hall currently used as a gym shall be made available for use by the Cadets to offset the loss of the space within the cadet hut currently used by the Oxford Cadets.
- 2.2. The development as approved under application 18/03384/FUL would result in the loss of a building which currently falls under a community use (Use Class D1) though this building was used only by the Oxford Cadets and not the wider community. Notwithstanding this, Policy CS20 of the Core Strategy requires the re-provision of community uses, where such uses would otherwise be lost and where foreseeable need justifies this. A statement from the facilities manager for the South East Reserve Forces and Cadets Association is included within the applicant's covering letter, which states that the Cadets no longer require use of the building in the north east corner of the site due to the suspension of the area Cadet detachment.
- 2.3. On this basis and accounting for the existence of other existing community facilities in the area which serve a similar function as similar general Class D1 meeting spaces, officers consider that loss of the existing building is justified and re-provision of a community use on the site or elsewhere would not be required. Officers therefore consider that the removal of condition 25 of planning permission 18/03384/FUL is acceptable and would not conflict with the policy requirements of Policy CS20 of the Core Strategy and Paragraph 92 of the NPPF. It is intended that as the building is no longer required for use by the cadets and would continue to operate as its existing use as a gym.
- 2.4. For the reasons outlined within this report, officers consider that removal of condition 25 of planning permission 18/03384/FUL is justified.

3. LEGAL AGREEMENT

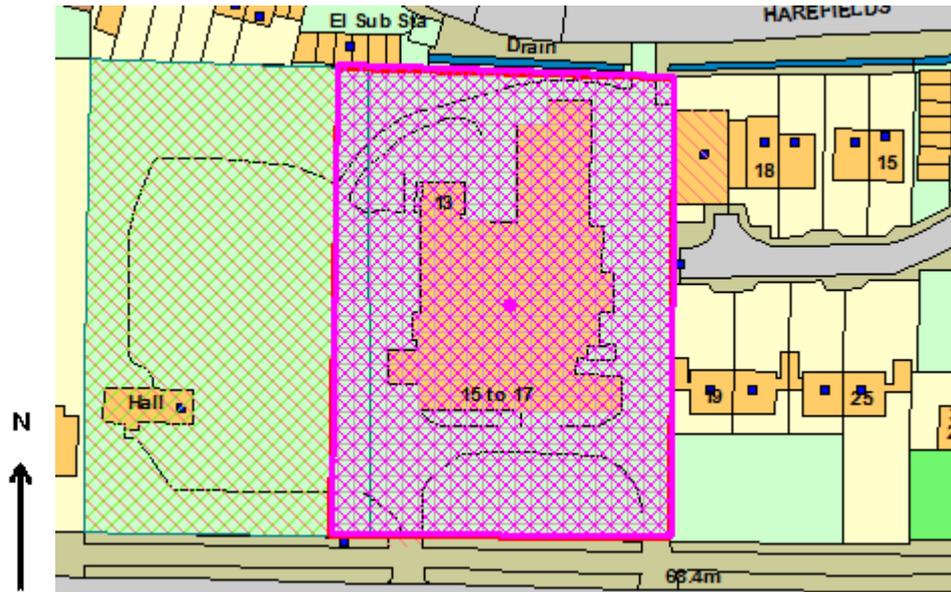
- 3.1.1. A deed of variation would be required in order to ensure that this permission is subject to the same terms of this previous agreement relating to Planning Applications 18/03384/FUL and 18/03385/FUL. A further clause is also sought as part of the deed of variation to avoid the need for any further deed of variation to be sought in the event that any future Section 73 applications are submitted, which do not have any bearing on affordable housing provision.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The original planning application 18/03384/FUL was subject of a CIL contribution of £207,255.59

5. SITE AND SURROUNDINGS

- 5.1. The site is a large rectangular plot located within Cutteslowe, North Oxford. The application site comprises principally of surfaced car parking and amenity grass space, the existing parking serves the adjacent two storey brick building (Elsfield Hall) which is used as Class B1 Office Space by a training company. A smaller section of the building is also used as a private gym (Use Class D1). The car parking provision on the site is well used at the present time; this is deemed to have a capacity of 72 spaces. A single storey prefabricated building is located on the site and functions as a community use by the Cadets. Vehicular access to the site is via Harefields to the north east. The site is flat and is generally devoid of natural features owing to its existing use, there are smaller trees to the south of the site and a more mature tree along this boundary which is proposed for retention. The site is bounded by hedgerows to the south and north, whilst a close boarded fence forms the boundary with the adjacent property No.9 Elsfield Way.
- 5.2. A dual carriageway section of the A40 is located to the south of the site. A pedestrian footpath and cycleway is located alongside the A40. There is no vehicular access to the site from the A40 and whilst there is an access gate between the site and footpath this is shut and there is no public pedestrian access from this point. There are a number of properties on the opposite side of the A40 consisting of three storey local authority built flats.
- 5.3. The surrounding area to the north consists of a range of dwelling types which includes three storey townhouses on Harefields and a varying range of two storey flats and two storey houses at David Walter Close to the east. The surrounding area is principally of a suburban residential character. The surrounding properties feature typically a palette of red or buff brick and are set back behind small gardens and front driveways which provide off street parking for the majority of properties in the area. A single storey row of garages is also located to the north of the site which are accessed via Harefields. The built form in the area is relatively dense, though there is a small strip of general amenity space along the southern boundary of Harefields. The properties to the west of the site are 1930's white rendered detached houses which have large rear gardens. The large gardens of the easternmost of these properties extend along the whole of the western boundary of the application site.
- 5.4. Cutteslowe Park is located approximately 400 metres to the east of the site, whilst there is a small row of local neighbourhood shops at Kendall Crescent around 300 metres from the site.
- 5.5. The site location plan is included below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application seeks the removal of condition 25. This relates to the applicant's requirement to re-provide the cadet hut on the site within the building currently used as a gym. No changes are proposed to the design, layout or any other details relating to application 18/03384/FUL. As the building is no longer required for use by the Cadets it is intended that the building would continue to be used as a private gym, which is the present use of the building.

6.2. The wording of condition 25, which would be removed is as follows:

Prior to the removal of the cadets building located on the site, the building identified on the approved plans to be available for use by the cadets shall be made available for this purpose and shall be used solely for this use and no other purpose including any other use falling within Classes D2 of the Town and Country Planning (Use Class) Order 1987 (as amended).

Reason: To ensure that the community use of the building by the cadets which is currently located on the site is re-provided to at least equivalent standard on the site in accordance with Policy CS22 of the Oxford Core Strategy.

7. RELEVANT PLANNING HISTORY

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

<p>13/03454/CT3 - Demolition of existing Cadets building. Erection of 17 residential units (6 x 3-bed houses, 1 x-3 bed flat, 10 x 2-bed flats), together with revised access, 35 residential car parking spaces, cycle parking, bin stores, community garden/play area, landscaping and re-location and consolidation of office car parking. Change of use of existing office building to Cadets use. (Additional</p>
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information) (Amended Description) (Amended Plans). Permitted 11th August 2014.

18/03384/FUL - Demolition and relocation of the existing Cadet Hut (D2 Use Class) and the redevelopment of the Site to include erection of a 3 storey apartment block providing 26no. residential flats (C3 Use Class) comprising 9no. 1-bed and 17no. 2-bed apartments with associated access, parking and landscape arrangements. Permitted 10th June 2019.

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	Emerging Local Plan
Design	12	CP1 CP6 CP8 CP9 CP10 CP11 CP13 HE7	CS18	HP9	DH1
Housing	5		CS23_ CS24_	HP2_ HP3_ HP9_ HP11_ HP12_ HP13_ HP14_	H1 H2 H3 H4 H14 H15 H16
Commercial	6	EC1			
Natural environment	15	CP11 CP22 NE15			RE1 RE2 RE3 RE4 RE6 RE7 RE9
Social and community	8		CS20		V6
Transport	9	TR1 TR2 TR3 TR4 TR5		H15 H16	M1 M3 M4 M5

Miscellaneous		CP.13 CP.24 CP.25		MP1	
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9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 8th November 2019 and an advertisement was published in The Oxford Times newspaper on 7th November 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. The County Council's consultation response in relation to the previous application (18/03384/FUL) to which this condition was attached raised an objection in relation to providing safe access for pedestrians and cyclists particularly at the eastern access of the site serving the Cadet Hut. The removal of this condition has the potential to increase the number of pedestrian and cycle movements associated with the building and increasing the likelihood of use by more vulnerable users such as children and older people by opening it to general D2 use.
- 9.3. Condition 13 attached to the previous permission required details of improvements to the footpath to the north of the site and it is recommended that this condition is carried over to any new permission granted. Improvements will be required to link the eastern access to the existing footway provision to the west of the site and a connection to the east of the site likely requiring a crossing of Harefields.
- 9.4. The other transport conditions not already discharged should be applied to any new permission granted.

Officers Response to Highways Comments

In response to the comments raised by Oxfordshire County Council Highways, officers would clarify that the proposals relating to the removal of the condition if granted would not 'release' the building back into a Class D2 use, as the building falls under a Class D2 use at the present time. The number of pedestrian movements associated with this building would therefore be unchanged from the present situation and the removal of this condition in officer's view would not impact materially on pedestrian safety. The proposals do not involve any changes to the access arrangements approved under planning application 18/03384/FUL.

Natural England

- 9.5. No comments

Thames Water Utilities Limited

- 9.6. No objection

Public representations

9.7. No public representations have been received in relation to this application.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

i. Principle of removing condition 25

i. Principle of Removing Condition 25

10.2. The existing Cadet Hut is a single storey prefabricated timber building, which is located adjacent to the large surface car park serving the office building. Removal of the building would be required in order to carry out the residential element of the development approved under planning application 18/03384/FUL as the building sits on the footprint of the proposed apartment building. The Cadet Hut lies within the area of the site allocated for residential development under Policy SP16 of the Sites and Housing Plan, though neither the policy nor the subtext to this policy makes reference to the Cadet Hut and any requirement to re-provide the facility.

10.3. Policy CS20 of the Core Strategy aims to protect and enhance existing community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless equivalent new or improved facilities, where foreseeable need justifies this, can be provided at a location equally or more accessible by walking, cycling and public transport. Community facilities are defined in the Core Strategy to include community centres, children's centres, meeting venues for the public or voluntary organisations, public halls and places of worship, sports facilities, stadiums and public houses or club premises that serve a local community. As the Cadet Hut is used as a meeting space for members of a local community organisation (Oxford Cadets), it is considered that the building should, in the context of Policy CS20 be treated as a community facility.

10.4. Policy V7 of the Emerging Local Plan specifies that The City Council will seek to protect and retain existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.

10.5. Paragraph 92 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

10.6. Since approval of planning application 18/03384/FUL it is outlined within the applicant's supporting covering letter that the local Cadet detachment no longer requires a replacement facility and vacated the site in July 2019. The applicant's covering letter includes a statement from the South East Reserve

Forces' & Cadets' Association SEFRCA's Estates Manager, which states that the Oxford Cadet Force which formerly used the building is no longer operating and therefore re-provision of a new facility would be unnecessary. It is therefore argued that replacement of the Class D1 space for use by the cadets is no longer required. As the building is no longer needed for a Class D1 use it is proposed that the building which was conditioned to be made available for use by the Cadets would continue to operate as a gym (Class D2 use).

- 10.7. It should be noted that the wording of Condition 25 required that the building be made available for use specifically by the cadets, rather than retained for a general Class D1 use. The reason for this was that the existing building was used only by the cadets and not by the wider community. In officer's view, as the Cadet detachment is no longer operational and the Cadets no longer require use of the building in the north east corner of the site, it would no longer be necessary, relevant or reasonable in the context of Paragraph 55 of the NPPF to apply a restrictive condition requiring that the building specifically be made available for use by the Cadets.
- 10.8. In terms of a general community use function, Policy CS20 of the Core Strategy requires re-provision of community uses, where foreseeable needs justify this. The building is used by a singular organisation (the Cadets) who no longer require use of the building or a replacement facility. The building offers a general meeting space function, though this was never the subject of a community use agreement or made available for the wider community to use. It is also noted that there are other buildings with the vicinity of the site which provide a similar general meeting space function and in contrast to the Cadet Hut, are accessible to the community for use; this includes Cutteslowe Community Centre and Cutteslowe Pavillion, both of which are within 600 metres of the site.
- 10.9. Taking the above factors into account in the context of Policy CS20 of the Core Strategy, it is considered that there would not be a foreseeable need to re-provide the Class D1 space which would be lost through the removal of the Cadet Hut, as there is adequate provision of similar spaces in the immediate area which are available to the local community. In the context of Paragraph 92 of the NPPF, it is considered that the wider community would not be disadvantaged by this space not being re-provided within the vicinity of the site.
- 10.10. The previous planning permissions relating to the approved developments at Elsfield Hall (18/03384/FUL) and Cumberlege Close (18/03385/FUL) were subject of a legal agreement. The purpose of the agreement was to ensure that the two proposed developments, which are on separate sites, are carried out substantially at the same time, in order to ensure that affordable housing is delivered to a compliant standard across both sites. The present application to vary condition 25 would not affect the delivery of affordable housing across either of the two sites; however a deed of variation would need to be made to the legal agreement, as the present planning application under consideration would need to be tied into this agreement. A further clause is also sought as part of the deed of variation to avoid the need for any further deed of variation

to be sought in the event that any future Section 73 applications are submitted, which do not have any bearing on affordable housing provision.

11. CONCLUSION

- 11.1. Officers consider that the removal of condition 25 of planning permission 18/03384/FUL is justified and would not conflict with the policy requirements of Policy CS20 of the Core Strategy and Paragraph 92 of the NPPF. The facility is no longer required for use by the Oxford Army Cadets and is not used as a community facility by the wider public. Furthermore adequate provision of community space exists within the vicinity of the site and the wider community would not be unduly disadvantaged by the loss of the existing building. It is therefore recommended that the Committee resolve to grant the application for the removal of condition 25 of planning permission 18/03384/FUL subject to conditions and to the prior completion of a Deed of Variation to the existing legal agreement.

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 referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site 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. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in chapter 6 pages 32-34 of the Air Quality Assessment that was submitted with this application (PROJECT NO. 70037512-004), developed by WSP. The development shall be carried out in accordance with the approved details.

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.

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

Reason - to ensure that the expected NO2 emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

6. Prior to the commencement of development, 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:

-Provision of electric charging points for each residential unit with an allocated parking space

-The amount of electric car charging points to be installed should cover at least 25% of the amount of permitted non allocated parking of the development ;

-Appropriate cable provision should 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).

7. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

8. A contoured survey of the site and a plan to a scale of not less than 1:500 showing the exact location, species and spread of all trees on the site and those proposed to be felled during building operations and all other natural

features shall be submitted to, and approved in writing by, the Local Planning Authority before any felling or other alteration of the existing condition of the site takes place. The development shall be carried out in accordance with the agreed details.

Reason: To maintain as far as possible the appearance of the area in accordance with policy CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

9. 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.

10. 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 be carried out in accordance with the approved details.

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.

11. 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.

12. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing by the Local Planning Authority.

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

13. Prior to the commencement of works a scheme outlining the improvements to

be made to the footpath to the north of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The proposed access shall be of a sufficient standard for shared pedestrian and cycle use and must be appropriate for safe and convenient use year round. The development shall be carried out in accordance with the approved details. The access shall be implemented prior to first occupation of the development.

Reason: In the interest of highway safety and to promote the use of sustainable transport. Improvements to the footpath are required in order to create an appropriate pedestrian access into the site

14. Prior to the first use or occupation of the development hereby permitted, details of the covered and secure cycle parking facilities to be provided on the site in accordance with details set out in Policy HP15 of the Sites and Housing Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed details relating to the provision of cycle parking shall be implemented prior to first occupation of the development. Thereafter, the approved covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy HP15

15. A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in Consultation with Oxfordshire County Council prior to first occupation of the development.

Reason: To encourage the use of sustainable modes as a means of transport.

16. Before the development permitted is commenced a swept path analysis shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that a large fire tender can safely and easily enter, turn and exit the site in a forward gear. The development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety.

17. A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. This should identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives 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 and neighbours.

The agreed plan shall be implemented thereafter in accordance with the approved details.

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.

18. Development shall not begin 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:

- Calculations of current and proposed runoff from the site.
- Discharge point and evidence of agreement for discharge point and rate.
- Detailed Drainage Scheme Plan showing the layout of the proposed drainage network, the location of the storage within the proposed development and how these relate to the submitted calculations, including any chamber, pipe numbers, direction of flow, invert and cover levels, gradients diameters and dimensions. The methods of flow control must be detailed as should non-conventional elements such as pond and permeable paving.
- Soakaways tests and Infiltration estimation in accordance with BRE365; the depth of water strikes. To be undertaken at different part of the site.
- Sizing of features - calculation of attenuation volume.
- Maintenance and management of SUDS features.
- SUDS proposal - Permeable Paving, Rainwater Harvesting, Green Roof, attenuation pond, etc.
- Storage devices should be designed to empty sufficiently within 24 hours to be able to accommodate 80% of the 10% (1 in 10) storm runoff. The evidence showing the proposed storage meets this requirement should be demonstrated.
- Network drainage calculations.
- Minimum discharge limit of 5 l/s does not apply in Oxfordshire. Appropriate consideration of filtration features could remove suspended matters and suitable maintenance regime could minimise the risk of blockage.
- A qualitative assessment of flood flow routing in exceedance conditions.
- An assessment of residual risk (what would happen if part of proposed SuDS fails).

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.

19. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definitions and requirements for affordable housing as set out within the Sites

and Housing Plan 2011-2026 or any future guidance that amends or replaces it unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include:

- i) the numbers, type, and location on site of the affordable housing provision to be made.
- ii) details as to how the affordable tenure split for the affordable housing accords with the requirements of the policies of the Sites and Housing Plan 2001-2026 and the Affordable Housing and Planning Obligations Supplementary Planning Document 2013 unless otherwise agreed in writing by the Local Planning Authority.
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of the occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

Reason: In order to secure the affordable housing provision on site in accordance with Policy CS24 of the Oxford Core Strategy 2026, and Policy HP3 of the Sites and Housing Plan 2011

20. Prior to commencement of 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: To ensure that the development is a safe and secure environment and to minimise the risks of crime, in accordance with Policies CP1 and CP9 of the Oxford Local Plan.

21. The development shall be carried out in accordance with the agreed phase risk assessment approved under discharge of conditions application reference 18/03384/CND.

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.

22. 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 agreed 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.

23. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and agreed in writing by the Local Planning Authority to ensure an overall measurable net gain in biodiversity will be achieved. The scheme will include details 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 approved scheme shall be implemented prior to first occupation of the development.

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.

24. No occupation of the development shall take place until details of a scheme of lighting plus the means to control excessive light spillage and glare from both internal and external light sources within the development has been submitted to and approved in writing by the local planning authority and implemented on site. There shall be no variation to the approved details without the further prior written approval of the local planning authority. The agreed details shall be implemented prior to first occupation of the development.

Reason: In the interests of the visual and residential amenities of neighbouring occupiers, in accordance with policy CP20 of the adopted Oxford Local Plan 2001 - 2016.

25. Before the commencement of above ground works details of bin storage shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the approved refuse storage has been provided within the site in accordance with the approved details and it shall be retained solely for this purpose

Reason: To ensure the adequate provision of refuse storage in accordance with Policy HP13 of the Sites and Housing Plan.

26. The car parking; proposed in the development hereby permitted shall be provided before the development is occupied and shall be reserved exclusively for the occupants of the flats and shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: To ensure that vehicle accommodation is always available for the occupants and thus avoid the parking of vehicles on the adjoining highways, in accordance with policies CP1, CP6, CP10 and TR3 of the Adopted Oxford Local Plan

27. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the

works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

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

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Committee report for planning application 18/03384/FUL.

14. HUMAN RIGHTS ACT 1998

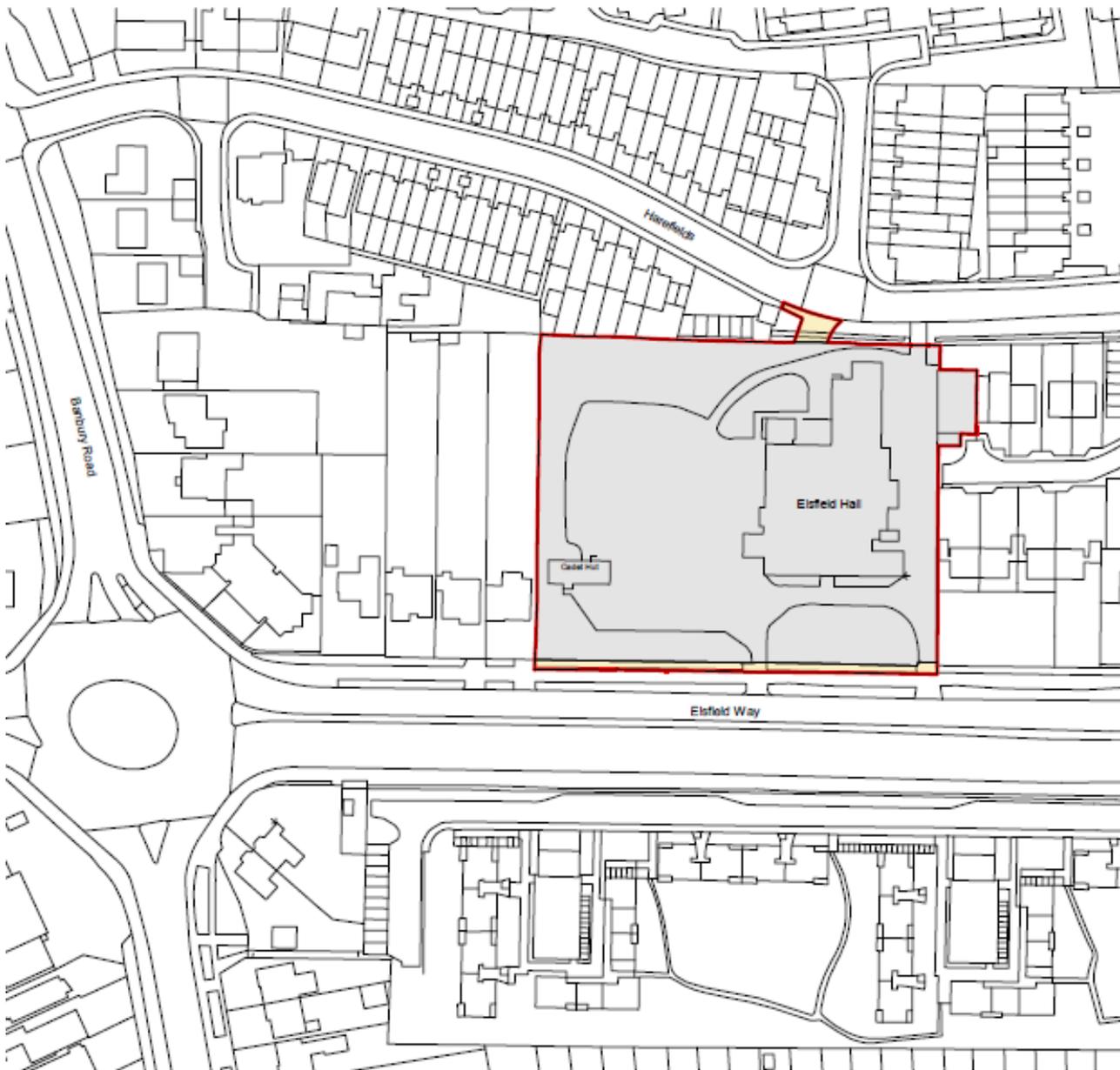
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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 – Location Plan

19/02841/VAR – Elsfield Hall, Elsfield Road



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Application number:	18/03384/FUL		
Decision due by	25 th March 2019		
Extension of time	N/A		
Proposal	Demolition and relocation of the existing Cadet Hut (D2 Use Class) and the redevelopment of the Site to include erection of a 3 storey apartment block providing 26no. residential flats (C3 Use Class) comprising 9no. 1-bed and 17no. 2-bed apartments with associated access, parking and landscape arrangements.		
Site address	15-17 Elsfield Hall , Elsfield Way, Oxford, OX2 8EP – see Appendix 1 for site plan		
Ward	Wolvercote Ward		
Case officer	Michael Kemp		
Agent:	Mr James Cogan	Applicant:	Mr Stephen Clarke
Reason at Committee	The proposals are for major development and Oxford City Housing Limited is the applicant.		

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

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

- decide the best means of controlling the provision of affordable housing across both this site and the site at Cumberlege Close whether through a planning condition or a legal agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers
- 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 if necessary, the terms of any legal agreement referred to above.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the proposed development of a 3 storey apartment block providing 26no. residential flats (C3 Use Class) comprising 9no. 1-bed and 17no. 2-bed apartments with associated access, parking and landscape arrangements.
- 2.2. The proposed development would bring about the positive reuse of a brownfield site for the purposes of providing much needed affordable housing for the city. The housing would be delivered as part of funding towards additional affordable housing provided from the Oxfordshire Housing and Growth Deal. The development would deliver a total of 26 residential dwellings, 9 of which would be made available as affordable accommodation. Taken in conjunction with a related planning application at Cumberlege Close in Marston for 9 dwellings (18/03385/FUL) the joint schemes would deliver a total of 35 dwellings, 18 of which (51.4%) would be available as affordable accommodation, 83% of which would be socially rented. Provision of affordable housing would be secured by planning condition with the applicants who are Oxford City Housing Limited.
- 2.3. The proposals are considered to make best use of a currently vacant site and would bring about an attractive development, the design and scale of which is considered to relate appropriately to the character and appearance of the surrounding area. The scale and siting of the development is considered to safeguard the residential amenity of existing occupiers, whilst providing appropriate standards of amenity for future occupiers. It is considered that the development makes appropriate provision for means of access and provides an acceptable standard of parking which would comply with the Council's maximum parking standards. The site is considered to be within a reasonably sustainable location in terms of its access to public transport and good quality cycle links to the District Centre at Summertown.
- 2.4. As clarified in the report the development is considered acceptable in all other respects and would make a contribution towards local housing supply. In conjunction with the linked development at Cumberlege Close the development would make an important contribution to the much needed provision of affordable accommodation in the city. It is considered that the development complies with the local framework in particular the provisions of Policies CP1, CP6, CP8 and CP9 of the Oxford Local Plan; Policies CS2 and CS23 of the of the Core Strategy; Policies HP2 and HP3 of the Sites and Housing Plan and Policies DH1, H1 and H2 of the Emerging Local Plan; in addition to relevant provisions of the NPPF, namely Paragraphs 122, 124, 127, 130, 58, 64, 117, 80, 153, 154, 170, 175, 180, 181, 91, 92, 102, 103, 104, 109, 110 and 111.

3. LEGAL AGREEMENT

- 3.1. Oxford City Council owns the land where the development would be sited. Consideration is required as to the best means of securing affordable housing across both sites; this may be by way of condition or legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal would be liable for a CIL contribution of £207,255.59

5. SITE AND SURROUNDINGS

- 5.1. The site is a large rectangular plot located within Cutteslowe, North Oxford. The application site comprises principally of surfaced car parking and amenity grass space, the existing parking serves the adjacent two storey brick building (Elsfield Hall) which is used as Class B1 Office Space by a training company, a smaller section of the building is also used as Class D2 space as a private gym. The parking serves the adjacent office space and is well used at the present time, this is deemed to have a capacity of 72 spaces. A single storey prefabricated building is located on the site and functions as a community use by the Cadets. Vehicular access to the site is via Harefields to the north east. The site is flat and is generally devoid of natural features owing to its existing use, there are smaller trees to the south of the site and a more mature tree along this boundary which is proposed for retention. The site is bounded by hedgerows to the south and north, whilst a close boarded fence forms the boundary with the adjacent property No.9 Elsfield Way.
- 5.2. A dual carriageway section of the A40 is located to the south of the site. A pedestrian footpath and cycleway is located alongside the A40. There is no vehicular access to the site from the A40 and whilst there is an access gate between the site and footpath this is shut and there is no public pedestrian access from this point. There are a number of properties on the opposite side of the A40 consisting of three storey local authority built flats.
- 5.3. The surrounding area to the north consists of a range of dwelling types which includes three storey townhouses on Harefields and a varying range of two storey flats and two storey houses at David Walter Close to the east. The surrounding area is principally of a suburban residential character, the surrounding properties feature typically a palette of red or buff brick and are set back behind small gardens and front driveways which provide off street parking for the majority of properties in the area. A single storey row of garages is also located to the north of the site which are accessed via Harefields. The built form in the area is relatively dense, though there is a small strip of general amenity space along the southern boundary of Harefields. The properties to the west of the site are 1930's white rendered detached houses which have large rear gardens. The large gardens of the easternmost of these properties extend along the whole of the western boundary of the application site.
- 5.4. Cutteslowe Park is located approximately 400 metres to the east of the site, whilst there is a small row of local neighbourhood shops at Kendall Crescent around 300 metres from the site.
- 5.5. Please see site location plan below:



6. PROPOSAL

- 6.1. The application proposes a 3 storey apartment block providing 26no. residential flats (C3 Use Class) comprising 9no. 1-bed and 17no. 2-bed apartments with associated access, parking and landscape arrangements. The building would be constructed principally from brick and would feature a flat roof concealed by a parapet designed to limit views of the proposed Solar PV equipment. The height of the building would vary between 10.6 metres in the northernmost position closest to Harefields to 10 metres for the southern block fronting Elsfield Way.
- 6.2. A new means of vehicular access would be provided from Harefields, this would be in a position adjacent to the existing garaging block to the north of the site. This would involve the removal of an Oak Tree, which is the central of the three mature trees fronting Harefields. The existing means of access serving the office block would be retained, though this would be solely for the

use of this building and the use of the cadet hall which would be re-provided in the single storey building adjacent to the site entrance.

- 6.3. Parking would be provided for the proposed apartments in a parking court to the north of the proposed apartment building and parking would be re-provided for the office space in the form of new parking bays. Private communal external amenity space would be provided for the occupiers and all of the properties would be served by external balcony space.
- 6.4. Please see proposed block plan below:



7. RELEVANT PLANNING HISTORY

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

00/00382/NF - Change of use from caretakers flat to B1 business use including external alterations. New roof and roof mounted air handling plant.. PER 10th June 2000.
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02/00328/FUL - -RESERVE FORCES AND CADETS HALL: Demolition of existing hall. Construction of 24 x 2 bedroom flats for the elderly on 3 floors, together with 20 parking spaces and shared gardens accessed off Harefields. Reorganisation of parking to serve Oxford Psychologists Press Ltd, to provide 76 spaces. (Amended plans). PER 4th April 2003.

63/13022/A_H - Change of use from T.A. centre and drill hall to offices for the Oxford and Cambridge joint examination board with alterations. PER 8th January 1963.

63/13637/A_H - Outline application to construct a building to be used as workshop for the University Theatre on the former parade ground and drill hall. PER 23rd July 1963.

73/01189/A_H - Alterations to existing offices, garages and rifle range to provide additional office accommodation in the drill hall. PER 27th November 1973.

78/01135/A_H - Conversion of garage to form workshop and store (The Annexe Elsfield Hall, 15-17 Elsfield Way). PER 7th February 1979.

96/01917/NF - Demolition of existing buildings on site. Construction of new 3 storey building plus basement, together with 85 parking spaces, cycle parking and upgraded access to Elsfield Way. (Amended plans). REF 14th April 1997.

97/01405/NF - 3 storey building for replacement offices for The University of Cambridge Local Examinations Syndicate. 85 car spaces & 75 cycle spaces. Barrier to service access from Harefields. Landscaping. (Amended plans).. WDN 8th March 2001.

06/01436/FUL - Alterations and extension to the existing car parking areas (no additional car parking spaces formed). Provision of 32 cycle parking spaces and low level lighting bollards.. PER 7th September 2006.

10/01917/FUL - Change of use of part of building from offices (use class B1) to fitness centre (use class D2).. PER 6th September 2010.

13/03454/CT3 - Demolition of existing Cadets building. Erection of 17 residential units (6 x 3-bed houses, 1 x-3 bed flat, 10 x 2-bed flats), together with revised access, 35 residential car parking spaces, cycle parking, bin stores, community garden/play area, landscaping and re-location and consolidation of office car parking. Change of use of existing office building to Cadets use. (Additional information) (Amended Description) (Amended Plans). PER 11th August 2014.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy	Local Plan	Core Strategy	Sites and Housing	Oxford Emerging
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	Framework (NPPF)			Plan	Local Plan 2016-2036
Design	122,124, 127, 130	CP1 CP6 CP8 CP9 CP10 CP11 CP13 HE7	CS18	HP9	DH1
Housing	58, 64, 117		CS23_ CS24_	HP2_ HP3_ HP9_ HP11_ HP12_ HP13_ HP14_	H1 H2 H3 H4 H14 H15 H16
Commercial	80	EC1	CS28		E1
Natural environment	153,154 170,175, 180, 181	CP11 CP22 NE15			RE1 RE2 RE3 RE4 RE6 RE7 RE9
Social and community	91, 92		CS20		V7
Transport	102,103, 104,109, 110, 111	TR1 TR2 TR3 TR4 TR5		H15 H16	M1 M3 M4 M5
Miscellaneous		CP.13 CP.24 CP.25		MP1	

9. CONSULTATION RESPONSES

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

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. The application relates to the development of 26 no. residential flats (17no. two - bedroom and 9no. one - bedroom apartments) on land that is currently used as an informal car park for Elsfield Hall.
- 9.3. *Vehicular Access* – The development proposes to provide a new vehicle access off Harefields, as well as retain the existing vehicle access that currently serves Elsfield Hall. Access to Elsfield Hall will be entry only via the current access whilst egress will be via the proposed new vehicle access.
- 9.4. *Pedestrian and Cycle Access* – The Design and Access Statement (section 4.4) states that pedestrians can access the site from the south which my assumption is utilising access onto the footpath abutting the A40. This needs to be made clear as to whether the application proposes this provision. The provision of this access for pedestrians and cyclists is welcomed as it would help to increase pedestrian accessibility and offer a more direct route south of the site rather than meandering along Harefields and Banbury Road.
- 9.5. A pedestrian and cycle access into the site is proposed via the new site access. This leads onto what is a shared surface which is acceptable. I am however left concerned by the lack of a safe walking facility into Elsfield Hall via the existing access. The applicant must use this opportunity to improve pedestrian accessibility into Elsfield Hall. It is also observed that between the proposed and existing site access along Harefields, the verge is void of a pedestrian footway hence those wishing to access Elsfield Hall shall be expected to walk on the carriageway between the two site accesses. Access arrangements as currently presented shall not be supported. The applicant must provide a safe walking facility here, to also consider extending this into the Elsfield Hall in line with the governments guidance publication.

Inclusive Mobility

- 9.6. On a wider scale, the site is in a sustainable location with good walking, cycling and public transport opportunities as well as all facilities of the City Centre. There is an existing strategic pedestrian and cycle way that runs along the A40, abutting the southern boundary of the site. This foot/cycle infrastructure is a functional and vital link to the surrounding wider area connecting Cutteslowe with Summertown across a footbridge over the A40 and running along the edge of the built environment.
- 9.7. *Public Transport* – The nearest bus stops are located along Banbury Road, circa 250 metres from the main site access. These stops facilitate a frequent bus service into Oxford and other local areas such as Headington; and also regional centres such as Kidlington, Woodstock, Bicester and Banbury. Therefore, the site is well located in terms of access to public transport.

Parking

- 9.8. *Car Parking* – The application proposes to formalise the existing Elsfield Hall car parking arrangements by providing 72 spaces as well as create 31 parking spaces for the proposed residential development. 31 spaces for the residential development is a small number (just over 1 space per dwelling) but Oxford

City's Draft Local Plan aims for more ambitious standards, regardless of development size. Given the site has generally good accessibility to bus services on Banbury Road and a range of facilities are within acceptable walking and cycling distances, the applicant ought to be seen trying to push for a lower level or even car free development here. With regard to Elsfield Hall, the provision of 72 parking spaces must be justified in accordance with parking standards which the applicant is expected to demonstrate through this application. 72 parking spaces seems too generous without evidence of necessity considering the site's location in a sustainable area. The development site sits just outside the existing Cutteslowe Controlled Parking Zone and it is my opinion that opportunity should now be taken to include this site within the scope of that subject to securing CIL receipts from this development. This might be necessary if we want to reduce car parking availability as required by the draft Local Plan. It is noted, in the 'Local Policy' section in the Transport Statement where reference is made to the Oxford Local Plan Proposed Submission Draft but none has been made to its car (and cycle) parking standards. The applicant needs to be aware of this albeit appreciate it is only a draft. Removal of car parking might enable more housing to be provided and more space for cycle parking.

- 9.9. Although the Transport Statement advocates that parking for Elsfield Hall shall be separated from the proposed residential units by implementing a fence/barrier, from the submitted plans there is no control that would prevent visitors of Elsfield Hall from parking in the residential provision.
- 9.10. *Cycle parking* – The level of cycle parking provision for residential units meet the current parking standards adopted in February 2007 as Supplementary Planning Document - each residential unit being allocated 2 cycle parking spaces. Additional bike storage details have been submitted (Drwg no. 3499E - LB - XX - 00 - DR - A – 250 Rev A) from which I confirm that the allocation is sufficient to accommodate the proposed design of a 2-tier racking system.
- 9.11. We should however, encourage more cycle parking that accords to standards set out in the emerging Oxford Local Plan Proposed Submission Draft (Appendix 7). This shall require 3 to 4 cycle parking spaces per dwelling.
- 9.12. **Vehicle Tracking** - Swept path analysis has been undertaken using a 9.2m long refuse vehicle to demonstrate that a refuse wagon can safely access the development and exit in a forward gear. This is acceptable utilising a turning head proposed within the site. Also, swept path analysis of an 8.68 metre fire appliance through the eastern access (to Elsfield Hall) has been provided which appears very tight as illustrated by Drwg no. SK002 Rev P01. Although it is an existing access and no suggestions are made to widen the access, it would be of immense benefit to improve access here which should include a footway. This would ensure that fire appliances are not burdened as it appears.
- 9.13. **Trip Generation** The number of trips generated under the previously approved planning permission (Ref: 13/03454/CT3) for 17 residential units was established obtained from TRICS database. In determining the likely number of trips generated for this application, a similar assessment has been undertaken. It is accepted that the current application proposals would be unlikely to generate a

significantly higher number of trips that would result in a detriment to highway safety and/or movement.

- 9.14. **Traffic Collision Data** Our analysis of the road collision data match that presented by the application. There are no reported accidents or personal injury collision data within the last five-year period along Harefields to suggest that the local highway design poses a safety risk.
- 9.15. **Construction Traffic Management Plan** Having regards to the residential nature of the immediate vicinity, yet within close proximity to the strategic A40, a Construction Traffic Management Plan (CTMP) will be essential. This will need to take account of all significant/large deliveries being catered for within a 0930-1630hrs 'window', that is outside of the Highway Network peak traffic periods. This should be secured by condition along with other condition.
- 9.16. **Drainage** - Oxfordshire County Council principally wishes not to object to the drainage proposal. However, it is felt that a condition should be applied retrospectively to this application to ensure a satisfactory drainage of the structure is provided, which I suggest should be a pre-commencement condition due to the lack of submitted detail with the application.

Environment Agency

- 9.17. No objection subject to condition that 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Natural England

- 9.18. No comments to make.

Wolvercote Neighbourhood Forum

- 9.19. Effect on Neighbouring properties - In this respect, compared with the previous planning application (13/03454/CT3), this application is an improvement in that the bulk of the development is now concentrated to the east and south of the site, however we still think that 26 Elsfield Way will be overwhelmed by the proposed adjacent block which is of a quite different scale.
- 9.20. *Air and noise pollution:* in this respect the proposed siting and design of the southern arm of the development parallel to the A40 road is unsatisfactory.
- 9.21. The Air Quality Assessment concludes with the unsurprising point that the concentration of pollutants will be at their highest on the boundary with the A40. Consequently balconies on elevations overlooking the A40 are inappropriate. The proposal that the roadside annual mean NO2 concentrations are best represented at the corner of South Parade and

Banbury Road is not convincing. The A40 is a major strategic highway carrying lorries and long distance traffic whereas the Banbury Road at the corner of South Parade is not. The measurements everywhere else on the A40 are much higher, especially at DT26. All figures are from 2016. Current readings (not modelled readings) from the site should be taken.

- 9.22. To conclude, residents will need to stay inside their homes with the windows closed and will be unable to use their gardens and balconies because of traffic fumes and noise levels. We do not support the siting of new housing anywhere where keeping windows shut is needed and ventilation fans are essential.
- 9.23. *Light pollution:* in respect of the 7 street lights planned around the car park area, careful attention to their design is needed to avoid light pollution of the gardens of the Harefield flats to the north.
- 9.24. *Accessibility.* The proposed multi-storey flats do not have lifts. Not having lifts disadvantages elderly and disabled people. We note that the developers claim there is no space in their designs for lifts, but accessibility to all floors for everyone should be made a higher priority.
- 9.25. *Affordable housing.* We do not support the reduction of affordable homes on this site. 50% of the new housing should be affordable in accordance with the Oxford Core Strategy. We note that the quota for this site has been shared with another development outside of our neighbourhood area in another part of the city, but we do not consider this approach to be acceptable, since it turns its back on local aspirations and need. It is disappointing to see that all the social rented and shared ownership flats front the A40.
- 9.26. *Public consultation.* We were disappointed that, despite having commented twice on the earlier applications and having attended the planning pole consultation in February 2014, we were not informed about the consultation event in August 2018. The Council should organise a planning pole demonstration of the newly-planned development.

Thames Valley Police

- 9.27. Do not wish to object but recommend the following:
- Automated gates should be added at the vehicle entrance to the residential area. These should be at least 1.8m in height, be visually permeable and on the same access control system as the flats. If the above is not possible, the proposed fencing and gates to the communal gardens should be moved forward to form a continual line with the northern elevation of the flat block. In addition, a pedestrian access controlled gate and adjacent fencing should be provided at the north east corner of the flat block.
 - I could see no specification for fencing on the north and south boundaries of the residential part of the proposals. Relying on existing hedging is not advised and a suitable treatment of at least 1.8m height should be provided.

- The pedestrian gate on the south boundary should also be on the flat's access control system.
- Bollard lighting is proposed along the pedestrian path to the east and south of the flat block. This can be problematic in crime prevention terms and increase fear of crime. I would prefer to see lighting provided by building mounted units or pedestrian scale columns so that the path and entrances are lit from above.
- I would like to see a window added to living room of the ground floor flat at the northern end of the block. This will supplement the oversight of the parking area already provided by the flats above.
- Although the physical security standards of the flat block are promised in the DAS I would also like to remind the applicants that Building Regulations Part Q requires them to install doors and windows that 'Resist unauthorised access to... new dwellings'. Advice on how to achieve this can be found in Building Regulations Approved Document Q and in Secured by Design's (SBD) New Homes Guide.

Public representations

9.28. Councillor Liz Wade has raised an objection to the development, the following issues have been raised as concerns:

- The development has increased in density, there is also no provision for family units.
- The scale of development will impact on the amenity of adjacent occupiers.
- The proposed lighting would have an invasive impact on the adjoining properties in Harefields.
- Thinning of the hedge would impact on privacy of the adjacent occupiers.
- The creation of an additional access will compound highway safety issues. Traffic calming measures are required as part of the development.
- The CTMP must take into account existing pressures on Harefields.
- Elsfield residents should be excluded from obtaining Cutteslowe CPZ permits.
- Eight of the proposed balconies would be on the south side of the development, these would be subject to noise and pollution. It is disappointing that all the socially rented and shared ownership flats front onto the A40.

9.29. A total of 9 public representations were received in relation to this application from addresses in Harefields (15, 23, 32, 36, 37, 75 and 141); Marriot Close (8); Templar Road (38) and Wharton Road (74).

9.30. In summary, the main points of objection were:

- Concern about ongoing upkeep of north boundary hedge.
- Concern that the development would result in loss of natural light to neighbouring properties.
- Lighting adjacent to Harefields properties should be low level.
- Construction management should minimise disruption to residents, parking on Harefields should be prevented.
- The design looks austere; a lighter colour brick would be a preference.
- New residents should not be given access to CPZ residents parking.
- The proposed five way junction presents a highway safety risk.
- The proposed development would be overly dense.
- The development would have a detrimental effect on the adjoining properties in Harefields by reason of scale and overshadowing.
- The flats to the front will be impacted on by the noise from the A40.
- Public consultation carried out was inadequate.
- The impact on daylight and overshadowing has not been properly addressed.
- The trees along the northern boundary should not be removed.
- The increase in unit numbers has resulted in reduced living accommodation for residents. The development would not be served which would not be acceptable in accessibility terms.
- There should be a greater mix of tenancy and more affordable and socially rented accommodation provided on site.
- The hours of the CPZ should be extended until 10pm and Harefields residents should not be displaced.
- The existing access onto Harefields has restricted visibility.
- Opportunity should be made to provide public art within the development.
- The parapet should be broken up and a pitched roof would be more in keeping with the character of the buildings in the area.
- The internal layouts of the flats would not be of a high standard.
- There are just two disabled flats and access to these properties would not be convenient.
- The external garden should be gated to provide a safe play area for children.
- The footpath to the south of Harefields needs to be extended to improve

pedestrian access.

- There are concerns about the reduction in the number of parking spaces compared with the previously approved plans which would mean additional parking along Harefields.
- More family housing is required in the development.
- Concern about access to the development adjacent to the in/out road from Harefields and the safety of crossing to the northern footpath.
- Traffic levels along Harefields will increase.
- During construction mud cleaning from the road will be required alongside speed enforcement. Control is required on working hours.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Affordable Housing
- iii. Balance of Dwellings
- iv. Design
- v. Neighbouring amenity
- vi. Transport and Highways
- vii. Sustainability

i. Principle of Development

- 10.2. Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 10.3. Policy CS2 of the Core Strategy outlines that new development should be focused on previously developed land and that development will only be permitted on greenfield land if it is specifically allocated for the use in the local development framework; or in the case of residential development, it is required to maintain a rolling five year supply of housing, as outlined within Policy CS22.
- 10.4. Paragraph 117 of the NPPF requires that in making planning decisions local authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 10.5. As the site is occupied by car parking and is also occupied by the existing prefabricated single storey cadets building, the site would fall under the definition of previously developed land and the redevelopment of the site for a

residential use would be considered to be in line with the provisions of Policy CS2 of the Core Strategy and Paragraph 118 of the NPPF.

- 10.6. The site and adjacent land is included as a site allocation within the Sites and Housing Plan under Policy SP16 (Elsfield Hall). The provisions of Policy SP16 states that planning permission will be granted for residential or employment development at Elsfield Hall. The Policy specifies that the existing level of employment should be retained on site.
- 10.7. Officers note that a similar application (13/03454/CT3) to redevelop the west section of the site for a residential use, comprising of 17 units was granted permission in 2014. That planning permission has since lapsed.
- 10.8. Elsfield Hall is listed as a protected employment site under the provisions of Policy CS28 of the Core Strategy, the wording of this policy specifies that development should not result in the loss of key protected employment sites. It is however noted that Policy E1 of the Emerging Local Plan does not include the site as either a category 1 or 2 employment site and therefore the level of protection afforded to the employment uses on the site is not considered to be protected to the same degree as the provisions of Policy CS28 of the Core Strategy and the site specific provisions of Policy SP16 of the Sites and Housing Plan.
- 10.9. The proposed development would be located on an area of the site used as parking for the office space and employment space within Elsfield Hall would not be lost as a result of the development. It is proposed that the Cadets Hut would be relocated into an ancillary building adjacent to the entrance to the site, this relatively small building is currently used as ancillary space associated with the office and officers consider that the loss of this relatively minor amount of floor space would not have a significant impact on employment provision on the site as the main employment space in the Elsfield Hall building would be retained and the space in the smaller building is of a lower quality given the extent of this space and its physical detachment from the main building.
- 10.10. The change of use of this space to a community use as a Cadets Hall was previously accepted under planning permission 13/03454/CT3, whereby there was a similar need to remove the existing Cadets building to facilitate residential redevelopment of the site. As there would be no significant loss of employment space on site, it is considered that the proposals would comply with the provisions of Policy SP16 of the Sites and Housing Plan as well as Policy CS28 of the Core Strategy which affords protection against the loss of key employment sites.
- 10.11. The existing Cadet Hut building would be classed as a community use. Policy CS22 of the Oxford Core Strategy states that planning permission will not be granted for development, which results in the loss of community facilities, unless equivalent or improved and accessible facilities can be provided. The use of the community space within the building which would be lost would be re-provided to at least an equivalent, if not an enhanced standard within an

existing building to the front of the site, therefore the proposals are considered to comply with the requirements of Policy CS22 of the Core Strategy.

ii. Affordable Housing

- 10.12. Policy HP3 of the Sites and Housing Plan specifies that Planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings, or which have an area of 0.25 hectares or greater, if generally a minimum 50% of dwellings on the site are provided as affordable homes, of this figure it is expected that 80% of the affordable dwellings should be made available as socially rented accommodation.
- 10.13. The application is being determined alongside a current application at Cumberlege Close in Marston for 9 dwellings (18/03385/FUL) 100% of which would be socially rented. Of the 26 units proposed at Elsfeld Hall, it is proposed that 17 of these would be privately rented (66%); whilst 9 of these (35%) would be affordable, of the affordable accommodation units 6 would be socially rented and 3 would be shared ownership units.
- 10.14. Assessing the combined tenure mix at Cumberlege Close and Elsfeld, the proposals would deliver 35 units, 18 (51.4%) of which would be of affordable tenure and 17 private (48.6%). Of the 18 affordable units, 83% of these would be socially rented and 17% would be shared ownership.
- 10.15. Across both of the sites the proposed tenure mix would comply with the provisions of Policy HP3 of the Sites and Housing Plan. The application at Cumberlege Close is due to be determined at the East Area Planning Committee on the 6th March 2019; a recommendation of approval has been made by officers. Officers are still considering the best way of securing the provision of affordable housing across both sites. A verbal update will be provided to members on this matter in addition to the outcome of any resolution reached by members of East Area Planning Committee with regards to the linked application at Cumberlege Close.

iii. Balance of Dwellings

- 10.16. Policy CS23 of the Core Strategy states that development should comply with the Balance of Dwellings Supplementary Planning Document (SPD). This document highlights that across Oxford, new development should include a certain percentage of dwellings of 3 or more bedrooms. The site falls within the Wolvercote Neighbourhood Area, which is identified as an 'Amber' where *'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 development'*.
- 10.17. Policy H4 of the Emerging Oxford Local Plan specifies that proposals for 25 or more homes outside of the City Centre and District Centre, which would include the application site, should provide a specified mix of dwellings for the affordable element of the housing.

- 10.18. For the purposes of the mix of dwelling sizes the application is to be determined alongside the linked application at Cumberlege Close. The application at Elsfield Hall would consist of 9 one bedroom units (35%) and 17 two bedroom units (65%). The proposals for Cumberlege Close would consist of 2 two bedroom units; 4 three bedroom units; and 3 four bedroom units. Taken in conjunction the proposed mix of dwellings across both sites would comprise of 26% one bedroom; 54% two bedroom; 11% three bedroom; and 9% four bedroom units.
- 10.19. Table 6 of the Balance of Dwellings Supplementary Planning Document specifies that 25-65% of dwellings on sites of 25-74 dwellings should be three bedroom units. The total provision of three bedroom units (11%) across both sites falls short of this target.
- 10.20. Of the 18 affordable units across both sites; 33% of these would be one bedroom; 27% would be two bedroom units; 22% would be three bedroom units; and 17% would be 4 bedroom units. The provision across both sites closely aligns with Policy H4 of the Emerging Local Plan though there is a minor overprovision of one bedroom units and under provision of two bedroom units, whilst no five bedroom units are proposed. Whilst it is important to acknowledge that limited weight is attributed to the policies of the Emerging Local Plan at present given that the plan is yet to undergo examination the Policy is indicative of the direction of travel in terms of the affordable housing mix which would be typically sought on schemes of this scale.
- 10.21. It is also important to consider that in the context of affordable housing provision Policy HP3 of the Sites and Housing Plan specifies that the applicant must demonstrate that the mix of dwelling sizes meets the City Council's preferred strategic mix for affordable housing.
- 10.22. The Council's Affordable Housing Register identifies that there is limited need for additional 3 bedroom dwellings in the city and identifies high under occupancy of 3 bedroom affordable units in the city (41.6%). The City's Housing Register identifies that the principle requirement for affordable housing, including for families in need is for 1 and 2 bedroom dwellings. The provision of smaller affordable units also has the joint benefit of making available existing larger properties which are currently under occupied.
- 10.23. Additionally the lowest affordable housing demand is for larger 3+ bedroom flats and whilst delivery of 3+ bedroom houses on the site is possible as was proposed in the previously consented scheme on the site, this would result in a loss in the number of units on the site, including the amount of affordable accommodation, which officers consider would be counterproductive.
- 10.24. Whilst the site at Cumberlege Close lends itself more comfortably to a development comprising of family houses, accounting for the character of the surrounding development which is characterised by two storey houses and also accounting for the landscape and visual sensitivities of what is an edge of settlement site. The related site at Elsfield Hall on the other hand which is more contained, surrounded by built form including three storey townhouses and three storey flats to the south lends itself more naturally to development

comprising of flats. Both applications will be linked by condition in order to ensure that the proposed mix is provided, in order to ensure compliance with Policy CS23 of the Core Strategy and Policy H4 of the Emerging Local Plan.

iv. Design

- 10.25. In terms of design the NPPF requires high quality design and a good standard of amenity for all existing and future occupants 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 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character. This is also reflected within Policy DH1 of the Emerging Local Plan, which specifies that Planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.26. The proposed development would comprise a three storey L shaped apartment block featuring a flat roof, which would be concealed by a parapet. The south facing frontage of the building would face the A40 and the west elevation of Elsfield Hall. The siting of the south wing of the block would align with the adjacent two storey dwelling to the west, which ensures that there is a consistency with the existing pattern of development, whilst the development retains an active frontage to the A40, which is consistent with the surrounding development in the area including the adjacent properties to the west and flats opposite. The alignment of the south facing apartment building bears similarities to that of the previously consented development and the general scale of development would be similar, albeit that the proposed building has a flat, rather than pitched roof.
- 10.27. Officers consider that the scale of the building, which would be three storeys would be appropriate accounting for the general scale of the built form in the surrounding area. Whilst the proposed building at three storeys in height would be notably larger than the adjacent detached dwellings to the west, the general height of the building would not be dissimilar to the neighbouring three storey townhouses in Harefields to the north of the Site. There are also a number of three storey blocks of flats to the south of the site on the opposite side of the A40 at Hawksmoor Road. Officers consider that the development would sit comfortably within the streetscene in Elsfield Way.
- 10.28. The building features a flat roof and would be greater in terms of mass compared with the previously consented development, however the scale of development is not considered to be overbearing and is considered to relate appropriately to the surrounding residential built form along Elsfield Way to the south and Harefields to the north, as well as the scale of Elsfield Hall itself. It is noted that the parapet height is driven by the desire to shield views of the solar PV which sits on the flat roof of the building, reducing the height of the parapet has been explored, however this is considered to be counterproductive in design terms as this would expose the Solar PV

equipment on the roof of the building, which would detract from the design of the building.

- 10.29. The building would be constructed from brick, which is consistent with the principle use of materials in the immediate area. Samples of the materials are recommended to be required by condition, however a lighter colour brick would be sought as this is considered to be softer in appearance compared to the darker brick used in the adjacent Elsfield Hall and would be more sympathetic in design terms.
- 10.30. The development includes the provision of new landscaping to the rear of the apartment building which serves as private amenity space for the flats, planting is proposed to the front of the flats which would be beneficial and would add to the character of the street scene in Elsfield Way.
- 10.31. In summary it is considered that the development is of an appropriate design standard and meets the requirements of Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy; Policy HP9 of the Sites and Housing Plan and Policy DH1 of the Emerging Local Plan.

v. Residential Amenity

- 10.32. Aligning the south wing of the flats with the side elevation of the adjacent property No.9 Elsfield Way ensures that the development would not have a significantly compromising impact on the amenity of this property. There are no east side facing windows in this elevation of the property serving habitable rooms and there are no rear facing windows in the nearest section of No.9 to the site boundary. The development in relation to this adjacent property would not therefore result in an undue loss of light to the windows of habitable rooms and the development complies with the 45 and 25 degree code in respect of natural light. There would also be no side facing windows in the east facing elevation of the south wing of the proposed block of flats which would otherwise overlook this property. Whilst there is a relatively close spatial relationship between the proposed block of flats and No.9 Elsfield Way of approximately 2.1 metres, it is considered that the impact of the development would not be overbearing and the overall impact would not be substantially greater than the previously consented scheme.
- 10.33. The west facing rear elevation of the north wing of the flats would face the private garden area of No.9 Elsfield Way, though there would be a significant separation distance of 23 metres between the rear windows of the west facing elevation of the flats and the rear amenity space of this property, which would be sufficient to ensure that this property would not be significantly overlooked. Typically a distance of 11 metres would be considered acceptable. It is also noted that there are two existing mature trees located in the rear garden of the property which provides screening of the rear garden of No.9 Elsfield Way, further planting is also proposed to the north of these trees within the application site. Overlooking would also be to a far lesser extent than the previously consented development, where the proposed two and a half storey dwellings were sited in a position much closer to the boundary of No.9 Elsfield

Way. Overall it is considered that the development would adequately safeguard the privacy of the occupiers of this property.

- 10.34. In relation to the neighbouring properties to the north of the site in Harefields, officers note that there would be a separation distance of 25 metres between the north facing side wall of the flats and the rear elevation of the nearest neighbouring property and a separation distance of 19 metres between this side elevation and the boundary of the rear amenity spaces of the neighbouring properties. It is noted that the previously consented scheme included the provision of two and a half storey dwellings in the element of the scheme closest to Harefields. The proposals would ensure that the privacy of these properties would be respected and the development would comply with the requirements of Policy HP14 of the Sites and Housing Plan (2013).
- 10.35. It is noted that the previously proposed dwellings would (at a height of 7.2 metres) be lower in height compared with the present proposals for a three storey building which extend to a total height of 10.6 metres. Notwithstanding the increase in the height of the building compared with the previously consented development, the previously approved development afforded a much lower separation distance to the boundary of the adjacent properties to the north of only 16 metres to the rear elevations and 6 metres to the rear boundary. In comparison officers consider that the present proposals would be less overbearing than the previously proposed scheme and would afford an acceptable standard of amenity for existing occupiers. The development would also comply with the Council's 25/45 degree rule in ensuring that the development would not result in significant overshadowing or loss of light to adjacent occupiers. It is noted that there are side facing windows proposed though accounting for the proposed separation distances it is considered that the position of these windows would not result in undue overlooking or loss of privacy to existing occupiers.
- 10.36. The concerns raised in respect of lighting on the site are noted and the applicants have revised the proposed lighting scheme for the site, as indicated within the design and access statement, which indicates the provision of low level bollard lighting in a position closest to the boundary of the properties to the north. The provision of low level lighting is considered preferable as this would avoid light glare to the rear windows of the neighbouring properties which may otherwise occur from higher level lighting. In order to secure an appropriate lighting scheme officers specify that an appropriate condition be attached to the permission. The revised lighting scheme is considered to comply with the provisions of Policy CP20 of the Oxford Local Plan and Policy RE7 of the Emerging Local Plan.
- 10.37. The proposed flats would each comply with the minimum requirements for internal living accommodation as specified under the provisions of Policy HP12 of the Sites and Housing Plan and would comply with the Government's Nationally Described Space Standards for internal floor areas and storage. Each of the flats would be dual aspect and private living spaces would benefit from adequate standards of natural light. Internal space standards for typical flats would be as follows:

Size	Typical Proposed Floor Area	Nationally Described Minimum Space Standards
1 Bedroom – 2 Person	52.8sqm – 52.9sqm	50sqm
2 Bedroom – 3 Person	63.7sqm	61sqm
2 Bedroom – 4 Person	71.8 – 72.4sqm	70sqm

10.38. 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. 1 and 2 bedroom flats are expected to have access to a private balcony or direct access to a private or shared garden.

10.39. The ground floor flats would each have direct access to ground floor gardens to both the front and rear, both in the case of the flats on the north wing of the building. Each of the first and second floor flats would have private balconies, in area these would be 5.7sqm in the case of the 1 bedroom flats, 6sqm in the case of the 2 bed 3 person flats and 7.1sqm in the case of the 2 bed 4 person flats. The external spaces would comply with the size requirements specified under Policy HP13 of the Oxford Local Plan. A mix of internal and external bin stores is proposed which would be adequate to serve the proposed development.

vi. Transport

10.40. The proposals include the addition of a new vehicular means of access; this would be located approximately 16 metres to the west of the existing means of access serving the office building. The existing access serving the office building would be retained. The access would be located in a position close to an existing row of single storey garages serving adjacent properties in Harefields. The proposed position of the new access would be similar to the previously proposed vehicular access which was deemed to be acceptable.

10.41. The concerns raised by neighbouring residents in relation to the proposed means of access are noted, however it is considered that visibility at the proposed means of access would be adequate and that the position of the proposed means of access would not be unsafe to road users or pedestrians. It is considered that accounting for the level of usage of the access and likely trip generation that the proposed development would not have a severe impact on highway safety or amenity contrary to Paragraph 109 of the NPPF. Oxfordshire County Council as the Local Highway Authority has not objected to the development on the grounds of highway safety.

10.42. Policy HP16 of the Sites and Housing Plan specifies maximum parking standards for residential development. The proposals make provision for a total of 31 residential parking spaces for the new development, 5 for these

would be visitor spaces. The proposals would provide 72 spaces for the existing office building within the parameters of this adjacent site.

- 10.43. Harefields and the majority of the surrounding roads to the north of the site fall within the Cutteslowe CPZ, though it is noted that the CPZ does not include David Walter Close to the east of the site. The surrounding area to the south of the A40 is within the North Summertown CPZ. The inclusion of the vast majority of the surrounding streets within the CPZ limits to the likelihood that the proposed development would result in an accumulation of vehicles on the surrounding roads, particularly as off street parking is being provided.
- 10.44. The site is in a relatively sustainable location in terms of access to public transport. There are bus stops within 250 metres of the site along the Banbury Road, which are served by regular busses to the city centre as well as Kidlington and Bicester. The site is also approximately 1 mile from Oxford Parkway Railway Station.
- 10.45. Policy M3 of the Emerging Local Plan specifies that development in any location within a CPZ, within 400 metres of a bus stop and within 800 metres of a supermarket should be car free. Policy HP16 of the Sites and Housing Plan allows for car free development in such locations though the wording of this policy does not specifically require that development should be car free. The site would be in a sustainable location with respect to access to regular public transport links, though the site is in a somewhat peripheral location on the edge of the city and is 1.1km from the nearest district centre in Summertown. There is a small row of neighbourhood shops including a convenience store within 400 metres though the nearest sizeable supermarkets are located 1.3km from the site in Summertown, which is beyond reasonable walking distance.
- 10.46. Officers consider that accounting for the site's peripheral location it would be expected that some level of parking would be provided for occupants, otherwise if there is a reasonable likelihood that occupants would own cars, this is likely to put pressure on the surrounding streets. The parking would be unallocated, 5 of the proposed spaces would be for visitors. Taking these factors into account, it is considered that the proposed parking would be acceptable in accordance with Policy HP16 of the Sites and Housing Plan.
- 10.47. The proposed provision of 72 car parking spaces for Elsfield Hall would be above maximum parking standards and would exceed the quantity of spaces which would be typically sought for a building of this size used for Class B1 use. It is however noted that the proposals are to re-provide spaces for the office building. Whilst it is difficult to precisely gauge existing parking provision as this is not marked in the form of bays, the existing provision for the office is greater than is proposed within this application and the proposals would therefore represent a net reduction in spaces, albeit that provision would exceed maximum standards. Furthermore it is understood that the applicants are contractually obliged under the terms of the lease to re-provide the spaces for the office building and therefore there would not be the flexibility to reduce the number of spaces, albeit that this would be desirable in sustainability terms. A condition is attached to the planning permission requiring the

submission of a Travel Plan it is envisaged that this will address means of reducing dependence on private means of transport for both residential occupiers and workers within the adjacent office space.

- 10.48. The proposals will provide 52 cycle parking spaces, which would be equivalent to 2 spaces per dwelling and is considered to be in line with the requirements of Policy HP15 of the Sites and Housing Plan. Separate additional cycle parking would be provided for the office space, the provision of 10 spaces is proposed however the provision of further cycle parking is currently being sought. The provision of cycle parking across the site would be sought by condition.
- 10.49. The development would include a new pedestrian access to the site from the footpath and cycle way adjacent to the A40; this would provide a link between the A40 and Harefields. The provision of a new pedestrian route would be of benefit to both existing and future residents and provides a more direct route from Harefields and the site to connect with the cycle path and existing pedestrian and cycle links between the site and routes through towards Summertown. The concerns raised by the Highways Authority in terms of the pedestrian access to Elsfield Hall from Harefields are noted though it is also considered that the proposals would be an enhancement on existing pedestrian and cycle access arrangements. It is noted that the intention is to move the main entrance of Elsfield Hall to the north, adjacent to the visitor parking spaces and this entrance would be served by the new pedestrian means of access, negating the need for pedestrians and cyclists to use the existing vehicle access to Elsfield Hall. The proposals are therefore considered to make acceptable provision of pedestrian access to Elsfield Hall.
- 10.50. The development is considered to improve pedestrian connections and permeability of access in the surrounding area, which would be in line with the provisions of Policy CS13 of the Core Strategy; Policy TR4 of the Oxford Local Plan; Policies M1, M3 and M5 of the Oxford Local Plan and Paragraphs 91 and 102 of the NPPF.

vi. Trees

- 10.51. The proposals include the removal of a number of trees on the site, the majority of which are low category trees which are located in the southern part of the site in the position of the proposed parking court which would serve Elsfield Hall. The removal of these smaller species is not considered to result in visual harm to the character of the area and would be mitigated by the provision of new planting to the front (south) elevation of the proposed flats. The proposals would result in the removal of an English Oak tree which fronts Harefields, this is a prominent tree, which forms part of a wider Tree Preservation Order (TPO) listing.
- 10.52. It is considered that it would be necessary to remove one of the three street facing trees in order to facilitate a safe means of access to serve the proposed development. Of the three trees the Oak would be the least prominent of the trees and though the Oak would be of individual value to visual amenity of the street scene, the Council's Tree Officer has advised that the retention of the

adjacent Ash trees as proposed would retain a significant canopy cover within the street scene.

10.53. Overall officers consider that the removal of the Oak tree is justified in order to facilitate a means of access to the site to secure development. The development makes provision for the retention of the existing frontage Ash trees and it is therefore considered that significant effort has been made to safeguard the visual amenities of the area, whilst the removal of the Oak tree is justified on balance accounting for the public benefits associated with the proposed delivery of 26 dwellings. The proposals are therefore considered to comply with the provisions of Policies NE15 and NE16 of the Oxford Local Plan.

vii. Sustainability

10.54. 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%.

10.55. To meet the renewable requirement it is proposed that solar panels are installed across the roof surface of the flats with a south orientation, the position of the solar panels are identified in the architectural drawings accompanying the application.

10.56. In addition to the solar panels the accompanying energy statement details a list of measures proposed in order to meet compliance with building regulations part L to achieve energy efficiency. The proposed measures would be as follows:

- Optimised glazing g values
- Improved insulation levels
- Accredited thermal bridging details
- Improved air tightness
- High efficiency combination gas boilers in dwellings with time and temperature zone controls and smart thermostats
- High efficiency LED lighting throughout
- High efficiency heating, time controls and lighting presence detection controls in communal areas

10.57. Officers are satisfied that the measures outlined demonstrate that the proposed development would incorporate high standards of energy efficiency which comply with the requirements of Policy HP11 of the Sites and Housing Plan and Paragraphs 153 and 154 of the NPPF.

viii. Air Quality

10.58. The site is located on a very sensitive area for Air Quality due to the proximity with the A40 and Cutteslowe roundabout, a place that has been historically

breaching NO2 annual mean limit value. Special attention should be made to exposure of future residents to air pollutant levels, especially if the dwellings are expected to have windows directly facing the A40. The applicants have provided an Air Quality Assessment which the Council's Air Quality Officer has adjudged to be acceptable. It is considered that there would not be negative air quality impacts over current and future receptors as a result of the new development subject to appropriate conditions.

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.
- 11.3. The proposals would bring forward the development of a brownfield site to provide a total of 26 dwellings. Taken in conjunction with the associated development at Cumberlege Close, the proposals would deliver 35 dwellings, 18 of which would be made available as affordable accommodation, this would comply with the requirements of Policy H3 of the Sites and Housing Plan. The proposals would therefore make a significant contribution towards local housing need in particular much needed affordable housing.
- 11.4. The proposals are considered to allow for acceptable parking provision, which would be in line with maximum parking standards outlined under Policy HP16 of the Sites and Housing Plan. The surrounding roads, with the exception of David Walter Close are subject of a CPZ; therefore it is considered that sufficient controls exist to ensure that the development would not result in an accumulation of on street parking in the surrounding roads. It is also considered that the site represents a sustainable location in terms of access to public transport. It is considered that the proposed new means of access would be acceptable in terms of its siting, visibility and adequacy to accommodate the level of traffic likely to be generated from a development of the scale proposed and the siting of the access would not severely compromise highway safety or amenity.

- 11.5. It is considered that the scheme is appropriately designed and the design responds appropriately and meaningfully to the character and appearance of the surrounding area. The development would afford an appropriate standard of amenity for future occupiers and would not unduly compromise the amenity of neighbouring occupiers.
- 11.6. In summary it is considered that the proposals represent sustainable development in accordance with Paragraph 11 of the NPPF as well as the relevant provisions of the local development framework, in particular the provisions of Policies CP1, CP6, CP8 and CP9 of the Oxford Local Plan; Policies CS2 and CS23 of the of the Core Strategy; Policies HP2 and HP3 of the Sites and Housing Plan and Policies DH1, H1 and H2 of the Emerging Local Plan. It is recommended that the Committee resolve to grant planning permission for the development proposed.

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 referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site 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. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in chapter 6 pages 32-34 of the Air Quality Assessment that was submitted with this application (PROJECT NO. 70037512-004), developed by WSP. The development shall be carried out in accordance with the agreed CEMP.

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.

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

Reason – to ensure that the expected NO2 emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

6. Prior to the commencement of development, 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:

-Provision of electric charging points for each residential unit with an allocated parking space

-The amount of electric car charging points to be installed should cover at least 25% of the amount of permitted non allocated parking of the development ;

-Appropriate cable provision should 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 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).

7. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

8. A contoured survey of the site and a plan to a scale of not less than 1:500 showing the exact location, species and spread of all trees on the site and those proposed to be felled during building operations and all other natural features shall be submitted to, and approved in writing by, the Local

Planning Authority before any felling or other alteration of the existing condition of the site takes place.

Reason: To maintain as far as possible the appearance of the area in accordance with policy CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

9. 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.

10. 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 be carried out in accordance with the agreed landscaping details.

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.

11. 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.

12. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details 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.

13. Prior to the commencement of works a scheme outlining the improvements to be made to the footpath to the north of the site shall be submitted to, approved by, the Local Planning Authority. The proposed access must be of a sufficient standard for shared pedestrian and cycle use and must be appropriate for safe and convenient use year-round.

Reason: In the interest of highway safety and to promote the use of sustainable transport. Improvements to the footpath are required in order to create an appropriate pedestrian access into the site. The agreed details shall be implemented prior to first occupation of the development.

14. Prior to the first use or occupation of the development hereby permitted, details of covered and secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details agreed and the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development thereafter.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy HP15

15. A full Travel Plan within 3 months of occupation shall be submitted to and approved in writing by the Local Planning Authority. This will be sent to the Travel Plan Team at Oxfordshire County Council for approval. The agreed details shall be implemented thereafter.

Reason: To encourage the use of sustainable modes as a means of transport.

16. Before the development permitted is commenced a swept path analysis shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that a large fire tender can safely and easily enter, turn and exit the site in a forward gear.

Reason: In the interest of highway safety.

17. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. The details agreed shall be implemented thereafter. The CTMP should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives 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 and neighbours.

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.

18. Development shall not begin 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:

- Calculations of current and proposed runoff from the site.
 - Discharge point and evidence of agreement for discharge point and rate.
 - Detailed Drainage Scheme Plan showing the layout of the proposed drainage network, the location of the storage within the proposed development and how these relate to the submitted calculations, including any chamber, pipe numbers, direction of flow, invert and cover levels, gradients diameters and dimensions. The methods of flow control must be detailed as should non-conventional elements such as pond and permeable paving.
 - Soakaways tests and Infiltration estimation in accordance with BRE365; the depth of water strikes. To be undertaken at different part of the site.
 - Sizing of features - calculation of attenuation volume.
 - Maintenance and management of SUDS features.
 - SUDS proposal - Permeable Paving, Rainwater Harvesting, Green Roof, attenuation pond, etc.
 - Storage devices should be designed to empty sufficiently within 24 hours to be able to accommodate 80% of the 10% (1 in 10) storm runoff. The evidence showing the proposed storage meets this requirement should be demonstrated.
 - Network drainage calculations.
 - Minimum discharge limit of 5 l/s does not apply in Oxfordshire.
- Appropriate consideration of filtration features could remove suspended matters and suitable maintenance regime could minimise the risk of blockage.
- A qualitative assessment of flood flow routing in exceedance conditions.
 - An assessment of residual risk (what would happen if part of proposed SuDS fails).

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.

19. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing

shall be provided in accordance with the approved scheme and shall meet the definitions and requirements for affordable housing as set out within the Sites and Housing Plan 2011-2026 or any future guidance that amends or replaces it unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include:

- i) the numbers, type, and location on site of the affordable housing provision to be made.
- ii) details as to how the affordable tenure split for the affordable housing accords with the requirements of the policies of the Sites and Housing Plan 2001-2026 and the Affordable Housing and Planning Obligations Supplementary Planning Document 2013 unless otherwise agreed in writing by the Local Planning Authority.
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of the occupiers of the
- vi) affordable housing and the means by which such occupancy criteria shall be enforced

Reason: In order to secure the affordable housing provision on site in accordance with Policy CS24 of the Oxford Core Strategy 2026, and Policy HP3 of the Sites and Housing Plan 2011

20. Prior to commencement of 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: To ensure that the development is a safe and secure environment and to minimise the risks of crime, in accordance with Policies CP1 and CP9 of the Oxford Local Plan.

21. Prior to the commencement of the 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 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. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken. THE PHASE 1 REPORT HAS BEEN COMPLETED AND 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 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.

22. 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.

23. 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 measurable net gain in biodiversity will be achieved. The scheme will include details 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 details agreed shall be implemented prior to first occupation of the development.

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.

24. No occupation of the development shall take place until details of a scheme of lighting plus the means to control excessive light spillage and glare from both internal and external light sources within the development shall have been submitted to and approved in writing by the local planning authority and implemented on site. There shall be no variation to the approved details without the further prior written approval of the local planning authority.

Reason: In the interests of the visual and residential amenities of neighbouring occupiers, in accordance with policy CP20 of the adopted Oxford Local Plan 2001 - 2016.

25. Prior to the removal of the cadets building located on the site, the building identified on the approved plans to be available for use by the

cadets shall be made available for this purpose and shall be used solely for this use and no other purpose including any other use falling within Class D2 of the Town and Country Planning (Use Classes) Order 1987.

Reason: To ensure that the community use of the building by the cadets which is currently located on the site is re-provided to at least equivalent standard on the site in accordance with Policy CS22 of the Oxford Core Strategy.

26. Before the commencement of above ground works details of bin storage shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the refuse storage has been provided within the site in accordance with the approved details and retained solely for this purpose

Reason: To ensure the adequate provision of refuse storage in accordance with Policy HP1 3 of the Sites and Housing Plan.

27. The car parking; proposed in the development hereby permitted shall be provided before the development is occupied and shall be reserved exclusively for the occupants of the flats and shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: To ensure that vehicle accommodation is always available for the occupants and thus avoids the parking of vehicles on the adjoining highways, in accordance with policies CP1, CP6, CP10 and TR3 of the Adopted Oxford Local Plan 2001-201

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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Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 10 December 2019

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Committee members:

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Corais	Councillor Donnelly
Councillor Hollingsworth	Councillor Upton
Councillor Wolff	

Officers:

Robert Fowler, Planning Team Leader
Andrew Murdoch, Development Management Service Manager
Sally Fleming, Planning Lawyer
Catherine Phythian, Committee Services Officer

Apologies:

No apologies were received

69. Declarations of interest

There were no declarations of interest.

70. 19/02547/FUL: 18 Addison Crescent, Oxford, OX4 4BD

The Committee considered an application (19/02547/FUL) for planning permission for the change of use of a dwelling-house (Use Class C3) to a House in Multiple Occupation (Use Class C4) and the provision of bin and cycle stores and creation of 2 no. car parking spaces.

The application was called into committee at the request of Councillors Tarver, Kennedy, Tanner, Munkonge, Chapman, Hayes, Curran, Taylor, Clarkson, Tidball, Azad and Linda Smith due to concerns relating to density of HMOs in the area, overdevelopment, insufficient bathroom facilities, parking pressure and size of bedrooms.

The Planning Officer presented the report and advised that some minor edits would be required to the conditions to correct typographical errors. It was requested that the wording of conditions be delegated to officers if permission was granted.

Imran Ahmed, the applicant, spoke in favour 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 5 required planning conditions and 1 informative set out in section 12 of the report and grant planning permission;
2. **delegate authority** to the Head of Planning Services to:
 - finalise the recommended conditions as set out in the report including such typographical corrections, refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

71. Minutes

The Committee resolved to approve the minutes of the meeting held on 27 November 2019 as a true and accurate record subject to the following amendments to minute item 65:

Sustainability

- delete "*heat humps*" and replace with "*heat pumps*"

Balance

- 11th bullet point – insert "*Toucan crossings would allow managed flow*" after "*alike*" at the end of the second sentence.
- 16th bullet point – delete

72. Forthcoming applications

The Committee noted the list of forthcoming applications.

73. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 6.20 pm

Chair

Date: Tuesday 21 January 2020